
HOUSE BILL 2094

State of Washington 59th Legislature 2005 Regular Session

By Representatives Roach, Armstrong, Kristiansen, Serben, Bailey, McCune, Woods, Clements, Ericks, Dunn and Chase

Read first time 02/17/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to increasing the seriousness level for first
2 degree rape; reenacting and amending RCW 9.94A.515; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Rape is one of the most terrifying and demeaning criminal acts
7 an individual can perpetrate against another human being and the
8 personal trauma and anguish suffered by the victims of rape and by
9 their families can create devastating difficulties that often take
10 years to overcome;

11 (b) The pain and complications caused by rape are even more severe
12 where deadly weapons are involved, where the victim is kidnapped or
13 receives serious physical injuries, or where the perpetrator has
14 wrongfully entered the building or vehicle where the victim is
15 situated; and

16 (c) The severity of punishment for those who commit rape should be
17 commensurate with the crime the perpetrators have forced upon their
18 victims and strict penalties for such cruel and humiliating violations
19 of a person's dignity and honor are both appropriate and just.

1 (2) The legislature intends to ensure that the penalties imposed
2 for first degree rape are significant and that the victims of such rape
3 will be better able to lead lives free of fear knowing that the
4 perpetrators of such crimes against them will be incarcerated for a
5 substantial length of time.

6 **Sec. 2.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are
7 each reenacted and amended to read as follows:
8

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 Rape 1 (RCW 9A.44.040)
- 19 XIV Murder 2 (RCW 9A.32.050)
20 Trafficking 1 (RCW 9A.40.100(1))
- 21 XIII Malicious explosion 2 (RCW
22 70.74.280(2))
23 Malicious placement of an explosive 1
24 (RCW 70.74.270(1))
- 25 XII Assault 1 (RCW 9A.36.011)
26 Assault of a Child 1 (RCW 9A.36.120)
27 Malicious placement of an imitation
28 device 1 (RCW 70.74.272(1)(a))
29 ~~((Rape 1 (RCW 9A.44.040)))~~
- 30 Rape of a Child 1 (RCW 9A.44.073)
31 Trafficking 2 (RCW 9A.40.100(2))
- 32 XI Manslaughter 1 (RCW 9A.32.060)
33 Rape 2 (RCW 9A.44.050)
34 Rape of a Child 2 (RCW 9A.44.076)
- 35 X Child Molestation 1 (RCW 9A.44.083)

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX Assault of a Child 2 (RCW 9A.36.130)
12 Explosive devices prohibited (RCW
13 70.74.180)
14 Hit and Run--Death (RCW
15 46.52.020(4)(a))
16 Homicide by Watercraft, by being
17 under the influence of intoxicating
18 liquor or any drug (RCW
19 79A.60.050)
20 Inciting Criminal Profiteering (RCW
21 9A.82.060(1)(b))
22 Malicious placement of an explosive 2
23 (RCW 70.74.270(2))
24 Robbery 1 (RCW 9A.56.200)
25 Sexual Exploitation (RCW 9.68A.040)
26 Vehicular Homicide, by being under
27 the influence of intoxicating
28 liquor or any drug (RCW
29 46.61.520)
30 VIII Arson 1 (RCW 9A.48.020)
31 Homicide by Watercraft, by the
32 operation of any vessel in a
33 reckless manner (RCW
34 79A.60.050)
35 Manslaughter 2 (RCW 9A.32.070)
36 Promoting Prostitution 1 (RCW
37 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 Vehicular Homicide, by the operation
3 of any vehicle in a reckless
4 manner (RCW 46.61.520)
5 VII Burglary 1 (RCW 9A.52.020)
6 Child Molestation 2 (RCW 9A.44.086)
7 Civil Disorder Training (RCW
8 9A.48.120)
9 Dealing in depictions of minor
10 engaged in sexually explicit
11 conduct (RCW 9.68A.050)
12 Drive-by Shooting (RCW 9A.36.045)
13 Homicide by Watercraft, by disregard
14 for the safety of others (RCW
15 79A.60.050)
16 Indecent Liberties (without forcible
17 compulsion) (RCW 9A.44.100(1)
18 (b) and (c))
19 Introducing Contraband 1 (RCW
20 9A.76.140)
21 Malicious placement of an explosive 3
22 (RCW 70.74.270(3))
23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct (RCW
26 9.68A.060)
27 Unlawful Possession of a Firearm in
28 the first degree (RCW
29 9.41.040(1))
30 Use of a Machine Gun in Commission
31 of a Felony (RCW 9.41.225)
32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)
35 VI Bail Jumping with Murder 1 (RCW
36 9A.76.170(3)(a))
37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW
3 9A.72.160)
4 Intimidating a Juror/Witness (RCW
5 9A.72.110, 9A.72.130)
6 Malicious placement of an imitation
7 device 2 (RCW 70.74.272(1)(b))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Unlawful Storage of Ammonia (RCW
11 69.55.020)
12 V Abandonment of dependent person 1
13 (RCW 9A.42.060)
14 Advancing money or property for
15 extortionate extension of credit
16 (RCW 9A.82.030)
17 Bail Jumping with class A Felony
18 (RCW 9A.76.170(3)(b))
19 Child Molestation 3 (RCW 9A.44.089)
20 Criminal Mistreatment 1 (RCW
21 9A.42.020)
22 Custodial Sexual Misconduct 1 (RCW
23 9A.44.160)
24 Domestic Violence Court Order
25 Violation (RCW 10.99.040,
26 10.99.050, 26.09.300, 26.10.220,
27 26.26.138, 26.50.110, 26.52.070,
28 or 74.34.145)
29 Extortion 1 (RCW 9A.56.120)
30 Extortionate Extension of Credit
31 (RCW 9A.82.020)
32 Extortionate Means to Collect
33 Extensions of Credit (RCW
34 9A.82.040)
35 Incest 2 (RCW 9A.64.020(2))
36 Kidnapping 2 (RCW 9A.40.030)
37 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1
7 (RCW 9A.76.070)
8 Sexual Misconduct with a Minor 1
9 (RCW 9A.44.093)
10 Sexually Violating Human Remains
11 (RCW 9A.44.105)
12 Stalking (RCW 9A.46.110)
13 Taking Motor Vehicle Without
14 Permission 1 (RCW 9A.56.070)
15 IV Arson 2 (RCW 9A.48.030)
16 Assault 2 (RCW 9A.36.021)
17 Assault by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9.46.1961)
23 Commercial Bribery (RCW
24 9A.68.060)
25 Counterfeiting (RCW 9.16.035(4))
26 Endangerment with a Controlled
27 Substance (RCW 9A.42.100)
28 Escape 1 (RCW 9A.76.110)
29 Hit and Run--Injury (RCW
30 46.52.020(4)(b))
31 Hit and Run with Vessel--Injury
32 Accident (RCW 79A.60.200(3))
33 Identity Theft 1 (RCW 9.35.020(2))
34 Indecent Exposure to Person Under
35 Age Fourteen (subsequent sex
36 offense) (RCW 9A.88.010)

1 Influencing Outcome of Sporting
2 Event (RCW 9A.82.070)
3 Malicious Harassment (RCW
4 9A.36.080)
5 Residential Burglary (RCW
6 9A.52.025)
7 Robbery 2 (RCW 9A.56.210)
8 Theft of Livestock 1 (RCW 9A.56.080)
9 Threats to Bomb (RCW 9.61.160)
10 Trafficking in Stolen Property 1 (RCW
11 9A.82.050)
12 Unlawful factoring of a credit card or
13 payment card transaction (RCW
14 9A.56.290(4)(b))
15 Unlawful transaction of health
16 coverage as a health care service
17 contractor (RCW 48.44.016(3))
18 Unlawful transaction of health
19 coverage as a health maintenance
20 organization (RCW 48.46.033(3))
21 Unlawful transaction of insurance
22 business (RCW 48.15.023(3))
23 Unlicensed practice as an insurance
24 professional (RCW 48.17.063(3))
25 Use of Proceeds of Criminal
26 Profiteering (RCW 9A.82.080 (1)
27 and (2))
28 Vehicular Assault, by being under the
29 influence of intoxicating liquor or
30 any drug, or by the operation or
31 driving of a vehicle in a reckless
32 manner (RCW 46.61.522)
33 Willful Failure to Return from
34 Furlough (RCW 72.66.060)
35 III Abandonment of dependent person 2
36 (RCW 9A.42.070)
37 Assault 3 (RCW 9A.36.031)

1 Assault of a Child 3 (RCW 9A.36.140)
2 Bail Jumping with class B or C Felony
3 (RCW 9A.76.170(3)(c))
4 Burglary 2 (RCW 9A.52.030)
5 Communication with a Minor for
6 Immoral Purposes (RCW
7 9.68A.090)
8 Criminal Gang Intimidation (RCW
9 9A.46.120)
10 Criminal Mistreatment 2 (RCW
11 9A.42.030)
12 Custodial Assault (RCW 9A.36.100)
13 Cyberstalking (subsequent conviction
14 or threat of death) (RCW
15 9.61.260(3))
16 Escape 2 (RCW 9A.76.120)
17 Extortion 2 (RCW 9A.56.130)
18 Harassment (RCW 9A.46.020)
19 Intimidating a Public Servant (RCW
20 9A.76.180)
21 Introducing Contraband 2 (RCW
22 9A.76.150)
23 Malicious Injury to Railroad Property
24 (RCW 81.60.070)
25 Patronizing a Juvenile Prostitute
26 (RCW 9.68A.100)
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun or Short-
31 Barreled Shotgun or Rifle (RCW
32 9.41.190)
33 Promoting Prostitution 2 (RCW
34 9A.88.080)
35 Securities Act violation (RCW
36 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(2))
6 Theft of Livestock 2 (RCW 9A.56.083)
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Health Care False Claims (RCW
25 48.80.030)
26 Identity Theft 2 (RCW 9.35.020(3))
27 Improperly Obtaining Financial
28 Information (RCW 9.35.010)
29 Malicious Mischief 1 (RCW
30 9A.48.070)
31 Possession of Stolen Property 1 (RCW
32 9A.56.150)
33 Theft 1 (RCW 9A.56.030)
34 Theft of Rental, Leased, or Lease-
35 purchased Property (valued at one
36 thousand five hundred dollars or
37 more) (RCW 9A.56.096(5)(a))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Practice of Law (RCW
7 2.48.180)
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 I Attempting to Elude a Pursuing Police
11 Vehicle (RCW 46.61.024)
12 False Verification for Welfare (RCW
13 74.08.055)
14 Forgery (RCW 9A.60.020)
15 Fraudulent Creation or Revocation of a
16 Mental Health Advance Directive
17 (RCW 9A.60.060)
18 Malicious Mischief 2 (RCW
19 9A.48.080)
20 Mineral Trespass (RCW 78.44.330)
21 Possession of Stolen Property 2 (RCW
22 9A.56.160)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Taking Motor Vehicle Without
25 Permission 2 (RCW 9A.56.075)
26 Theft 2 (RCW 9A.56.040)
27 Theft of Rental, Leased, or Lease-
28 purchased Property (valued at two
29 hundred fifty dollars or more but
30 less than one thousand five
31 hundred dollars) (RCW
32 9A.56.096(5)(b))
33 Transaction of insurance business
34 beyond the scope of licensure
35 (RCW 48.17.063(4))
36 Unlawful Issuance of Checks or Drafts
37 (RCW 9A.56.060)

1 Unlawful Possession of Fictitious
2 Identification (RCW 9A.56.320)
3 Unlawful Possession of Instruments of
4 Financial Fraud (RCW
5 9A.56.320)
6 Unlawful Possession of Payment
7 Instruments (RCW 9A.56.320)
8 Unlawful Possession of a Personal
9 Identification Device (RCW
10 9A.56.320)
11 Unlawful Production of Payment
12 Instruments (RCW 9A.56.320)
13 Unlawful Trafficking in Food Stamps
14 (RCW 9.91.142)
15 Unlawful Use of Food Stamps (RCW
16 9.91.144)
17 Vehicle Prowl 1 (RCW 9A.52.095)

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