

HOUSE BILL 2216

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune, and Kristiansen

Prefiled 12/22/11. Read first time 01/09/12. Referred to Committee on Judiciary.

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 Vehicular Homicide, by the operation
36 of any vehicle in a reckless manner
37 (RCW 46.61.520)

1 IX Abandonment of Dependent Person 1
2 (RCW 9A.42.060)
3 Assault of a Child 2 (RCW 9A.36.130)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Hit and Run--Death (RCW
7 46.52.020(4)(a))
8 Homicide by Watercraft, by being
9 under the influence of intoxicating
10 liquor or any drug (RCW
11 79A.60.050)
12 Inciting Criminal Profiteering (RCW
13 9A.82.060(1)(b))
14 Malicious placement of an explosive 2
15 (RCW 70.74.270(2))
16 Robbery 1 (RCW 9A.56.200)
17 Sexual Exploitation (RCW 9.68A.040)
18 ~~((Vehicular Homicide, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 46.61.520)))~~
21 VIII Arson 1 (RCW 9A.48.020)
22 Commercial Sexual Abuse of a Minor
23 (RCW 9.68A.100)
24 Homicide by Watercraft, by the
25 operation of any vessel in a
26 reckless manner (RCW
27 79A.60.050)
28 Manslaughter 2 (RCW 9A.32.070)
29 Promoting Prostitution 1 (RCW
30 9A.88.070)
31 Theft of Ammonia (RCW 69.55.010)
32 ~~((Vehicular Homicide, by the operation
33 of any vehicle in a reckless manner
34 (RCW 46.61.520)))~~
35 Vehicular Homicide, by disregard for
36 the safety of others (RCW
37 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Child Molestation 2 (RCW 9A.44.086)
3 Civil Disorder Training (RCW
4 9A.48.120)
5 Dealing in depictions of minor engaged
6 in sexually explicit conduct 1
7 (RCW 9.68A.050(1))
8 Drive-by Shooting (RCW 9A.36.045)
9 Homicide by Watercraft, by disregard
10 for the safety of others (RCW
11 79A.60.050)
12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1)
14 (b) and (c))
15 Introducing Contraband 1 (RCW
16 9A.76.140)
17 Malicious placement of an explosive 3
18 (RCW 70.74.270(3))
19 Negligently Causing Death By Use of a
20 Signal Preemption Device (RCW
21 46.37.675)
22 Sending, bringing into state depictions
23 of minor engaged in sexually
24 explicit conduct 1 (RCW
25 9.68A.060(1))
26 Unlawful Possession of a Firearm in
27 the first degree (RCW 9.41.040(1))
28 Use of a Machine Gun in Commission
29 of a Felony (RCW 9.41.225)
30 ((~~Vehicular Homicide, by disregard for~~
31 ~~the safety of others (RCW~~
32 ~~46.61.520)))
33 VI Bail Jumping with Murder 1 (RCW
34 9A.76.170(3)(a))
35 Bribery (RCW 9A.68.010)
36 Incest 1 (RCW 9A.64.020(1))
37 Intimidating a Judge (RCW 9A.72.160)~~

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation
4 device 2 (RCW 70.74.272(1)(b))
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct 1 (RCW 9.68A.070(1))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Unlawful Storage of Ammonia (RCW
11 69.55.020)
12 V Abandonment of Dependent Person 2
13 (RCW 9A.42.070)
14 Advancing money or property for
15 extortionate extension of credit
16 (RCW 9A.82.030)
17 Bail Jumping with class A Felony
18 (RCW 9A.76.170(3)(b))
19 Child Molestation 3 (RCW 9A.44.089)
20 Criminal Mistreatment 2 (RCW
21 9A.42.030)
22 Custodial Sexual Misconduct 1 (RCW
23 9A.44.160)
24 Dealing in Depictions of Minor
25 Engaged in Sexually Explicit
26 Conduct 2 (RCW 9.68A.050(2))
27 Domestic Violence Court Order
28 Violation (RCW 10.99.040,
29 10.99.050, 26.09.300, 26.10.220,
30 26.26.138, 26.50.110, 26.52.070,
31 or 74.34.145)
32 Driving While Under the Influence
33 (RCW 46.61.502(6))
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)
14 Rape 3 (RCW 9A.44.060)
15 Rendering Criminal Assistance 1
16 (RCW 9A.76.070)
17 Sending, Bringing into State Depictions
18 of Minor Engaged in Sexually
19 Explicit Conduct 2 (RCW
20 9.68A.060(2))
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 Vehicular Assault, by being under the
29 influence of intoxicating liquor or
30 any drug (RCW 46.61.522)
31 IV Arson 2 (RCW 9A.48.030)
32 Assault 2 (RCW 9A.36.021)
33 Assault 3 (of a Peace Officer with a
34 Projectile Stun Gun) (RCW
35 9A.36.031(1)(h))
36 Assault by Watercraft (RCW
37 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Endangerment with a Controlled
8 Substance (RCW 9A.42.100)
9 Escape 1 (RCW 9A.76.110)
10 Hit and Run--Injury (RCW
11 46.52.020(4)(b))
12 Hit and Run with Vessel--Injury
13 Accident (RCW 79A.60.200(3))
14 Identity Theft 1 (RCW 9.35.020(2))
15 Indecent Exposure to Person Under
16 Age Fourteen (subsequent sex
17 offense) (RCW 9A.88.010)
18 Influencing Outcome of Sporting Event
19 (RCW 9A.82.070)
20 Malicious Harassment (RCW
21 9A.36.080)
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 2 (RCW 9.68(~~1A~~))
25 A.070(2))
26 Residential Burglary (RCW
27 9A.52.025)
28 Robbery 2 (RCW 9A.56.210)
29 Theft of Livestock 1 (RCW 9A.56.080)
30 Threats to Bomb (RCW 9.61.160)
31 Trafficking in Stolen Property 1 (RCW
32 9A.82.050)
33 Unlawful factoring of a credit card or
34 payment card transaction (RCW
35 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, ~~((by being under the
15 influence of intoxicating liquor or
16 any drug, or))~~ by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Viewing of Depictions of a Minor
20 Engaged in Sexually Explicit
21 Conduct 1 (RCW 9.68A.075(1))
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Animal Cruelty 1 (Sexual Conduct or
25 Contact) (RCW 16.52.205(3))
26 Assault 3 (Except Assault 3 of a Peace
27 Officer With a Projectile Stun
28 Gun) (RCW 9A.36.031 except
29 subsection (1)(h))
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Custodial Assault (RCW 9A.36.100)
4 Cyberstalking (subsequent conviction
5 or threat of death) (RCW
6 9.61.260(3))
7 Escape 2 (RCW 9A.76.120)
8 Extortion 2 (RCW 9A.56.130)
9 Harassment (RCW 9A.46.020)
10 Intimidating a Public Servant (RCW
11 9A.76.180)
12 Introducing Contraband 2 (RCW
13 9A.76.150)
14 Malicious Injury to Railroad Property
15 (RCW 81.60.070)
16 Mortgage Fraud (RCW 19.144.080)
17 Negligently Causing Substantial Bodily
18 Harm By Use of a Signal
19 Preemption Device (RCW
20 46.37.674)
21 Organized Retail Theft 1 (RCW
22 9A.56.350(2))
23 Perjury 2 (RCW 9A.72.030)
24 Possession of Incendiary Device (RCW
25 9.40.120)
26 Possession of Machine Gun or Short-
27 Barreled Shotgun or Rifle (RCW
28 9.41.190)
29 Promoting Prostitution 2 (RCW
30 9A.88.080)
31 Retail Theft with Extenuating
32 Circumstances 1 (RCW
33 9A.56.360(2))
34 Securities Act violation (RCW
35 21.20.400)
36 Tampering with a Witness (RCW
37 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Failure to Register as a Sex Offender
25 (second or subsequent offense)
26 (RCW ((9A.44.130(11)(a)))
27 9A.44.132)
28 Health Care False Claims (RCW
29 48.80.030)
30 Identity Theft 2 (RCW 9.35.020(3))
31 Improperly Obtaining Financial
32 Information (RCW 9.35.010)
33 Malicious Mischief 1 (RCW
34 9A.48.070)
35 Organized Retail Theft 2 (RCW
36 9A.56.350(3))

1 Possession of Stolen Property 1 (RCW
2 9A.56.150)
3 Possession of a Stolen Vehicle (RCW
4 9A.56.068)
5 Retail Theft with Extenuating
6 Circumstances 2 (RCW
7 9A.56.360(3))
8 Theft 1 (RCW 9A.56.030)
9 Theft of a Motor Vehicle (RCW
10 9A.56.065)
11 Theft of Rental, Leased, or Lease-
12 purchased Property (valued at one
13 thousand five hundred dollars or
14 more) (RCW 9A.56.096(5)(a))
15 Theft with the Intent to Resell 2 (RCW
16 9A.56.340(3))
17 Trafficking in Insurance Claims (RCW
18 48.30A.015)
19 Unlawful factoring of a credit card or
20 payment card transaction (RCW
21 9A.56.290(4)(a))
22 Unlawful Practice of Law (RCW
23 2.48.180)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 Voyeurism (RCW 9A.44.115)
27 I Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive
34 (RCW 9A.60.060)
35 Malicious Mischief 2 (RCW
36 9A.48.080)
37 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Taking Motor Vehicle Without
5 Permission 2 (RCW 9A.56.075)
6 Theft 2 (RCW 9A.56.040)
7 Theft of Rental, Leased, or Lease-
8 purchased Property (valued at two
9 hundred fifty dollars or more but
10 less than one thousand five
11 hundred dollars) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063)
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Vehicle Prowl 1 (RCW 9A.52.095)

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