

ESHB 1030 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
4 to read as follows:

5 (1)(a) A driver of a motor vehicle is guilty of attempting to elude
6 a pursuing police vehicle in the first degree if the driver:

7 (i) Willfully fails or refuses to immediately bring his or her
8 vehicle to a stop;

9 (ii) Drives his or her vehicle in a reckless manner while
10 attempting to elude a pursuing police vehicle, after being given a
11 visual or audible signal to bring the vehicle to a stop; and

12 (iii) Causes physical contact with any other attended vehicle or
13 person or puts motorists, passengers, or pedestrians in reasonable fear
14 of substantial bodily harm by, but not limited to, the following:

15 (A) Failing to adhere to traffic control signs or devices,
16 including those for pedestrians;

17 (B) Traveling on the wrong side of the roadway;

18 (C) Causing others to swerve or veer out of the way to avoid a
19 collision;

20 (D) Weaving through traffic; or

21 (E) Driving too close to pedestrians.

22 (b) The signal given by the police officer may be by hand, voice,
23 emergency light, or siren. The officer giving such a signal shall be
24 in uniform and the vehicle shall be equipped with lights and sirens.

25 (c) Attempting to elude a pursuing police vehicle in the first
26 degree is a class C felony.

27 (2) It is an affirmative defense to this section which must be
28 established by a preponderance of the evidence that: (a) A reasonable
29 person would not believe that the signal to stop was given by a police

1 officer; and (b) driving after the signal to stop was reasonable under
2 the circumstances.

3 (3) The license or permit to drive or any nonresident driving
4 privilege of a person convicted of a violation of this section shall be
5 revoked by the department of licensing.

6 **Sec. 2.** RCW 46.61.024 and 2003 c 101 s 1 are each amended to read
7 as follows:

8 (1)(a) Any driver of a motor vehicle who, under circumstances not
9 amounting to attempting to elude a pursuing police vehicle in the first
10 degree, willfully fails or refuses to immediately bring his or her
11 vehicle to a stop and who drives his or her vehicle in a reckless
12 manner while attempting to elude a pursuing police vehicle, after being
13 given a visual or audible signal to bring the vehicle to a stop,
14 (~~shall be~~) is guilty of (~~a class C felony~~) attempting to elude a
15 pursuing police vehicle in the second degree. The signal given by the
16 police officer may be by hand, voice, emergency light, or siren. The
17 officer giving such a signal shall be in uniform and the vehicle shall
18 be equipped with lights and sirens.

19 (b) Attempting to elude a pursuing police vehicle in the second
20 degree is a class C felony.

21 (2) It is an affirmative defense to this section which must be
22 established by a preponderance of the evidence that: (a) A reasonable
23 person would not believe that the signal to stop was given by a police
24 officer; and (b) driving after the signal to stop was reasonable under
25 the circumstances.

26 (3) The license or permit to drive or any nonresident driving
27 privilege of a person convicted of a violation of this section shall be
28 revoked by the department of licensing.

29 **Sec. 3.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c
30 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each
31 reenacted and amended to read as follows:

32 TABLE 2
33 CRIMES INCLUDED WITHIN
34 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 Trafficking 1 (RCW 9A.40.100(1))
9 XIII Malicious explosion 2 (RCW
10 70.74.280(2))
11 Malicious placement of an explosive 1
12 (RCW 70.74.270(1))
13 XII Assault 1 (RCW 9A.36.011)
14 Assault of a Child 1 (RCW 9A.36.120)
15 Malicious placement of an imitation
16 device 1 (RCW 70.74.272(1)(a))
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(2))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape
33 (RCW 9A.76.115)
34 IX Abandonment of Dependent Person 1
35 (RCW 9A.42.060)
36 Assault of a Child 2 (RCW 9A.36.130)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Explosive devices prohibited (RCW
4 70.74.180)
5 Hit and Run--Death (RCW
6 46.52.020(4)(a))
7 Homicide by Watercraft, by being
8 under the influence of intoxicating
9 liquor or any drug (RCW
10 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2
14 (RCW 70.74.270(2))
15 Robbery 1 (RCW 9A.56.200)
16 Sexual Exploitation (RCW 9.68A.040)
17 Vehicular Homicide, by being under
18 the influence of intoxicating liquor
19 or any drug (RCW 46.61.520)
20 VIII Arson 1 (RCW 9A.48.020)
21 Homicide by Watercraft, by the
22 operation of any vessel in a
23 reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Promoting Prostitution 1 (RCW
27 9A.88.070)
28 Theft of Ammonia (RCW 69.55.010)
29 Vehicular Homicide, by the operation
30 of any vehicle in a reckless manner
31 (RCW 46.61.520)
32 VII Burglary 1 (RCW 9A.52.020)
33 Child Molestation 2 (RCW 9A.44.086)
34 Civil Disorder Training (RCW
35 9A.48.120)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct (RCW
3 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Negligently Causing Death By Use of a
16 Signal Preemption Device (RCW
17 46.37.675)
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct (RCW 9.68A.060)
21 Unlawful Possession of a Firearm in
22 the first degree (RCW 9.41.040(1))
23 Use of a Machine Gun in Commission
24 of a Felony (RCW 9.41.225)
25 Vehicular Homicide, by disregard for
26 the safety of others (RCW
27 46.61.520)
28 VI Bail Jumping with Murder 1 (RCW
29 9A.76.170(3)(a))
30 Bribery (RCW 9A.68.010)
31 Incest 1 (RCW 9A.64.020(1))
32 Intimidating a Judge (RCW 9A.72.160)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation
36 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct (RCW 9.68A.070)
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Unlawful Storage of Ammonia (RCW
7 69.55.020)
8 V Abandonment of Dependent Person 2
9 (RCW 9A.42.070)
10 Advancing money or property for
11 extortionate extension of credit
12 (RCW 9A.82.030)
13 Bail Jumping with class A Felony
14 (RCW 9A.76.170(3)(b))
15 Child Molestation 3 (RCW 9A.44.089)
16 Criminal Mistreatment 2 (RCW
17 9A.42.030)
18 Custodial Sexual Misconduct 1 (RCW
19 9A.44.160)
20 Domestic Violence Court Order
21 Violation (RCW 10.99.040,
22 10.99.050, 26.09.300, 26.10.220,
23 26.26.138, 26.50.110, 26.52.070,
24 or 74.34.145)
25 Driving While Under the Influence
26 (RCW 46.61.502(6))
27 Extortion 1 (RCW 9A.56.120)
28 Extortionate Extension of Credit (RCW
29 9A.82.020)
30 Extortionate Means to Collect
31 Extensions of Credit (RCW
32 9A.82.040)
33 Incest 2 (RCW 9A.64.020(2))
34 Kidnapping 2 (RCW 9A.40.030)
35 Perjury 1 (RCW 9A.72.020)
36 Persistent prison misbehavior (RCW
37 9.94.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)
6 Rape 3 (RCW 9A.44.060)
7 Rendering Criminal Assistance 1
8 (RCW 9A.76.070)
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Arson 2 (RCW 9A.48.030)
17 Assault 2 (RCW 9A.36.021)
18 Assault 3 (of a Peace Officer with a
19 Projectile Stun Gun) (RCW
20 9A.36.031(1)(h))
21 Assault by Watercraft (RCW
22 79A.60.060)
23 Bribing a Witness/Bribe Received by
24 Witness (RCW 9A.72.090,
25 9A.72.100)
26 Cheating 1 (RCW 9.46.1961)
27 Commercial Bribery (RCW 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 Event
5 (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 Animal Cruelty 1 (Sexual Conduct or
2 Contact) (RCW 16.52.205(3))
3 Assault 3 (Except Assault 3 of a Peace
4 Officer With a Projectile Stun
5 Gun) (RCW 9A.36.031 except
6 subsection (1)(h))
7 Assault of a Child 3 (RCW 9A.36.140)
8 Bail Jumping with class B or C Felony
9 (RCW 9A.76.170(3)(c))
10 Burglary 2 (RCW 9A.52.030)
11 Communication with a Minor for
12 Immoral Purposes (RCW
13 9.68A.090)
14 Criminal Gang Intimidation (RCW
15 9A.46.120)
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 Organized Retail Theft 1 (RCW
34 9A.56.350(2))
35 Patronizing a Juvenile Prostitute (RCW
36 9.68A.100)
37 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 ~~((Retail))~~ Retail Theft with
9 Extenuating Circumstances 1
10 (RCW 9A.56.360(2))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death)
17 (RCW 9.61.230(2))
18 Theft of Livestock 2 (RCW 9A.56.083)
19 Theft with the Intent to Resell 1 (RCW
20 9A.56.340(2))
21 Trafficking in Stolen Property 2 (RCW
22 9A.82.055)
23 Unlawful Imprisonment (RCW
24 9A.40.040)
25 Unlawful possession of firearm in the
26 second degree (RCW 9.41.040(2))
27 Vehicular Assault, by the operation or
28 driving of a vehicle with disregard
29 for the safety of others (RCW
30 46.61.522)
31 Willful Failure to Return from Work
32 Release (RCW 72.65.070)
33 II Attempting to Elude a Pursuing Police
34 Vehicle 1 (section 1 of this act)
35 Computer Trespass 1 (RCW
36 9A.52.110)
37 Counterfeiting (RCW 9.16.035(3))

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130(10)(a))
6 Health Care False Claims (RCW
7 48.80.030)
8 Identity Theft 2 (RCW 9.35.020(3))
9 Improperly Obtaining Financial
10 Information (RCW 9.35.010)
11 Malicious Mischief 1 (RCW
12 9A.48.070)
13 Organized Retail Theft 2 (RCW
14 9A.56.350(3))
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 (~~(Retail))~~ Retail Theft with
18 Extenuating Circumstances 2
19 (RCW 9A.56.360(3))
20 Theft 1 (RCW 9A.56.030)
21 Theft of Rental, Leased, or Lease-
22 purchased Property (valued at one
23 thousand five hundred dollars or
24 more) (RCW 9A.56.096(5)(a))
25 Theft with the Intent to Resell 2 (RCW
26 9A.56.340(3))
27 Trafficking in Insurance Claims (RCW
28 48.30A.015)
29 Unlawful factoring of a credit card or
30 payment card transaction (RCW
31 9A.56.290(4)(a))
32 Unlawful Practice of Law (RCW
33 2.48.180)
34 Unlicensed Practice of a Profession or
35 Business (RCW 18.130.190(7))
36 Voyeurism (RCW 9A.44.115)

1 I Attempting to Elude a Pursuing Police
2 Vehicle 2 (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forgery (RCW 9A.60.020)
6 Fraudulent Creation or Revocation of a
7 Mental Health Advance Directive
8 (RCW 9A.60.060)
9 Malicious Mischief 2 (RCW
10 9A.48.080)
11 Mineral Trespass (RCW 78.44.330)
12 Possession of Stolen Property 2 (RCW
13 9A.56.160)
14 Reckless Burning 1 (RCW 9A.48.040)
15 Taking Motor Vehicle Without
16 Permission 2 (RCW 9A.56.075)
17 Theft 2 (RCW 9A.56.040)
18 Theft of Rental, Leased, or Lease-
19 purchased Property (valued at two
20 hundred fifty dollars or more but
21 less than one thousand five
22 hundred dollars) (RCW
23 9A.56.096(5)(b))
24 Transaction of insurance business
25 beyond the scope of licensure
26 (RCW 48.17.063(4))
27 Unlawful Issuance of Checks or Drafts
28 (RCW 9A.56.060)
29 Unlawful Possession of Fictitious
30 Identification (RCW 9A.56.320)
31 Unlawful Possession of Instruments of
32 Financial Fraud (RCW 9A.56.320)
33 Unlawful Possession of Payment
34 Instruments (RCW 9A.56.320)
35 Unlawful Possession of a Personal
36 Identification Device (RCW
37 9A.56.320)

1 Unlawful Production of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Trafficking in Food Stamps
4 (RCW 9.91.142)
5 Unlawful Use of Food Stamps (RCW
6 9.91.144)
7 Vehicle Prowl 1 (RCW 9A.52.095)

8 **Sec. 4.** RCW 46.63.020 and 2005 c 431 s 2, 2005 c 323 s 3, and 2005
9 c 183 s 10 are each reenacted and amended to read as follows:

10 Failure to perform any act required or the performance of any act
11 prohibited by this title or an equivalent administrative regulation or
12 local law, ordinance, regulation, or resolution relating to traffic
13 including parking, standing, stopping, and pedestrian offenses, is
14 designated as a traffic infraction and may not be classified as a
15 criminal offense, except for an offense contained in the following
16 provisions of this title or a violation of an equivalent administrative
17 regulation or local law, ordinance, regulation, or resolution:

18 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
19 vehicle while under the influence of intoxicating liquor or a
20 controlled substance;

21 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

22 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
23 while under the influence of intoxicating liquor or narcotics or habit-
24 forming drugs or in a manner endangering the person of another;

25 (4) RCW 46.10.130 relating to the operation of snowmobiles;

26 (5) Chapter 46.12 RCW relating to certificates of ownership and
27 registration and markings indicating that a vehicle has been destroyed
28 or declared a total loss;

29 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
30 failure to register a vehicle and falsifying residency when registering
31 a motor vehicle;

32 (7) RCW 46.16.011 relating to permitting unauthorized persons to
33 drive;

34 (8) RCW 46.16.160 relating to vehicle trip permits;

35 (9) RCW 46.16.381(2) relating to knowingly providing false
36 information in conjunction with an application for a special placard or
37 license plate for disabled persons' parking;

- 1 (10) RCW 46.20.005 relating to driving without a valid driver's
- 2 license;
- 3 (11) RCW 46.20.091 relating to false statements regarding a
- 4 driver's license or instruction permit;
- 5 (12) RCW 46.20.0921 relating to the unlawful possession and use of
- 6 a driver's license;
- 7 (13) RCW 46.20.342 relating to driving with a suspended or revoked
- 8 license or status;
- 9 (14) RCW 46.20.345 relating to the operation of a motor vehicle
- 10 with a suspended or revoked license;
- 11 (15) RCW 46.20.410 relating to the violation of restrictions of an
- 12 occupational or temporary restricted driver's license;
- 13 (16) RCW 46.20.740 relating to operation of a motor vehicle without
- 14 an ignition interlock device in violation of a license notation that
- 15 the device is required;
- 16 (17) RCW 46.20.750 relating to assisting another person to start a
- 17 vehicle equipped with an ignition interlock device;
- 18 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 19 (19) Chapter 46.29 RCW relating to financial responsibility;
- 20 (20) RCW 46.30.040 relating to providing false evidence of
- 21 financial responsibility;
- 22 (21) RCW 46.37.435 relating to wrongful installation of
- 23 sunscreening material;
- 24 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
- 25 installation of a previously deployed air bag;
- 26 (23) RCW 46.44.180 relating to operation of mobile home pilot
- 27 vehicles;
- 28 (24) RCW 46.48.175 relating to the transportation of dangerous
- 29 articles;
- 30 (25) RCW 46.52.010 relating to duty on striking an unattended car
- 31 or other property;
- 32 (26) RCW 46.52.020 relating to duty in case of injury to or death
- 33 of a person or damage to an attended vehicle;
- 34 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,
- 35 and appraisers;
- 36 (28) RCW 46.52.130 relating to confidentiality of the driving
- 37 record to be furnished to an insurance company, an employer, and an
- 38 alcohol/drug assessment or treatment agency;

1 (29) RCW 46.55.020 relating to engaging in the activities of a
2 registered tow truck operator without a registration certificate;
3 (30) RCW 46.55.035 relating to prohibited practices by tow truck
4 operators;
5 (31) RCW 46.61.015 relating to obedience to police officers,
6 flaggers, or fire fighters;
7 (32) RCW 46.61.020 relating to refusal to give information to or
8 cooperate with an officer;
9 (33) RCW 46.61.022 relating to failure to stop and give
10 identification to an officer;
11 (34) Section 1 of this act or RCW 46.61.024 relating to attempting
12 to elude pursuing police vehicles;
13 (35) RCW 46.61.500 relating to reckless driving;
14 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
15 influence of intoxicating liquor or drugs;
16 (37) RCW 46.61.503 relating to a person under age twenty-one
17 driving a motor vehicle after consuming alcohol;
18 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
19 (39) RCW 46.61.522 relating to vehicular assault;
20 (40) RCW 46.61.5249 relating to first degree negligent driving;
21 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
22 workers;
23 (42) RCW 46.61.530 relating to racing of vehicles on highways;
24 (43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
25 load;
26 (44) RCW 46.61.685 relating to leaving children in an unattended
27 vehicle with the motor running;
28 (45) RCW 46.61.740 relating to theft of motor vehicle fuel;
29 (46) RCW 46.37.671 through 46.37.675 relating to signal preemption
30 devices;
31 (47) RCW 46.64.010 relating to unlawful cancellation of or attempt
32 to cancel a traffic citation;
33 (48) RCW 46.64.048 relating to attempting, aiding, abetting,
34 coercing, and committing crimes;
35 (49) Chapter 46.65 RCW relating to habitual traffic offenders;
36 (50) RCW 46.68.010 relating to false statements made to obtain a
37 refund;

1 (51) Chapter 46.70 RCW relating to unfair motor vehicle business
2 practices, except where that chapter provides for the assessment of
3 monetary penalties of a civil nature;

4 (52) Chapter 46.72 RCW relating to the transportation of passengers
5 in for hire vehicles;

6 (53) RCW 46.72A.060 relating to limousine carrier insurance;

7 (54) RCW 46.72A.070 relating to operation of a limousine without a
8 vehicle certificate;

9 (55) RCW 46.72A.080 relating to false advertising by a limousine
10 carrier;

11 (56) Chapter 46.80 RCW relating to motor vehicle wreckers;

12 (57) Chapter 46.82 RCW relating to driver's training schools;

13 (58) RCW 46.87.260 relating to alteration or forgery of a cab card,
14 letter of authority, or other temporary authority issued under chapter
15 46.87 RCW;

16 (59) RCW 46.87.290 relating to operation of an unregistered or
17 unlicensed vehicle under chapter 46.87 RCW.

18 **Sec. 5.** RCW 7.68.035 and 2000 c 71 s 3 are each amended to read as
19 follows:

20 (1)(a) When any person is found guilty in any superior court of
21 having committed a crime, except as provided in subsection (2) of this
22 section, there shall be imposed by the court upon such convicted person
23 a penalty assessment. The assessment shall be in addition to any other
24 penalty or fine imposed by law and shall be five hundred dollars for
25 each case or cause of action that includes one or more convictions of
26 a felony or gross misdemeanor and two hundred fifty dollars for any
27 case or cause of action that includes convictions of only one or more
28 misdemeanors.

29 (b) When any juvenile is adjudicated of any offense in any juvenile
30 offense disposition under Title 13 RCW, except as provided in
31 subsection (2) of this section, there shall be imposed upon the
32 juvenile offender a penalty assessment. The assessment shall be in
33 addition to any other penalty or fine imposed by law and shall be one
34 hundred dollars for each case or cause of action that includes one or
35 more adjudications for a felony or gross misdemeanor and seventy-five
36 dollars for each case or cause of action that includes adjudications of
37 only one or more misdemeanors.

1 (2) The assessment imposed by subsection (1) of this section shall
2 not apply to motor vehicle crimes defined in Title 46 RCW except those
3 defined in the following sections: RCW 46.61.520, 46.61.522, section
4 1 of this act, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
5 46.52.101, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249,
6 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
7 46.44.180, 46.10.090(2), and 46.09.120(2).

8 (3) When any person accused of having committed a crime posts bail
9 in superior court pursuant to the provisions of chapter 10.19 RCW and
10 such bail is forfeited, there shall be deducted from the proceeds of
11 such forfeited bail a penalty assessment, in addition to any other
12 penalty or fine imposed by law, equal to the assessment which would be
13 applicable under subsection (1) of this section if the person had been
14 convicted of the crime.

15 (4) Such penalty assessments shall be paid by the clerk of the
16 superior court to the county treasurer who shall monthly transmit the
17 money as provided in RCW 10.82.070. Each county shall deposit fifty
18 percent of the money it receives per case or cause of action under
19 subsection (1) of this section and retains under RCW 10.82.070, not
20 less than one and seventy-five one-hundredths percent of the remaining
21 money it retains under RCW 10.82.070 and the money it retains under
22 chapter 3.62 RCW, and all money it receives under subsection (7) of
23 this section into a fund maintained exclusively for the support of
24 comprehensive programs to encourage and facilitate testimony by the
25 victims of crimes and witnesses to crimes. A program shall be
26 considered "comprehensive" only after approval of the department upon
27 application by the county prosecuting attorney. The department shall
28 approve as comprehensive only programs which:

29 (a) Provide comprehensive services to victims and witnesses of all
30 types of crime with particular emphasis on serious crimes against
31 persons and property. It is the intent of the legislature to make
32 funds available only to programs which do not restrict services to
33 victims or witnesses of a particular type or types of crime and that
34 such funds supplement, not supplant, existing local funding levels;

35 (b) Are administered by the county prosecuting attorney either
36 directly through the prosecuting attorney's office or by contract
37 between the county and agencies providing services to victims of crime;

1 (c) Make a reasonable effort to inform the known victim or his
2 surviving dependents of the existence of this chapter and the procedure
3 for making application for benefits;

4 (d) Assist victims in the restitution and adjudication process; and

5 (e) Assist victims of violent crimes in the preparation and
6 presentation of their claims to the department of labor and industries
7 under this chapter.

8 Before a program in any county west of the Cascade mountains is
9 submitted to the department for approval, it shall be submitted for
10 review and comment to each city within the county with a population of
11 more than one hundred fifty thousand. The department will consider if
12 the county's proposed comprehensive plan meets the needs of crime
13 victims in cases adjudicated in municipal, district or superior courts
14 and of crime victims located within the city and county.

15 (5) Upon submission to the department of a letter of intent to
16 adopt a comprehensive program, the prosecuting attorney shall retain
17 the money deposited by the county under subsection (4) of this section
18 until such time as the county prosecuting attorney has obtained
19 approval of a program from the department. Approval of the
20 comprehensive plan by the department must be obtained within one year
21 of the date of the letter of intent to adopt a comprehensive program.
22 The county prosecuting attorney shall not make any expenditures from
23 the money deposited under subsection (4) of this section until approval
24 of a comprehensive plan by the department. If a county prosecuting
25 attorney has failed to obtain approval of a program from the department
26 under subsection (4) of this section or failed to obtain approval of a
27 comprehensive program within one year after submission of a letter of
28 intent under this section, the county treasurer shall monthly transmit
29 one hundred percent of the money deposited by the county under
30 subsection (4) of this section to the state treasurer for deposit in
31 the public safety and education account established under RCW
32 43.08.250.

33 (6) County prosecuting attorneys are responsible to make every
34 reasonable effort to insure that the penalty assessments of this
35 chapter are imposed and collected.

36 (7) Every city and town shall transmit monthly one and seventy-five
37 one-hundredths percent of all money, other than money received for

1 parking infractions, retained under RCW 3.46.120, 3.50.100, and
2 35.20.220 to the county treasurer for deposit as provided in subsection
3 (4) of this section.

4 **Sec. 6.** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c
5 122 s 7, and 2006 c 73 s 5 are each reenacted and amended to read as
6 follows:

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

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

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

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

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

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

34 (6) "Community custody range" means the minimum and maximum period
35 of community custody included as part of a sentence under RCW
36 9.94A.715, as established by the commission or the legislature under
37 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

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

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

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

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

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

25 (12) "Conviction" means an adjudication of guilt pursuant to Titles
26 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
27 acceptance of a plea of guilty.

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

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

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

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

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

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

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

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

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

32 (19) "Disposable earnings" means that part of the earnings of an
33 offender remaining after the deduction from those earnings of any
34 amount required by law to be withheld. For the purposes of this
35 definition, "earnings" means compensation paid or payable for personal
36 services, whether denominated as wages, salary, commission, bonuses, or
37 otherwise, and, notwithstanding any other provision of law making the
38 payments exempt from garnishment, attachment, or other process to

1 satisfy a court-ordered legal financial obligation, specifically
2 includes periodic payments pursuant to pension or retirement programs,
3 or insurance policies of any type, but does not include payments made
4 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
5 or Title 74 RCW.

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

10 (21) "Drug offense" means:

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

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

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

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

22 (23) "Escape" means:

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

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

32 (24) "Felony traffic offense" means:

33 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
34 46.61.522), (~~including~~) attempting to elude a pursuing police
35 (~~officer~~) vehicle 1 or 2 (section 1 of this act or RCW 46.61.024),
36 felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving
37 while under the influence of intoxicating liquor or any drug (RCW

1 46.61.502(6)), or felony physical control of a vehicle while under the
2 influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

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

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

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

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

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

34 (b) Assault in the second degree;

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

36 (d) Child molestation in the second degree;

37 (e) Controlled substance homicide;

38 (f) Extortion in the first degree;

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

1 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
2 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
3 through July 27, 1997.

4 (30) "Nonviolent offense" means an offense which is not a violent
5 offense.

6 (31) "Offender" means a person who has committed a felony
7 established by state law and is eighteen years of age or older or is
8 less than eighteen years of age but whose case is under superior court
9 jurisdiction under RCW 13.04.030 or has been transferred by the
10 appropriate juvenile court to a criminal court pursuant to RCW
11 13.40.110. Throughout this chapter, the terms "offender" and
12 "defendant" are used interchangeably.

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

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

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

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

32 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
33 of a child in the first degree, child molestation in the first degree,
34 rape in the second degree, rape of a child in the second degree, or
35 indecent liberties by forcible compulsion; (B) any of the following
36 offenses with a finding of sexual motivation: Murder in the first
37 degree, murder in the second degree, homicide by abuse, kidnapping in
38 the first degree, kidnapping in the second degree, assault in the first

1 degree, assault in the second degree, assault of a child in the first
2 degree, assault of a child in the second degree, or burglary in the
3 first degree; or (C) an attempt to commit any crime listed in this
4 subsection (33)(b)(i); and

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

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

19 (35) "Predatory" means: (a) The perpetrator of the crime was a
20 stranger to the victim, as defined in this section; (b) the perpetrator
21 established or promoted a relationship with the victim prior to the
22 offense and the victimization of the victim was a significant reason
23 the perpetrator established or promoted the relationship; or (c) the
24 perpetrator was: (i) A teacher, counselor, volunteer, or other person
25 in authority in any public or private school and the victim was a
26 student of the school under his or her authority or supervision. For
27 purposes of this subsection, "school" does not include home-based
28 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
29 volunteer, or other person in authority in any recreational activity
30 and the victim was a participant in the activity under his or her
31 authority or supervision; or (iii) a pastor, elder, volunteer, or other
32 person in authority in any church or religious organization, and the
33 victim was a member or participant of the organization under his or her
34 authority.

35 (36) "Private school" means a school regulated under chapter
36 28A.195 or 28A.205 RCW.

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

1 (38) "Restitution" means a specific sum of money ordered by the
2 sentencing court to be paid by the offender to the court over a
3 specified period of time as payment of damages. The sum may include
4 both public and private costs.

5 (39) "Risk assessment" means the application of an objective
6 instrument supported by research and adopted by the department for the
7 purpose of assessing an offender's risk of reoffense, taking into
8 consideration the nature of the harm done by the offender, place and
9 circumstances of the offender related to risk, the offender's
10 relationship to any victim, and any information provided to the
11 department by victims. The results of a risk assessment shall not be
12 based on unconfirmed or unconfirmable allegations.

13 (40) "Serious traffic offense" means:

14 (a) Nonfelony driving while under the influence of intoxicating
15 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
16 while under the influence of intoxicating liquor or any drug (RCW
17 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
18 attended vehicle (RCW 46.52.020(5)); or

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

22 (41) "Serious violent offense" is a subcategory of violent offense
23 and means:

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

25 (ii) Homicide by abuse;

26 (iii) Murder in the second degree;

27 (iv) Manslaughter in the first degree;

28 (v) Assault in the first degree;

29 (vi) Kidnapping in the first degree;

30 (vii) Rape in the first degree;

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

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

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

37 (42) "Sex offense" means:

1 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
2 RCW 9A.44.130(~~(11)~~) (12);

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

4 (iii) A felony that is a violation of chapter 9.68A RCW other than
5 RCW 9.68A.080; or

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

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

11 (c) A felony with a finding of sexual motivation under RCW
12 9.94A.835 or 13.40.135; or

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

16 (43) "Sexual motivation" means that one of the purposes for which
17 the defendant committed the crime was for the purpose of his or her
18 sexual gratification.

19 (44) "Standard sentence range" means the sentencing court's
20 discretionary range in imposing a nonappealable sentence.

21 (45) "Statutory maximum sentence" means the maximum length of time
22 for which an offender may be confined as punishment for a crime as
23 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
24 crime, or other statute defining the maximum penalty for a crime.

25 (46) "Stranger" means that the victim did not know the offender
26 twenty-four hours before the offense.

27 (47) "Total confinement" means confinement inside the physical
28 boundaries of a facility or institution operated or utilized under
29 contract by the state or any other unit of government for twenty-four
30 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

31 (48) "Transition training" means written and verbal instructions
32 and assistance provided by the department to the offender during the
33 two weeks prior to the offender's successful completion of the work
34 ethic camp program. The transition training shall include instructions
35 in the offender's requirements and obligations during the offender's
36 period of community custody.

37 (49) "Victim" means any person who has sustained emotional,

1 psychological, physical, or financial injury to person or property as
2 a direct result of the crime charged.

3 (50) "Violent offense" means:

4 (a) Any of the following felonies:

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

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

9 (iii) Manslaughter in the first degree;

10 (iv) Manslaughter in the second degree;

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

12 (vi) Kidnapping in the second degree;

13 (vii) Arson in the second degree;

14 (viii) Assault in the second degree;

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

16 (x) Extortion in the first degree;

17 (xi) Robbery in the second degree;

18 (xii) Drive-by shooting;

19 (xiii) Vehicular assault, when caused by the operation or driving
20 of a vehicle by a person while under the influence of intoxicating
21 liquor or any drug or by the operation or driving of a vehicle in a
22 reckless manner; and

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

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

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

33 (51) "Work crew" means a program of partial confinement consisting
34 of civic improvement tasks for the benefit of the community that
35 complies with RCW 9.94A.725.

36 (52) "Work ethic camp" means an alternative incarceration program
37 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
38 the cost of corrections by requiring offenders to complete a

1 comprehensive array of real-world job and vocational experiences,
 2 character-building work ethics training, life management skills
 3 development, substance abuse rehabilitation, counseling, literacy
 4 training, and basic adult education.

5 (53) "Work release" means a program of partial confinement
 6 available to offenders who are employed or engaged as a student in a
 7 regular course of study at school.

8 **Sec. 7.** RCW 13.40.0357 and 2006 c 73 s 14 are each amended to read
 9 as follows:

11 **DESCRIPTION AND OFFENSE CATEGORY**

| | | |
|-------------|----------------------------|----------------------|
| | | JUVENILE DISPOSITION |
| JUVENILE | | CATEGORY FOR |
| DISPOSITION | | ATTEMPT, BAILJUMP, |
| OFFENSE | | CONSPIRACY, OR |
| CATEGORY | DESCRIPTION (RCW CITATION) | SOLICITATION |

17

18 **Arson and Malicious Mischief**

| | | |
|---|--|----|
| A | Arson 1 (9A.48.020) | B+ |
| B | Arson 2 (9A.48.030) | C |
| C | Reckless Burning 1 (9A.48.040) | D |
| D | Reckless Burning 2 (9A.48.050) | E |
| B | Malicious Mischief 1 (9A.48.070) | C |
| C | Malicious Mischief 2 (9A.48.080) | D |
| D | Malicious Mischief 3 (9A.48.090(2) (a) and | |
| | (c)) | E |
| E | Malicious Mischief 3 (9A.48.090(2)(b)) | E |
| E | Tampering with Fire Alarm Apparatus | |
| | (9.40.100) | E |
| E | Tampering with Fire Alarm Apparatus with | |
| | Intent to Commit Arson (9.40.105) | E |
| A | Possession of Incendiary Device (9.40.120) | B+ |

33 **Assault and Other Crimes Involving**

34 **Physical Harm**

| | | |
|---|-----------------------|----|
| A | Assault 1 (9A.36.011) | B+ |
|---|-----------------------|----|

| | | | |
|----|----|--|----|
| 1 | B+ | Assault 2 (9A.36.021) | C+ |
| 2 | C+ | Assault 3 (9A.36.031) | D+ |
| 3 | D+ | Assault 4 (9A.36.041) | E |
| 4 | B+ | Drive-By Shooting (9A.36.045) | C+ |
| 5 | D+ | Reckless Endangerment (9A.36.050) | E |
| 6 | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| 7 | D+ | Coercion (9A.36.070) | E |
| 8 | C+ | Custodial Assault (9A.36.100) | D+ |
| 9 | | Burglary and Trespass | |
| 10 | B+ | Burglary 1 (9A.52.020) | C+ |
| 11 | B | Residential Burglary (9A.52.025) | C |
| 12 | B | Burglary 2 (9A.52.030) | C |
| 13 | D | Burglary Tools (Possession of) (9A.52.060) | E |
| 14 | D | Criminal Trespass 1 (9A.52.070) | E |
| 15 | E | Criminal Trespass 2 (9A.52.080) | E |
| 16 | C | Mineral Trespass (78.44.330) | C |
| 17 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 18 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 19 | | Drugs | |
| 20 | E | Possession/Consumption of Alcohol | |
| 21 | | (66.44.270) | E |
| 22 | C | Illegally Obtaining Legend Drug | |
| 23 | | (69.41.020) | D |
| 24 | C+ | Sale, Delivery, Possession of Legend Drug | |
| 25 | | with Intent to Sell (69.41.030(2)(a)) | D+ |
| 26 | E | Possession of Legend Drug | |
| 27 | | (69.41.030(2)(b)) | E |
| 28 | B+ | Violation of Uniform Controlled Substances | |
| 29 | | Act - Narcotic, Methamphetamine, or | |
| 30 | | Flunitrazepam Sale (69.50.401(2) (a) or | |
| 31 | | (b)) | B+ |
| 32 | C | Violation of Uniform Controlled Substances | |
| 33 | | Act - Nonnarcotic Sale (69.50.401(2)(c)) | C |
| 34 | E | Possession of Marihuana <40 grams | |
| 35 | | (69.50.4014) | E |
| 36 | C | Fraudulently Obtaining Controlled | |
| 37 | | Substance (69.50.403) | C |

| | | | |
|----|----|--|----|
| 1 | C+ | Sale of Controlled Substance for Profit | |
| 2 | | (69.50.410) | C+ |
| 3 | E | Unlawful Inhalation (9.47A.020) | E |
| 4 | B | Violation of Uniform Controlled Substances | |
| 5 | | Act - Narcotic, Methamphetamine, or | |
| 6 | | Flunitrazepam Counterfeit Substances | |
| 7 | | (69.50.4011(2) (a) or (b)) | B |
| 8 | C | Violation of Uniform Controlled Substances | |
| 9 | | Act - Nonnarcotic Counterfeit Substances | |
| 10 | | (69.50.4011(2) (c), (d), or (e)) | C |
| 11 | C | Violation of Uniform Controlled Substances | |
| 12 | | Act - Possession of a Controlled Substance | |
| 13 | | (69.50.4013) | C |
| 14 | C | Violation of Uniform Controlled Substances | |
| 15 | | Act - Possession of a Controlled Substance | |
| 16 | | (69.50.4012) | C |
| 17 | | Firearms and Weapons | |
| 18 | B | Theft of Firearm (9A.56.300) | C |
| 19 | B | Possession of Stolen Firearm (9A.56.310) | C |
| 20 | E | Carrying Loaded Pistol Without Permit | |
| 21 | | (9.41.050) | E |
| 22 | C | Possession of Firearms by Minor (<18) | |
| 23 | | (9.41.040(2)(a)(iii)) | C |
| 24 | D+ | Possession of Dangerous Weapon | |
| 25 | | (9.41.250) | E |
| 26 | D | Intimidating Another Person by use of | |
| 27 | | Weapon (9.41.270) | E |
| 28 | | Homicide | |
| 29 | A+ | Murder 1 (9A.32.030) | A |
| 30 | A+ | Murder 2 (9A.32.050) | B+ |
| 31 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 32 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 33 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 34 | | Kidnapping | |
| 35 | A | Kidnap 1 (9A.40.020) | B+ |
| 36 | B+ | Kidnap 2 (9A.40.030) | C+ |

| | | | |
|----|----|---|----|
| 1 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 2 | | Obstructing Governmental Operation | |
| 3 | D | Obstructing a Law Enforcement Officer | |
| 4 | | (9A.76.020) | E |
| 5 | E | Resisting Arrest (9A.76.040) | E |
| 6 | B | Introducing Contraband 1 (9A.76.140) | C |
| 7 | C | Introducing Contraband 2 (9A.76.150) | D |
| 8 | E | Introducing Contraband 3 (9A.76.160) | E |
| 9 | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
| 10 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 11 | | Public Disturbance | |
| 12 | C+ | Riot with Weapon (9A.84.010(2)(b)) | D+ |
| 13 | D+ | Riot Without Weapon (9A.84.010(2)(a)) | E |
| 14 | E | Failure to Disperse (9A.84.020) | E |
| 15 | E | Disorderly Conduct (9A.84.030) | E |
| 16 | | Sex Crimes | |
| 17 | A | Rape 1 (9A.44.040) | B+ |
| 18 | A- | Rape 2 (9A.44.050) | B+ |
| 19 | C+ | Rape 3 (9A.44.060) | D+ |
| 20 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 21 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 22 | B | Incest 1 (9A.64.020(1)) | C |
| 23 | C | Incest 2 (9A.64.020(2)) | D |
| 24 | D+ | Indecent Exposure (Victim <14) | |
| 25 | | (9A.88.010) | E |
| 26 | E | Indecent Exposure (Victim 14 or over) | |
| 27 | | (9A.88.010) | E |
| 28 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 29 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 30 | E | O & A (Prostitution) (9A.88.030) | E |
| 31 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 32 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 33 | B | Child Molestation 2 (9A.44.086) | C+ |
| 34 | | Theft, Robbery, Extortion, and Forgery | |
| 35 | B | Theft 1 (9A.56.030) | C |
| 36 | C | Theft 2 (9A.56.040) | D |

| | | | |
|----|-----------------|---|-----------------|
| 1 | D | Theft 3 (9A.56.050) | E |
| 2 | B | Theft of Livestock 1 and 2 (9A.56.080 and | |
| 3 | | 9A.56.083) | C |
| 4 | C | Forgery (9A.60.020) | D |
| 5 | A | Robbery 1 (9A.56.200) | B+ |
| 6 | B+ | Robbery 2 (9A.56.210) | C+ |
| 7 | B+ | Extortion 1 (9A.56.120) | C+ |
| 8 | C+ | Extortion 2 (9A.56.130) | D+ |
| 9 | C | Identity Theft 1 (9.35.020(2)) | D |
| 10 | D | Identity Theft 2 (9.35.020(3)) | E |
| 11 | D | Improperly Obtaining Financial Information | |
| 12 | | (9.35.010) | E |
| 13 | B | Possession of Stolen Property 1 | |
| 14 | | (9A.56.150) | C |
| 15 | C | Possession of Stolen Property 2 | |
| 16 | | (9A.56.160) | D |
| 17 | D | Possession of Stolen Property 3 | |
| 18 | | (9A.56.170) | E |
| 19 | C | Taking Motor Vehicle Without Permission | |
| 20 | | 1 and 2 (9A.56.070 and 9A.56.075) | D |
| 21 | | Motor Vehicle Related Crimes | |
| 22 | E | Driving Without a License (46.20.005) | E |
| 23 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 24 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 25 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 26 | E | Hit and Run-Unattended (46.52.010) | E |
| 27 | C | Vehicular Assault (46.61.522) | D |
| 28 | <u>B</u> | <u>Attempting to Elude Pursuing Police</u> | |
| 29 | | <u>Vehicle 1</u> | <u>C</u> |
| 30 | C | Attempting to Elude Pursuing Police | |
| 31 | | Vehicle 2 (46.61.024) | D |
| 32 | E | Reckless Driving (46.61.500) | E |
| 33 | D | Driving While Under the Influence | |
| 34 | | (46.61.502 and 46.61.504) | E |
| 35 | B+ | Felony Driving While Under the Influence | |
| 36 | | (46.61.502(6)) | B |

| | | | |
|----|----|--|----|
| 1 | B+ | Felony Physical Control of a Vehicle While | |
| 2 | | Under the Influence (46.61.504(6)) | B |
| 3 | | Other | |
| 4 | B | Animal Cruelty 1 (16.52.205) | C |
| 5 | B | Bomb Threat (9.61.160) | C |
| 6 | C | Escape 1 ¹ (9A.76.110) | C |
| 7 | C | Escape 2 ¹ (9A.76.120) | C |
| 8 | D | Escape 3 (9A.76.130) | E |
| 9 | E | Obscene, Harassing, Etc., Phone Calls | |
| 10 | | (9.61.230) | E |
| 11 | A | Other Offense Equivalent to an Adult Class | |
| 12 | | A Felony | B+ |
| 13 | B | Other Offense Equivalent to an Adult Class | |
| 14 | | B Felony | C |
| 15 | C | Other Offense Equivalent to an Adult Class | |
| 16 | | C Felony | D |
| 17 | D | Other Offense Equivalent to an Adult Gross | |
| 18 | | Misdemeanor | E |
| 19 | E | Other Offense Equivalent to an Adult | |
| 20 | | Misdemeanor | E |
| 21 | V | Violation of Order of Restitution, | |
| 22 | | Community Supervision, or Confinement | |
| 23 | | (13.40.200) ² | V |

24 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
25 and the standard range is established as follows:

26 1st escape or attempted escape during 12-month period - 4 weeks
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

32 ²If the court finds that a respondent has violated terms of an order,
33 it may impose a penalty of up to 30 days of confinement.

34 **JUVENILE SENTENCING STANDARDS**

35 This schedule must be used for juvenile offenders. The court may
36 select sentencing option A, B, C, D, or RCW 13.40.167.

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

| | | | | |
|----|--|----------------|-----------------|------------------|
| A- | 15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS |
|----|--|----------------|-----------------|------------------|

| | | | | | |
|--------------------------|----|----------------|----------------|-----------------|------------------|
| Current Offense Category | B+ | 15-36 WEEKS | 52-65 WEEKS | 80-100 WEEKS | 103-129 WEEKS |
|--------------------------|----|----------------|----------------|-----------------|------------------|

| | | | |
|---|-------------------------|-------------|----------------|
| B | LOCAL SANCTIONS (LS) | 15-36 WEEKS | 52-65 WEEKS |
|---|-------------------------|-------------|----------------|

| | | |
|----|----|-------------|
| C+ | LS | 15-36 WEEKS |
|----|----|-------------|

| | | |
|---|----|-------------|
| C | LS | 15-36 WEEKS |
|---|----|-------------|

Local Sanctions:

0 to 30 Days

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4
or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

1 (2) The horizontal axis of the grid is the number of prior
2 adjudications included in the juvenile's criminal history. Each prior
3 felony adjudication shall count as one point. Each prior violation,
4 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
5 point. Fractional points shall be rounded down.

6 (3) The standard range disposition for each offense is determined
7 by the intersection of the column defined by the prior adjudications
8 and the row defined by the current offense category.

9 (4) RCW 13.40.180 applies if the offender is being sentenced for
10 more than one offense.

11 (5) A current offense that is a violation is equivalent to an
12 offense category of E. However, a disposition for a violation shall
13 not include confinement.

14 **OR**

15 **OPTION B**

16 **SUSPENDED DISPOSITION ALTERNATIVE**

17 (1) If the offender is subject to a standard range disposition
18 involving confinement by the department, the court may impose the
19 standard range and suspend the disposition on condition that the
20 offender comply with one or more local sanctions and any educational or
21 treatment requirement. The treatment programs provided to the offender
22 must be research-based best practice programs as identified by the
23 Washington state institute for public policy or the joint legislative
24 audit and review committee.

25 (2) If the offender fails to comply with the suspended disposition,
26 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
27 the suspended disposition and order the disposition's execution.

28 (3) An offender is ineligible for the suspended disposition option
29 under this section if the offender is:

30 (a) Adjudicated of an A+ offense;

31 (b) Fourteen years of age or older and is adjudicated of one or
32 more of the following offenses:

33 (i) A class A offense, or an attempt, conspiracy, or solicitation
34 to commit a class A offense;

35 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

36 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
37 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW

1 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
2 burglary (RCW 9A.52.025), burglary in the second degree (RCW
3 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
4 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
5 witness (RCW 9A.72.110), violation of the uniform controlled substances
6 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
7 when the offense includes infliction of bodily harm upon another or
8 when during the commission or immediate withdrawal from the offense the
9 respondent was armed with a deadly weapon;

10 (c) Ordered to serve a disposition for a firearm violation under
11 RCW 13.40.193; or

12 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

13 OR

14 **OPTION C**

15 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

16 If the juvenile offender is subject to a standard range disposition
17 of local sanctions or 15 to 36 weeks of confinement and has not
18 committed an A- or B+ offense, the court may impose a disposition under
19 RCW 13.40.160(4) and 13.40.165.

20 OR

21 **OPTION D**

22 **MANIFEST INJUSTICE**

23 If the court determines that a disposition under option A, B, or C
24 would effectuate a manifest injustice, the court shall impose a
25 disposition outside the standard range under RCW 13.40.160(2).

26 **Sec. 8.** RCW 46.20.342 and 2004 c 95 s 5 are each amended to read
27 as follows:

28 (1) It is unlawful for any person to drive a motor vehicle in this
29 state while that person is in a suspended or revoked status or when his
30 or her privilege to drive is suspended or revoked in this or any other
31 state. Any person who has a valid Washington driver's license is not
32 guilty of a violation of this section.

33 (a) A person found to be an habitual offender under chapter 46.65
34 RCW, who violates this section while an order of revocation issued
35 under chapter 46.65 RCW prohibiting such operation is in effect, is

1 guilty of driving while license suspended or revoked in the first
2 degree, a gross misdemeanor. Upon the first such conviction, the
3 person shall be punished by imprisonment for not less than ten days.
4 Upon the second conviction, the person shall be punished by
5 imprisonment for not less than ninety days. Upon the third or
6 subsequent conviction, the person shall be punished by imprisonment for
7 not less than one hundred eighty days. If the person is also convicted
8 of the offense defined in RCW 46.61.502 or 46.61.504, when both
9 convictions arise from the same event, the minimum sentence of
10 confinement shall be not less than ninety days. The minimum sentence
11 of confinement required shall not be suspended or deferred. A
12 conviction under this subsection does not prevent a person from
13 petitioning for reinstatement as provided by RCW 46.65.080.

14 (b) A person who violates this section while an order of suspension
15 or revocation prohibiting such operation is in effect and while the
16 person is not eligible to reinstate his or her driver's license or
17 driving privilege, other than for a suspension for the reasons
18 described in (c) of this subsection, is guilty of driving while license
19 suspended or revoked in the second degree, a gross misdemeanor. This
20 subsection applies when a person's driver's license or driving
21 privilege has been suspended or revoked by reason of:

22 (i) A conviction of a felony in the commission of which a motor
23 vehicle was used;

24 (ii) A previous conviction under this section;

25 (iii) A notice received by the department from a court or diversion
26 unit as provided by RCW 46.20.265, relating to a minor who has
27 committed, or who has entered a diversion unit concerning an offense
28 relating to alcohol, legend drugs, controlled substances, or imitation
29 controlled substances;

30 (iv) A conviction of RCW 46.20.410, relating to the violation of
31 restrictions of an occupational or a temporary restricted driver's
32 license;

33 (v) A conviction of RCW 46.20.345, relating to the operation of a
34 motor vehicle with a suspended or revoked license;

35 (vi) A conviction of RCW 46.52.020, relating to duty in case of
36 injury to or death of a person or damage to an attended vehicle;

37 (vii) A conviction of section 1 of this act or RCW 46.61.024,
38 relating to attempting to elude pursuing police vehicles;

1 (viii) A conviction of RCW 46.61.500, relating to reckless driving;
2 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
3 person under the influence of intoxicating liquor or drugs;
4 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
5 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
6 (xii) A conviction of RCW 46.61.527(4), relating to reckless
7 endangerment of roadway workers;
8 (xiii) A conviction of RCW 46.61.530, relating to racing of
9 vehicles on highways;
10 (xiv) A conviction of RCW 46.61.685, relating to leaving children
11 in an unattended vehicle with motor running;
12 (xv) A conviction of RCW 46.61.740, relating to theft of motor
13 vehicle fuel;
14 (xvi) A conviction of RCW 46.64.048, relating to attempting,
15 aiding, abetting, coercing, and committing crimes;
16 (xvii) An administrative action taken by the department under
17 chapter 46.20 RCW; or
18 (xviii) A conviction of a local law, ordinance, regulation, or
19 resolution of a political subdivision of this state, the federal
20 government, or any other state, of an offense substantially similar to
21 a violation included in this subsection.
22 (c) A person who violates this section when his or her driver's
23 license or driving privilege is, at the time of the violation,
24 suspended or revoked solely because (i) the person must furnish proof
25 of satisfactory progress in a required alcoholism or drug treatment
26 program, (ii) the person must furnish proof of financial responsibility
27 for the future as provided by chapter 46.29 RCW, (iii) the person has
28 failed to comply with the provisions of chapter 46.29 RCW relating to
29 uninsured accidents, (iv) the person has failed to respond to a notice
30 of traffic infraction, failed to appear at a requested hearing,
31 violated a written promise to appear in court, or has failed to comply
32 with the terms of a notice of traffic infraction or citation, as
33 provided in RCW 46.20.289, (v) the person has committed an offense in
34 another state that, if committed in this state, would not be grounds
35 for the suspension or revocation of the person's driver's license, (vi)
36 the person has been suspended or revoked by reason of one or more of
37 the items listed in (b) of this subsection, but was eligible to
38 reinstate his or her driver's license or driving privilege at the time

1 of the violation, or (vii) the person has received traffic citations or
2 notices of traffic infraction that have resulted in a suspension under
3 RCW 46.20.267 relating to intermediate drivers' licenses, or any
4 combination of (i) through (vii), is guilty of driving while license
5 suspended or revoked in the third degree, a misdemeanor.

6 (2) Upon receiving a record of conviction of any person or upon
7 receiving an order by any juvenile court or any duly authorized court
8 officer of the conviction of any juvenile under this section, the
9 department shall:

10 (a) For a conviction of driving while suspended or revoked in the
11 first degree, as provided by subsection (1)(a) of this section, extend
12 the period of administrative revocation imposed under chapter 46.65 RCW
13 for an additional period of one year from and after the date the person
14 would otherwise have been entitled to apply for a new license or have
15 his or her driving privilege restored; or

16 (b) For a conviction of driving while suspended or revoked in the
17 second degree, as provided by subsection (1)(b) of this section, not
18 issue a new license or restore the driving privilege for an additional
19 period of one year from and after the date the person would otherwise
20 have been entitled to apply for a new license or have his or her
21 driving privilege restored; or

22 (c) Not extend the period of suspension or revocation if the
23 conviction was under subsection (1)(c) of this section. If the
24 conviction was under subsection (1)(a) or (b) of this section and the
25 court recommends against the extension and the convicted person has
26 obtained a valid driver's license, the period of suspension or
27 revocation shall not be extended.

28 **Sec. 9.** RCW 46.65.020 and 1991 c 293 s 7 are each amended to read
29 as follows:

30 As used in this chapter, unless a different meaning is plainly
31 required by the context, an habitual offender means any person,
32 resident or nonresident, who has accumulated convictions or findings
33 that the person committed a traffic infraction as defined in RCW
34 46.20.270, or, if a minor, has violations recorded with the department
35 of licensing, for separate and distinct offenses as described in either
36 subsection (1) or (2) below committed within a five-year period, as
37 evidenced by the records maintained in the department of licensing:

1 PROVIDED, That where more than one described offense is committed
2 within a six-hour period such multiple offenses shall, on the first
3 such occasion, be treated as one offense for the purposes of this
4 chapter:

5 (1) Three or more convictions, singularly or in combination, of the
6 following offenses:

7 (a) Vehicular homicide as defined in RCW 46.61.520;

8 (b) Vehicular assault as defined in RCW 46.61.522;

9 (c) Driving or operating a motor vehicle while under the influence
10 of intoxicants or drugs;

11 (d) Driving a motor vehicle while his or her license, permit, or
12 privilege to drive has been suspended or revoked as defined in RCW
13 46.20.342(1)(b);

14 (e) Failure of the driver of any vehicle involved in an accident
15 resulting in the injury or death of any person or damage to any vehicle
16 which is driven or attended by any person to immediately stop such
17 vehicle at the scene of such accident or as close thereto as possible
18 and to forthwith return to and in every event remain at, the scene of
19 such accident until he has fulfilled the requirements of RCW 46.52.020;

20 (f) Reckless driving as defined in RCW 46.61.500;

21 (g) Being in physical control of a motor vehicle while under the
22 influence of intoxicating liquor or any drug as defined in RCW
23 46.61.504; or

24 (h) Attempting to elude a pursuing police vehicle as defined in
25 section 1 of this act or RCW 46.61.024;

26 (2) Twenty or more convictions or findings that the person
27 committed a traffic infraction for separate and distinct offenses,
28 singularly or in combination, in the operation of a motor vehicle that
29 are required to be reported to the department of licensing other than
30 the offenses of driving with an expired driver's license and not having
31 a driver's license in the operator's immediate possession. Such
32 convictions or findings shall include those for offenses enumerated in
33 subsection (1) of this section when taken with and added to those
34 offenses described herein but shall not include convictions or findings
35 for any nonmoving violation. No person may be considered an habitual
36 offender under this subsection unless at least three convictions have
37 occurred within the three hundred sixty-five days immediately preceding
38 the last conviction.

1 The offenses included in subsections (1) and (2) of this section
2 are deemed to include offenses under any valid town, city, or county
3 ordinance substantially conforming to the provisions cited in
4 subsections (1) and (2) or amendments thereto, and any federal law, or
5 any law of another state, including subdivisions thereof, substantially
6 conforming to the aforesaid state statutory provisions."

ESHB 1030 - S COMM AMD
By Committee on Judiciary

7 On page 1, line 2 of the title, after "vehicle;" strike the
8 remainder of the title and insert "amending RCW 46.61.024, 7.68.035,
9 13.40.0357, 46.20.342, and 46.65.020; reenacting and amending RCW
10 9.94A.515, 46.63.020, and 9.94A.030; adding a new section to chapter
11 46.61 RCW; and prescribing penalties."

--- END ---