

SSB 6293 - H AMD 1361

By Representative O'Brien

WITHDRAWN 3/04/2010

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

3  
4 "Sec. 1. RCW 9A.76.070 and 2003 c 53 s 83 are each amended to  
5 read as follows:

6 (1) A person is guilty of rendering criminal assistance in the  
7 first degree if he or she renders criminal assistance to a person who  
8 has committed or is being sought for murder in the first degree or any  
9 class A felony or equivalent juvenile offense.

10 (2)(a) Except as provided in (b) of this subsection, rendering  
11 criminal assistance in the first degree is a class ((E)) B felony.

12 (b) Rendering criminal assistance in the first degree is a ((~~gross~~  
13 ~~misdemeanor~~)) class C felony if it is established by a preponderance  
14 of the evidence that the actor is a relative as defined in RCW  
15 9A.76.060.

16  
17 **Sec. 2.** RCW 9.94A.515 and 2008 c 108 s 23 are each amended to  
18 read as follows:

19	
20	TABLE 2
21	CRIMES INCLUDED WITHIN
22	EACH SERIOUSNESS LEVEL
23	XVI Aggravated Murder 1
24	(RCW 10.95.020)
25	XV Homicide by abuse (RCW
26	9A.32.055)
27	Malicious explosion 1

1 (RCW  
2 70.74.280(1))  
3 Murder 1 (RCW  
4 9A.32.030)  
5 XIV Murder 2 (RCW  
6 9A.32.050)  
7 Trafficking 1 (RCW  
8 9A.40.100(1))  
9 XIII Malicious explosion 2  
10 (RCW  
11 70.74.280(2))  
12 Malicious placement of  
13 an explosive 1  
14 (RCW 70.74.270(1))  
15 XII Assault 1 (RCW  
16 9A.36.011)  
17 Assault of a Child 1  
18 (RCW 9A.36.120)  
19 Malicious placement of  
20 an imitation  
21 device 1 (RCW  
22 70.74.272(1)(a))  
23 Rape 1 (RCW 9A.44.040)  
24 Rape of a Child 1 (RCW  
25 9A.44.073)  
26 Trafficking 2 (RCW  
27 9A.40.100(2))  
28 XI Manslaughter 1 (RCW  
29 9A.32.060)  
30 Rape 2 (RCW 9A.44.050)  
31 Rape of a Child 2 (RCW  
32 9A.44.076)  
33 X Child Molestation 1  
34 (RCW 9A.44.083)

1 Criminal Mistreatment  
2 1 (RCW 9A.42.020)  
3 Indecent Liberties  
4 (with forcible  
5 compulsion) (RCW  
6 9A.44.100(1)(a))  
7 Kidnapping 1 (RCW  
8 9A.40.020)  
9 Leading Organized  
10 Crime (RCW  
11 9A.82.060(1)(a))  
12 Malicious explosion 3  
13 (RCW  
14 70.74.280(3))  
15 Sexually Violent  
16 Predator Escape  
17 (RCW 9A.76.115)  
18 IX Abandonment of  
19 Dependent Person 1  
20 (RCW 9A.42.060)  
21 Assault of a Child 2  
22 (RCW 9A.36.130)  
23 Explosive devices  
24 prohibited (RCW  
25 70.74.180)  
26 Hit and Run--Death  
27 (RCW  
28 46.52.020(4)(a))  
29 Homicide by  
30 Watercraft, by  
31 being under the  
32 influence of  
33 intoxicating  
34 liquor or any drug

1 (RCW 79A.60.050)  
2 Inciting Criminal  
3 Profiteering (RCW  
4 9A.82.060(1)(b))  
5 Malicious placement of  
6 an explosive 2  
7 (RCW 70.74.270(2))  
8 Robbery 1 (RCW  
9 9A.56.200)  
10 Sexual Exploitation  
11 (RCW 9.68A.040)  
12 Vehicular Homicide, by  
13 being under the  
14 influence of  
15 intoxicating liquor  
16 or any drug (RCW  
17 46.61.520)  
18 VIII Arson 1 (RCW  
19 9A.48.020)  
20 Homicide by  
21 Watercraft, by the  
22 operation of any  
23 vessel in a  
24 reckless manner  
25 (RCW 79A.60.050)  
26 Manslaughter 2 (RCW  
27 9A.32.070)  
28 Promoting Commercial  
29 Sexual Abuse of a  
30 Minor (RCW  
31 9.68A.101)  
32 Promoting Prostitution  
33 1 (RCW 9A.88.070)  
34 Theft of Ammonia (RCW

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

1 (RCW 70.74.270(3))  
2 Negligently Causing  
3 Death By Use of a  
4 Signal Preemption  
5 Device (RCW  
6 46.37.675)  
7 Sending, bringing into  
8 state depictions  
9 of minor engaged in  
10 sexually explicit  
11 conduct (RCW  
12 9.68A.060)  
13 Unlawful Possession of  
14 a Firearm in the  
15 first degree (RCW  
16 9.41.040(1))  
17 Use of a Machine Gun  
18 in Commission of  
19 a Felony (RCW  
20 9.41.225)  
21 Vehicular Homicide, by  
22 disregard for the  
23 safety of others  
24 (RCW 46.61.520)  
25 VI Bail Jumping with  
26 Murder 1 (RCW  
27 9A.76.170(3)(a))  
28 Bribery (RCW  
29 9A.68.010)  
30 Incest 1 (RCW  
31 9A.64.020(1))  
32 Intimidating a Judge  
33 (RCW 9A.72.160)  
34 Intimidating a

1 Juror/Witness (RCW  
2 9A.72.110,  
3 9A.72.130)  
4 Malicious placement of  
5 an imitation  
6 device 2 (RCW  
7 70.74.272(1)(b))  
8 Possession of  
9 Depictions of a  
10 Minor Engaged in  
11 Sexually Explicit  
12 Conduct (RCW  
13 9.68A.070)  
14 Rape of a Child 3 (RCW  
15 9A.44.079)  
16 Theft of a Firearm  
17 (RCW 9A.56.300)  
18 Unlawful Storage of  
19 Ammonia (RCW  
20 69.55.020)  
21 V Abandonment of  
22 Dependent Person 2  
23 (RCW 9A.42.070)  
24 Advancing money or  
25 property for  
26 extortionate  
27 extension of credit  
28 (RCW 9A.82.030)  
29 Bail Jumping with  
30 class A Felony  
31 (RCW  
32 9A.76.170(3)(b))  
33 Child Molestation 3  
34 (RCW 9A.44.089)

1 Criminal Mistreatment  
2 2 (RCW 9A.42.030)  
3 Custodial Sexual  
4 Misconduct 1 (RCW  
5 9A.44.160)  
6 Domestic Violence  
7 Court Order  
8 Violation (RCW  
9 10.99.040,  
10 10.99.050,  
11 26.09.300,  
12 26.10.220,  
13 26.26.138,  
14 26.50.110,  
15 26.52.070, or  
16 74.34.145)  
17 Driving While Under  
18 the Influence  
19 (RCW 46.61.502(6))  
20 Extortion 1 (RCW  
21 9A.56.120)  
22 Extortionate Extension  
23 of Credit (RCW  
24 9A.82.020)  
25 Extortionate Means to  
26 Collect  
27 Extensions of  
28 Credit (RCW  
29 9A.82.040)  
30 Incest 2 (RCW  
31 9A.64.020(2))  
32 Kidnapping 2 (RCW  
33 9A.40.030)  
34 Perjury 1 (RCW



1 9A.72.020)  
2 Persistent prison  
3 misbehavior (RCW  
4 9.94.070)  
5 Physical Control of a  
6 Vehicle While  
7 Under the Influence  
8 (RCW  
9 46.61.504(6))  
10 Possession of a Stolen  
11 Firearm (RCW  
12 9A.56.310)  
13 Rape 3 (RCW 9A.44.060)  
14 Rendering Criminal  
15 Assistance 1 (RCW  
16 9A.76.070(2)(a))  
17 Sexual Misconduct with  
18 a Minor 1 (RCW  
19 9A.44.093)  
20 Sexually Violating  
21 Human Remains  
22 (RCW 9A.44.105)  
23 Stalking (RCW  
24 9A.46.110)  
25 Taking Motor Vehicle  
26 Without  
27 Permission 1 (RCW  
28 9A.56.070)  
29 IV Arson 2 (RCW  
30 9A.48.030)  
31 Assault 2 (RCW  
32 9A.36.021)  
33 Assault 3 (of a Peace  
34 Officer with a

1 Projectile Stun  
2 Gun) (RCW  
3 9A.36.031(1)(h))  
4 Assault by Watercraft  
5 (RCW 79A.60.060)  
6 Bribing a  
7 Witness/Bribe  
8 Received by  
9 Witness (RCW  
10 9A.72.090,  
11 9A.72.100)  
12 Cheating 1 (RCW  
13 9.46.1961)  
14 Commercial Bribery  
15 (RCW 9A.68.060)  
16 Counterfeiting (RCW  
17 9.16.035(4))  
18 Endangerment with a  
19 Controlled  
20 Substance (RCW  
21 9A.42.100)  
22 Escape 1 (RCW  
23 9A.76.110)  
24 Hit and Run--Injury  
25 (RCW  
26 46.52.020(4)(b))  
27 Hit and Run with  
28 Vessel--Injury  
29 Accident (RCW  
30 79A.60.200(3))  
31 Identity Theft 1 (RCW  
32 9.35.020(2))  
33 Indecent Exposure to  
34 Person Under Age

1 Fourteen  
2 (subsequent sex  
3 offense) (RCW  
4 9A.88.010)  
5 Influencing Outcome of  
6 Sporting Event  
7 (RCW 9A.82.070)  
8 Malicious Harassment  
9 (RCW 9A.36.080)  
10 Residential Burglary  
11 (RCW 9A.52.025)  
12 Robbery 2 (RCW  
13 9A.56.210)  
14 Theft of Livestock 1  
15 (RCW 9A.56.080)  
16 Threats to Bomb (RCW  
17 9.61.160)  
18 Trafficking in Stolen  
19 Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of  
22 a credit card or  
23 payment card  
24 transaction (RCW  
25 9A.56.290(4)(b))  
26 Unlawful transaction  
27 of health  
28 coverage as a  
29 health care service  
30 contractor (RCW  
31 48.44.016(3))  
32 Unlawful transaction  
33 of health  
34 coverage as a

1 health maintenance  
2 organization (RCW  
3 48.46.033(3))  
4 Unlawful transaction  
5 of insurance  
6 business (RCW  
7 48.15.023(3))  
8 Unlicensed practice as  
9 an insurance  
10 professional (\*RCW  
11 48.17.063(3))  
12 Use of Proceeds of  
13 Criminal  
14 Profiteering (RCW  
15 9A.82.080 (1) and  
16 (2))  
17 Vehicular Assault, by  
18 being under the  
19 influence of  
20 intoxicating liquor  
21 or any drug, or  
22 by the operation or  
23 driving of a  
24 vehicle in a  
25 reckless manner  
26 (RCW 46.61.522)  
27 Willful Failure to  
28 Return from  
29 Furlough (\*\*RCW  
30 72.66.060)  
31 III Animal Cruelty 1  
32 (Sexual Conduct or  
33 Contact) (RCW  
34 16.52.205(3))

1 Assault 3 (Except  
2 Assault 3 of a  
3 Peace Officer  
4 With a Projectile  
5 Stun Gun) (RCW  
6 9A.36.031 except  
7 subsection (1)(h))  
8 Assault of a Child 3  
9 (RCW 9A.36.140)  
10 Bail Jumping with  
11 class B or C Felony  
12 (RCW  
13 9A.76.170(3)(c))  
14 Burglary 2 (RCW  
15 9A.52.030)  
16 Commercial Sexual  
17 Abuse of a Minor  
18 (RCW 9.68A.100)  
19 Communication with a  
20 Minor for Immoral  
21 Purposes (RCW  
22 9.68A.090)  
23 Criminal Gang  
24 Intimidation (RCW  
25 9A.46.120)  
26 Custodial Assault (RCW  
27 9A.36.100)  
28 Cyberstalking  
29 (subsequent  
30 conviction or  
31 threat of death)  
32 (RCW 9.61.260(3))  
33 Escape 2 (RCW  
34 9A.76.120)

1 Extortion 2 (RCW  
2 9A.56.130)  
3 Harassment (RCW  
4 9A.46.020)  
5 Intimidating a Public  
6 Servant (RCW  
7 9A.76.180)  
8 Introducing Contraband  
9 2 (RCW 9A.76.150)  
10 Malicious Injury to  
11 Railroad Property  
12 (RCW 81.60.070)  
13 Mortgage Fraud (RCW  
14 19.144.080)  
15 Negligently Causing  
16 Substantial Bodily  
17 Harm By Use of a  
18 Signal Preemption  
19 Device (RCW  
20 46.37.674)  
21 Organized Retail Theft  
22 1 (RCW  
23 9A.56.350(2))  
24 Perjury 2 (RCW  
25 9A.72.030)  
26 Possession of  
27 Incendiary Device  
28 (RCW 9.40.120)  
29 Possession of Machine  
30 Gun or Short-  
31 Barreled Shotgun or  
32 Rifle (RCW  
33 9.41.190)  
34 Promoting Prostitution

1 2 (RCW 9A.88.080)  
2 Rendering Criminal  
3 Assistance 1 (RCW  
4 9A.76.070 (2)(b))  
5 Retail Theft with  
6 Extenuating  
7 Circumstances 1  
8 (RCW 9A.56.360(2))  
9 Securities Act  
10 violation (RCW  
11 21.20.400)  
12 Tampering with a  
13 Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment  
16 (subsequent  
17 conviction or  
18 threat of death)  
19 (RCW 9.61.230(2))  
20 Theft of Livestock 2  
21 (RCW 9A.56.083)  
22 Theft with the Intent  
23 to Resell 1 (RCW  
24 9A.56.340(2))  
25 Trafficking in Stolen  
26 Property 2 (RCW  
27 9A.82.055)  
28 Unlawful Imprisonment  
29 (RCW 9A.40.040)  
30 Unlawful possession of  
31 firearm in the  
32 second degree (RCW  
33 9.41.040(2))  
34 Vehicular Assault, by

1 the operation or  
2 driving of a  
3 vehicle with  
4 disregard for the  
5 safety of others  
6 (RCW 46.61.522)  
7 Willful Failure to  
8 Return from Work  
9 Release (\*\*RCW  
10 72.65.070)  
11 II Computer Trespass 1  
12 (RCW 9A.52.110)  
13 Counterfeiting (RCW  
14 9.16.035(3))  
15 Escape from Community  
16 Custody (RCW  
17 72.09.310)  
18 Failure to Register as  
19 a Sex Offender  
20 (second or  
21 subsequent offense)  
22 (RCW  
23 9A.44.130(11)(a))  
24 Health Care False  
25 Claims (RCW  
26 48.80.030)  
27 Identity Theft 2 (RCW  
28 9.35.020(3))  
29 Improperly Obtaining  
30 Financial  
31 Information (RCW  
32 9.35.010)  
33 Malicious Mischief 1  
34 (RCW 9A.48.070)



1 Organized Retail Theft  
2 2 (RCW  
3 9A.56.350(3))  
4 Possession of Stolen  
5 Property 1 (RCW  
6 9A.56.150)  
7 Possession of a Stolen  
8 Vehicle (RCW  
9 9A.56.068)  
10 Retail Theft with  
11 Extenuating  
12 Circumstances 2  
13 (RCW 9A.56.360(3))  
14 Theft 1 (RCW  
15 9A.56.030)  
16 Theft of a Motor  
17 Vehicle (RCW  
18 9A.56.065)  
19 Theft of Rental,  
20 Leased, or Lease-  
21 purchased Property  
22 (valued at one  
23 thousand five  
24 hundred dollars or  
25 more) (RCW  
26 9A.56.096(5)(a))  
27 Theft with the Intent  
28 to Resell 2 (RCW  
29 9A.56.340(3))  
30 Trafficking in  
31 Insurance Claims  
32 (RCW 48.30A.015)  
33 Unlawful factoring of  
34 a credit card or

1 payment card  
2 transaction (RCW  
3 9A.56.290(4)(a))  
4 Unlawful Practice of  
5 Law (RCW  
6 2.48.180)  
7 Unlicensed Practice of  
8 a Profession or  
9 Business (RCW  
10 18.130.190(7))  
11 Voyeurism (RCW  
12 9A.44.115)  
13 I Attempting to Elude a  
14 Pursuing Police  
15 Vehicle (RCW  
16 46.61.024)  
17 False Verification for  
18 Welfare (RCW  
19 74.08.055)  
20 Forgery (RCW  
21 9A.60.020)  
22 Fraudulent Creation or  
23 Revocation of a  
24 Mental Health  
25 Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2  
28 (RCW 9A.48.080)  
29 Mineral Trespass (RCW  
30 78.44.330)  
31 Possession of Stolen  
32 Property 2 (RCW  
33 9A.56.160)  
34 Reckless Burning 1

1 (RCW 9A.48.040)  
2 Taking Motor Vehicle  
3 Without  
4 Permission 2 (RCW  
5 9A.56.075)  
6 Theft 2 (RCW  
7 9A.56.040)  
8 Theft of Rental,  
9 Leased, or Lease-  
10 purchased Property  
11 (valued at two  
12 hundred fifty  
13 dollars or more but  
14 less than one  
15 thousand five  
16 hundred dollars)  
17 (RCW  
18 9A.56.096(5)(b))  
19 Transaction of  
20 insurance business  
21 beyond the scope of  
22 licensure (\*\*RCW  
23 48.17.063(4))  
24 Unlawful Issuance of  
25 Checks or Drafts  
26 (RCW 9A.56.060)  
27 Unlawful Possession of  
28 Fictitious  
29 Identification (RCW  
30 9A.56.320)  
31 Unlawful Possession of  
32 Instruments of  
33 Financial Fraud  
34 (RCW 9A.56.320)

1 Unlawful Possession of  
2 Payment  
3 Instruments (RCW  
4 9A.56.320)  
5 Unlawful Possession of  
6 a Personal  
7 Identification  
8 Device (RCW  
9 9A.56.320)  
10 Unlawful Production of  
11 Payment  
12 Instruments (RCW  
13 9A.56.320)  
14 Unlawful Trafficking  
15 in Food Stamps  
16 (RCW 9.91.142)  
17 Unlawful Use of Food  
18 Stamps (RCW  
19 9.91.144)  
20 Vehicle Prowl 1 (RCW  
21 9A.52.095)  
22

23 **Sec. 3.** RCW 9A.76.060 and 1975 1st ex.s. c 260 s 9A.76.060 are  
24 each amended to read as follows:

25 As used in RCW 9A.76.070 and 9A.76.080, "relative" means a person:

26 (1)(a) Who was under the age of eighteen at the time of the  
27 offense, and is related as husband or wife, brother or sister, parent  
28 or grandparent, child or grandchild, step-child or step-parent to the  
29 person to whom criminal assistance is rendered; or

30 (b) Who provides emergency medical assistance and who is related  
31 to the same person as husband or wife, brother or sister, parent or  
32 grandparent, child or grandchild, stepchild or stepparent to whom  
33 criminal assistance is rendered; and  
34

1 (2) Who does not render criminal assistance to another person in  
2 one or more of the means defined in subsections (4), (5), or (6) of  
3 RCW 9A.76.050.

4

5 NEW SECTION. **Sec. 4.** This act shall be known as Randy's law."

6

7 Correct the title.

**EFFECT:** Amends the definition of a "relative" for purposes of determining the penalty of a person found guilty of Rendering Criminal Assistance. With the exception of an adult relative that provides emergency medical assistance to an offender, any person over the age of 18 years old found guilty of Rendering Criminal Assistance to an offender, despite whether or not the person is a "relative" of the offender, must be penalized at the higher offense category. Under this amendment, an adult "relative" (providing criminal assistance to an offender fleeing from law enforcement) would be punished in the same fashion as a "non-relative." The punishment for an adult "relative" would increase from a gross misdemeanor offense in current law (or a C felony in the underlying bill) to a class B felony offense. Also names the act "Randy's Law."

--- END ---