

SSB 5154 - S AMD 6  
By Senator Kline

ADOPTED 02/14/2012

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

3 "Sec. 1. RCW 9A.52.100 and 2011 c 336 s 376 are each amended to  
4 read as follows:

5 (1) A person is guilty of vehicle prowling in the second degree if,  
6 with intent to commit a crime against a person or property therein, he  
7 or she enters or remains unlawfully in a vehicle other than a motor  
8 home, as defined in RCW 46.04.305, or a vessel equipped for propulsion  
9 by mechanical means or by sail which has a cabin equipped with  
10 permanently installed sleeping quarters or cooking facilities.

11 (2) Except as provided in subsection (3) of this section, vehicle  
12 prowling in the second degree is a gross misdemeanor.

13 (3) Vehicle prowling in the second degree is a class C felony upon  
14 a third or subsequent conviction of vehicle prowling in the second  
15 degree.

16 **Sec. 2.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are  
17 each reenacted and amended to read as follows:

18  
19 TABLE 2

20 CRIMES INCLUDED WITHIN

21 EACH SERIOUSNESS LEVEL

22	XVI	Aggravated Murder 1 (RCW
23		10.95.020)
24	XV	Homicide by abuse (RCW 9A.32.055)
25		Malicious explosion 1 (RCW
26		70.74.280(1))
27		Murder 1 (RCW 9A.32.030)
28	XIV	Murder 2 (RCW 9A.32.050)

1 Trafficking 1 (RCW 9A.40.100(1))  
2 XIII Malicious explosion 2 (RCW  
3 70.74.280(2))  
4 Malicious placement of an explosive 1  
5 (RCW 70.74.270(1))  
6 XII Assault 1 (RCW 9A.36.011)  
7 Assault of a Child 1 (RCW 9A.36.120)  
8 Malicious placement of an imitation  
9 device 1 (RCW 70.74.272(1)(a))  
10 Promoting Commercial Sexual Abuse  
11 of a Minor (RCW 9.68A.101)  
12 Rape 1 (RCW 9A.44.040)  
13 Rape of a Child 1 (RCW 9A.44.073)  
14 Trafficking 2 (RCW 9A.40.100(2))  
15 XI Manslaughter 1 (RCW 9A.32.060)  
16 Rape 2 (RCW 9A.44.050)  
17 Rape of a Child 2 (RCW 9A.44.076)  
18 X Child Molestation 1 (RCW 9A.44.083)  
19 Criminal Mistreatment 1 (RCW  
20 9A.42.020)  
21 Indecent Liberties (with forcible  
22 compulsion) (RCW  
23 9A.44.100(1)(a))  
24 Kidnapping 1 (RCW 9A.40.020)  
25 Leading Organized Crime (RCW  
26 9A.82.060(1)(a))  
27 Malicious explosion 3 (RCW  
28 70.74.280(3))  
29 Sexually Violent Predator Escape  
30 (RCW 9A.76.115)  
31 IX Abandonment of Dependent Person 1  
32 (RCW 9A.42.060)  
33 Assault of a Child 2 (RCW 9A.36.130)  
34 Explosive devices prohibited (RCW  
35 70.74.180)  
36 Hit and Run--Death (RCW  
37 46.52.020(4)(a))

1 Homicide by Watercraft, by being  
2 under the influence of intoxicating  
3 liquor or any drug (RCW  
4 79A.60.050)  
5 Inciting Criminal Profiteering (RCW  
6 9A.82.060(1)(b))  
7 Malicious placement of an explosive 2  
8 (RCW 70.74.270(2))  
9 Robbery 1 (RCW 9A.56.200)  
10 Sexual Exploitation (RCW 9.68A.040)  
11 Vehicular Homicide, by being under  
12 the influence of intoxicating liquor  
13 or any drug (RCW 46.61.520)  
14 VIII Arson 1 (RCW 9A.48.020)  
15 Commercial Sexual Abuse of a Minor  
16 (RCW 9.68A.100)  
17 Homicide by Watercraft, by the  
18 operation of any vessel in a  
19 reckless manner (RCW  
20 79A.60.050)  
21 Manslaughter 2 (RCW 9A.32.070)  
22 Promoting Prostitution 1 (RCW  
23 9A.88.070)  
24 Theft of Ammonia (RCW 69.55.010)  
25 Vehicular Homicide, by the operation  
26 of any vehicle in a reckless manner  
27 (RCW 46.61.520)  
28 VII Burglary 1 (RCW 9A.52.020)  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Civil Disorder Training (RCW  
31 9A.48.120)  
32 Dealing in depictions of minor engaged  
33 in sexually explicit conduct 1  
34 (RCW 9.68A.050(1))  
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard  
2 for the safety of others (RCW  
3 79A.60.050)  
4 Indecent Liberties (without forcible  
5 compulsion) (RCW 9A.44.100(1)  
6 (b) and (c))  
7 Introducing Contraband 1 (RCW  
8 9A.76.140)  
9 Malicious placement of an explosive 3  
10 (RCW 70.74.270(3))  
11 Negligently Causing Death By Use of a  
12 Signal Preemption Device (RCW  
13 46.37.675)  
14 Sending, bringing into state depictions  
15 of minor engaged in sexually  
16 explicit conduct 1 (RCW  
17 9.68A.060(1))  
18 Unlawful Possession of a Firearm in  
19 the first degree (RCW 9.41.040(1))  
20 Use of a Machine Gun in Commission  
21 of a Felony (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for  
23 the safety of others (RCW  
24 46.61.520)  
25 VI Bail Jumping with Murder 1 (RCW  
26 9A.76.170(3)(a))  
27 Bribery (RCW 9A.68.010)  
28 Incest 1 (RCW 9A.64.020(1))  
29 Intimidating a Judge (RCW 9A.72.160)  
30 Intimidating a Juror/Witness (RCW  
31 9A.72.110, 9A.72.130)  
32 Malicious placement of an imitation  
33 device 2 (RCW 70.74.272(1)(b))  
34 Possession of Depictions of a Minor  
35 Engaged in Sexually Explicit  
36 Conduct 1 (RCW 9.68A.070(1))  
37 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)  
2 Unlawful Storage of Ammonia (RCW  
3 69.55.020)  
4 V Abandonment of Dependent Person 2  
5 (RCW 9A.42.070)  
6 Advancing money or property for  
7 extortionate extension of credit  
8 (RCW 9A.82.030)  
9 Bail Jumping with class A Felony  
10 (RCW 9A.76.170(3)(b))  
11 Child Molestation 3 (RCW 9A.44.089)  
12 Criminal Mistreatment 2 (RCW  
13 9A.42.030)  
14 Custodial Sexual Misconduct 1 (RCW  
15 9A.44.160)  
16 Dealing in Depictions of Minor  
17 Engaged in Sexually Explicit  
18 Conduct 2 (RCW 9.68A.050(2))  
19 Domestic Violence Court Order  
20 Violation (RCW 10.99.040,  
21 10.99.050, 26.09.300, 26.10.220,  
22 26.26.138, 26.50.110, 26.52.070,  
23 or 74.34.145)  
24 Driving While Under the Influence  
25 (RCW 46.61.502(6))  
26 Extortion 1 (RCW 9A.56.120)  
27 Extortionate Extension of Credit (RCW  
28 9A.82.020)  
29 Extortionate Means to Collect  
30 Extensions of Credit (RCW  
31 9A.82.040)  
32 Incest 2 (RCW 9A.64.020(2))  
33 Kidnapping 2 (RCW 9A.40.030)  
34 Perjury 1 (RCW 9A.72.020)  
35 Persistent prison misbehavior (RCW  
36 9.94.070)

1 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 Sending, Bringing into State Depictions  
10 of Minor Engaged in Sexually  
11 Explicit Conduct 2 (RCW  
12 9.68A.060(2))  
13 Sexual Misconduct with a Minor 1  
14 (RCW 9A.44.093)  
15 Sexually Violating Human Remains  
16 (RCW 9A.44.105)  
17 Stalking (RCW 9A.46.110)  
18 Taking Motor Vehicle Without  
19 Permission 1 (RCW 9A.56.070)  
20 Vehicle Prowling 2 (third or  
21 subsequent offense) (RCW  
22 9A.52.100(3))  
23 IV Arson 2 (RCW 9A.48.030)  
24 Assault 2 (RCW 9A.36.021)  
25 Assault 3 (of a Peace Officer with a  
26 Projectile Stun Gun) (RCW  
27 9A.36.031(1)(h))  
28 Assault by Watercraft (RCW  
29 79A.60.060)  
30 Bribing a Witness/Bribe Received by  
31 Witness (RCW 9A.72.090,  
32 9A.72.100)  
33 Cheating 1 (RCW 9.46.1961)  
34 Commercial Bribery (RCW 9A.68.060)  
35 Counterfeiting (RCW 9.16.035(4))  
36 Endangerment with a Controlled  
37 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)  
2 Hit and Run--Injury (RCW  
3 46.52.020(4)(b))  
4 Hit and Run with Vessel--Injury  
5 Accident (RCW 79A.60.200(3))  
6 Identity Theft 1 (RCW 9.35.020(2))  
7 Indecent Exposure to Person Under  
8 Age Fourteen (subsequent sex  
9 offense) (RCW 9A.88.010)  
10 Influencing Outcome of Sporting Event  
11 (RCW 9A.82.070)  
12 Malicious Harassment (RCW  
13 9A.36.080)  
14 Possession of Depictions of a Minor  
15 Engaged in Sexually Explicit  
16 Conduct 2 (RCW 9.68(~~A~~))  
17 A.070(2))  
18 Residential Burglary (RCW  
19 9A.52.025)  
20 Robbery 2 (RCW 9A.56.210)  
21 Theft of Livestock 1 (RCW 9A.56.080)  
22 Threats to Bomb (RCW 9.61.160)  
23 Trafficking in Stolen Property 1 (RCW  
24 9A.82.050)  
25 Unlawful factoring of a credit card or  
26 payment card transaction (RCW  
27 9A.56.290(4)(b))  
28 Unlawful transaction of health  
29 coverage as a health care service  
30 contractor (RCW 48.44.016(3))  
31 Unlawful transaction of health  
32 coverage as a health maintenance  
33 organization (RCW 48.46.033(3))  
34 Unlawful transaction of insurance  
35 business (RCW 48.15.023(3))  
36 Unlicensed practice as an insurance  
37 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080 (1)  
3 and (2))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Viewing of Depictions of a Minor  
10 Engaged in Sexually Explicit  
11 Conduct 1 (RCW 9.68A.075(1))  
12 Willful Failure to Return from  
13 Furlough (RCW 72.66.060)  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun  
18 Gun) (RCW 9A.36.031 except  
19 subsection (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 Burglary 2 (RCW 9A.52.030)  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyberstalking (subsequent conviction  
31 or threat of death) (RCW  
32 9.61.260(3))  
33 Escape 2 (RCW 9A.76.120)  
34 Extortion 2 (RCW 9A.56.130)  
35 Harassment (RCW 9A.46.020)  
36 Intimidating a Public Servant (RCW  
37 9A.76.180)



1 Introducing Contraband 2 (RCW  
2 9A.76.150)  
3 Malicious Injury to Railroad Property  
4 (RCW 81.60.070)  
5 Mortgage Fraud (RCW 19.144.080)  
6 Negligently Causing Substantial Bodily  
7 Harm By Use of a Signal  
8 Preemption Device (RCW  
9 46.37.674)  
10 Organized Retail Theft 1 (RCW  
11 9A.56.350(2))  
12 Perjury 2 (RCW 9A.72.030)  
13 Possession of Incendiary Device (RCW  
14 9.40.120)  
15 Possession of Machine Gun or Short-  
16 Barreled Shotgun or Rifle (RCW  
17 9.41.190)  
18 Promoting Prostitution 2 (RCW  
19 9A.88.080)  
20 Retail Theft with Extenuating  
21 Circumstances 1 (RCW  
22 9A.56.360(2))  
23 Securities Act violation (RCW  
24 21.20.400)  
25 Tampering with a Witness (RCW  
26 9A.72.120)  
27 Telephone Harassment (subsequent  
28 conviction or threat of death)  
29 (RCW 9.61.230(2))  
30 Theft of Livestock 2 (RCW 9A.56.083)  
31 Theft with the Intent to Resell 1 (RCW  
32 9A.56.340(2))  
33 Trafficking in Stolen Property 2 (RCW  
34 9A.82.055)  
35 Unlawful Imprisonment (RCW  
36 9A.40.040)

1 Unlawful possession of firearm in the  
2 second degree (RCW 9A.41.040(2))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 Willful Failure to Return from Work  
8 Release (RCW 72.65.070)  
9 II Computer Trespass 1 (RCW  
10 9A.52.110)  
11 Counterfeiting (RCW 9.16.035(3))  
12 Escape from Community Custody  
13 (RCW 72.09.310)  
14 Failure to Register as a Sex Offender  
15 (second or subsequent offense)  
16 (RCW 9A.44.130(11)(a))  
17 Health Care False Claims (RCW  
18 48.80.030)  
19 Identity Theft 2 (RCW 9.35.020(3))  
20 Improperly Obtaining Financial  
21 Information (RCW 9.35.010)  
22 Malicious Mischief 1 (RCW  
23 9A.48.070)  
24 Organized Retail Theft 2 (RCW  
25 9A.56.350(3))  
26 Possession of Stolen Property 1 (RCW  
27 9A.56.150)  
28 Possession of a Stolen Vehicle (RCW  
29 9A.56.068)  
30 Retail Theft with Extenuating  
31 Circumstances 2 (RCW  
32 9A.56.360(3))  
33 Theft 1 (RCW 9A.56.030)  
34 Theft of a Motor Vehicle (RCW  
35 9A.56.065)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at one  
3 thousand five hundred dollars or  
4 more) (RCW 9A.56.096(5)(a))  
5 Theft with the Intent to Resell 2 (RCW  
6 9A.56.340(3))  
7 Trafficking in Insurance Claims (RCW  
8 48.30A.015)  
9 Unlawful factoring of a credit card or  
10 payment card transaction (RCW  
11 9A.56.290(4)(a))  
12 Unlawful Practice of Law (RCW  
13 2.48.180)  
14 Unlicensed Practice of a Profession or  
15 Business (RCW 18.130.190(7))  
16 Voyeurism (RCW 9A.44.115)  
17 I Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 False Verification for Welfare (RCW  
20 74.08.055)  
21 Forgery (RCW 9A.60.020)  
22 Fraudulent Creation or Revocation of a  
23 Mental Health Advance Directive  
24 (RCW 9A.60.060)  
25 Malicious Mischief 2 (RCW  
26 9A.48.080)  
27 Mineral Trespass (RCW 78.44.330)  
28 Possession of Stolen Property 2 (RCW  
29 9A.56.160)  
30 Reckless Burning 1 (RCW 9A.48.040)  
31 Taking Motor Vehicle Without  
32 Permission 2 (RCW 9A.56.075)  
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063)  
10 Unlawful Issuance of Checks or Drafts  
11 (RCW 9A.56.060)  
12 Unlawful Possession of Fictitious  
13 Identification (RCW 9A.56.320)  
14 Unlawful Possession of Instruments of  
15 Financial Fraud (RCW 9A.56.320)  
16 Unlawful Possession of Payment  
17 Instruments (RCW 9A.56.320)  
18 Unlawful Possession of a Personal  
19 Identification Device (RCW  
20 9A.56.320)  
21 Unlawful Production of Payment  
22 Instruments (RCW 9A.56.320)  
23 Unlawful Trafficking in Food Stamps  
24 (RCW 9.91.142)  
25 Unlawful Use of Food Stamps (RCW  
26 9.91.144)  
27 Vehicle Prowling 1 (RCW 9A.52.095)"

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By Senator Kline

**ADOPTED 02/14/2012**

28 On page 1, line 1 of the title, after "prowling;" strike the  
29 remainder of the title and insert "amending RCW 9A.52.100; reenacting  
30 and amending RCW 9.94A.515; and prescribing penalties."

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