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SENATE BILL 5501

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Roach, Kastama, Brandland and Keiser

Read first time 01/28/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to auto theft; amending RCW 9A.56.070; reenacting  
2 and amending RCW 9.94A.505, 9.94A.505, 9.94A.515, and 9.94A.515; adding  
3 new sections to chapter 36.28A RCW; adding a new section to chapter  
4 46.37 RCW; prescribing penalties; providing an effective date; and  
5 providing an expiration date.

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

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

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

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

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

1 auto sales industry, a representative of the auto repair industry, and  
2 a representative of 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;

13 (v) Produce an annual report to the legislature; and

14 (vi) Develop vehicle identification number etching program  
15 objectives and auto dealer minimum standards.

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

22 (4) The Washington association of sheriffs and police chiefs shall  
23 operate a statewide vehicle identification number etching program that  
24 is consistent with the program objectives developed in subsection (2)  
25 (b) of this section.

26 (5) The Washington association of sheriffs and police chiefs is not  
27 required to implement this section if adequate funding is not provided.

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

30 A unit of local government or a team consisting of multiple units  
31 of local governments may apply to the Washington association of  
32 sheriffs and police chiefs for the regional auto theft task force  
33 grants. All grant applications must contain the following minimum  
34 requirements:

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

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

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

5 (4) Demonstrate a proposal to reimburse all participating units of  
6 local governments for their costs, which include but are not limited  
7 to: Regional auto theft task force administration costs, law  
8 enforcement costs, prosecutor costs, court costs, and county offender  
9 confinement costs; and

10 (5) If a regional auto theft task force crosses jurisdictional  
11 boundaries, demonstrate that any necessary interlocal agreements can be  
12 executed so that law enforcement officers and prosecutors can fulfill  
13 the duties of the regional auto theft task force across jurisdictional  
14 boundaries.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37 RCW  
16 to read as follows:

17 (1) Effective July 1, 2004, all new automobiles sold in the state  
18 of Washington must have a vehicle identification number etching  
19 procedure completed prior to being sold. The vehicle identification  
20 number etching procedure shall be consistent with the vehicle  
21 identification number etching minimum standards established under  
22 section 1 of this act.

23 (2) This section is advisory only unless all of the material costs  
24 associated with requiring auto dealers to etch the vehicle  
25 identification number on new vehicles is provided to the dealers by the  
26 Washington association of sheriffs and police chiefs.

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

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

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

33 (i) Unless another term of confinement applies, the court shall  
34 impose a sentence within the standard sentence range established in RCW  
35 9.94A.510;

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

- 1 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;  
2 (iv) RCW 9.94A.545, relating to community custody for offenders  
3 whose term of confinement is one year or less;  
4 (v) RCW 9.94A.570, relating to persistent offenders;  
5 (vi) RCW 9.94A.540, relating to mandatory minimum terms;  
6 (vii) RCW 9.94A.650, relating to the first-time offender waiver;  
7 (viii) RCW 9.94A.660, relating to the drug offender sentencing  
8 alternative;  
9 (ix) RCW 9.94A.670, relating to the special sex offender sentencing  
10 alternative;  
11 (x) RCW 9.94A.712, relating to certain sex offenses;  
12 (xi) RCW 9.94A.535, relating to exceptional sentences;  
13 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
14 sentences.

15 (b) If a standard sentence range has not been established for the  
16 offender's crime, the court shall impose a determinate sentence which  
17 may include not more than one year of confinement; community  
18 restitution work; until July 1, 2000, a term of community supervision  
19 not to exceed one year and on and after July 1, 2000, a term of  
20 community custody not to exceed one year, subject to conditions and  
21 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other  
22 legal financial obligations. The court may impose a sentence which  
23 provides more than one year of confinement if the court finds reasons  
24 justifying an exceptional sentence as provided in RCW 9.94A.535.

25 (3) If the court imposes a sentence requiring confinement of thirty  
26 days or less, the court may, in its discretion, specify that the  
27 sentence be served on consecutive or intermittent days. A sentence  
28 requiring more than thirty days of confinement shall be served on  
29 consecutive days. Local jail administrators may schedule court-ordered  
30 intermittent sentences as space permits.

31 (4) If a sentence imposed includes payment of a legal financial  
32 obligation, it shall be imposed as provided in RCW 9.94A.750,  
33 9.94A.753, 9.94A.760, and 43.43.7541.

34 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
35 court may not impose a sentence providing for a term of confinement or  
36 community supervision, community placement, or community custody which  
37 exceeds the statutory maximum for the crime as provided in chapter  
38 9A.20 RCW.

1 (6) The sentencing court shall give the offender credit for all  
2 confinement time served before the sentencing if that confinement was  
3 solely in regard to the offense for which the offender is being  
4 sentenced.

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

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

10 (9) The court may order an offender whose sentence includes  
11 community placement or community supervision to undergo a mental status  
12 evaluation and to participate in available outpatient mental health  
13 treatment, if the court finds that reasonable grounds exist to believe  
14 that the offender is a mentally ill person as defined in RCW 71.24.025,  
15 and that this condition is likely to have influenced the offense. An  
16 order requiring mental status evaluation or treatment must be based on  
17 a presentence report and, if applicable, mental status evaluations that  
18 have been filed with the court to determine the offender's competency  
19 or eligibility for a defense of insanity. The court may order  
20 additional evaluations at a later date if deemed appropriate.

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

25 (11) In sentencing an offender convicted of a crime of domestic  
26 violence, as defined in RCW 10.99.020, if the offender has a minor  
27 child, or if the victim of the offense for which the offender was  
28 convicted has a minor child, the court may, as part of any term of  
29 community supervision, community placement, or community custody, order  
30 the offender to participate in a domestic violence perpetrator program  
31 approved under RCW 26.50.150.

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

35 **Sec. 5.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and  
36 2002 c 175 s 6 are each reenacted and amended to read as follows:

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

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4 following sections and as applicable in the case:

5 (i) Unless another term of confinement applies, the court shall  
6 impose a sentence within the standard sentence range established in RCW  
7 9.94A.510 or 9.94A.517;

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

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

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

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

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

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

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

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

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

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

21 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
22 sentences.

23 (b) If a standard sentence range has not been established for the  
24 offender's crime, the court shall impose a determinate sentence which  
25 may include not more than one year of confinement; community  
26 restitution work; until July 1, 2000, a term of community supervision  
27 not to exceed one year and on and after July 1, 2000, a term of  
28 community custody not to exceed one year, subject to conditions and  
29 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other  
30 legal financial obligations. The court may impose a sentence which  
31 provides more than one year of confinement if the court finds reasons  
32 justifying an exceptional sentence as provided in RCW 9.94A.535.

33 (3) If the court imposes a sentence requiring confinement of thirty  
34 days or less, the court may, in its discretion, specify that the  
35 sentence be served on consecutive or intermittent days. A sentence  
36 requiring more than thirty days of confinement shall be served on  
37 consecutive days. Local jail administrators may schedule court-ordered  
38 intermittent sentences as space permits.

1 (4) If a sentence imposed includes payment of a legal financial  
2 obligation, it shall be imposed as provided in RCW 9.94A.750,  
3 9.94A.753, 9.94A.760, and 43.43.7541.

4 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
5 court may not impose a sentence providing for a term of confinement or  
6 community supervision, community placement, or community custody which  
7 exceeds the statutory maximum for the crime as provided in chapter  
8 9A.20 RCW.

9 (6) The sentencing court shall give the offender credit for all  
10 confinement time served before the sentencing if that confinement was  
11 solely in regard to the offense for which the offender is being  
12 sentenced.

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

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

18 (9) The court may order an offender whose sentence includes  
19 community placement or community supervision to undergo a mental status  
20 evaluation and to participate in available outpatient mental health  
21 treatment, if the court finds that reasonable grounds exist to believe  
22 that the offender is a mentally ill person as defined in RCW 71.24.025,  
23 and that this condition is likely to have influenced the offense. An  
24 order requiring mental status evaluation or treatment must be based on  
25 a presentence report and, if applicable, mental status evaluations that  
26 have been filed with the court to determine the offender's competency  
27 or eligibility for a defense of insanity. The court may order  
28 additional evaluations at a later date if deemed appropriate.

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

33 (11) In sentencing an offender convicted of a crime of domestic  
34 violence, as defined in RCW 10.99.020, if the offender has a minor  
35 child, or if the victim of the offense for which the offender was  
36 convicted has a minor child, the court may, as part of any term of  
37 community supervision, community placement, or community custody, order

1 the offender to participate in a domestic violence perpetrator program  
2 approved under RCW 26.50.150.

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

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

9 TABLE 2

10 CRIMES INCLUDED WITHIN  
11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW  
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)  
15 Malicious explosion 1 (RCW  
16 70.74.280(1))  
17 Murder 1 (RCW 9A.32.030)
- 18 XIV Murder 2 (RCW 9A.32.050)
- 19 XIII Malicious explosion 2 (RCW  
20 70.74.280(2))  
21 Malicious placement of an explosive 1  
22 (RCW 70.74.270(1))
- 23 XII Assault 1 (RCW 9A.36.011)  
24 Assault of a Child 1 (RCW 9A.36.120)  
25 Malicious placement of an imitation  
26 device 1 (RCW 70.74.272(1)(a))  
27 Rape 1 (RCW 9A.44.040)  
28 Rape of a Child 1 (RCW 9A.44.073)
- 29 XI Manslaughter 1 (RCW 9A.32.060)  
30 Rape 2 (RCW 9A.44.050)  
31 Rape of a Child 2 (RCW 9A.44.076)
- 32 X Child Molestation 1 (RCW 9A.44.083)  
33 Indecent Liberties (with forcible  
34 compulsion) (RCW  
35 9A.44.100(1)(a))



1 Kidnapping 1 (RCW 9A.40.020)  
2 Leading Organized Crime (RCW  
3 9A.82.060(1)(a))  
4 Malicious explosion 3 (RCW  
5 70.74.280(3))  
6 Manufacture of methamphetamine  
7 (RCW 69.50.401(a)(1)(ii))  
8 Over 18 and deliver heroin,  
9 methamphetamine, a narcotic  
10 from Schedule I or II, or  
11 flunitrazepam from Schedule IV  
12 to someone under 18 (RCW  
13 69.50.406)  
14 Sexually Violent Predator Escape  
15 (RCW 9A.76.115)  
16 IX Assault of a Child 2 (RCW 9A.36.130)  
17 Controlled Substance Homicide (RCW  
18 69.50.415)  
19 Explosive devices prohibited (RCW  
20 70.74.180)  
21 Hit and Run--Death (RCW  
22 46.52.020(4)(a))  
23 Homicide by Watercraft, by being  
24 under the influence of intoxicating  
25 liquor or any drug (RCW  
26 79A.60.050)  
27 Inciting Criminal Profiteering (RCW  
28 9A.82.060(1)(b))  
29 Malicious placement of an explosive 2  
30 (RCW 70.74.270(2))  
31 Over 18 and deliver narcotic from  
32 Schedule III, IV, or V or a  
33 nonnarcotic, except flunitrazepam  
34 or methamphetamine, from  
35 Schedule I-V to someone under 18  
36 and 3 years junior (RCW  
37 69.50.406)

1 Robbery 1 (RCW 9A.56.200)  
2 Sexual Exploitation (RCW 9.68A.040)  
3 Vehicular Homicide, by being under  
4 the influence of intoxicating  
5 liquor or any drug (RCW  
6 46.61.520)  
7 VIII Arson 1 (RCW 9A.48.020)  
8 Deliver or possess with intent to  
9 deliver methamphetamine (RCW  
10 69.50.401(a)(1)(ii))  
11 Homicide by Watercraft, by the  
12 operation of any vessel in a  
13 reckless manner (RCW  
14 79A.60.050)  
15 Manslaughter 2 (RCW 9A.32.070)  
16 Manufacture, deliver, or possess with  
17 intent to deliver amphetamine  
18 (RCW 69.50.401(a)(1)(ii))  
19 Manufacture, deliver, or possess with  
20 intent to deliver heroin or cocaine  
21 (when the offender has a criminal  
22 history in this state or any other  
23 state that includes a sex offense or  
24 serious violent offense or the  
25 Washington equivalent) (RCW  
26 69.50.401(a)(1)(i))  
27 Possession of Ephedrine or any of its  
28 Salts or Isomers or Salts of  
29 Isomers, Pseudoephedrine or any  
30 of its Salts or Isomers or Salts of  
31 Isomers, Pressurized Ammonia  
32 Gas, or Pressurized Ammonia Gas  
33 Solution with intent to  
34 manufacture methamphetamine  
35 (RCW 69.50.440)  
36 Promoting Prostitution 1 (RCW  
37 9A.88.070)

1 Selling for profit (controlled or  
2 counterfeit) any controlled  
3 substance (RCW 69.50.410)  
4 Theft of Ammonia (RCW 69.55.010)  
5 Vehicular Homicide, by the operation  
6 of any vehicle in a reckless  
7 manner (RCW 46.61.520)  
8 VII Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Civil Disorder Training (RCW  
11 9A.48.120)  
12 Dealing in depictions of minor  
13 engaged in sexually explicit  
14 conduct (RCW 9.68A.050)  
15 Drive-by Shooting (RCW 9A.36.045)  
16 Homicide by Watercraft, by disregard  
17 for the safety of others (RCW  
18 79A.60.050)  
19 Indecent Liberties (without forcible  
20 compulsion) (RCW 9A.44.100(1)  
21 (b) and (c))  
22 Introducing Contraband 1 (RCW  
23 9A.76.140)  
24 Involving a minor in drug dealing  
25 (RCW 69.50.401(f))  
26 Malicious placement of an explosive 3  
27 (RCW 70.74.270(3))  
28 Manufacture, deliver, or possess with  
29 intent to deliver heroin or cocaine  
30 (except when the offender has a  
31 criminal history in this state or  
32 any other state that includes a sex  
33 offense or serious violent offense  
34 or the Washington equivalent)  
35 (RCW 69.50.401(a)(1)(i))

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct (RCW  
4 9.68A.060)  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW  
18 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation  
22 device 2 (RCW 70.74.272(1)(b))  
23 Manufacture, deliver, or possess with  
24 intent to deliver narcotics from  
25 Schedule I or II (except heroin or  
26 cocaine) or flunitrazepam from  
27 Schedule IV (RCW  
28 69.50.401(a)(1)(i))  
29 Rape of a Child 3 (RCW 9A.44.079)  
30 Theft of a Firearm (RCW 9A.56.300)  
31 Unlawful Storage of Ammonia (RCW  
32 69.55.020)  
33 V Abandonment of dependent person 1  
34 (RCW 9A.42.060)  
35 Advancing money or property for  
36 extortionate extension of credit  
37 (RCW 9A.82.030)

1 Bail Jumping with class A Felony  
2 (RCW 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 1 (RCW  
5 9A.42.020)  
6 Custodial Sexual Misconduct 1 (RCW  
7 9A.44.160)  
8 Delivery of imitation controlled  
9 substance by person eighteen or  
10 over to person under eighteen  
11 (RCW 69.52.030(2))  
12 Domestic Violence Court Order  
13 Violation (RCW 10.99.040,  
14 10.99.050, 26.09.300, 26.10.220,  
15 26.26.138, 26.50.110, 26.52.070,  
16 or 74.34.145)  
17 Extortion 1 (RCW 9A.56.120)  
18 Extortionate Extension of Credit  
19 (RCW 9A.82.020)  
20 Extortionate Means to Collect  
21 Extensions of Credit (RCW  
22 9A.82.040)  
23 Incest 2 (RCW 9A.64.020(2))  
24 Kidnapping 2 (RCW 9A.40.030)  
25 Perjury 1 (RCW 9A.72.020)  
26 Persistent prison misbehavior (RCW  
27 9.94.070)  
28 Possession of a Stolen Firearm (RCW  
29 9A.56.310)  
30 Rape 3 (RCW 9A.44.060)  
31 Rendering Criminal Assistance 1  
32 (RCW 9A.76.070)  
33 Sexual Misconduct with a Minor 1  
34 (RCW 9A.44.093)  
35 Sexually Violating Human Remains  
36 (RCW 9A.44.105)  
37 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)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except marijuana, amphetamine,  
6 methamphetamines, or  
7 flunitrazepam) (RCW  
8 69.50.401(a)(1) (iii) through (v))  
9 Residential Burglary (RCW  
10 9A.52.025)  
11 Robbery 2 (RCW 9A.56.210)  
12 Theft of Livestock 1 (RCW 9A.56.080)  
13 Threats to Bomb (RCW 9.61.160)  
14 Use of Proceeds of Criminal  
15 Profiteering (RCW 9A.82.080 (1)  
16 and (2))  
17 Vehicular Assault, by being under the  
18 influence of intoxicating liquor or  
19 any drug, or by the operation or  
20 driving of a vehicle in a reckless  
21 manner (RCW 46.61.522)  
22 Willful Failure to Return from  
23 Furlough (RCW 72.66.060)  
24 III Abandonment of dependent person 2  
25 (RCW 9A.42.070)  
26 Assault 3 (RCW 9A.36.031)  
27 Assault of a Child 3 (RCW 9A.36.140)  
28 Bail Jumping with class B or C Felony  
29 (RCW 9A.76.170(3)(c))  
30 Burglary 2 (RCW 9A.52.030)  
31 Communication with a Minor for  
32 Immoral Purposes (RCW  
33 9.68A.090)  
34 Criminal Gang Intimidation (RCW  
35 9A.46.120)  
36 Criminal Mistreatment 2 (RCW  
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)  
2 Delivery of a material in lieu of a  
3 controlled substance (RCW  
4 69.50.401(c))  
5 Escape 2 (RCW 9A.76.120)  
6 Extortion 2 (RCW 9A.56.130)  
7 Harassment (RCW 9A.46.020)  
8 Intimidating a Public Servant (RCW  
9 9A.76.180)  
10 Introducing Contraband 2 (RCW  
11 9A.76.150)  
12 Maintaining a Dwelling or Place for  
13 Controlled Substances (RCW  
14 69.50.402(a)(6))  
15 Malicious Injury to Railroad Property  
16 (RCW 81.60.070)  
17 Manufacture, deliver, or possess with  
18 intent to deliver marijuana (RCW  
19 69.50.401(a)(1)(iii))  
20 Manufacture, distribute, or possess  
21 with intent to distribute an  
22 imitation controlled substance  
23 (RCW 69.52.030(1))  
24 Patronizing a Juvenile Prostitute  
25 (RCW 9.68A.100)  
26 Perjury 2 (RCW 9A.72.030)  
27 Possession of Incendiary Device (RCW  
28 9.40.120)  
29 Possession of Machine Gun or Short-  
30 Barreled Shotgun or Rifle (RCW  
31 9.41.190)  
32 Promoting Prostitution 2 (RCW  
33 9A.88.080)  
34 Recklessly Trafficking in Stolen  
35 Property (RCW 9A.82.050(1))  
36 Securities Act violation (RCW  
37 21.20.400)



1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Telephone Harassment (subsequent  
4 conviction or threat of death)  
5 (RCW 9.61.230)  
6 Theft of Livestock 2 (RCW 9A.56.080)  
7 Unlawful Imprisonment (RCW  
8 9A.40.040)  
9 Unlawful possession of firearm in the  
10 second degree (RCW  
11 9.41.040(1)(b))  
12 Unlawful Use of Building for Drug  
13 Purposes (RCW 69.53.010)  
14 Vehicular Assault, by the operation or  
15 driving of a vehicle with disregard  
16 for the safety of others (RCW  
17 46.61.522)  
18 Willful Failure to Return from Work  
19 Release (RCW 72.65.070)  
20 II Computer Trespass 1 (RCW  
21 9A.52.110)  
22 Counterfeiting (RCW 9.16.035(3))  
23 Create, deliver, or possess a counterfeit  
24 controlled substance (RCW  
25 69.50.401(b))  
26 Escape from Community Custody  
27 (RCW 72.09.310)  
28 Health Care False Claims (RCW  
29 48.80.030)  
30 Identity Theft 2 (RCW 9.35.020(2)(b))  
31 Improperly Obtaining Financial  
32 Information (RCW 9.35.010)  
33 Malicious Mischief 1 (RCW  
34 9A.48.070)

1 Possession of controlled substance that  
2 is either heroin or narcotics from  
3 Schedule I or II or flunitrazepam  
4 from Schedule IV (RCW  
5 69.50.401(d))  
6 Possession of phencyclidine (PCP)  
7 (RCW 69.50.401(d))  
8 Possession of Stolen Property 1 (RCW  
9 9A.56.150)  
10 Taking Motor Vehicle Without  
11 Permission 2 (RCW  
12 9A.56.070(2))  
13 Theft 1 (RCW 9A.56.030)  
14 Theft of Rental, Leased, or Lease-  
15 purchased Property (valued at one  
16 thousand five hundred dollars or  
17 more) (RCW 9A.56.096(4))  
18 Trafficking in Insurance Claims (RCW  
19 48.30A.015)  
20 Unlawful Practice of Law (RCW  
21 2.48.180)  
22 Unlicensed Practice of a Profession or  
23 Business (RCW 18.130.190(7))  
24 I Attempting to Elude a Pursuing Police  
25 Vehicle (RCW 46.61.024)  
26 False Verification for Welfare (RCW  
27 74.08.055)  
28 Forged Prescription (RCW 69.41.020)  
29 Forged Prescription for a Controlled  
30 Substance (RCW 69.50.403)  
31 Forgery (RCW 9A.60.020)  
32 Malicious Mischief 2 (RCW  
33 9A.48.080)

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

25 **Sec. 7.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
 26 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
 27 s 4 are each reenacted and amended to read as follows:

28 TABLE 2  
 29 CRIMES INCLUDED WITHIN  
 30 EACH SERIOUSNESS LEVEL

31	XVI	Aggravated Murder 1 (RCW
32		10.95.020)
33	XV	Homicide by abuse (RCW 9A.32.055)
34		Malicious explosion 1 (RCW
35		70.74.280(1))

1 Murder 1 (RCW 9A.32.030)  
2 XIV Murder 2 (RCW 9A.32.050)  
3 XIII Malicious explosion 2 (RCW  
4 70.74.280(2))  
5 Malicious placement of an explosive 1  
6 (RCW 70.74.270(1))  
7 XII Assault 1 (RCW 9A.36.011)  
8 Assault of a Child 1 (RCW 9A.36.120)  
9 Malicious placement of an imitation  
10 device 1 (RCW 70.74.272(1)(a))  
11 Rape 1 (RCW 9A.44.040)  
12 Rape of a Child 1 (RCW 9A.44.073)  
13 XI Manslaughter 1 (RCW 9A.32.060)  
14 Rape 2 (RCW 9A.44.050)  
15 Rape of a Child 2 (RCW 9A.44.076)  
16 X Child Molestation 1 (RCW 9A.44.083)  
17 Indecent Liberties (with forcible  
18 compulsion) (RCW  
19 9A.44.100(1)(a))  
20 Kidnapping 1 (RCW 9A.40.020)  
21 Leading Organized Crime (RCW  
22 9A.82.060(1)(a))  
23 Malicious explosion 3 (RCW  
24 70.74.280(3))  
25 Sexually Violent Predator Escape  
26 (RCW 9A.76.115)  
27 IX Assault of a Child 2 (RCW 9A.36.130)  
28 Explosive devices prohibited (RCW  
29 70.74.180)  
30 Hit and Run--Death (RCW  
31 46.52.020(4)(a))  
32 Homicide by Watercraft, by being  
33 under the influence of intoxicating  
34 liquor or any drug (RCW  
35 79A.60.050)  
36 Inciting Criminal Profiteering (RCW  
37 9A.82.060(1)(b))

1 Malicious placement of an explosive 2  
2 (RCW 70.74.270(2))  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 Vehicular Homicide, by being under  
6 the influence of intoxicating  
7 liquor or any drug (RCW  
8 46.61.520)  
9 VIII Arson 1 (RCW 9A.48.020)  
10 Homicide by Watercraft, by the  
11 operation of any vessel in a  
12 reckless manner (RCW  
13 79A.60.050)  
14 Manslaughter 2 (RCW 9A.32.070)  
15 Promoting Prostitution 1 (RCW  
16 9A.88.070)  
17 Theft of Ammonia (RCW 69.55.010)  
18 Vehicular Homicide, by the operation  
19 of any vehicle in a reckless  
20 manner (RCW 46.61.520)  
21 VII Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor  
26 engaged in sexually explicit  
27 conduct (RCW 9.68A.050)  
28 Drive-by Shooting (RCW 9A.36.045)  
29 Homicide by Watercraft, by disregard  
30 for the safety of others (RCW  
31 79A.60.050)  
32 Indecent Liberties (without forcible  
33 compulsion) (RCW 9A.44.100(1)  
34 (b) and (c))  
35 Introducing Contraband 1 (RCW  
36 9A.76.140)

1 Malicious placement of an explosive 3  
2 (RCW 70.74.270(3))  
3 Sending, bringing into state depictions  
4 of minor engaged in sexually  
5 explicit conduct (RCW  
6 9.68A.060)  
7 Unlawful Possession of a Firearm in  
8 the first degree (RCW  
9 9.41.040(1)(a))  
10 Use of a Machine Gun in Commission  
11 of a Felony (RCW 9.41.225)  
12 Vehicular Homicide, by disregard for  
13 the safety of others (RCW  
14 46.61.520)  
15 VI Bail Jumping with Murder 1 (RCW  
16 9A.76.170(3)(a))  
17 Bribery (RCW 9A.68.010)  
18 Incest 1 (RCW 9A.64.020(1))  
19 Intimidating a Judge (RCW  
20 9A.72.160)  
21 Intimidating a Juror/Witness (RCW  
22 9A.72.110, 9A.72.130)  
23 Malicious placement of an imitation  
24 device 2 (RCW 70.74.272(1)(b))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Unlawful Storage of Ammonia (RCW  
28 69.55.020)  
29 V Abandonment of dependent person 1  
30 (RCW 9A.42.060)  
31 Advancing money or property for  
32 extortionate extension of credit  
33 (RCW 9A.82.030)  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))  
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 1 (RCW  
2 9A.42.020)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Domestic Violence Court Order  
6 Violation (RCW 10.99.040,  
7 10.99.050, 26.09.300, 26.10.220,  
8 26.26.138, 26.50.110, 26.52.070,  
9 or 74.34.145)  
10 Extortion 1 (RCW 9A.56.120)  
11 Extortionate Extension of Credit  
12 (RCW 9A.82.020)  
13 Extortionate Means to Collect  
14 Extensions of Credit (RCW  
15 9A.82.040)  
16 Incest 2 (RCW 9A.64.020(2))  
17 Kidnapping 2 (RCW 9A.40.030)  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1  
25 (RCW 9A.76.070)  
26 Sexual Misconduct with a Minor 1  
27 (RCW 9A.44.093)  
28 Sexually Violating Human Remains  
29 (RCW 9A.44.105)  
30 Stalking (RCW 9A.46.110)  
31 Taking Motor Vehicle Without  
32 Permission 1 (RCW  
33 9A.56.070(1))  
34 IV Arson 2 (RCW 9A.48.030)  
35 Assault 2 (RCW 9A.36.021)  
36 Assault by Watercraft (RCW  
37 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW  
6 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Endangerment with a Controlled  
9 Substance (RCW 9A.42.100)  
10 Escape 1 (RCW 9A.76.110)  
11 Hit and Run--Injury (RCW  
12 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury  
14 Accident (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2)(a))  
16 Indecent Exposure to Person Under  
17 Age Fourteen (subsequent sex  
18 offense) (RCW 9A.88.010)  
19 Influencing Outcome of Sporting  
20 Event (RCW 9A.82.070)  
21 Knowingly Trafficking in Stolen  
22 Property (RCW 9A.82.050(2))  
23 Malicious Harassment (RCW  
24 9A.36.080)  
25 Residential Burglary (RCW  
26 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  
31 Profiteering (RCW 9A.82.080 (1)  
32 and (2))  
33 Vehicular Assault, by being under the  
34 influence of intoxicating liquor or  
35 any drug, or by the operation or  
36 driving of a vehicle in a reckless  
37 manner (RCW 46.61.522)



1 Willful Failure to Return from  
2 Furlough (RCW 72.66.060)  
3 III Abandonment of dependent person 2  
4 (RCW 9A.42.070)  
5 Assault 3 (RCW 9A.36.031)  
6 Assault of a Child 3 (RCW 9A.36.140)  
7 Bail Jumping with class B or C Felony  
8 (RCW 9A.76.170(3)(c))  
9 Burglary 2 (RCW 9A.52.030)  
10 Communication with a Minor for  
11 Immoral Purposes (RCW  
12 9.68A.090)  
13 Criminal Gang Intimidation (RCW  
14 9A.46.120)  
15 Criminal Mistreatment 2 (RCW  
16 9A.42.030)  
17 Custodial Assault (RCW 9A.36.100)  
18 Escape 2 (RCW 9A.76.120)  
19 Extortion 2 (RCW 9A.56.130)  
20 Harassment (RCW 9A.46.020)  
21 Intimidating a Public Servant (RCW  
22 9A.76.180)  
23 Introducing Contraband 2 (RCW  
24 9A.76.150)  
25 Malicious Injury to Railroad Property  
26 (RCW 81.60.070)  
27 Patronizing a Juvenile Prostitute  
28 (RCW 9.68A.100)  
29 Perjury 2 (RCW 9A.72.030)  
30 Possession of Incendiary Device (RCW  
31 9.40.120)  
32 Possession of Machine Gun or Short-  
33 Barreled Shotgun or Rifle (RCW  
34 9.41.190)  
35 Promoting Prostitution 2 (RCW  
36 9A.88.080)

1 Recklessly Trafficking in Stolen  
2 Property (RCW 9A.82.050(1))  
3 Securities Act violation (RCW  
4 21.20.400)  
5 Tampering with a Witness (RCW  
6 9A.72.120)  
7 Telephone Harassment (subsequent  
8 conviction or threat of death)  
9 (RCW 9.61.230)  
10 Theft of Livestock 2 (RCW 9A.56.080)  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful possession of firearm in the  
14 second degree (RCW  
15 9.41.040(1)(b))  
16 Vehicular Assault, by the operation or  
17 driving of a vehicle with disregard  
18 for the safety of others (RCW  
19 46.61.522)  
20 Willful Failure to Return from Work  
21 Release (RCW 72.65.070)  
22 II Computer Trespass 1 (RCW  
23 9A.52.110)  
24 Counterfeiting (RCW 9.16.035(3))  
25 Escape from Community Custody  
26 (RCW 72.09.310)  
27 Health Care False Claims (RCW  
28 48.80.030)  
29 Identity Theft 2 (RCW 9.35.020(2)(b))  
30 Improperly Obtaining Financial  
31 Information (RCW 9.35.010)  
32 Malicious Mischief 1 (RCW  
33 9A.48.070)  
34 Possession of Stolen Property 1 (RCW  
35 9A.56.150)

1                                    Taking Motor Vehicle Without  
2                                    Permission 2 (RCW  
3                                    9A.56.070(2))  
4                                    Theft 1 (RCW 9A.56.030)  
5                                    Theft of Rental, Leased, or Lease-  
6                                    purchased Property (valued at one  
7                                    thousand five hundred dollars or  
8                                    more) (RCW 9A.56.096(4))  
9                                    Trafficking in Insurance Claims (RCW  
10                                    48.30A.015)  
11                                    Unlawful Practice of Law (RCW  
12                                    2.48.180)  
13                                    Unlicensed Practice of a Profession or  
14                                    Business (RCW 18.130.190(7))  
15                                    I    Attempting to Elude a Pursuing Police  
16                                    Vehicle (RCW 46.61.024)  
17                                    False Verification for Welfare (RCW  
18                                    74.08.055)  
19                                    Forgery (RCW 9A.60.020)  
20                                    Malicious Mischief 2 (RCW  
21                                    9A.48.080)  
22                                    Possession of Stolen Property 2 (RCW  
23                                    9A.56.160)  
24                                    Reckless Burning 1 (RCW 9A.48.040)  
25                                    ~~((Taking Motor Vehicle Without~~  
26                                    ~~Permission 2 (RCW~~  
27                                    ~~9A.56.070(2))))~~  
28                                    Theft 2 (RCW 9A.56.040)  
29                                    Theft of Rental, Leased, or Lease-  
30                                    purchased Property (valued at two  
31                                    hundred fifty dollars or more but  
32                                    less than one thousand five  
33                                    hundred dollars) (RCW  
34                                    9A.56.096(4))  
35                                    Unlawful Issuance of Checks or Drafts  
36                                    (RCW 9A.56.060)

1  
2  
3  
4       **Sec. 8.** RCW 9A.56.070 and 2002 c 324 s 1 are each amended to read  
5 as follows:

6       (1)(a) A person is guilty of taking a motor vehicle without  
7 permission in the first degree if he or she, without the permission of  
8 the owner or person entitled to possession, intentionally takes or  
9 drives away an automobile or motor vehicle, whether propelled by steam,  
10 electricity, or internal combustion engine, that is the property of  
11 another, and he or she:

12       (i) Alters the motor vehicle for the purpose of changing its  
13 appearance or primary identification, including obscuring, removing, or  
14 changing the manufacturer's serial number or the vehicle identification  
15 number plates;

16       (ii) Removes, or participates in the removal of, parts from the  
17 motor vehicle with the intent to sell the parts;

18       (iii) Exports, or attempts to export, the motor vehicle across  
19 state lines or out of the United States for profit;

20       (iv) Intends to sell the motor vehicle; or

21       (v) Is engaged in a conspiracy and the central object of the  
22 conspiratorial agreement is the theft of motor vehicles for sale to  
23 others for profit.

24       (b) Taking a motor vehicle without permission in the first degree  
25 is a class B felony.

26       (2)(a) A person is guilty of taking a motor vehicle without  
27 permission in the second degree if he or she, without the permission of  
28 the owner or person entitled to possession, intentionally takes or  
29 drives away any automobile or motor vehicle, whether propelled by  
30 steam, electricity, or internal combustion engine, that is the property  
31 of another, or he or she voluntarily rides in or upon the automobile or  
32 motor vehicle with knowledge of the fact that the automobile or motor  
33 vehicle was unlawfully taken.

34       (b) Taking a motor vehicle without permission in the second degree  
35 is a class C felony.

36       (3) In any prosecution under this section, any person who is in  
37 possession of a motor vehicle taken without the permission of the owner

1 may be inferred to have acted with the intent to commit the offense,  
2 unless the possession shall be explained by evidence satisfactory to  
3 the trier of fact to have been made without such criminal intent.

4 NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act expire July 1,  
5 2004.

6 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act take effect  
7 July 1, 2004.

--- END ---