

SECOND SUBSTITUTE HOUSE BILL 2216

State of Washington

62nd Legislature

2012 Regular Session

By House Ways & Means (originally sponsored by Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune, and Kristiansen)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to vehicular homicide and vehicular assault
2 sentences; reenacting and amending RCW 9.94A.515; and prescribing
3 penalties.

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

5 Sec. 1. RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
6 each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN

10 EACH SERIOUSNESS LEVEL

- 11 XVI Aggravated Murder 1 (RCW
- 12 10.95.020)
- 13 XV Homicide by abuse (RCW 9A.32.055)
- 14 Malicious explosion 1 (RCW
- 15 70.74.280(1))
- 16 Murder 1 (RCW 9A.32.030)

- 1 XIV Murder 2 (RCW 9A.32.050)
2 Trafficking 1 (RCW 9A.40.100(1))
3 XIII Malicious explosion 2 (RCW
4 70.74.280(2))
5 Malicious placement of an explosive 1
6 (RCW 70.74.270(1))
7 XII Assault 1 (RCW 9A.36.011)
8 Assault of a Child 1 (RCW 9A.36.120)
9 Malicious placement of an imitation
10 device 1 (RCW 70.74.272(1)(a))
11 Promoting Commercial Sexual Abuse
12 of a Minor (RCW 9.68A.101)
13 Rape 1 (RCW 9A.44.040)
14 Rape of a Child 1 (RCW 9A.44.073)
15 Trafficking 2 (RCW 9A.40.100(2))
16 XI Manslaughter 1 (RCW 9A.32.060)
17 Rape 2 (RCW 9A.44.050)
18 Rape of a Child 2 (RCW 9A.44.076)
19 Vehicular Homicide, by being under
20 the influence of intoxicating liquor
21 or any drug (RCW 46.61.520)
22 X Child Molestation 1 (RCW 9A.44.083)
23 Criminal Mistreatment 1 (RCW
24 9A.42.020)
25 Indecent Liberties (with forcible
26 compulsion) (RCW
27 9A.44.100(1)(a))
28 Kidnapping 1 (RCW 9A.40.020)
29 Leading Organized Crime (RCW
30 9A.82.060(1)(a))
31 Malicious explosion 3 (RCW
32 70.74.280(3))
33 Sexually Violent Predator Escape
34 (RCW 9A.76.115)
35 IX Abandonment of Dependent Person 1
36 (RCW 9A.42.060)
37 Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run--Death (RCW
4 46.52.020(4)(a))
5 Homicide by Watercraft, by being
6 under the influence of intoxicating
7 liquor or any drug (RCW
8 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 ~~((Vehicular Homicide, by being under
16 the influence of intoxicating liquor
17 or any drug (RCW 46.61.520)))~~
18 VIII Arson 1 (RCW 9A.48.020)
19 Commercial Sexual Abuse of a Minor
20 (RCW 9.68A.100)
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 1
3 (RCW 9.68A.050(1))
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 1 (RCW
21 9.68A.060(1))
22 Unlawful Possession of a Firearm in
23 the first degree (RCW 9.41.040(1))
24 Use of a Machine Gun in Commission
25 of a Felony (RCW 9.41.225)
26 Vehicular Homicide, by disregard for
27 the safety of others (RCW
28 46.61.520)
29 VI Bail Jumping with Murder 1 (RCW
30 9A.76.170(3)(a))
31 Bribery (RCW 9A.68.010)
32 Incest 1 (RCW 9A.64.020(1))
33 Intimidating a Judge (RCW 9A.72.160)
34 Intimidating a Juror/Witness (RCW
35 9A.72.110, 9A.72.130)
36 Malicious placement of an imitation
37 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.070(1))
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 Dealing in Depictions of Minor
21 Engaged in Sexually Explicit
22 Conduct 2 (RCW 9.68A.050(2))
23 Domestic Violence Court Order
24 Violation (RCW 10.99.040,
25 10.99.050, 26.09.300, 26.10.220,
26 26.26.138, 26.50.110, 26.52.070,
27 or 74.34.145)
28 Driving While Under the Influence
29 (RCW 46.61.502(6))
30 Extortion 1 (RCW 9A.56.120)
31 Extortionate Extension of Credit (RCW
32 9A.82.020)
33 Extortionate Means to Collect
34 Extensions of Credit (RCW
35 9A.82.040)
36 Incest 2 (RCW 9A.64.020(2))
37 Kidnapping 2 (RCW 9A.40.030)

1 Perjury 1 (RCW 9A.72.020)
2 Persistent prison misbehavior (RCW
3 9.94.070)
4 Physical Control of a Vehicle While
5 Under the Influence (RCW
6 46.61.504(6))
7 Possession of a Stolen Firearm (RCW
8 9A.56.310)
9 Rape 3 (RCW 9A.44.060)
10 Rendering Criminal Assistance 1
11 (RCW 9A.76.070)
12 Sending, Bringing into State Depictions
13 of Minor Engaged in Sexually
14 Explicit Conduct 2 (RCW
15 9.68A.060(2))
16 Sexual Misconduct with a Minor 1
17 (RCW 9A.44.093)
18 Sexually Violating Human Remains
19 (RCW 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 Taking Motor Vehicle Without
22 Permission 1 (RCW 9A.56.070)
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(1)(a)~~))
17 9A.44.132)
18 Health Care False Claims (RCW
19 48.80.030)
20 Identity Theft 2 (RCW 9.35.020(3))
21 Improperly Obtaining Financial
22 Information (RCW 9.35.010)
23 Malicious Mischief 1 (RCW
24 9A.48.070)
25 Organized Retail Theft 2 (RCW
26 9A.56.350(3))
27 Possession of Stolen Property 1 (RCW
28 9A.56.150)
29 Possession of a Stolen Vehicle (RCW
30 9A.56.068)
31 Retail Theft with Extenuating
32 Circumstances 2 (RCW
33 9A.56.360(3))
34 Theft 1 (RCW 9A.56.030)
35 Theft of a Motor Vehicle (RCW
36 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 Prowl 1 (RCW 9A.52.095)

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