
ENGROSSED SENATE BILL 5053

State of Washington

63rd Legislature

2013 Regular Session

By Senators Harper, Tom, Roach, Murray, Kohl-Welles, Eide, Carrell,
and Shin

Read first time 01/16/13. Referred to Committee on Law & Justice .

1 AN ACT Relating to vehicle prowling; amending RCW 9A.52.100;
2 reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

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

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

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

14 (3) Vehicle prowling in the second degree is a class C felony upon
15 a third or subsequent conviction of vehicle prowling in the second
16 degree. A third or subsequent conviction means that a person has been
17 previously convicted at least two separate occasions of the crime of
18 vehicle prowling in the second degree.

1 (4) Multiple counts of vehicle prowling (a) charged in the same
2 charging document do not count as separate offenses for the purposes of
3 charging as a felony based on previous convictions for vehicle prowling
4 in the second degree and (b) based on the same date of occurrence do
5 not count as separate offenses for the purposes of charging as a felony
6 based on previous convictions for vehicle prowling in the second
7 degree.

8 **Sec. 2.** RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are
9 each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)

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1 Rape 2 (RCW 9A.44.050)
2 Rape of a Child 2 (RCW 9A.44.076)
3 Vehicular Homicide, by being under
4 the influence of intoxicating liquor
5 or any drug (RCW 46.61.520)
6 X Child Molestation 1 (RCW 9A.44.083)
7 Criminal Mistreatment 1 (RCW
8 9A.42.020)
9 Indecent Liberties (with forcible
10 compulsion) (RCW
11 9A.44.100(1)(a))
12 Kidnapping 1 (RCW 9A.40.020)
13 Leading Organized Crime (RCW
14 9A.82.060(1)(a))
15 Malicious explosion 3 (RCW
16 70.74.280(3))
17 Sexually Violent Predator Escape
18 (RCW 9A.76.115)
19 IX Abandonment of Dependent Person 1
20 (RCW 9A.42.060)
21 Assault of a Child 2 (RCW 9A.36.130)
22 Explosive devices prohibited (RCW
23 70.74.180)
24 Hit and Run--Death (RCW
25 46.52.020(4)(a))
26 Homicide by Watercraft, by being
27 under the influence of intoxicating
28 liquor or any drug (RCW
29 79A.60.050)
30 Inciting Criminal Profiteering (RCW
31 9A.82.060(1)(b))
32 Malicious placement of an explosive 2
33 (RCW 70.74.270(2))
34 Robbery 1 (RCW 9A.56.200)
35 Sexual Exploitation (RCW 9.68A.040)
36 VIII Arson 1 (RCW 9A.48.020)

1 Commercial Sexual Abuse of a Minor
2 (RCW 9.68A.100)
3 Homicide by Watercraft, by the
4 operation of any vessel in a
5 reckless manner (RCW
6 79A.60.050)
7 Manslaughter 2 (RCW 9A.32.070)
8 Promoting Prostitution 1 (RCW
9 9A.88.070)
10 Theft of Ammonia (RCW 69.55.010)
11 Vehicular Homicide, by the operation
12 of any vehicle in a reckless manner
13 (RCW 46.61.520)
14 VII Burglary 1 (RCW 9A.52.020)
15 Child Molestation 2 (RCW 9A.44.086)
16 Civil Disorder Training (RCW
17 9A.48.120)
18 Dealing in depictions of minor engaged
19 in sexually explicit conduct 1
20 (RCW 9.68A.050(1))
21 Drive-by Shooting (RCW 9A.36.045)
22 Homicide by Watercraft, by disregard
23 for the safety of others (RCW
24 79A.60.050)
25 Indecent Liberties (without forcible
26 compulsion) (RCW 9A.44.100(1)
27 (b) and (c))
28 Introducing Contraband 1 (RCW
29 9A.76.140)
30 Malicious placement of an explosive 3
31 (RCW 70.74.270(3))
32 Negligently Causing Death By Use of a
33 Signal Preemption Device (RCW
34 46.37.675)

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct 1 (RCW
4 9.68A.060(1))
5 Unlawful Possession of a Firearm in
6 the first degree (RCW 9.41.040(1))
7 Use of a Machine Gun in Commission
8 of a Felony (RCW 9.41.225)
9 Vehicular Homicide, by disregard for
10 the safety of others (RCW
11 46.61.520)
12 VI Bail Jumping with Murder 1 (RCW
13 9A.76.170(3)(a))
14 Bribery (RCW 9A.68.010)
15 Incest 1 (RCW 9A.64.020(1))
16 Intimidating a Judge (RCW 9A.72.160)
17 Intimidating a Juror/Witness (RCW
18 9A.72.110, 9A.72.130)
19 Malicious placement of an imitation
20 device 2 (RCW 70.74.272(1)(b))
21 Possession of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.070(1))
24 Rape of a Child 3 (RCW 9A.44.079)
25 Theft of a Firearm (RCW 9A.56.300)
26 Unlawful Storage of Ammonia (RCW
27 69.55.020)
28 V Abandonment of Dependent Person 2
29 (RCW 9A.42.070)
30 Advancing money or property for
31 extortionate extension of credit
32 (RCW 9A.82.030)
33 Bail Jumping with class A Felony
34 (RCW 9A.76.170(3)(b))
35 Child Molestation 3 (RCW 9A.44.089)
36 Criminal Mistreatment 2 (RCW
37 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 Vehicle Prowling 2 (third or
7 subsequent offense) (RCW
8 9A.52.100(3))
9 IV Arson 2 (RCW 9A.48.030)
10 Assault 2 (RCW 9A.36.021)
11 Assault 3 (of a Peace Officer with a
12 Projectile Stun Gun) (RCW
13 9A.36.031(1)(h))
14 Assault by Watercraft (RCW
15 79A.60.060)
16 Bribing a Witness/Bribe Received by
17 Witness (RCW 9A.72.090,
18 9A.72.100)
19 Cheating 1 (RCW 9.46.1961)
20 Commercial Bribery (RCW 9A.68.060)
21 Counterfeiting (RCW 9.16.035(4))
22 Endangerment with a Controlled
23 Substance (RCW 9A.42.100)
24 Escape 1 (RCW 9A.76.110)
25 Hit and Run--Injury (RCW
26 46.52.020(4)(b))
27 Hit and Run with Vessel--Injury
28 Accident (RCW 79A.60.200(3))
29 Identity Theft 1 (RCW 9.35.020(2))
30 Indecent Exposure to Person Under
31 Age Fourteen (subsequent sex
32 offense) (RCW 9A.88.010)
33 Influencing Outcome of Sporting Event
34 (RCW 9A.82.070)
35 Malicious Harassment (RCW
36 9A.36.080)

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.070(2))
4 Residential Burglary (RCW
5 9A.52.025)
6 Robbery 2 (RCW 9A.56.210)
7 Theft of Livestock 1 (RCW 9A.56.080)
8 Threats to Bomb (RCW 9.61.160)
9 Trafficking in Stolen Property 1 (RCW
10 9A.82.050)
11 Unlawful factoring of a credit card or
12 payment card transaction (RCW
13 9A.56.290(4)(b))
14 Unlawful transaction of health
15 coverage as a health care service
16 contractor (RCW 48.44.016(3))
17 Unlawful transaction of health
18 coverage as a health maintenance
19 organization (RCW 48.46.033(3))
20 Unlawful transaction of insurance
21 business (RCW 48.15.023(3))
22 Unlicensed practice as an insurance
23 professional (RCW 48.17.063(2))
24 Use of Proceeds of Criminal
25 Profiteering (RCW 9A.82.080 (1)
26 and (2))
27 Vehicular Assault, by being under the
28 influence of intoxicating liquor or
29 any drug, or by the operation or
30 driving of a vehicle in a reckless
31 manner (RCW 46.61.522)
32 Viewing of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.075(1))
35 Willful Failure to Return from
36 Furlough (RCW 72.66.060)

1 III Animal Cruelty 1 (Sexual Conduct or
2 Contact) (RCW 16.52.205(3))
3 Assault 3 (Except Assault 3 of a Peace
4 Officer With a Projectile Stun
5 Gun) (RCW 9A.36.031 except
6 subsection (1)(h))
7 Assault of a Child 3 (RCW 9A.36.140)
8 Bail Jumping with class B or C Felony
9 (RCW 9A.76.170(3)(c))
10 Burglary 2 (RCW 9A.52.030)
11 Communication with a Minor for
12 Immoral Purposes (RCW
13 9.68A.090)
14 Criminal Gang Intimidation (RCW
15 9A.46.120)
16 Custodial Assault (RCW 9A.36.100)
17 Cyberstalking (subsequent conviction
18 or threat of death) (RCW
19 9.61.260(3))
20 Escape 2 (RCW 9A.76.120)
21 Extortion 2 (RCW 9A.56.130)
22 Harassment (RCW 9A.46.020)
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Introducing Contraband 2 (RCW
26 9A.76.150)
27 Malicious Injury to Railroad Property
28 (RCW 81.60.070)
29 Mortgage Fraud (RCW 19.144.080)
30 Negligently Causing Substantial Bodily
31 Harm By Use of a Signal
32 Preemption Device (RCW
33 46.37.674)
34 Organized Retail Theft 1 (RCW
35 9A.56.350(2))
36 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 Retail Theft with Extenuating
9 Circumstances 1 (RCW
10 9A.56.360(2))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death)
17 (RCW 9.61.230(2))
18 Theft of Livestock 2 (RCW 9A.56.083)
19 Theft with the Intent to Resell 1 (RCW
20 9A.56.340(2))
21 Trafficking in Stolen Property 2 (RCW
22 9A.82.055)
23 Unlawful Hunting of Big Game 1
24 (RCW 77.15.410(3)(b))
25 Unlawful Imprisonment (RCW
26 9A.40.040)
27 Unlawful possession of firearm in the
28 second degree (RCW 9.41.040(2))
29 Unlawful Taking of Endangered Fish
30 or Wildlife 1 (RCW
31 77.15.120(3)(b))
32 Unlawful Trafficking in Fish, Shellfish,
33 or Wildlife 1 (RCW
34 77.15.260(3)(b))
35 Unlawful Use of a Nondesignated
36 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)
5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)
7 II Commercial Fishing Without a License
8 1 (RCW 77.15.500(3)(b))
9 Computer Trespass 1 (RCW
10 9A.52.110)
11 Counterfeiting (RCW 9.16.035(3))
12 Engaging in Fish Dealing Activity
13 Unlicensed 1 (RCW 77.15.620(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.132)
19 Health Care False Claims (RCW
20 48.80.030)
21 Identity Theft 2 (RCW 9.35.020(3))
22 Improperly Obtaining Financial
23 Information (RCW 9.35.010)
24 Malicious Mischief 1 (RCW
25 9A.48.070)
26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Possession of a Stolen Vehicle (RCW
31 9A.56.068)
32 Retail Theft with Extenuating
33 Circumstances 2 (RCW
34 9A.56.360(3))
35 Theft 1 (RCW 9A.56.030)
36 Theft of a Motor Vehicle (RCW
37 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 Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))
19 Unlawful Purchase or Use of a License
20 (RCW 77.15.650(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 2 (RCW
23 77.15.260(3)(a))
24 Voyeurism (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW
34 9A.48.080)
35 Mineral Trespass (RCW 78.44.330)
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Spotlighting Big Game 1 (RCW
3 77.15.450(3)(b))
4 Suspension of Department Privileges 1
5 (RCW 77.15.670(3)(b))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 2 (RCW 9A.56.040)
9 Theft of Rental, Leased, or Lease-
10 purchased Property (valued at two
11 hundred fifty dollars or more but
12 less than one thousand five
13 hundred dollars) (RCW
14 9A.56.096(5)(b))
15 Transaction of insurance business
16 beyond the scope of licensure
17 (RCW 48.17.063)
18 Unlawful Fish and Shellfish Catch
19 Accounting (RCW
20 77.15.630(3)(b))
21 Unlawful Issuance of Checks or Drafts
22 (RCW 9A.56.060)
23 Unlawful Possession of Fictitious
24 Identification (RCW 9A.56.320)
25 Unlawful Possession of Instruments of
26 Financial Fraud (RCW 9A.56.320)
27 Unlawful Possession of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Possession of a Personal
30 Identification Device (RCW
31 9A.56.320)
32 Unlawful Production of Payment
33 Instruments (RCW 9A.56.320)
34 Unlawful Release of Deleterious Exotic
35 Wildlife (RCW 77.15.250(2)(b))
36 Unlawful Trafficking in Food Stamps
37 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW
2 9.91.144)
3 Unlawful Use of Net to Take Fish 1
4 (RCW 77.15.580(3)(b))
5 Unlawful Use of Prohibited Aquatic
6 Animal Species (RCW
7 77.15.253(3))
8 Vehicle Prowl 1 (RCW 9A.52.095)
9 Violating Commercial Fishing Area or
10 Time 1 (RCW 77.15.550(3)(b))

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