
SENATE BILL 5956

State of Washington

59th Legislature

2005 Regular Session

By Senator Kastama

Read first time 02/16/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to homicide by abuse; amending RCW 9A.32.055;
2 reenacting and amending RCW 9.94A.515; creating a new section;
3 prescribing penalties; providing an effective date; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 9A.32.055 and 1987 c 187 s 1 are each amended to read
7 as follows:

8 (1) A person is guilty of homicide by abuse in the first degree if,
9 under circumstances manifesting an extreme indifference to human life,
10 the person causes the death of a child or person under sixteen years of
11 age, a developmentally disabled person, or a dependent adult, and the
12 person has previously engaged in a pattern or practice of assault or
13 torture of (~~said~~) the child, person under sixteen years of age,
14 developmentally disabled person, or dependent person.

15 (2) As used in this section, "dependent adult" means a person who,
16 because of physical or mental disability, or because of extreme
17 advanced age, is dependent upon another person to provide the basic
18 necessities of life.

19 (3) Homicide by abuse in the first degree is a class A felony.

1 Rape of a Child 2 (RCW 9A.44.076)
2 X Child Molestation 1 (RCW 9A.44.083)
3 Indecent Liberties (with forcible
4 compulsion) (RCW
5 9A.44.100(1)(a))
6 Kidnapping 1 (RCW 9A.40.020)
7 Leading Organized Crime (RCW
8 9A.82.060(1)(a))
9 Malicious explosion 3 (RCW
10 70.74.280(3))
11 Sexually Violent Predator Escape
12 (RCW 9A.76.115)
13 IX Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run--Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being
19 under the influence of intoxicating
20 liquor or any drug (RCW
21 79A.60.050)
22 Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b))
24 Malicious placement of an explosive 2
25 (RCW 70.74.270(2))
26 Robbery 1 (RCW 9A.56.200)
27 Sexual Exploitation (RCW 9.68A.040)
28 Vehicular Homicide, by being under
29 the influence of intoxicating
30 liquor or any drug (RCW
31 46.61.520)
32 VIII Arson 1 (RCW 9A.48.020)
33 Homicide by Watercraft, by the
34 operation of any vessel in a
35 reckless manner (RCW
36 79A.60.050)
37 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Prostitution 1 (RCW
2 9A.88.070)
3 Theft of Ammonia (RCW 69.55.010)
4 Vehicular Homicide, by the operation
5 of any vehicle in a reckless
6 manner (RCW 46.61.520)
7 VII Burglary 1 (RCW 9A.52.020)
8 Child Molestation 2 (RCW 9A.44.086)
9 Civil Disorder Training (RCW
10 9A.48.120)
11 Dealing in depictions of minor
12 engaged in sexually explicit
13 conduct (RCW 9.68A.050)
14 Drive-by Shooting (RCW 9A.36.045)
15 Homicide by Watercraft, by disregard
16 for the safety of others (RCW
17 79A.60.050)
18 Indecent Liberties (without forcible
19 compulsion) (RCW 9A.44.100(1)
20 (b) and (c))
21 Introducing Contraband 1 (RCW
22 9A.76.140)
23 Malicious placement of an explosive 3
24 (RCW 70.74.270(3))
25 Sending, bringing into state depictions
26 of minor engaged in sexually
27 explicit conduct (RCW
28 9.68A.060)
29 Unlawful Possession of a Firearm in
30 the first degree (RCW
31 9.41.040(1))
32 Use of a Machine Gun in Commission
33 of a Felony (RCW 9.41.225)
34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW
6 9A.72.160)
7 Intimidating a Juror/Witness (RCW
8 9A.72.110, 9A.72.130)
9 Malicious placement of an imitation
10 device 2 (RCW 70.74.272(1)(b))
11 Rape of a Child 3 (RCW 9A.44.079)
12 Theft of a Firearm (RCW 9A.56.300)
13 Unlawful Storage of Ammonia (RCW
14 69.55.020)

15 V Abandonment of dependent person 1
16 (RCW 9A.42.060)
17 Advancing money or property for
18 extortionate extension of credit
19 (RCW 9A.82.030)
20 Bail Jumping with class A Felony
21 (RCW 9A.76.170(3)(b))
22 Child Molestation 3 (RCW 9A.44.089)
23 Criminal Mistreatment 1 (RCW
24 9A.42.020)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Domestic Violence Court Order
28 Violation (RCW 10.99.040,
29 10.99.050, 26.09.300, 26.10.220,
30 26.26.138, 26.50.110, 26.52.070,
31 or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit
34 (RCW 9A.82.020)
35 Extortionate Means to Collect
36 Extensions of Credit (RCW
37 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))
2 Kidnapping 2 (RCW 9A.40.030)
3 Perjury 1 (RCW 9A.72.020)
4 Persistent prison misbehavior (RCW
5 9.94.070)
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1
10 (RCW 9A.76.070)
11 Sexual Misconduct with a Minor 1
12 (RCW 9A.44.093)
13 Sexually Violating Human Remains
14 (RCW 9A.44.105)
15 Stalking (RCW 9A.46.110)
16 Taking Motor Vehicle Without
17 Permission 1 (RCW 9A.56.070)
18 IV Arson 2 (RCW 9A.48.030)
19 Assault 2 (RCW 9A.36.021)
20 Assault by Watercraft (RCW
21 79A.60.060)
22 Bribing a Witness/Bribe Received by
23 Witness (RCW 9A.72.090,
24 9A.72.100)
25 Cheating 1 (RCW 9.46.1961)
26 Commercial Bribery (RCW
27 9A.68.060)
28 Counterfeiting (RCW 9.16.035(4))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Hit and Run--Injury (RCW
33 46.52.020(4)(b))
34 Hit and Run with Vessel--Injury
35 Accident (RCW 79A.60.200(3))
36 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting
5 Event (RCW 9A.82.070)
6 Malicious Harassment (RCW
7 9A.36.080)
8 Residential Burglary (RCW
9 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health
19 coverage as a health care service
20 contractor (RCW 48.44.016(3))
21 Unlawful transaction of health
22 coverage as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(3))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicular Assault, by being under the
32 influence of intoxicating liquor or
33 any drug, or by the operation or
34 driving of a vehicle in a reckless
35 manner (RCW 46.61.522)
36 Willful Failure to Return from
37 Furlough (RCW 72.66.060)

1 III Abandonment of dependent person 2
2 (RCW 9A.42.070)
3 Assault 3 (RCW 9A.36.031)
4 Assault of a Child 3 (RCW 9A.36.140)
5 Bail Jumping with class B or C Felony
6 (RCW 9A.76.170(3)(c))
7 Burglary 2 (RCW 9A.52.030)
8 Communication with a Minor for
9 Immoral Purposes (RCW
10 9.68A.090)
11 Criminal Gang Intimidation (RCW
12 9A.46.120)
13 Criminal Mistreatment 2 (RCW
14 9A.42.030)
15 Custodial Assault (RCW 9A.36.100)
16 Cyberstalking (subsequent conviction
17 or threat of death) (RCW
18 9.61.260(3))
19 Escape 2 (RCW 9A.76.120)
20 Extortion 2 (RCW 9A.56.130)
21 Harassment (RCW 9A.46.020)
22 Intimidating a Public Servant (RCW
23 9A.76.180)
24 Introducing Contraband 2 (RCW
25 9A.76.150)
26 Malicious Injury to Railroad Property
27 (RCW 81.60.070)
28 Patronizing a Juvenile Prostitute
29 (RCW 9.68A.100)
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)
36 Promoting Prostitution 2 (RCW
37 9A.88.080)

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death)
7 (RCW 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful possession of firearm in the
14 second degree (RCW 9.41.040(2))
15 Vehicular Assault, by the operation or
16 driving of a vehicle with disregard
17 for the safety of others (RCW
18 46.61.522)
19 Willful Failure to Return from Work
20 Release (RCW 72.65.070)
21 II Computer Trespass 1 (RCW
22 9A.52.110)
23 Counterfeiting (RCW 9.16.035(3))
24 Escape from Community Custody
25 (RCW 72.09.310)
26 Health Care False Claims (RCW
27 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(3))
29 Improperly Obtaining Financial
30 Information (RCW 9.35.010)
31 Malicious Mischief 1 (RCW
32 9A.48.070)
33 Possession of Stolen Property 1 (RCW
34 9A.56.150)
35 Theft 1 (RCW 9A.56.030)

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

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063(4))
4 Unlawful Issuance of Checks or Drafts
5 (RCW 9A.56.060)
6 Unlawful Possession of Fictitious
7 Identification (RCW 9A.56.320)
8 Unlawful Possession of Instruments of
9 Financial Fraud (RCW
10 9A.56.320)
11 Unlawful Possession of Payment
12 Instruments (RCW 9A.56.320)
13 Unlawful Possession of a Personal
14 Identification Device (RCW
15 9A.56.320)
16 Unlawful Production of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Trafficking in Food Stamps
19 (RCW 9.91.142)
20 Unlawful Use of Food Stamps (RCW
21 9.91.144)
22 Vehicle Prowl 1 (RCW 9A.52.095)

23 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 July 1, 2005.

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