
HOUSE BILL 1913

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Klippert, Pearson, McCune, Hope, Ross, Finn, and Haler

Read first time 02/09/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to criminal gang intimidation of a law enforcement
2 officer; reenacting and amending RCW 9.94A.515; adding a new section to
3 chapter 9A.46 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.46 RCW
6 to read as follows:

7 (1) A criminal street gang associate or member, as defined in RCW
8 9.94A.030, and a person acting at the direction of a criminal street
9 gang associate or member, who by his or her actions, demeanor, or
10 language intentionally causes or attempts to cause fear on the part of
11 a law enforcement officer, corrections officer, firefighter, or
12 paramedic by threatening the law enforcement officer, corrections
13 officer, firefighter, or paramedic or a family member of the law
14 enforcement officer, corrections officer, firefighter, or paramedic,
15 and whether or not the law enforcement officer, corrections officer,
16 firefighter, or paramedic is on duty at the time the threat is made, is
17 guilty of the crime of criminal gang intimidation of a law enforcement
18 officer. A subjective standard, based on the training and experience
19 of the law enforcement officer, corrections officer, firefighter, or

1 paramedic, shall be used to determine if the person committing the
2 crime intended to cause or attempted to cause fear on the part of the
3 law enforcement officer, corrections officer, firefighter, or
4 paramedic.

5 (2) Criminal gang intimidation of a law enforcement officer is a
6 class B felony.

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

9
10 TABLE 2

11 CRIMES INCLUDED WITHIN
12 EACH SERIOUSNESS LEVEL

- 13 XVI Aggravated Murder 1 (RCW
14 10.95.020)
- 15 XV Homicide by abuse (RCW 9A.32.055)
16 Malicious explosion 1 (RCW
17 70.74.280(1))
18 Murder 1 (RCW 9A.32.030)
- 19 XIV Murder 2 (RCW 9A.32.050)
20 Trafficking 1 (RCW 9A.40.100(1))
- 21 XIII Malicious explosion 2 (RCW
22 70.74.280(2))
23 Malicious placement of an explosive 1
24 (RCW 70.74.270(1))
- 25 XII Assault 1 (RCW 9A.36.011)
26 Assault of a Child 1 (RCW 9A.36.120)
27 Malicious placement of an imitation
28 device 1 (RCW 70.74.272(1)(a))
29 Promoting Commercial Sexual Abuse
30 of a Minor (RCW 9.68A.101)
31 Rape 1 (RCW 9A.44.040)
32 Rape of a Child 1 (RCW 9A.44.073)
33 Trafficking 2 (RCW 9A.40.100(2))
- 34 XI Manslaughter 1 (RCW 9A.32.060)
35 Rape 2 (RCW 9A.44.050)
36 Rape of a Child 2 (RCW 9A.44.076)

1 X Child Molestation 1 (RCW 9A.44.083)
2 Criminal Mistreatment 1 (RCW
3 9A.42.020)
4 Indecent Liberties (with forcible
5 compulsion) (RCW
6 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW
11 70.74.280(3))
12 Sexually Violent Predator Escape
13 (RCW 9A.76.115)
14 IX Abandonment of Dependent Person 1
15 (RCW 9A.42.060)
16 Assault of a Child 2 (RCW 9A.36.130)
17 Explosive devices prohibited (RCW
18 70.74.180)
19 Hit and Run--Death (RCW
20 46.52.020(4)(a))
21 Homicide by Watercraft, by being
22 under the influence of intoxicating
23 liquor or any drug (RCW
24 79A.60.050)
25 Inciting Criminal Profiteering (RCW
26 9A.82.060(1)(b))
27 Malicious placement of an explosive 2
28 (RCW 70.74.270(2))
29 Robbery 1 (RCW 9A.56.200)
30 Sexual Exploitation (RCW 9.68A.040)
31 Vehicular Homicide, by being under
32 the influence of intoxicating liquor
33 or any drug (RCW 46.61.520)
34 VIII Arson 1 (RCW 9A.48.020)
35 Commercial Sexual Abuse of a Minor
36 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless manner
11 (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct 1
18 (RCW 9.68A.050(1))
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Negligently Causing Death By Use of a
31 Signal Preemption Device (RCW
32 46.37.675)
33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct 1 (RCW
36 9.68A.060(1))

1 Unlawful Possession of a Firearm in
2 the first degree (RCW 9A.10.040(1))
3 Use of a Machine Gun in Commission
4 of a Felony (RCW 9A.10.225)
5 Vehicular Homicide, by disregard for
6 the safety of others (RCW
7 46.61.520)
8 VI Bail Jumping with Murder 1 (RCW
9 9A.76.170(3)(a))
10 Bribery (RCW 9A.68.010)
11 Criminal Gang Intimidation of a Law
12 Enforcement Officer (section 1 of
13 this act)
14 Incest 1 (RCW 9A.64.020(1))
15 Intimidating a Judge (RCW 9A.72.160)
16 Intimidating a Juror/Witness (RCW
17 9A.72.110, 9A.72.130)
18 Malicious placement of an imitation
19 device 2 (RCW 70.74.272(1)(b))
20 Possession of Depictions of a Minor
21 Engaged in Sexually Explicit
22 Conduct 1 (RCW 9A.68A.070(1))
23 Rape of a Child 3 (RCW 9A.44.079)
24 Theft of a Firearm (RCW 9A.56.300)
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of Dependent Person 2
28 (RCW 9A.42.070)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 2 (RCW
36 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Dealing in Depictions of Minor
4 Engaged in Sexually Explicit
5 Conduct 2 (RCW 9.68A.050(2))
6 Domestic Violence Court Order
7 Violation (RCW 10.99.040,
8 10.99.050, 26.09.300, 26.10.220,
9 26.26.138, 26.50.110, 26.52.070,
10 or 74.34.145)
11 Driving While Under the Influence
12 (RCW 46.61.502(6))
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Physical Control of a Vehicle While
25 Under the Influence (RCW
26 46.61.504(6))
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1
31 (RCW 9A.76.070)
32 Sending, Bringing into State Depictions
33 of Minor Engaged in Sexually
34 Explicit Conduct 2 (RCW
35 9.68A.060(2))
36 Sexual Misconduct with a Minor 1
37 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault by Watercraft (RCW
12 79A.60.060)
13 Bribing a Witness/Bribe Received by
14 Witness (RCW 9A.72.090,
15 9A.72.100)
16 Cheating 1 (RCW 9A.46.1961)
17 Commercial Bribery (RCW 9A.68.060)
18 Counterfeiting (RCW 9.16.035(4))
19 Endangerment with a Controlled
20 Substance (RCW 9A.42.100)
21 Escape 1 (RCW 9A.76.110)
22 Hit and Run--Injury (RCW
23 46.52.020(4)(b))
24 Hit and Run with Vessel--Injury
25 Accident (RCW 79A.60.200(3))
26 Identity Theft 1 (RCW 9.35.020(2))
27 Indecent Exposure to Person Under
28 Age Fourteen (subsequent sex
29 offense) (RCW 9A.88.010)
30 Influencing Outcome of Sporting Event
31 (RCW 9A.82.070)
32 Malicious Harassment (RCW
33 9A.36.080)
34 Possession of Depictions of a Minor
35 Engaged in Sexually Explicit
36 Conduct 2 (RCW ((9.68[A].070))
37 9.68A.070(2))

1 Residential Burglary (RCW
2 9A.52.025)
3 Robbery 2 (RCW 9A.56.210)
4 Theft of Livestock 1 (RCW 9A.56.080)
5 Threats to Bomb (RCW 9.61.160)
6 Trafficking in Stolen Property 1 (RCW
7 9A.82.050)
8 Unlawful factoring of a credit card or
9 payment card transaction (RCW
10 9A.56.290(4)(b))
11 Unlawful transaction of health
12 coverage as a health care service
13 contractor (RCW 48.44.016(3))
14 Unlawful transaction of health
15 coverage as a health maintenance
16 organization (RCW 48.46.033(3))
17 Unlawful transaction of insurance
18 business (RCW 48.15.023(3))
19 Unlicensed practice as an insurance
20 professional (RCW 48.17.063(2))
21 Use of Proceeds of Criminal
22 Profiteering (RCW 9A.82.080 (1)
23 and (2))
24 Vehicular Assault, by being under the
25 influence of intoxicating liquor or
26 any drug, or by the operation or
27 driving of a vehicle in a reckless
28 manner (RCW 46.61.522)
29 Viewing of Depictions of a Minor
30 Engaged in Sexually Explicit
31 Conduct 1 (RCW 9.68A.075(1))
32 Willful Failure to Return from
33 Furlough (RCW 72.66.060)
34 III Animal Cruelty 1 (Sexual Conduct or
35 Contact) (RCW 16.52.205(3))

1 Assault 3 (Except Assault 3 of a Peace
2 Officer With a Projectile Stun
3 Gun) (RCW 9A.36.031 except
4 subsection (1)(h))
5 Assault of a Child 3 (RCW 9A.36.140)
6 Bail Jumping with class B or C Felony
7 (RCW 9A.76.170(3)(c))
8 Burglary 2 (RCW 9A.52.030)
9 Communication with a Minor for
10 Immoral Purposes (RCW
11 9.68A.090)
12 Criminal Gang Intimidation (RCW
13 9A.46.120)
14 Custodial Assault (RCW 9A.36.100)
15 Cyberstalking (subsequent conviction
16 or threat of death) (RCW
17 9.61.260(3))
18 Escape 2 (RCW 9A.76.120)
19 Extortion 2 (RCW 9A.56.130)
20 Harassment (RCW 9A.46.020)
21 Intimidating a Public Servant (RCW
22 9A.76.180)
23 Introducing Contraband 2 (RCW
24 9A.76.150)
25 Malicious Injury to Railroad Property
26 (RCW 81.60.070)
27 Mortgage Fraud (RCW 19.144.080)
28 Negligently Causing Substantial Bodily
29 Harm By Use of a Signal
30 Preemption Device (RCW
31 46.37.674)
32 Organized Retail Theft 1 (RCW
33 9A.56.350(2))
34 Perjury 2 (RCW 9A.72.030)
35 Possession of Incendiary Device (RCW
36 9.40.120)

1 Possession of Machine Gun or Short-
2 Barreled Shotgun or Rifle (RCW
3 9.41.190)
4 Promoting Prostitution 2 (RCW
5 9A.88.080)
6 Retail Theft with Extenuating
7 Circumstances 1 (RCW
8 9A.56.360(2))
9 Securities Act violation (RCW
10 21.20.400)
11 Tampering with a Witness (RCW
12 9A.72.120)
13 Telephone Harassment (subsequent
14 conviction or threat of death)
15 (RCW 9.61.230(2))
16 Theft of Livestock 2 (RCW 9A.56.083)
17 Theft with the Intent to Resell 1 (RCW
18 9A.56.340(2))
19 Trafficking in Stolen Property 2 (RCW
20 9A.82.055)
21 Unlawful Imprisonment (RCW
22 9A.40.040)
23 Unlawful possession of firearm in the
24 second degree (RCW 9.41.040(2))
25 Vehicular Assault, by the operation or
26 driving of a vehicle with disregard
27 for the safety of others (RCW
28 46.61.522)
29 Willful Failure to Return from Work
30 Release (RCW 72.65.070)
31 II Computer Trespass 1 (RCW
32 9A.52.110)
33 Counterfeiting (RCW 9.16.035(3))
34 Escape from Community Custody
35 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW ((9A.44.130(11)(a)))
4 9A.44.132)
5 Health Care False Claims (RCW
6 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW
11 9A.48.070)
12 Organized Retail Theft 2 (RCW
13 9A.56.350(3))
14 Possession of Stolen Property 1 (RCW
15 9A.56.150)
16 Possession of a Stolen Vehicle (RCW
17 9A.56.068)
18 Retail Theft with Extenuating
19 Circumstances 2 (RCW
20 9A.56.360(3))
21 Theft 1 (RCW 9A.56.030)
22 Theft of a Motor Vehicle (RCW
23 9A.56.065)
24 Theft of Rental, Leased, or Lease-
25 purchased Property (valued at one
26 thousand five hundred dollars or
27 more) (RCW 9A.56.096(5)(a))
28 Theft with the Intent to Resell 2 (RCW
29 9A.56.340(3))
30 Trafficking in Insurance Claims (RCW
31 48.30A.015)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(a))
35 Unlawful Practice of Law (RCW
36 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 Voyeurism (RCW 9A.44.115)
4 I Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 False Verification for Welfare (RCW
7 74.08.055)
8 Forgery (RCW 9A.60.020)
9 Fraudulent Creation or Revocation of a
10 Mental Health Advance Directive
11 (RCW 9A.60.060)
12 Malicious Mischief 2 (RCW
13 9A.48.080)
14 Mineral Trespass (RCW 78.44.330)
15 Possession of Stolen Property 2 (RCW
16 9A.56.160)
17 Reckless Burning 1 (RCW 9A.48.040)
18 Taking Motor Vehicle Without
19 Permission 2 (RCW 9A.56.075)
20 Theft 2 (RCW 9A.56.040)
21 Theft of Rental, Leased, or Lease-
22 purchased Property (valued at two
23 hundred fifty dollars or more but
24 less than one thousand five
25 hundred dollars) (RCW
26 9A.56.096(5)(b))
27 Transaction of insurance business
28 beyond the scope of licensure
29 (RCW 48.17.063)
30 Unlawful Issuance of Checks or Drafts
31 (RCW 9A.56.060)
32 Unlawful Possession of Fictitious
33 Identification (RCW 9A.56.320)
34 Unlawful Possession of Instruments of
35 Financial Fraud (RCW 9A.56.320)
36 Unlawful Possession of Payment
37 Instruments (RCW 9A.56.320)

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

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