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**SUBSTITUTE HOUSE BILL 1485**

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**State of Washington                      58th Legislature                      2003 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, O'Brien and Campbell)

READ FIRST TIME 02/18/03.

1            AN ACT Relating to auto theft; reenacting and amending RCW  
2 9.94A.505, 9.94A.505, 9.94A.515, and 9.94A.515; adding new sections to  
3 chapter 36.28A RCW; prescribing penalties; providing an effective date;  
4 and providing an expiration date.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 36.28A RCW  
7 to read as follows:

8            (1) The Washington association of sheriffs and police chiefs shall  
9 create and facilitate the Washington state auto theft task force  
10 program.

11           (2) The Washington association of sheriffs and police chiefs shall  
12 appoint an auto theft task force program steering committee.

13           (a) The steering committee shall include, but is not limited to:  
14 A chief of police, a county sheriff, the Washington state patrol, one  
15 member representing vocational education, a representative of the  
16 Washington association of prosecuting attorneys, a representative of  
17 the Washington council of police and sheriffs, a representative of the  
18 auto insurance industry, a representative of the auto sales industry,

1 a representative of the auto repair industry, and a representative of  
2 the auto auction industry.

3 (b) The steering committee shall have the following  
4 responsibilities:

5 (i) For the purpose of establishing regional auto theft task  
6 forces, award grants to units of local governments or to teams  
7 consisting of multiple units of local governments;

8 (ii) Develop grant criteria;

9 (iii) Develop general operational guidelines for regional auto  
10 theft task forces;

11 (iv) Review all regional auto theft task force operations on an  
12 annual basis; and

13 (v) Produce an annual report to the legislature.

14 (3) Prior to awarding any grants to regional auto theft task  
15 forces, the Washington association of sheriffs and police chiefs must  
16 verify that sufficient grant funding exists to cover all proposed task  
17 force activities, which include but are not limited to: Regional auto  
18 task force administration costs, law enforcement costs, prosecutor  
19 costs, court costs, and county offender confinement costs.

20 (4) The Washington association of sheriffs and police chiefs is not  
21 required to implement this section if adequate funding is not provided.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW  
23 to read as follows:

24 A unit of local government or a team consisting of multiple units  
25 of local governments may apply to the Washington association of  
26 sheriffs and police chiefs for the regional auto theft task force  
27 grants. All grant applications must contain the following minimum  
28 requirements:

29 (1) Statistically demonstrate an auto theft problem in the county  
30 or counties covered in the grant application;

31 (2) Have at least one prosecuting attorney dedicated to the  
32 prosecution of auto theft cases;

33 (3) County and city law enforcement officers must be  
34 proportionately represented on each regional auto theft task force;

35 (4) Demonstrate a proposal to reimburse all participating units of  
36 local governments for their costs, which include but are not limited

1 to: Regional auto theft task force administration costs, law  
2 enforcement costs, prosecutor costs, court costs, and county offender  
3 confinement costs; and

4 (5) If a regional auto theft task force crosses jurisdictional  
5 boundaries, demonstrate that any necessary interlocal agreements can be  
6 executed so that law enforcement officers and prosecutors can fulfill  
7 the duties of the regional auto theft task force across jurisdictional  
8 boundaries.

9 **Sec. 3.** RCW 9.94A.505 and 2002 c 289 s 6 and 2002 c 175 s 6 are  
10 each reenacted and amended to read as follows:

11 (1) When a person is convicted of a felony, the court shall impose  
12 punishment as provided in this chapter.

13 (2)(a) The court shall impose a sentence as provided in the  
14 following sections and as applicable in the case:

15 (i) Unless another term of confinement applies, the court shall  
16 impose a sentence within the standard sentence range established in RCW  
17 9.94A.510;

18 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

19 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

20 (iv) RCW 9.94A.545, relating to community custody for offenders  
21 whose term of confinement is one year or less;

22 (v) RCW 9.94A.570, relating to persistent offenders;

23 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

24 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

25 (viii) RCW 9.94A.660, relating to the drug offender sentencing  
26 alternative;

27 (ix) RCW 9.94A.670, relating to the special sex offender sentencing  
28 alternative;

29 (x) RCW 9.94A.712, relating to certain sex offenses;

30 (xi) RCW 9.94A.535, relating to exceptional sentences;

31 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
32 sentences.

33 (b) If a standard sentence range has not been established for the  
34 offender's crime, the court shall impose a determinate sentence which  
35 may include not more than one year of confinement; community  
36 restitution work; until July 1, 2000, a term of community supervision  
37 not to exceed one year and on and after July 1, 2000, a term of

1 community custody not to exceed one year, subject to conditions and  
2 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other  
3 legal financial obligations. The court may impose a sentence which  
4 provides more than one year of confinement if the court finds reasons  
5 justifying an exceptional sentence as provided in RCW 9.94A.535.

6 (3) If the court imposes a sentence requiring confinement of thirty  
7 days or less, the court may, in its discretion, specify that the  
8 sentence be served on consecutive or intermittent days. A sentence  
9 requiring more than thirty days of confinement shall be served on  
10 consecutive days. Local jail administrators may schedule court-ordered  
11 intermittent sentences as space permits.

12 (4) If a sentence imposed includes payment of a legal financial  
13 obligation, it shall be imposed as provided in RCW 9.94A.750,  
14 9.94A.753, 9.94A.760, and 43.43.7541.

15 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
16 court may not impose a sentence providing for a term of confinement or  
17 community supervision, community placement, or community custody which  
18 exceeds the statutory maximum for the crime as provided in chapter  
19 9A.20 RCW.

20 (6) The sentencing court shall give the offender credit for all  
21 confinement time served before the sentencing if that confinement was  
22 solely in regard to the offense for which the offender is being  
23 sentenced.

24 (7) The court shall order restitution as provided in RCW 9.94A.750  
25 and 9.94A.753.

26 (8) As a part of any sentence, the court may impose and enforce  
27 crime-related prohibitions and affirmative conditions as provided in  
28 this chapter.

29 (9) The court may order an offender whose sentence includes  
30 community placement or community supervision to undergo a mental status  
31 evaluation and to participate in available outpatient mental health  
32 treatment, if the court finds that reasonable grounds exist to believe  
33 that the offender is a mentally ill person as defined in RCW 71.24.025,  
34 and that this condition is likely to have influenced the offense. An  
35 order requiring mental status evaluation or treatment must be based on  
36 a presentence report and, if applicable, mental status evaluations that  
37 have been filed with the court to determine the offender's competency

1 or eligibility for a defense of insanity. The court may order  
2 additional evaluations at a later date if deemed appropriate.

3 (10) In any sentence of partial confinement, the court may require  
4 the offender to serve the partial confinement in work release, in a  
5 program of home detention, on work crew, or in a combined program of  
6 work crew and home detention.

7 (11) In sentencing an offender convicted of a crime of domestic  
8 violence, as defined in RCW 10.99.020, if the offender has a minor  
9 child, or if the victim of the offense for which the offender was  
10 convicted has a minor child, the court may, as part of any term of  
11 community supervision, community placement, or community custody, order  
12 the offender to participate in a domestic violence perpetrator program  
13 approved under RCW 26.50.150.

14 (12) For the first violation of RCW 9A.56.070(2), taking a motor  
15 vehicle without permission in the second degree, the minimum sentence  
16 that the court shall order is thirty days of home detention.

17 **Sec. 4.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and  
18 2002 c 175 s 6 are each reenacted and amended to read as follows:

19 (1) When a person is convicted of a felony, the court shall impose  
20 punishment as provided in this chapter.

21 (2)(a) The court shall impose a sentence as provided in the  
22 following sections and as applicable in the case:

23 (i) Unless another term of confinement applies, the court shall  
24 impose a sentence within the standard sentence range established in RCW  
25 9.94A.510 or 9.94A.517;

26 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

27 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

28 (iv) RCW 9.94A.545, relating to community custody for offenders  
29 whose term of confinement is one year or less;

30 (v) RCW 9.94A.570, relating to persistent offenders;

31 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

32 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

33 (viii) RCW 9.94A.660, relating to the drug offender sentencing  
34 alternative;

35 (ix) RCW 9.94A.670, relating to the special sex offender sentencing  
36 alternative;

37 (x) RCW 9.94A.712, relating to certain sex offenses;

1 (xi) RCW 9.94A.535, relating to exceptional sentences;

2 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
3 sentences.

4 (b) If a standard sentence range has not been established for the  
5 offender's crime, the court shall impose a determinate sentence which  
6 may include not more than one year of confinement; community  
7 restitution work; until July 1, 2000, a term of community supervision  
8 not to exceed one year and on and after July 1, 2000, a term of  
9 community custody not to exceed one year, subject to conditions and  
10 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other  
11 legal financial obligations. The court may impose a sentence which  
12 provides more than one year of confinement if the court finds reasons  
13 justifying an exceptional sentence as provided in RCW 9.94A.535.

14 (3) If the court imposes a sentence requiring confinement of thirty  
15 days or less, the court may, in its discretion, specify that the  
16 sentence be served on consecutive or intermittent days. A sentence  
17 requiring more than thirty days of confinement shall be served on  
18 consecutive days. Local jail administrators may schedule court-ordered  
19 intermittent sentences as space permits.

20 (4) If a sentence imposed includes payment of a legal financial  
21 obligation, it shall be imposed as provided in RCW 9.94A.750,  
22 9.94A.753, 9.94A.760, and 43.43.7541.

23 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
24 court may not impose a sentence providing for a term of confinement or  
25 community supervision, community placement, or community custody which  
26 exceeds the statutory maximum for the crime as provided in chapter  
27 9A.20 RCW.

28 (6) The sentencing court shall give the offender credit for all  
29 confinement time served before the sentencing if that confinement was  
30 solely in regard to the offense for which the offender is being  
31 sentenced.

32 (7) The court shall order restitution as provided in RCW 9.94A.750  
33 and 9.94A.753.

34 (8) As a part of any sentence, the court may impose and enforce  
35 crime-related prohibitions and affirmative conditions as provided in  
36 this chapter.

37 (9) The court may order an offender whose sentence includes  
38 community placement or community supervision to undergo a mental status

1 evaluation and to participate in available outpatient mental health  
2 treatment, if the court finds that reasonable grounds exist to believe  
3 that the offender is a mentally ill person as defined in RCW 71.24.025,  
4 and that this condition is likely to have influenced the offense. An  
5 order requiring mental status evaluation or treatment must be based on  
6 a presentence report and, if applicable, mental status evaluations that  
7 have been filed with the court to determine the offender's competency  
8 or eligibility for a defense of insanity. The court may order  
9 additional evaluations at a later date if deemed appropriate.

10 (10) In any sentence of partial confinement, the court may require  
11 the offender to serve the partial confinement in work release, in a  
12 program of home detention, on work crew, or in a combined program of  
13 work crew and home detention.

14 (11) In sentencing an offender convicted of a crime of domestic  
15 violence, as defined in RCW 10.99.020, if the offender has a minor  
16 child, or if the victim of the offense for which the offender was  
17 convicted has a minor child, the court may, as part of any term of  
18 community supervision, community placement, or community custody, order  
19 the offender to participate in a domestic violence perpetrator program  
20 approved under RCW 26.50.150.

21 (12) For the first violation of RCW 9A.56.070(2), taking a motor  
22 vehicle without permission in the second degree, the minimum sentence  
23 that the court shall order is thirty days of home detention.

24 **Sec. 5.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
25 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
26 s 4 are each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)

1 XIV Murder 2 (RCW 9A.32.050)  
2 XIII Malicious explosion 2 (RCW  
3 70.74.280(2))  
4 Malicious placement of an explosive 1  
5 (RCW 70.74.270(1))  
6 XII Assault 1 (RCW 9A.36.011)  
7 Assault of a Child 1 (RCW 9A.36.120)  
8 Malicious placement of an imitation  
9 device 1 (RCW 70.74.272(1)(a))  
10 Rape 1 (RCW 9A.44.040)  
11 Rape of a Child 1 (RCW 9A.44.073)  
12 XI Manslaughter 1 (RCW 9A.32.060)  
13 Rape 2 (RCW 9A.44.050)  
14 Rape of a Child 2 (RCW 9A.44.076)  
15 X Child Molestation 1 (RCW 9A.44.083)  
16 Indecent Liberties (with forcible  
17 compulsion) (RCW  
18 9A.44.100(1)(a))  
19 Kidnapping 1 (RCW 9A.40.020)  
20 Leading Organized Crime (RCW  
21 9A.82.060(1)(a))  
22 Malicious explosion 3 (RCW  
23 70.74.280(3))  
24 Manufacture of methamphetamine  
25 (RCW 69.50.401(a)(1)(ii))  
26 Over 18 and deliver heroin,  
27 methamphetamine, a narcotic  
28 from Schedule I or II, or  
29 flunitrazepam from Schedule IV  
30 to someone under 18 (RCW  
31 69.50.406)  
32 Sexually Violent Predator Escape  
33 (RCW 9A.76.115)  
34 IX Assault of a Child 2 (RCW 9A.36.130)  
35 Controlled Substance Homicide (RCW  
36 69.50.415)



1 Explosive devices prohibited (RCW  
2 70.74.180)  
3 Hit and Run--Death (RCW  
4 46.52.020(4)(a))  
5 Homicide by Watercraft, by being  
6 under the influence of intoxicating  
7 liquor or any drug (RCW  
8 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2  
12 (RCW 70.74.270(2))  
13 Over 18 and deliver narcotic from  
14 Schedule III, IV, or V or a  
15 nonnarcotic, except flunitrazepam  
16 or methamphetamine, from  
17 Schedule I-V to someone under 18  
18 and 3 years junior (RCW  
19 69.50.406)  
20 Robbery 1 (RCW 9A.56.200)  
21 Sexual Exploitation (RCW 9.68A.040)  
22 Vehicular Homicide, by being under  
23 the influence of intoxicating  
24 liquor or any drug (RCW  
25 46.61.520)  
26 VIII Arson 1 (RCW 9A.48.020)  
27 Deliver or possess with intent to  
28 deliver methamphetamine (RCW  
29 69.50.401(a)(1)(ii))  
30 Homicide by Watercraft, by the  
31 operation of any vessel in a  
32 reckless manner (RCW  
33 79A.60.050)  
34 Manslaughter 2 (RCW 9A.32.070)  
35 Manufacture, deliver, or possess with  
36 intent to deliver amphetamine  
37 (RCW 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with  
2 intent to deliver heroin or cocaine  
3 (when the offender has a criminal  
4 history in this state or any other  
5 state that includes a sex offense or  
6 serious violent offense or the  
7 Washington equivalent) (RCW  
8 69.50.401(a)(1)(i))  
9 Possession of Ephedrine or any of its  
10 Salts or Isomers or Salts of  
11 Isomers, Pseudoephedrine or any  
12 of its Salts or Isomers or Salts of  
13 Isomers, Pressurized Ammonia  
14 Gas, or Pressurized Ammonia Gas  
15 Solution with intent to  
16 manufacture methamphetamine  
17 (RCW 69.50.440)  
18 Promoting Prostitution 1 (RCW  
19 9A.88.070)  
20 Selling for profit (controlled or  
21 counterfeit) any controlled  
22 substance (RCW 69.50.410)  
23 Theft of Ammonia (RCW 69.55.010)  
24 Vehicular Homicide, by the operation  
25 of any vehicle in a reckless  
26 manner (RCW 46.61.520)  
27 VII Burglary 1 (RCW 9A.52.020)  
28 Child Molestation 2 (RCW 9A.44.086)  
29 Civil Disorder Training (RCW  
30 9A.48.120)  
31 Dealing in depictions of minor  
32 engaged in sexually explicit  
33 conduct (RCW 9.68A.050)  
34 Drive-by Shooting (RCW 9A.36.045)  
35 Homicide by Watercraft, by disregard  
36 for the safety of others (RCW  
37 79A.60.050)

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1)  
3 (b) and (c))  
4 Introducing Contraband 1 (RCW  
5 9A.76.140)  
6 Involving a minor in drug dealing  
7 (RCW 69.50.401(f))  
8 Malicious placement of an explosive 3  
9 (RCW 70.74.270(3))  
10 Manufacture, deliver, or possess with  
11 intent to deliver heroin or cocaine  
12 (except when the offender has a  
13 criminal history in this state or  
14 any other state that includes a sex  
15 offense or serious violent offense  
16 or the Washington equivalent)  
17 (RCW 69.50.401(a)(1)(i))  
18 Sending, bringing into state depictions  
19 of minor engaged in sexually  
20 explicit conduct (RCW  
21 9.68A.060)  
22 Unlawful Possession of a Firearm in  
23 the first degree (RCW  
24 9.41.040(1)(a))  
25 Use of a Machine Gun in Commission  
26 of a Felony (RCW 9.41.225)  
27 Vehicular Homicide, by disregard for  
28 the safety of others (RCW  
29 46.61.520)  
30 VI Bail Jumping with Murder 1 (RCW  
31 9A.76.170(3)(a))  
32 Bribery (RCW 9A.68.010)  
33 Incest 1 (RCW 9A.64.020(1))  
34 Intimidating a Judge (RCW  
35 9A.72.160)  
36 Intimidating a Juror/Witness (RCW  
37 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation  
2 device 2 (RCW 70.74.272(1)(b))  
3 Manufacture, deliver, or possess with  
4 intent to deliver narcotics from  
5 Schedule I or II (except heroin or  
6 cocaine) or flunitrazepam from  
7 Schedule IV (RCW  
8 69.50.401(a)(1)(i))  
9 Rape of a Child 3 (RCW 9A.44.079)  
10 Theft of a Firearm (RCW 9A.56.300)  
11 Unlawful Storage of Ammonia (RCW  
12 69.55.020)  
13 V Abandonment of dependent person 1  
14 (RCW 9A.42.060)  
15 Advancing money or property for  
16 extortionate extension of credit  
17 (RCW 9A.82.030)  
18 Bail Jumping with class A Felony  
19 (RCW 9A.76.170(3)(b))  
20 Child Molestation 3 (RCW 9A.44.089)  
21 Criminal Mistreatment 1 (RCW  
22 9A.42.020)  
23 Custodial Sexual Misconduct 1 (RCW  
24 9A.44.160)  
25 Delivery of imitation controlled  
26 substance by person eighteen or  
27 over to person under eighteen  
28 (RCW 69.52.030(2))  
29 Domestic Violence Court Order  
30 Violation (RCW 10.99.040,  
31 10.99.050, 26.09.300, 26.10.220,  
32 26.26.138, 26.50.110, 26.52.070,  
33 or 74.34.145)  
34 Extortion 1 (RCW 9A.56.120)  
35 Extortionate Extension of Credit  
36 (RCW 9A.82.020)

1 Extortionate Means to Collect  
2 Extensions of Credit (RCW  
3 9A.82.040)  
4 Incest 2 (RCW 9A.64.020(2))  
5 Kidnapping 2 (RCW 9A.40.030)  
6 Perjury 1 (RCW 9A.72.020)  
7 Persistent prison misbehavior (RCW  
8 9.94.070)  
9 Possession of a Stolen Firearm (RCW  
10 9A.56.310)  
11 Rape 3 (RCW 9A.44.060)  
12 Rendering Criminal Assistance 1  
13 (RCW 9A.76.070)  
14 Sexual Misconduct with a Minor 1  
15 (RCW 9A.44.093)  
16 Sexually Violating Human Remains  
17 (RCW 9A.44.105)  
18 Stalking (RCW 9A.46.110)  
19 Taking Motor Vehicle Without  
20 Permission 1 (RCW  
21 9A.56.070(1))  
22 IV Arson 2 (RCW 9A.48.030)  
23 Assault 2 (RCW 9A.36.021)  
24 Assault by Watercraft (RCW  
25 79A.60.060)  
26 Bribing a Witness/Bribe Received by  
27 Witness (RCW 9A.72.090,  
28 9A.72.100)  
29 Cheating 1 (RCW 9.46.1961)  
30 Commercial Bribery (RCW  
31 9A.68.060)  
32 Counterfeiting (RCW 9.16.035(4))  
33 Endangerment with a Controlled  
34 Substance (RCW 9A.42.100)  
35 Escape 1 (RCW 9A.76.110)  
36 Hit and Run--Injury (RCW  
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury  
2 Accident (RCW 79A.60.200(3))  
3 Identity Theft 1 (RCW 9.35.020(2)(a))  
4 Indecent Exposure to Person Under  
5 Age Fourteen (subsequent sex  
6 offense) (RCW 9A.88.010)  
7 Influencing Outcome of Sporting  
8 Event (RCW 9A.82.070)  
9 Knowingly Trafficking in Stolen  
10 Property (RCW 9A.82.050(2))  
11 Malicious Harassment (RCW  
12 9A.36.080)  
13 Manufacture, deliver, or possess with  
14 intent to deliver narcotics from  
15 Schedule III, IV, or V or  
16 nonnarcotics from Schedule I-V  
17 (except marijuana, amphetamine,  
18 methamphetamines, or  
19 flunitrazepam) (RCW  
20 69.50.401(a)(1) (iii) through (v))  
21 Residential Burglary (RCW  
22 9A.52.025)  
23 Robbery 2 (RCW 9A.56.210)  
24 Theft of Livestock 1 (RCW 9A.56.080)  
25 Threats to Bomb (RCW 9.61.160)  
26 Use of Proceeds of Criminal  
27 Profiteering (RCW 9A.82.080 (1)  
28 and (2))  
29 Vehicular Assault, by being under the  
30 influence of intoxicating liquor or  
31 any drug, or by the operation or  
32 driving of a vehicle in a reckless  
33 manner (RCW 46.61.522)  
34 Willful Failure to Return from  
35 Furlough (RCW 72.66.060)  
36 III Abandonment of dependent person 2  
37 (RCW 9A.42.070)

1 Assault 3 (RCW 9A.36.031)  
2 Assault of a Child 3 (RCW 9A.36.140)  
3 Bail Jumping with class B or C Felony  
4 (RCW 9A.76.170(3)(c))  
5 Burglary 2 (RCW 9A.52.030)  
6 Communication with a Minor for  
7 Immoral Purposes (RCW  
8 9.68A.090)  
9 Criminal Gang Intimidation (RCW  
10 9A.46.120)  
11 Criminal Mistreatment 2 (RCW  
12 9A.42.030)  
13 Custodial Assault (RCW 9A.36.100)  
14 Delivery of a material in lieu of a  
15 controlled substance (RCW  
16 69.50.401(c))  
17 Escape 2 (RCW 9A.76.120)  
18 Extortion 2 (RCW 9A.56.130)  
19 Harassment (RCW 9A.46.020)  
20 Intimidating a Public Servant (RCW  
21 9A.76.180)  
22 Introducing Contraband 2 (RCW  
23 9A.76.150)  
24 Maintaining a Dwelling or Place for  
25 Controlled Substances (RCW  
26 69.50.402(a)(6))  
27 Malicious Injury to Railroad Property  
28 (RCW 81.60.070)  
29 Manufacture, deliver, or possess with  
30 intent to deliver marijuana (RCW  
31 69.50.401(a)(1)(iii))  
32 Manufacture, distribute, or possess  
33 with intent to distribute an  
34 imitation controlled substance  
35 (RCW 69.52.030(1))  
36 Patronizing a Juvenile Prostitute  
37 (RCW 9.68A.100)

1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun or Short-  
5 Barreled Shotgun or Rifle (RCW  
6 9.41.190)  
7 Promoting Prostitution 2 (RCW  
8 9A.88.080)  
9 Recklessly Trafficking in Stolen  
10 Property (RCW 9A.82.050(1))  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Tampering with a Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment (subsequent  
16 conviction or threat of death)  
17 (RCW 9.61.230)  
18 Theft of Livestock 2 (RCW 9A.56.080)  
19 Unlawful Imprisonment (RCW  
20 9A.40.040)  
21 Unlawful possession of firearm in the  
22 second degree (RCW  
23 9.41.040(1)(b))  
24 Unlawful Use of Building for Drug  
25 Purposes (RCW 69.53.010)  
26 Vehicular Assault, by the operation or  
27 driving of a vehicle with disregard  
28 for the safety of others (RCW  
29 46.61.522)  
30 Willful Failure to Return from Work  
31 Release (RCW 72.65.070)  
32 II Computer Trespass 1 (RCW  
33 9A.52.110)  
34 Counterfeiting (RCW 9.16.035(3))  
35 Create, deliver, or possess a counterfeit  
36 controlled substance (RCW  
37 69.50.401(b))



1 Escape from Community Custody  
2 (RCW 72.09.310)  
3 Health Care False Claims (RCW  
4 48.80.030)  
5 Identity Theft 2 (RCW 9.35.020(2)(b))  
6 Improperly Obtaining Financial  
7 Information (RCW 9.35.010)  
8 Malicious Mischief 1 (RCW  
9 9A.48.070)  
10 Possession of controlled substance that  
11 is either heroin or narcotics from  
12 Schedule I or II or flunitrazepam  
13 from Schedule IV (RCW  
14 69.50.401(d))  
15 Possession of phencyclidine (PCP)  
16 (RCW 69.50.401(d))  
17 Possession of Stolen Property 1 (RCW  
18 9A.56.150)  
19 Taking Motor Vehicle Without  
20 Permission 2 (RCW  
21 9A.56.070(2))  
22 Theft 1 (RCW 9A.56.030)  
23 Theft of Rental, Leased, or Lease-  
24 purchased Property (valued at one  
25 thousand five hundred dollars or  
26 more) (RCW 9A.56.096(4))  
27 Trafficking in Insurance Claims (RCW  
28 48.30A.015)  
29 Unlawful Practice of Law (RCW  
30 2.48.180)  
31 Unlicensed Practice of a Profession or  
32 Business (RCW 18.130.190(7))  
33 I Attempting to Elude a Pursuing Police  
34 Vehicle (RCW 46.61.024)  
35 False Verification for Welfare (RCW  
36 74.08.055)  
37 Forged Prescription (RCW 69.41.020)

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

30 **Sec. 6.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
31 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
32 s 4 are each reenacted and amended to read as follows:

33 TABLE 2  
34 CRIMES INCLUDED WITHIN  
35 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW  
2 10.95.020)  
3 XV Homicide by abuse (RCW 9A.32.055)  
4 Malicious explosion 1 (RCW  
5 70.74.280(1))  
6 Murder 1 (RCW 9A.32.030)  
7 XIV Murder 2 (RCW 9A.32.050)  
8 XIII Malicious explosion 2 (RCW  
9 70.74.280(2))  
10 Malicious placement of an explosive 1  
11 (RCW 70.74.270(1))  
12 XII Assault 1 (RCW 9A.36.011)  
13 Assault of a Child 1 (RCW 9A.36.120)  
14 Malicious placement of an imitation  
15 device 1 (RCW 70.74.272(1)(a))  
16 Rape 1 (RCW 9A.44.040)  
17 Rape of a Child 1 (RCW 9A.44.073)  
18 XI Manslaughter 1 (RCW 9A.32.060)  
19 Rape 2 (RCW 9A.44.050)  
20 Rape of a Child 2 (RCW 9A.44.076)  
21 X Child Molestation 1 (RCW 9A.44.083)  
22 Indecent Liberties (with forcible  
23 compulsion) (RCW  
24 9A.44.100(1)(a))  
25 Kidnapping 1 (RCW 9A.40.020)  
26 Leading Organized Crime (RCW  
27 9A.82.060(1)(a))  
28 Malicious explosion 3 (RCW  
29 70.74.280(3))  
30 Sexually Violent Predator Escape  
31 (RCW 9A.76.115)  
32 IX Assault of a Child 2 (RCW 9A.36.130)  
33 Explosive devices prohibited (RCW  
34 70.74.180)  
35 Hit and Run--Death (RCW  
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being  
2 under the influence of intoxicating  
3 liquor or any drug (RCW  
4 79A.60.050)  
5 Inciting Criminal Profiteering (RCW  
6 9A.82.060(1)(b))  
7 Malicious placement of an explosive 2  
8 (RCW 70.74.270(2))  
9 Robbery 1 (RCW 9A.56.200)  
10 Sexual Exploitation (RCW 9.68A.040)  
11 Vehicular Homicide, by being under  
12 the influence of intoxicating  
13 liquor or any drug (RCW  
14 46.61.520)  
15 VIII Arson 1 (RCW 9A.48.020)  
16 Homicide by Watercraft, by the  
17 operation of any vessel in a  
18 reckless manner (RCW  
19 79A.60.050)  
20 Manslaughter 2 (RCW 9A.32.070)  
21 Promoting Prostitution 1 (RCW  
22 9A.88.070)  
23 Theft of Ammonia (RCW 69.55.010)  
24 Vehicular Homicide, by the operation  
25 of any vehicle in a reckless  
26 manner (RCW 46.61.520)  
27 VII Burglary 1 (RCW 9A.52.020)  
28 Child Molestation 2 (RCW 9A.44.086)  
29 Civil Disorder Training (RCW  
30 9A.48.120)  
31 Dealing in depictions of minor  
32 engaged in sexually explicit  
33 conduct (RCW 9.68A.050)  
34 Drive-by Shooting (RCW 9A.36.045)  
35 Homicide by Watercraft, by disregard  
36 for the safety of others (RCW  
37 79A.60.050)

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1)  
3 (b) and (c))  
4 Introducing Contraband 1 (RCW  
5 9A.76.140)  
6 Malicious placement of an explosive 3  
7 (RCW 70.74.270(3))  
8 Sending, bringing into state depictions  
9 of minor engaged in sexually  
10 explicit conduct (RCW  
11 9.68A.060)  
12 Unlawful Possession of a Firearm in  
13 the first degree (RCW  
14 9.41.040(1)(a))  
15 Use of a Machine Gun in Commission  
16 of a Felony (RCW 9.41.225)  
17 Vehicular Homicide, by disregard for  
18 the safety of others (RCW  
19 46.61.520)  
20 VI Bail Jumping with Murder 1 (RCW  
21 9A.76.170(3)(a))  
22 Bribery (RCW 9A.68.010)  
23 Incest 1 (RCW 9A.64.020(1))  
24 Intimidating a Judge (RCW  
25 9A.72.160)  
26 Intimidating a Juror/Witness (RCW  
27 9A.72.110, 9A.72.130)  
28 Malicious placement of an imitation  
29 device 2 (RCW 70.74.272(1)(b))  
30 Rape of a Child 3 (RCW 9A.44.079)  
31 Theft of a Firearm (RCW 9A.56.300)  
32 Unlawful Storage of Ammonia (RCW  
33 69.55.020)  
34 V Abandonment of dependent person 1  
35 (RCW 9A.42.060)

1 Advancing money or property for  
2 extortionate extension of credit  
3 (RCW 9A.82.030)  
4 Bail Jumping with class A Felony  
5 (RCW 9A.76.170(3)(b))  
6 Child Molestation 3 (RCW 9A.44.089)  
7 Criminal Mistreatment 1 (RCW  
8 9A.42.020)  
9 Custodial Sexual Misconduct 1 (RCW  
10 9A.44.160)  
11 Domestic Violence Court Order  
12 Violation (RCW 10.99.040,  
13 10.99.050, 26.09.300, 26.10.220,  
14 26.26.138, 26.50.110, 26.52.070,  
15 or 74.34.145)  
16 Extortion 1 (RCW 9A.56.120)  
17 Extortionate Extension of Credit  
18 (RCW 9A.82.020)  
19 Extortionate Means to Collect  
20 Extensions of Credit (RCW  
21 9A.82.040)  
22 Incest 2 (RCW 9A.64.020(2))  
23 Kidnapping 2 (RCW 9A.40.030)  
24 Perjury 1 (RCW 9A.72.020)  
25 Persistent prison misbehavior (RCW  
26 9.94.070)  
27 Possession of a Stolen Firearm (RCW  
28 9A.56.310)  
29 Rape 3 (RCW 9A.44.060)  
30 Rendering Criminal Assistance 1  
31 (RCW 9A.76.070)  
32 Sexual Misconduct with a Minor 1  
33 (RCW 9A.44.093)  
34 Sexually Violating Human Remains  
35 (RCW 9A.44.105)  
36 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without  
2 Permission 1 (RCW  
3 9A.56.070(1))  
4 IV Arson 2 (RCW 9A.48.030)  
5 Assault 2 (RCW 9A.36.021)  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW  
13 9A.68.060)  
14 Counterfeiting (RCW 9.16.035(4))  
15 Endangerment with a Controlled  
16 Substance (RCW 9A.42.100)  
17 Escape 1 (RCW 9A.76.110)  
18 Hit and Run--Injury (RCW  
19 46.52.020(4)(b))  
20 Hit and Run with Vessel--Injury  
21 Accident (RCW 79A.60.200(3))  
22 Identity Theft 1 (RCW 9.35.020(2)(a))  
23 Indecent Exposure to Person Under  
24 Age Fourteen (subsequent sex  
25 offense) (RCW 9A.88.010)  
26 Influencing Outcome of Sporting  
27 Event (RCW 9A.82.070)  
28 Knowingly Trafficking in Stolen  
29 Property (RCW 9A.82.050(2))  
30 Malicious Harassment (RCW  
31 9A.36.080)  
32 Residential Burglary (RCW  
33 9A.52.025)  
34 Robbery 2 (RCW 9A.56.210)  
35 Theft of Livestock 1 (RCW 9A.56.080)  
36 Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080 (1)  
3 and (2))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Willful Failure to Return from  
10 Furlough (RCW 72.66.060)  
11 III Abandonment of dependent person 2  
12 (RCW 9A.42.070)  
13 Assault 3 (RCW 9A.36.031)  
14 Assault of a Child 3 (RCW 9A.36.140)  
15 Bail Jumping with class B or C Felony  
16 (RCW 9A.76.170(3)(c))  
17 Burglary 2 (RCW 9A.52.030)  
18 Communication with a Minor for  
19 Immoral Purposes (RCW  
20 9.68A.090)  
21 Criminal Gang Intimidation (RCW  
22 9A.46.120)  
23 Criminal Mistreatment 2 (RCW  
24 9A.42.030)  
25 Custodial Assault (RCW 9A.36.100)  
26 Escape 2 (RCW 9A.76.120)  
27 Extortion 2 (RCW 9A.56.130)  
28 Harassment (RCW 9A.46.020)  
29 Intimidating a Public Servant (RCW  
30 9A.76.180)  
31 Introducing Contraband 2 (RCW  
32 9A.76.150)  
33 Malicious Injury to Railroad Property  
34 (RCW 81.60.070)  
35 Patronizing a Juvenile Prostitute  
36 (RCW 9.68A.100)  
37 Perjury 2 (RCW 9A.72.030)



1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-  
4 Barreled Shotgun or Rifle (RCW  
5 9.41.190)  
6 Promoting Prostitution 2 (RCW  
7 9A.88.080)  
8 Recklessly Trafficking in Stolen  
9 Property (RCW 9A.82.050(1))  
10 Securities Act violation (RCW  
11 21.20.400)  
12 Tampering with a Witness (RCW  
13 9A.72.120)  
14 Telephone Harassment (subsequent  
15 conviction or threat of death)  
16 (RCW 9.61.230)  
17 Theft of Livestock 2 (RCW 9A.56.080)  
18 Unlawful Imprisonment (RCW  
19 9A.40.040)  
20 Unlawful possession of firearm in the  
21 second degree (RCW  
22 9.41.040(1)(b))  
23 Vehicular Assault, by the operation or  
24 driving of a vehicle with disregard  
25 for the safety of others (RCW  
26 46.61.522)  
27 Willful Failure to Return from Work  
28 Release (RCW 72.65.070)  
29 II Computer Trespass 1 (RCW  
30 9A.52.110)  
31 Counterfeiting (RCW 9.16.035(3))  
32 Escape from Community Custody  
33 (RCW 72.09.310)  
34 Health Care False Claims (RCW  
35 48.80.030)  
36 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial  
2 Information (RCW 9.35.010)  
3 Malicious Mischief 1 (RCW  
4 9A.48.070)  
5 Possession of Stolen Property 1 (RCW  
6 9A.56.150)  
7 Taking Motor Vehicle Without  
8 Permission 2 (RCW  
9 9A.56.070(2))  
10 Theft 1 (RCW 9A.56.030)  
11 Theft of Rental, Leased, or Lease-  
12 purchased Property (valued at one  
13 thousand five hundred dollars or  
14 more) (RCW 9A.56.096(4))  
15 Trafficking in Insurance Claims (RCW  
16 48.30A.015)  
17 Unlawful Practice of Law (RCW  
18 2.48.180)  
19 Unlicensed Practice of a Profession or  
20 Business (RCW 18.130.190(7))  
21 I Attempting to Elude a Pursuing Police  
22 Vehicle (RCW 46.61.024)  
23 False Verification for Welfare (RCW  
24 74.08.055)  
25 Forgery (RCW 9A.60.020)  
26 Malicious Mischief 2 (RCW  
27 9A.48.080)  
28 Possession of Stolen Property 2 (RCW  
29 9A.56.160)  
30 Reckless Burning 1 (RCW 9A.48.040)  
31 ~~((Taking Motor Vehicle Without~~  
32 ~~Permission 2 (RCW~~  
33 ~~9A.56.070(2))))~~  
34 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(4))  
7 Unlawful Issuance of Checks or Drafts  
8 (RCW 9A.56.060)  
9 Unlawful Use of Food Stamps (RCW  
10 9.91.140 (2) and (3))  
11 Vehicle Prowl 1 (RCW 9A.52.095)

12 NEW SECTION. **Sec. 7.** Sections 3 and 5 of this act expire July 1,  
13 2004.

14 NEW SECTION. **Sec. 8.** Sections 4 and 6 of this act take effect  
15 July 1, 2004.

--- END ---