
HOUSE BILL 2783

State of Washington 59th Legislature 2006 Regular Session

By Representatives Ahern, Sump, Kretz, Orcutt, Holmquist, Roach, Kristiansen, McCune and Dunn

Read first time 01/13/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to imposing a mandatory life sentence for certain
2 sex offenses against children; amending RCW 9.94A.570, 9.94A.030, and
3 9.94A.030; reenacting and amending RCW 9.94A.515; prescribing
4 penalties; providing an effective date; providing an expiration date;
5 and declaring an emergency.

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

7 **Sec. 1.** RCW 9.94A.570 and 2000 c 28 s 6 are each amended to read
8 as follows:

9 Notwithstanding the statutory maximum sentence or any other
10 provision of this chapter, an offender convicted of rape of a child in
11 the first degree or child molestation in the first degree, or a
12 persistent offender shall be sentenced to a term of total confinement
13 for life without the possibility of release or, when authorized by RCW
14 10.95.030 for the crime of aggravated murder in the first degree,
15 sentenced to death. In addition, no offender subject to this section
16 may be eligible for community custody, earned release time, furlough,
17 home detention, partial confinement, work crew, work release, or any
18 other form of release as defined under RCW 9.94A.728 (1), (2), (3),
19 (4), (6), (8), or (9), or any other form of authorized leave from a

1 correctional facility while not in the direct custody of a corrections
2 officer or officers, except: (1) In the case of an offender in need of
3 emergency medical treatment; or (2) for the purpose of commitment to an
4 inpatient treatment facility in the case of an offender convicted of
5 the crime of rape in the first degree.

6 **Sec. 2.** RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Board" means the indeterminate sentence review board created
11 under chapter 9.95 RCW.

12 (2) "Collect," or any derivative thereof, "collect and remit," or
13 "collect and deliver," when used with reference to the department,
14 means that the department, either directly or through a collection
15 agreement authorized by RCW 9.94A.760, is responsible for monitoring
16 and enforcing the offender's sentence with regard to the legal
17 financial obligation, receiving payment thereof from the offender, and,
18 consistent with current law, delivering daily the entire payment to the
19 superior court clerk without depositing it in a departmental account.

20 (3) "Commission" means the sentencing guidelines commission.

21 (4) "Community corrections officer" means an employee of the
22 department who is responsible for carrying out specific duties in
23 supervision of sentenced offenders and monitoring of sentence
24 conditions.

25 (5) "Community custody" means that portion of an offender's
26 sentence of confinement in lieu of earned release time or imposed
27 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
28 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
29 community subject to controls placed on the offender's movement and
30 activities by the department. For offenders placed on community
31 custody for crimes committed on or after July 1, 2000, the department
32 shall assess the offender's risk of reoffense and may establish and
33 modify conditions of community custody, in addition to those imposed by
34 the court, based upon the risk to community safety.

35 (6) "Community custody range" means the minimum and maximum period
36 of community custody included as part of a sentence under RCW

1 9.94A.715, as established by the commission or the legislature under
2 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

3 (7) "Community placement" means that period during which the
4 offender is subject to the conditions of community custody and/or
5 postrelease supervision, which begins either upon completion of the
6 term of confinement (postrelease supervision) or at such time as the
7 offender is transferred to community custody in lieu of earned release.
8 Community placement may consist of entirely community custody, entirely
9 postrelease supervision, or a combination of the two.

10 (8) "Community protection zone" means the area within eight hundred
11 eighty feet of the facilities and grounds of a public or private
12 school.

13 (9) "Community restitution" means compulsory service, without
14 compensation, performed for the benefit of the community by the
15 offender.

16 (10) "Community supervision" means a period of time during which a
17 convicted offender is subject to crime-related prohibitions and other
18 sentence conditions imposed by a court pursuant to this chapter or RCW
19 16.52.200(6) or 46.61.524. Where the court finds that any offender has
20 a chemical dependency that has contributed to his or her offense, the
21 conditions of supervision may, subject to available resources, include
22 treatment. For purposes of the interstate compact for out-of-state
23 supervision of parolees and probationers, RCW 9.95.270, community
24 supervision is the functional equivalent of probation and should be
25 considered the same as probation by other states.

26 (11) "Confinement" means total or partial confinement.

27 (12) "Conviction" means an adjudication of guilt pursuant to Titles
28 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
29 acceptance of a plea of guilty.

30 (13) "Crime-related prohibition" means an order of a court
31 prohibiting conduct that directly relates to the circumstances of the
32 crime for which the offender has been convicted, and shall not be
33 construed to mean orders directing an offender affirmatively to
34 participate in rehabilitative programs or to otherwise perform
35 affirmative conduct. However, affirmative acts necessary to monitor
36 compliance with the order of a court may be required by the department.

37 (14) "Criminal history" means the list of a defendant's prior

1 convictions and juvenile adjudications, whether in this state, in
2 federal court, or elsewhere.

3 (a) The history shall include, where known, for each conviction (i)
4 whether the defendant has been placed on probation and the length and
5 terms thereof; and (ii) whether the defendant has been incarcerated and
6 the length of incarceration.

7 (b) A conviction may be removed from a defendant's criminal history
8 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
9 a similar out-of-state statute, or if the conviction has been vacated
10 pursuant to a governor's pardon.

11 (c) The determination of a defendant's criminal history is distinct
12 from the determination of an offender score. A prior conviction that
13 was not included in an offender score calculated pursuant to a former
14 version of the sentencing reform act remains part of the defendant's
15 criminal history.

16 (15) "Day fine" means a fine imposed by the sentencing court that
17 equals the difference between the offender's net daily income and the
18 reasonable obligations that the offender has for the support of the
19 offender and any dependents.

20 (16) "Day reporting" means a program of enhanced supervision
21 designed to monitor the offender's daily activities and compliance with
22 sentence conditions, and in which the offender is required to report
23 daily to a specific location designated by the department or the
24 sentencing court.

25 (17) "Department" means the department of corrections.

26 (18) "Determinate sentence" means a sentence that states with
27 exactitude the number of actual years, months, or days of total
28 confinement, of partial confinement, of community supervision, the
29 number of actual hours or days of community restitution work, or
30 dollars or terms of a legal financial obligation. The fact that an
31 offender through earned release can reduce the actual period of
32 confinement shall not affect the classification of the sentence as a
33 determinate sentence.

34 (19) "Disposable earnings" means that part of the earnings of an
35 offender remaining after the deduction from those earnings of any
36 amount required by law to be withheld. For the purposes of this
37 definition, "earnings" means compensation paid or payable for personal
38 services, whether denominated as wages, salary, commission, bonuses, or

1 otherwise, and, notwithstanding any other provision of law making the
2 payments exempt from garnishment, attachment, or other process to
3 satisfy a court-ordered legal financial obligation, specifically
4 includes periodic payments pursuant to pension or retirement programs,
5 or insurance policies of any type, but does not include payments made
6 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
7 or Title 74 RCW.

8 (20) "Drug offender sentencing alternative" is a sentencing option
9 available to persons convicted of a felony offense other than a violent
10 offense or a sex offense and who are eligible for the option under RCW
11 9.94A.660.

12 (21) "Drug offense" means:

13 (a) Any felony violation of chapter 69.50 RCW except possession of
14 a controlled substance (RCW 69.50.4013) or forged prescription for a
15 controlled substance (RCW 69.50.403);

16 (b) Any offense defined as a felony under federal law that relates
17 to the possession, manufacture, distribution, or transportation of a
18 controlled substance; or

19 (c) Any out-of-state conviction for an offense that under the laws
20 of this state would be a felony classified as a drug offense under (a)
21 of this subsection.

22 (22) "Earned release" means earned release from confinement as
23 provided in RCW 9.94A.728.

24 (23) "Escape" means:

25 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
26 first degree (RCW 9A.76.110), escape in the second degree (RCW
27 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
28 willful failure to return from work release (RCW 72.65.070), or willful
29 failure to be available for supervision by the department while in
30 community custody (RCW 72.09.310); or

31 (b) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as an escape
33 under (a) of this subsection.

34 (24) "Felony traffic offense" means:

35 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
36 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
37 and-run injury-accident (RCW 46.52.020(4)); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a felony
3 traffic offense under (a) of this subsection.

4 (25) "Fine" means a specific sum of money ordered by the sentencing
5 court to be paid by the offender to the court over a specific period of
6 time.

7 (26) "First-time offender" means any person who has no prior
8 convictions for a felony and is eligible for the first-time offender
9 waiver under RCW 9.94A.650.

10 (27) "Home detention" means a program of partial confinement
11 available to offenders wherein the offender is confined in a private
12 residence subject to electronic surveillance.

13 (28) "Legal financial obligation" means a sum of money that is
14 ordered by a superior court of the state of Washington for legal
15 financial obligations which may include restitution to the victim,
16 statutorily imposed crime victims' compensation fees as assessed
17 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
18 court-appointed attorneys' fees, and costs of defense, fines, and any
19 other financial obligation that is assessed to the offender as a result
20 of a felony conviction. Upon conviction for vehicular assault while
21 under the influence of intoxicating liquor or any drug, RCW
22 46.61.522(1)(b), or vehicular homicide while under the influence of
23 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
24 obligations may also include payment to a public agency of the expense
25 of an emergency response to the incident resulting in the conviction,
26 subject to RCW 38.52.430.

27 (29) "Most serious offense" means any of the following felonies or
28 a felony attempt to commit any of the following felonies:

29 (a) Any felony defined under any law as a class A felony or
30 criminal solicitation of or criminal conspiracy to commit a class A
31 felony;

32 (b) Assault in the second degree;

33 (c) Assault of a child in the second degree;

34 (d) Child molestation in the second degree;

35 (e) Controlled substance homicide;

36 (f) Extortion in the first degree;

37 (g) Incest when committed against a child under age fourteen;

38 (h) Indecent liberties;

1 (i) Kidnapping in the second degree;
2 (j) Leading organized crime;
3 (k) Manslaughter in the first degree;
4 (l) Manslaughter in the second degree;
5 (m) Promoting prostitution in the first degree;
6 (n) Rape in the third degree;
7 (o) Robbery in the second degree;
8 (p) Sexual exploitation;
9 (q) Vehicular assault, when caused by the operation or driving of
10 a vehicle by a person while under the influence of intoxicating liquor
11 or any drug or by the operation or driving of a vehicle in a reckless
12 manner;
13 (r) Vehicular homicide, when proximately caused by the driving of
14 any vehicle by any person while under the influence of intoxicating
15 liquor or any drug as defined by RCW 46.61.502, or by the operation of
16 any vehicle in a reckless manner;
17 (s) Any other class B felony offense with a finding of sexual
18 motivation;
19 (t) Any other felony with a deadly weapon verdict under RCW
20 9.94A.602;
21 (u) Any felony offense in effect at any time prior to December 2,
22 1993, that is comparable to a most serious offense under this
23 subsection, or any federal or out-of-state conviction for an offense
24 that under the laws of this state would be a felony classified as a
25 most serious offense under this subsection;
26 (v)(i) A prior conviction for indecent liberties under RCW
27 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
28 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
29 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
30 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
31 (ii) A prior conviction for indecent liberties under RCW
32 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
33 if: (A) The crime was committed against a child under the age of
34 fourteen; or (B) the relationship between the victim and perpetrator is
35 included in the definition of indecent liberties under RCW
36 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
37 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
38 through July 27, 1997.

1 (30) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (31) "Offender" means a person who has committed a felony
4 established by state law and is eighteen years of age or older or is
5 less than eighteen years of age but whose case is under superior court
6 jurisdiction under RCW 13.04.030 or has been transferred by the
7 appropriate juvenile court to a criminal court pursuant to RCW
8 13.40.110. Throughout this chapter, the terms "offender" and
9 "defendant" are used interchangeably.

10 (32) "Partial confinement" means confinement for no more than one
11 year in a facility or institution operated or utilized under contract
12 by the state or any other unit of government, or, if home detention or
13 work crew has been ordered by the court, in an approved residence, for
14 a substantial portion of each day with the balance of the day spent in
15 the community. Partial confinement includes work release, home
16 detention, work crew, and a combination of work crew and home
17 detention.

18 (33) "Persistent offender" is an offender who:

19 (a)(i) Has been convicted in this state of any felony considered a
20 most serious offense; and

21 (ii) Has, before the commission of the offense under (a) of this
22 subsection, been convicted as an offender on at least two separate
23 occasions, whether in this state or elsewhere, of felonies that under
24 the laws of this state would be considered most serious offenses and
25 would be included in the offender score under RCW 9.94A.525; provided
26 that of the two or more previous convictions, at least one conviction
27 must have occurred before the commission of any of the other most
28 serious offenses for which the offender was previously convicted; or

29 (b)(i) Has been convicted of: (A) Rape in the first degree, (~~rape~~
30 ~~of a child in the first degree, child molestation in the first~~
31 ~~degree,~~) rape in the second degree, rape of a child in the second
32 degree, or indecent liberties by forcible compulsion; (B) any of the
33 following offenses with a finding of sexual motivation: Murder in the
34 first degree, murder in the second degree, homicide by abuse,
35 kidnapping in the first degree, kidnapping in the second degree,
36 assault in the first degree, assault in the second degree, assault of
37 a child in the first degree, or burglary in the first degree; or (C) an
38 attempt to commit any crime listed in this subsection (33)(b)(i); and

1 (ii) Has, before the commission of the offense under (b)(i) of this
2 subsection, been convicted as an offender on at least one occasion,
3 whether in this state or elsewhere, of rape of a child in the first
4 degree, child molestation in the first degree, or an offense listed in
5 (b)(i) of this subsection or any federal or out-of-state offense or
6 offense under prior Washington law that is comparable to the offenses
7 listed in (b)(i) of this subsection. A conviction for rape of a child
8 in the first degree constitutes a conviction under (b)(i) of this
9 subsection only when the offender was sixteen years of age or older
10 when the offender committed the offense. A conviction for rape of a
11 child in the second degree constitutes a conviction under (b)(i) of
12 this subsection only when the offender was eighteen years of age or
13 older when the offender committed the offense.

14 (34) "Postrelease supervision" is that portion of an offender's
15 community placement that is not community custody.

16 (35) "Private school" means a school regulated under chapter
17 28A.195 or 28A.205 RCW.

18 (36) "Public school" has the same meaning as in RCW 28A.150.010.

19 (37) "Restitution" means a specific sum of money ordered by the
20 sentencing court to be paid by the offender to the court over a
21 specified period of time as payment of damages. The sum may include
22 both public and private costs.

23 (38) "Risk assessment" means the application of an objective
24 instrument supported by research and adopted by the department for the
25 purpose of assessing an offender's risk of reoffense, taking into
26 consideration the nature of the harm done by the offender, place and
27 circumstances of the offender related to risk, the offender's
28 relationship to any victim, and any information provided to the
29 department by victims. The results of a risk assessment shall not be
30 based on unconfirmed or unconfirmable allegations.

31 (39) "Serious traffic offense" means:

32 (a) Driving while under the influence of intoxicating liquor or any
33 drug (RCW 46.61.502), actual physical control while under the influence
34 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
35 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
36 or

37 (b) Any federal, out-of-state, county, or municipal conviction for

1 an offense that under the laws of this state would be classified as a
2 serious traffic offense under (a) of this subsection.

3 (40) "Serious violent offense" is a subcategory of violent offense
4 and means:

5 (a)(i) Murder in the first degree;

6 (ii) Homicide by abuse;

7 (iii) Murder in the second degree;

8 (iv) Manslaughter in the first degree;

9 (v) Assault in the first degree;

10 (vi) Kidnapping in the first degree;

11 (vii) Rape in the first degree;

12 (viii) Assault of a child in the first degree; or

13 (ix) An attempt, criminal solicitation, or criminal conspiracy to
14 commit one of these felonies; or

15 (b) Any federal or out-of-state conviction for an offense that
16 under the laws of this state would be a felony classified as a serious
17 violent offense under (a) of this subsection.

18 (41) "Sex offense" means:

19 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
20 RCW 9A.44.130(11);

21 (ii) A violation of RCW 9A.64.020;

22 (iii) A felony that is a violation of chapter 9.68A RCW other than
23 RCW 9.68A.070 or 9.68A.080; or

24 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
25 criminal solicitation, or criminal conspiracy to commit such crimes;

26 (b) Any conviction for a felony offense in effect at any time prior
27 to July 1, 1976, that is comparable to a felony classified as a sex
28 offense in (a) of this subsection;

29 (c) A felony with a finding of sexual motivation under RCW
30 9.94A.835 or 13.40.135; or

31 (d) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a sex
33 offense under (a) of this subsection.

34 (42) "Sexual motivation" means that one of the purposes for which
35 the defendant committed the crime was for the purpose of his or her
36 sexual gratification.

37 (43) "Standard sentence range" means the sentencing court's
38 discretionary range in imposing a nonappealable sentence.

1 (44) "Statutory maximum sentence" means the maximum length of time
2 for which an offender may be confined as punishment for a crime as
3 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
4 crime, or other statute defining the maximum penalty for a crime.

5 (45) "Total confinement" means confinement inside the physical
6 boundaries of a facility or institution operated or utilized under
7 contract by the state or any other unit of government for twenty-four
8 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

9 (46) "Transition training" means written and verbal instructions
10 and assistance provided by the department to the offender during the
11 two weeks prior to the offender's successful completion of the work
12 ethic camp program. The transition training shall include instructions
13 in the offender's requirements and obligations during the offender's
14 period of community custody.

15 (47) "Victim" means any person who has sustained emotional,
16 psychological, physical, or financial injury to person or property as
17 a direct result of the crime charged.

18 (48) "Violent offense" means:

19 (a) Any of the following felonies:

20 (i) Any felony defined under any law as a class A felony or an
21 attempt to commit a class A felony;

22 (ii) Criminal solicitation of or criminal conspiracy to commit a
23 class A felony;

24 (iii) Manslaughter in the first degree;

25 (iv) Manslaughter in the second degree;

26 (v) Indecent liberties if committed by forcible compulsion;

27 (vi) Kidnapping in the second degree;

28 (vii) Arson in the second degree;

29 (viii) Assault in the second degree;

30 (ix) Assault of a child in the second degree;

31 (x) Extortion in the first degree;

32 (xi) Robbery in the second degree;

33 (xii) Drive-by shooting;

34 (xiii) Vehicular assault, when caused by the operation or driving
35 of a vehicle by a person while under the influence of intoxicating
36 liquor or any drug or by the operation or driving of a vehicle in a
37 reckless manner; and

1 (xiv) Vehicular homicide, when proximately caused by the driving of
2 any vehicle by any person while under the influence of intoxicating
3 liquor or any drug as defined by RCW 46.61.502, or by the operation of
4 any vehicle in a reckless manner;

5 (b) Any conviction for a felony offense in effect at any time prior
6 to July 1, 1976, that is comparable to a felony classified as a violent
7 offense in (a) of this subsection; and

8 (c) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a violent
10 offense under (a) or (b) of this subsection.

11 (49) "Work crew" means a program of partial confinement consisting
12 of civic improvement tasks for the benefit of the community that
13 complies with RCW 9.94A.725.

14 (50) "Work ethic camp" means an alternative incarceration program
15 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
16 the cost of corrections by requiring offenders to complete a
17 comprehensive array of real-world job and vocational experiences,
18 character-building work ethics training, life management skills
19 development, substance abuse rehabilitation, counseling, literacy
20 training, and basic adult education.

21 (51) "Work release" means a program of partial confinement
22 available to offenders who are employed or engaged as a student in a
23 regular course of study at school.

24 **Sec. 3.** RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read
25 as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Board" means the indeterminate sentence review board created
29 under chapter 9.95 RCW.

30 (2) "Collect," or any derivative thereof, "collect and remit," or
31 "collect and deliver," when used with reference to the department,
32 means that the department, either directly or through a collection
33 agreement authorized by RCW 9.94A.760, is responsible for monitoring
34 and enforcing the offender's sentence with regard to the legal
35 financial obligation, receiving payment thereof from the offender, and,
36 consistent with current law, delivering daily the entire payment to the
37 superior court clerk without depositing it in a departmental account.

1 (3) "Commission" means the sentencing guidelines commission.

2 (4) "Community corrections officer" means an employee of the
3 department who is responsible for carrying out specific duties in
4 supervision of sentenced offenders and monitoring of sentence
5 conditions.

6 (5) "Community custody" means that portion of an offender's
7 sentence of confinement in lieu of earned release time or imposed
8 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
9 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
10 community subject to controls placed on the offender's movement and
11 activities by the department. For offenders placed on community
12 custody for crimes committed on or after July 1, 2000, the department
13 shall assess the offender's risk of reoffense and may establish and
14 modify conditions of community custody, in addition to those imposed by
15 the court, based upon the risk to community safety.

16 (6) "Community custody range" means the minimum and maximum period
17 of community custody included as part of a sentence under RCW
18 9.94A.715, as established by the commission or the legislature under
19 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

20 (7) "Community placement" means that period during which the
21 offender is subject to the conditions of community custody and/or
22 postrelease supervision, which begins either upon completion of the
23 term of confinement (postrelease supervision) or at such time as the
24 offender is transferred to community custody in lieu of earned release.
25 Community placement may consist of entirely community custody, entirely
26 postrelease supervision, or a combination of the two.

27 (8) "Community restitution" means compulsory service, without
28 compensation, performed for the benefit of the community by the
29 offender.

30 (9) "Community supervision" means a period of time during which a
31 convicted offender is subject to crime-related prohibitions and other
32 sentence conditions imposed by a court pursuant to this chapter or RCW
33 16.52.200(6) or 46.61.524. Where the court finds that any offender has
34 a chemical dependency that has contributed to his or her offense, the
35 conditions of supervision may, subject to available resources, include
36 treatment. For purposes of the interstate compact for out-of-state
37 supervision of parolees and probationers, RCW 9.95.270, community

1 supervision is the functional equivalent of probation and should be
2 considered the same as probation by other states.

3 (10) "Confinement" means total or partial confinement.

4 (11) "Conviction" means an adjudication of guilt pursuant to Titles
5 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
6 acceptance of a plea of guilty.

7 (12) "Crime-related prohibition" means an order of a court
8 prohibiting conduct that directly relates to the circumstances of the
9 crime for which the offender has been convicted, and shall not be
10 construed to mean orders directing an offender affirmatively to
11 participate in rehabilitative programs or to otherwise perform
12 affirmative conduct. However, affirmative acts necessary to monitor
13 compliance with the order of a court may be required by the department.

14 (13) "Criminal history" means the list of a defendant's prior
15 convictions and juvenile adjudications, whether in this state, in
16 federal court, or elsewhere.

17 (a) The history shall include, where known, for each conviction (i)
18 whether the defendant has been placed on probation and the length and
19 terms thereof; and (ii) whether the defendant has been incarcerated and
20 the length of incarceration.

21 (b) A conviction may be removed from a defendant's criminal history
22 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
23 a similar out-of-state statute, or if the conviction has been vacated
24 pursuant to a governor's pardon.

25 (c) The determination of a defendant's criminal history is distinct
26 from the determination of an offender score. A prior conviction that
27 was not included in an offender score calculated pursuant to a former
28 version of the sentencing reform act remains part of the defendant's
29 criminal history.

30 (14) "Day fine" means a fine imposed by the sentencing court that
31 equals the difference between the offender's net daily income and the
32 reasonable obligations that the offender has for the support of the
33 offender and any dependents.

34 (15) "Day reporting" means a program of enhanced supervision
35 designed to monitor the offender's daily activities and compliance with
36 sentence conditions, and in which the offender is required to report
37 daily to a specific location designated by the department or the
38 sentencing court.

1 (16) "Department" means the department of corrections.

2 (17) "Determinate sentence" means a sentence that states with
3 exactitude the number of actual years, months, or days of total
4 confinement, of partial confinement, of community supervision, the
5 number of actual hours or days of community restitution work, or
6 dollars or terms of a legal financial obligation. The fact that an
7 offender through earned release can reduce the actual period of
8 confinement shall not affect the classification of the sentence as a
9 determinate sentence.

10 (18) "Disposable earnings" means that part of the earnings of an
11 offender remaining after the deduction from those earnings of any
12 amount required by law to be withheld. For the purposes of this
13 definition, "earnings" means compensation paid or payable for personal
14 services, whether denominated as wages, salary, commission, bonuses, or
15 otherwise, and, notwithstanding any other provision of law making the
16 payments exempt from garnishment, attachment, or other process to
17 satisfy a court-ordered legal financial obligation, specifically
18 includes periodic payments pursuant to pension or retirement programs,
19 or insurance policies of any type, but does not include payments made
20 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
21 or Title 74 RCW.

22 (19) "Drug offender sentencing alternative" is a sentencing option
23 available to persons convicted of a felony offense other than a violent
24 offense or a sex offense and who are eligible for the option under RCW
25 9.94A.660.

26 (20) "Drug offense" means:

27 (a) Any felony violation of chapter 69.50 RCW except possession of
28 a controlled substance (RCW 69.50.4013) or forged prescription for a
29 controlled substance (RCW 69.50.403);

30 (b) Any offense defined as a felony under federal law that relates
31 to the possession, manufacture, distribution, or transportation of a
32 controlled substance; or

33 (c) Any out-of-state conviction for an offense that under the laws
34 of this state would be a felony classified as a drug offense under (a)
35 of this subsection.

36 (21) "Earned release" means earned release from confinement as
37 provided in RCW 9.94A.728.

38 (22) "Escape" means:

1 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
2 first degree (RCW 9A.76.110), escape in the second degree (RCW
3 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
4 willful failure to return from work release (RCW 72.65.070), or willful
5 failure to be available for supervision by the department while in
6 community custody (RCW 72.09.310); or

7 (b) Any federal or out-of-state conviction for an offense that
8 under the laws of this state would be a felony classified as an escape
9 under (a) of this subsection.

10 (23) "Felony traffic offense" means:

11 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
12 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
13 and-run injury-accident (RCW 46.52.020(4)); or

14 (b) Any federal or out-of-state conviction for an offense that
15 under the laws of this state would be a felony classified as a felony
16 traffic offense under (a) of this subsection.

17 (24) "Fine" means a specific sum of money ordered by the sentencing
18 court to be paid by the offender to the court over a specific period of
19 time.

20 (25) "First-time offender" means any person who has no prior
21 convictions for a felony and is eligible for the first-time offender
22 waiver under RCW 9.94A.650.

23 (26) "Home detention" means a program of partial confinement
24 available to offenders wherein the offender is confined in a private
25 residence subject to electronic surveillance.

26 (27) "Legal financial obligation" means a sum of money that is
27 ordered by a superior court of the state of Washington for legal
28 financial obligations which may include restitution to the victim,
29 statutorily imposed crime victims' compensation fees as assessed
30 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
31 court-appointed attorneys' fees, and costs of defense, fines, and any
32 other financial obligation that is assessed to the offender as a result
33 of a felony conviction. Upon conviction for vehicular assault while
34 under the influence of intoxicating liquor or any drug, RCW
35 46.61.522(1)(b), or vehicular homicide while under the influence of
36 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
37 obligations may also include payment to a public agency of the expense

1 of an emergency response to the incident resulting in the conviction,
2 subject to RCW 38.52.430.

3 (28) "Most serious offense" means any of the following felonies or
4 a felony attempt to commit any of the following felonies:

5 (a) Any felony defined under any law as a class A felony or
6 criminal solicitation of or criminal conspiracy to commit a class A
7 felony;

8 (b) Assault in the second degree;

9 (c) Assault of a child in the second degree;

10 (d) Child molestation in the second degree;

11 (e) Controlled substance homicide;

12 (f) Extortion in the first degree;

13 (g) Incest when committed against a child under age fourteen;

14 (h) Indecent liberties;

15 (i) Kidnapping in the second degree;

16 (j) Leading organized crime;

17 (k) Manslaughter in the first degree;

18 (l) Manslaughter in the second degree;

19 (m) Promoting prostitution in the first degree;

20 (n) Rape in the third degree;

21 (o) Robbery in the second degree;

22 (p) Sexual exploitation;

23 (q) Vehicular assault, when caused by the operation or driving of
24 a vehicle by a person while under the influence of intoxicating liquor
25 or any drug or by the operation or driving of a vehicle in a reckless
26 manner;

27 (r) Vehicular homicide, when proximately caused by the driving of
28 any vehicle by any person while under the influence of intoxicating
29 liquor or any drug as defined by RCW 46.61.502, or by the operation of
30 any vehicle in a reckless manner;

31 (s) Any other class B felony offense with a finding of sexual
32 motivation;

33 (t) Any other felony with a deadly weapon verdict under RCW
34 9.94A.602;

35 (u) Any felony offense in effect at any time prior to December 2,
36 1993, that is comparable to a most serious offense under this
37 subsection, or any federal or out-of-state conviction for an offense

1 that under the laws of this state would be a felony classified as a
2 most serious offense under this subsection;

3 (v)(i) A prior conviction for indecent liberties under RCW
4 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
5 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
6 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
7 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

8 (ii) A prior conviction for indecent liberties under RCW
9 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
10 if: (A) The crime was committed against a child under the age of
11 fourteen; or (B) the relationship between the victim and perpetrator is
12 included in the definition of indecent liberties under RCW
13 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
14 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
15 through July 27, 1997.

16 (29) "Nonviolent offense" means an offense which is not a violent
17 offense.

18 (30) "Offender" means a person who has committed a felony
19 established by state law and is eighteen years of age or older or is
20 less than eighteen years of age but whose case is under superior court
21 jurisdiction under RCW 13.04.030 or has been transferred by the
22 appropriate juvenile court to a criminal court pursuant to RCW
23 13.40.110. Throughout this chapter, the terms "offender" and
24 "defendant" are used interchangeably.

25 (31) "Partial confinement" means confinement for no more than one
26 year in a facility or institution operated or utilized under contract
27 by the state or any other unit of government, or, if home detention or
28 work crew has been ordered by the court, in an approved residence, for
29 a substantial portion of each day with the balance of the day spent in
30 the community. Partial confinement includes work release, home
31 detention, work crew, and a combination of work crew and home
32 detention.

33 (32) "Persistent offender" is an offender who:

34 (a)(i) Has been convicted in this state of any felony considered a
35 most serious offense; and

36 (ii) Has, before the commission of the offense under (a) of this
37 subsection, been convicted as an offender on at least two separate
38 occasions, whether in this state or elsewhere, of felonies that under

1 the laws of this state would be considered most serious offenses and
2 would be included in the offender score under RCW 9.94A.525; provided
3 that of the two or more previous convictions, at least one conviction
4 must have occurred before the commission of any of the other most
5 serious offenses for which the offender was previously convicted; or

6 (b)(i) Has been convicted of: (A) Rape in the first degree, (~~rape~~
7 ~~of a child in the first degree, child molestation in the first~~
8 ~~degree,~~) rape in the second degree, rape of a child in the second
9 degree, or indecent liberties by forcible compulsion; (B) any of the
10 following offenses with a finding of sexual motivation: Murder in the
11 first degree, murder in the second degree, homicide by abuse,
12 kidnapping in the first degree, kidnapping in the second degree,
13 assault in the first degree, assault in the second degree, assault of
14 a child in the first degree, or burglary in the first degree; or (C) an
15 attempt to commit any crime listed in this subsection (32)(b)(i); and

16 (ii) Has, before the commission of the offense under (b)(i) of this
17 subsection, been convicted as an offender on at least one occasion,
18 whether in this state or elsewhere, of rape of a child in the first
19 degree, child molestation in the first degree, or an offense listed in
20 (b)(i) of this subsection or any federal or out-of-state offense or
21 offense under prior Washington law that is comparable to the offenses
22 listed in (b)(i) of this subsection. A conviction for rape of a child
23 in the first degree constitutes a conviction under (b)(i) of this
24 subsection only when the offender was sixteen years of age or older
25 when the offender committed the offense. A conviction for rape of a
26 child in the second degree constitutes a conviction under (b)(i) of
27 this subsection only when the offender was eighteen years of age or
28 older when the offender committed the offense.

29 (33) "Postrelease supervision" is that portion of an offender's
30 community placement that is not community custody.

31 (34) "Restitution" means a specific sum of money ordered by the
32 sentencing court to be paid by the offender to the court over a
33 specified period of time as payment of damages. The sum may include
34 both public and private costs.

35 (35) "Risk assessment" means the application of an objective
36 instrument supported by research and adopted by the department for the
37 purpose of assessing an offender's risk of reoffense, taking into
38 consideration the nature of the harm done by the offender, place and

1 circumstances of the offender related to risk, the offender's
2 relationship to any victim, and any information provided to the
3 department by victims. The results of a risk assessment shall not be
4 based on unconfirmed or unconfirmable allegations.

5 (36) "Serious traffic offense" means:

6 (a) Driving while under the influence of intoxicating liquor or any
7 drug (RCW 46.61.502), actual physical control while under the influence
8 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
9 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
10 or

11 (b) Any federal, out-of-state, county, or municipal conviction for
12 an offense that under the laws of this state would be classified as a
13 serious traffic offense under (a) of this subsection.

14 (37) "Serious violent offense" is a subcategory of violent offense
15 and means:

16 (a)(i) Murder in the first degree;

17 (ii) Homicide by abuse;

18 (iii) Murder in the second degree;

19 (iv) Manslaughter in the first degree;

20 (v) Assault in the first degree;

21 (vi) Kidnapping in the first degree;

22 (vii) Rape in the first degree;

23 (viii) Assault of a child in the first degree; or

24 (ix) An attempt, criminal solicitation, or criminal conspiracy to
25 commit one of these felonies; or

26 (b) Any federal or out-of-state conviction for an offense that
27 under the laws of this state would be a felony classified as a serious
28 violent offense under (a) of this subsection.

29 (38) "Sex offense" means:

30 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
31 RCW 9A.44.130(11);

32 (ii) A violation of RCW 9A.64.020;

33 (iii) A felony that is a violation of chapter 9.68A RCW other than
34 RCW 9.68A.070 or 9.68A.080; or

35 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
36 criminal solicitation, or criminal conspiracy to commit such crimes;

37 (b) Any conviction for a felony offense in effect at any time prior

1 to July 1, 1976, that is comparable to a felony classified as a sex
2 offense in (a) of this subsection;

3 (c) A felony with a finding of sexual motivation under RCW
4 9.94A.835 or 13.40.135; or

5 (d) Any federal or out-of-state conviction for an offense that
6 under the laws of this state would be a felony classified as a sex
7 offense under (a) of this subsection.

8 (39) "Sexual motivation" means that one of the purposes for which
9 the defendant committed the crime was for the purpose of his or her
10 sexual gratification.

11 (40) "Standard sentence range" means the sentencing court's
12 discretionary range in imposing a nonappealable sentence.

13 (41) "Statutory maximum sentence" means the maximum length of time
14 for which an offender may be confined as punishment for a crime as
15 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
16 crime, or other statute defining the maximum penalty for a crime.

17 (42) "Total confinement" means confinement inside the physical
18 boundaries of a facility or institution operated or utilized under
19 contract by the state or any other unit of government for twenty-four
20 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

21 (43) "Transition training" means written and verbal instructions
22 and assistance provided by the department to the offender during the
23 two weeks prior to the offender's successful completion of the work
24 ethic camp program. The transition training shall include instructions
25 in the offender's requirements and obligations during the offender's
26 period of community custody.

27 (44) "Victim" means any person who has sustained emotional,
28 psychological, physical, or financial injury to person or property as
29 a direct result of the crime charged.

30 (45) "Violent offense" means:

31 (a) Any of the following felonies:

32 (i) Any felony defined under any law as a class A felony or an
33 attempt to commit a class A felony;

34 (ii) Criminal solicitation of or criminal conspiracy to commit a
35 class A felony;

36 (iii) Manslaughter in the first degree;

37 (iv) Manslaughter in the second degree;

38 (v) Indecent liberties if committed by forcible compulsion;

- 1 (vi) Kidnapping in the second degree;
- 2 (vii) Arson in the second degree;
- 3 (viii) Assault in the second degree;
- 4 (ix) Assault of a child in the second degree;
- 5 (x) Extortion in the first degree;
- 6 (xi) Robbery in the second degree;
- 7 (xii) Drive-by shooting;
- 8 (xiii) Vehicular assault, when caused by the operation or driving
- 9 of a vehicle by a person while under the influence of intoxicating
- 10 liquor or any drug or by the operation or driving of a vehicle in a
- 11 reckless manner; and
- 12 (xiv) Vehicular homicide, when proximately caused by the driving of
- 13 any vehicle by any person while under the influence of intoxicating
- 14 liquor or any drug as defined by RCW 46.61.502, or by the operation of
- 15 any vehicle in a reckless manner;
- 16 (b) Any conviction for a felony offense in effect at any time prior
- 17 to July 1, 1976, that is comparable to a felony classified as a violent
- 18 offense in (a) of this subsection; and
- 19 (c) Any federal or out-of-state conviction for an offense that
- 20 under the laws of this state would be a felony classified as a violent
- 21 offense under (a) or (b) of this subsection.
- 22 (46) "Work crew" means a program of partial confinement consisting
- 23 of civic improvement tasks for the benefit of the community that
- 24 complies with RCW 9.94A.725.
- 25 (47) "Work ethic camp" means an alternative incarceration program
- 26 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
- 27 the cost of corrections by requiring offenders to complete a
- 28 comprehensive array of real-world job and vocational experiences,
- 29 character-building work ethics training, life management skills
- 30 development, substance abuse rehabilitation, counseling, literacy
- 31 training, and basic adult education.
- 32 (48) "Work release" means a program of partial confinement
- 33 available to offenders who are employed or engaged as a student in a
- 34 regular course of study at school.

35 **Sec. 4.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
36 each reenacted and amended to read as follows:
37

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW
10.95.020)
Child Molestation 1 (RCW 9A.44.083)
Rape of a Child 1 (RCW 9A.44.073)
- XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW
70.74.280(1))
Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW
70.74.280(2))
Malicious placement of an explosive 1
(RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation
device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
~~((Rape of a Child 1 (RCW
9A.44.073)))~~
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
- X ~~((Child Molestation 1 (RCW
9A.44.083)))~~
Indecent Liberties (with forcible
compulsion) (RCW
9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW
9A.82.060(1)(a))

1 Malicious explosion 3 (RCW
2 70.74.280(3))
3 Sexually Violent Predator Escape
4 (RCW 9A.76.115)
5 IX Assault of a Child 2 (RCW 9A.36.130)
6 Explosive devices prohibited (RCW
7 70.74.180)
8 Hit and Run--Death (RCW
9 46.52.020(4)(a))
10 Homicide by Watercraft, by being
11 under the influence of intoxicating
12 liquor or any drug (RCW
13 79A.60.050)
14 Inciting Criminal Profiteering (RCW
15 9A.82.060(1)(b))
16 Malicious placement of an explosive 2
17 (RCW 70.74.270(2))
18 Robbery 1 (RCW 9A.56.200)
19 Sexual Exploitation (RCW 9.68A.040)
20 Vehicular Homicide, by being under
21 the influence of intoxicating liquor
22 or any drug (RCW 46.61.520)
23 VIII Arson 1 (RCW 9A.48.020)
24 Homicide by Watercraft, by the
25 operation of any vessel in a
26 reckless manner (RCW
27 79A.60.050)
28 Manslaughter 2 (RCW 9A.32.070)
29 Promoting Prostitution 1 (RCW
30 9A.88.070)
31 Theft of Ammonia (RCW 69.55.010)
32 Vehicular Homicide, by the operation
33 of any vehicle in a reckless
34 manner (RCW 46.61.520)
35 VII Burglary 1 (RCW 9A.52.020)
36 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)
3 Dealing in depictions of minor
4 engaged in sexually explicit
5 conduct (RCW 9.68A.050)
6 Drive-by Shooting (RCW 9A.36.045)
7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))
13 Introducing Contraband 1 (RCW
14 9A.76.140)
15 Malicious placement of an explosive 3
16 (RCW 70.74.270(3))
17 Negligently Causing Death By Use of
18 a Signal Preemption Device
19 (RCW 46.37.675)
20 Sending, bringing into state depictions
21 of minor engaged in sexually
22 explicit conduct (RCW
23 9.68A.060)
24 Unlawful Possession of a Firearm in
25 the first degree (RCW
26 9.41.040(1))
27 Use of a Machine Gun in Commission
28 of a Felony (RCW 9.41.225)
29 Vehicular Homicide, by disregard for
30 the safety of others (RCW
31 46.61.520)
32 VI Bail Jumping with Murder 1 (RCW
33 9A.76.170(3)(a))
34 Bribery (RCW 9A.68.010)
35 Incest 1 (RCW 9A.64.020(1))
36 Intimidating a Judge (RCW
37 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation
4 device 2 (RCW 70.74.272(1)(b))
5 Rape of a Child 3 (RCW 9A.44.079)
6 Theft of a Firearm (RCW 9A.56.300)
7 Unlawful Storage of Ammonia (RCW
8 69.55.020)
9 V Abandonment of dependent person 1
10 (RCW 9A.42.060)
11 Advancing money or property for
12 extortionate extension of credit
13 (RCW 9A.82.030)
14 Bail Jumping with class A Felony
15 (RCW 9A.76.170(3)(b))
16 Child Molestation 3 (RCW 9A.44.089)
17 Criminal Mistreatment 1 (RCW
18 9A.42.020)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)
21 Domestic Violence Court Order
22 Violation (RCW 10.99.040,
23 10.99.050, 26.09.300, 26.10.220,
24 26.26.138, 26.50.110, 26.52.070,
25 or 74.34.145)
26 Extortion 1 (RCW 9A.56.120)
27 Extortionate Extension of Credit
28 (RCW 9A.82.020)
29 Extortionate Means to Collect
30 Extensions of Credit (RCW
31 9A.82.040)
32 Incest 2 (RCW 9A.64.020(2))
33 Kidnapping 2 (RCW 9A.40.030)
34 Perjury 1 (RCW 9A.72.020)
35 Persistent prison misbehavior (RCW
36 9.94.070)

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1
5 (RCW 9A.76.070)
6 Sexual Misconduct with a Minor 1
7 (RCW 9A.44.093)
8 Sexually Violating Human Remains
9 (RCW 9A.44.105)
10 Stalking (RCW 9A.46.110)
11 Taking Motor Vehicle Without
12 Permission 1 (RCW 9A.56.070)
13 IV Arson 2 (RCW 9A.48.030)
14 Assault 2 (RCW 9A.36.021)
15 Assault 3 (of a Peace Officer with a
16 Projectile Stun Gun) (RCW
17 9A.36.031(1)(h))
18 Assault by Watercraft (RCW
19 79A.60.060)
20 Bribing a Witness/Bribe Received by
21 Witness (RCW 9A.72.090,
22 9A.72.100)
23 Cheating 1 (RCW 9A.46.1961)
24 Commercial Bribery (RCW
25 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Endangerment with a Controlled
28 Substance (RCW 9A.42.100)
29 Escape 1 (RCW 9A.76.110)
30 Hit and Run--Injury (RCW
31 46.52.020(4)(b))
32 Hit and Run with Vessel--Injury
33 Accident (RCW 79A.60.200(3))
34 Identity Theft 1 (RCW 9.35.020(2))
35 Indecent Exposure to Person Under
36 Age Fourteen (subsequent sex
37 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)

1 Assault 3 (Except Assault 3 of a Peace
2 Officer With a Projectile Stun
3 Gun) (RCW 9A.36.031 except
4 subsection (1)(h))
5 Assault of a Child 3 (RCW 9A.36.140)
6 Bail Jumping with class B or C Felony
7 (RCW 9A.76.170(3)(c))
8 Burglary 2 (RCW 9A.52.030)
9 Communication with a Minor for
10 Immoral Purposes (RCW
11 9.68A.090)
12 Criminal Gang Intimidation (RCW
13 9A.46.120)
14 Criminal Mistreatment 2 (RCW
15 9A.42.030)
16 Custodial Assault (RCW 9A.36.100)
17 Cyberstalking (subsequent conviction
18 or threat of death) (RCW
19 9.61.260(3))
20 Escape 2 (RCW 9A.76.120)
21 Extortion 2 (RCW 9A.56.130)
22 Harassment (RCW 9A.46.020)
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Introducing Contraband 2 (RCW
26 9A.76.150)
27 Malicious Injury to Railroad Property
28 (RCW 81.60.070)
29 Negligently Causing Substantial Bodily
30 Harm By Use of a Signal
31 Preemption Device (RCW
32 46.37.674)
33 Patronizing a Juvenile Prostitute
34 (RCW 9.68A.100)
35 Perjury 2 (RCW 9A.72.030)
36 Possession of Incendiary Device (RCW
37 9.40.120)

1 Possession of Machine Gun or Short-
2 Barreled Shotgun or Rifle (RCW
3 9.41.190)
4 Promoting Prostitution 2 (RCW
5 9A.88.080)
6 Securities Act violation (RCW
7 21.20.400)
8 Tampering with a Witness (RCW
9 9A.72.120)
10 Telephone Harassment (subsequent
11 conviction or threat of death)
12 (RCW 9.61.230(2))
13 Theft of Livestock 2 (RCW 9A.56.083)
14 Trafficking in Stolen Property 2 (RCW
15 9A.82.055)
16 Unlawful Imprisonment (RCW
17 9A.40.040)
18 Unlawful possession of firearm in the
19 second degree (RCW 9.41.040(2))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 II Computer Trespass 1 (RCW
27 9A.52.110)
28 Counterfeiting (RCW 9.16.035(3))
29 Escape from Community Custody
30 (RCW 72.09.310)
31 Health Care False Claims (RCW
32 48.80.030)
33 Identity Theft 2 (RCW 9.35.020(3))
34 Improperly Obtaining Financial
35 Information (RCW 9.35.010)
36 Malicious Mischief 1 (RCW
37 9A.48.070)

1 Possession of Stolen Property 1 (RCW
2 9A.56.150)
3 Theft 1 (RCW 9A.56.030)
4 Theft of Rental, Leased, or Lease-
5 purchased Property (valued at one
6 thousand five hundred dollars or
7 more) (RCW 9A.56.096(5)(a))
8 Trafficking in Insurance Claims (RCW
9 48.30A.015)
10 Unlawful factoring of a credit card or
11 payment card transaction (RCW
12 9A.56.290(4)(a))
13 Unlawful Practice of Law (RCW
14 2.48.180)
15 Unlicensed Practice of a Profession or
16 Business (RCW 18.130.190(7))
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
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 9A.56.075)
33 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(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(4))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW
16 9A.56.320)
17 Unlawful Possession of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Possession of a Personal
20 Identification Device (RCW
21 9A.56.320)
22 Unlawful Production of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Trafficking in Food Stamps
25 (RCW 9.91.142)
26 Unlawful Use of Food Stamps (RCW
27 9.91.144)
28 Vehicle Prowl 1 (RCW 9A.52.095)

29 NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1, 2006.

30 NEW SECTION. **Sec. 6.** (1) Sections 1, 2, and 4 of this act are
31 necessary for the immediate preservation of the public peace, health,
32 or safety, or support of the state government and its existing public
33 institutions, and take effect immediately.

34 (2) Section 3 of this act takes effect July 1, 2006.

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