
SUBSTITUTE HOUSE BILL 2259

State of Washington 64th Legislature 2016 Regular Session

By House Public Safety (originally sponsored by Representatives Klippert and Hayes)

1 AN ACT Relating to the crime of indecent exposure; amending RCW
2 9A.88.010 and 9.94A.515; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.88.010 and 2003 c 53 s 92 are each amended to
5 read as follows:

6 (1) A person is guilty of indecent exposure if he or she
7 intentionally makes any open and obscene exposure of his or her
8 person or the person of another knowing that such conduct is likely
9 to cause reasonable affront or alarm. The act of breastfeeding or
10 expressing breast milk is not indecent exposure.

11 (2)(a) Except as provided in (b) (~~and~~), (c), and (d) of this
12 subsection, indecent exposure is a misdemeanor.

13 (b) Indecent exposure is a gross misdemeanor on the first offense
14 if the person exposes himself or herself to a person under the age of
15 fourteen years.

16 (c) Indecent exposure is a class C felony if the person exposes
17 himself or herself to a person under the age of fourteen years and
18 has previously been convicted under this section, an equivalent
19 municipal ordinance, or of a sex offense as defined in RCW 9.94A.030.

1 (d) Indecent exposure is a class C felony if the person has
2 previously been convicted under this section, an equivalent municipal
3 ordinance, or of a sex offense as defined in RCW 9.94A.030.

4 **Sec. 2.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
5 read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN
8 EACH SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW
10 10.95.020)
- 11 XV Homicide by abuse (RCW 9A.32.055)
12 Malicious explosion 1 (RCW
13 70.74.280(1))
14 Murder 1 (RCW 9A.32.030)
- 15 XIV Murder 2 (RCW 9A.32.050)
16 Trafficking 1 (RCW 9A.40.100(1))
- 17 XIII Malicious explosion 2 (RCW
18 70.74.280(2))
19 Malicious placement of an explosive 1
20 (RCW 70.74.270(1))
- 21 XII Assault 1 (RCW 9A.36.011)
22 Assault of a Child 1 (RCW 9A.36.120)
23 Malicious placement of an imitation
24 device 1 (RCW 70.74.272(1)(a))
25 Promoting Commercial Sexual Abuse
26 of a Minor (RCW 9.68A.101)
27 Rape 1 (RCW 9A.44.040)
28 Rape of a Child 1 (RCW 9A.44.073)
29 Trafficking 2 (RCW 9A.40.100(3))
- 30 XI Manslaughter 1 (RCW 9A.32.060)
31 Rape 2 (RCW 9A.44.050)
32 Rape of a Child 2 (RCW 9A.44.076)

1 Vehicular Homicide, by being under
2 the influence of intoxicating
3 liquor or any drug (RCW
4 46.61.520)

5 X Child Molestation 1 (RCW 9A.44.083)

6 Criminal Mistreatment 1 (RCW
7 9A.42.020)

8 Indecent Liberties (with forcible
9 compulsion) (RCW
10 9A.44.100(1)(a))

11 Kidnapping 1 (RCW 9A.40.020)

12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))

14 Malicious explosion 3 (RCW
15 70.74.280(3))

16 Sexually Violent Predator Escape
17 (RCW 9A.76.115)

18 IX Abandonment of Dependent Person 1
19 (RCW 9A.42.060)

20 Assault of a Child 2 (RCW 9A.36.130)

21 Explosive devices prohibited (RCW
22 70.74.180)

23 Hit and Run—Death (RCW
24 46.52.020(4)(a))

25 Homicide by Watercraft, by being
26 under the influence of intoxicating
27 liquor or any drug (RCW
28 79A.60.050)

29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))

31 Malicious placement of an explosive 2
32 (RCW 70.74.270(2))

33 Robbery 1 (RCW 9A.56.200)

34 Sexual Exploitation (RCW 9.68A.040)

35 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
13 manner (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
19 engaged in sexually explicit
20 conduct 1 (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
33 a Signal Preemption Device
34 (RCW 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
7 9.41.040(1))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Possession of Depictions of a Minor
24 Engaged in Sexually Explicit
25 Conduct 1 (RCW 9.68A.070(1))
26 Rape of a Child 3 (RCW 9A.44.079)
27 Theft of a Firearm (RCW 9A.56.300)
28 Unlawful Storage of Ammonia (RCW
29 69.55.020)
30 V Abandonment of Dependent Person 2
31 (RCW 9A.42.070)
32 Advancing money or property for
33 extortionate extension of credit
34 (RCW 9A.82.030)
35 Bail Jumping with class A Felony
36 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)
2 Criminal Mistreatment 2 (RCW
3 9A.42.030)
4 Custodial Sexual Misconduct 1 (RCW
5 9A.44.160)
6 Dealing in Depictions of Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.050(2))
9 Domestic Violence Court Order
10 Violation (RCW 10.99.040,
11 10.99.050, 26.09.300, 26.10.220,
12 26.26.138, 26.50.110, 26.52.070,
13 or 74.34.145)
14 Driving While Under the Influence
15 (RCW 46.61.502(6))
16 Extortion 1 (RCW 9A.56.120)
17 Extortionate Extension of Credit
18 (RCW 9A.82.020)
19 Extortionate Means to Collect
20 Extensions of Credit (RCW
21 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 Perjury 1 (RCW 9A.72.020)
25 Persistent prison misbehavior (RCW
26 9.94.070)
27 Physical Control of a Vehicle While
28 Under the Influence (RCW
29 46.61.504(6))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)
32 Rape 3 (RCW 9A.44.060)
33 Rendering Criminal Assistance 1
34 (RCW 9A.76.070)

1 Sending, Bringing into State
2 Depictions of Minor Engaged in
3 Sexually Explicit Conduct 2
4 (RCW 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9.46.1961)
23 Commercial Bribery (RCW
24 9A.68.060)
25 Counterfeiting (RCW 9.16.035(4))
26 Endangerment with a Controlled
27 Substance (RCW 9A.42.100)
28 Escape 1 (RCW 9A.76.110)
29 Hit and Run—Injury (RCW
30 46.52.020(4)(b))
31 Hit and Run with Vessel—Injury
32 Accident (RCW 79A.60.200(3))
33 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010(2)(c))
4 Influencing Outcome of Sporting
5 Event (RCW 9A.82.070)
6 Malicious Harassment (RCW
7 9A.36.080)
8 Possession of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.070(2))
11 Residential Burglary (RCW
12 9A.52.025)
13 Robbery 2 (RCW 9A.56.210)
14 Theft of Livestock 1 (RCW
15 9A.56.080)
16 Threats to Bomb (RCW 9.61.160)
17 Trafficking in Stolen Property 1
18 (RCW 9A.82.050)
19 Unlawful factoring of a credit card or
20 payment card transaction (RCW
21 9A.56.290(4)(b))
22 Unlawful transaction of health
23 coverage as a health care service
24 contractor (RCW 48.44.016(3))
25 Unlawful transaction of health
26 coverage as a health maintenance
27 organization (RCW 48.46.033(3))
28 Unlawful transaction of insurance
29 business (RCW 48.15.023(3))
30 Unlicensed practice as an insurance
31 professional (RCW 48.17.063(2))
32 Use of Proceeds of Criminal
33 Profiteering (RCW 9A.82.080 (1)
34 and (2))

1 Vehicle Prowling 2 (third or
2 subsequent offense) (RCW
3 9A.52.100(3))
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)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Mortgage Fraud (RCW 19.144.080)
8 Negligently Causing Substantial
9 Bodily Harm By Use of a Signal
10 Preemption Device (RCW
11 46.37.674)
12 Organized Retail Theft 1 (RCW
13 9A.56.350(2))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device
16 (RCW 9.40.120)
17 Possession of Machine Gun or Short-
18 Barreled Shotgun or Rifle (RCW
19 9.41.190)
20 Promoting Prostitution 2 (RCW
21 9A.88.080)
22 Retail Theft with Special
23 Circumstances 1 (RCW
24 9A.56.360(2))
25 Securities Act violation (RCW
26 21.20.400)
27 Tampering with a Witness (RCW
28 9A.72.120)
29 Telephone Harassment (subsequent
30 conviction or threat of death)
31 (RCW 9.61.230(2))
32 Theft of Livestock 2 (RCW
33 9A.56.083)
34 Theft with the Intent to Resell 1 (RCW
35 9A.56.340(2))

1 Trafficking in Stolen Property 2
2 (RCW 9A.82.055)
3 Unlawful Hunting of Big Game 1
4 (RCW 77.15.410(3)(b))
5 Unlawful Imprisonment (RCW
6 9A.40.040)
7 Unlawful Misbranding of Food Fish or
8 Shellfish 1 (RCW 69.04.938(3))
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Unlawful Taking of Endangered Fish
12 or Wildlife 1 (RCW
13 77.15.120(3)(b))
14 Unlawful Trafficking in Fish,
15 Shellfish, or Wildlife 1 (RCW
16 77.15.260(3)(b))
17 Unlawful Use of a Nondesignated
18 Vessel (RCW 77.15.530(4))
19 Vehicular Assault, by the operation or
20 driving of a vehicle with disregard
21 for the safety of others (RCW
22 46.61.522)
23 Willful Failure to Return from Work
24 Release (RCW 72.65.070)
25 II Commercial Fishing Without a
26 License 1 (RCW 77.15.500(3)(b))
27 Computer Trespass 1 (RCW
28 9A.52.110)
29 Counterfeiting (RCW 9.16.035(3))
30 Engaging in Fish Dealing Activity
31 Unlicensed 1 (RCW 77.15.620(3))
32 Escape from Community Custody
33 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130 prior to June
4 10, 2010, and RCW 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 Indecent Exposure (subsequent
11 offense) (RCW 9A.88.010(2)(d))
12 Malicious Mischief 1 (RCW
13 9A.48.070)
14 Organized Retail Theft 2 (RCW
15 9A.56.350(3))
16 Possession of Stolen Property 1 (RCW
17 9A.56.150)
18 Possession of a Stolen Vehicle (RCW
19 9A.56.068)
20 Retail Theft with Special
21 Circumstances 2 (RCW
22 9A.56.360(3))
23 Scrap Processing, Recycling, or
24 Supplying Without a License
25 (second or subsequent offense)
26 (RCW 19.290.100)
27 Theft 1 (RCW 9A.56.030)
28 Theft of a Motor Vehicle (RCW
29 9A.56.065)
30 Theft of Rental, Leased, ~~((or))~~ Lease-
31 purchased, or Loaned Property
32 (valued at ~~((one))~~ five thousand
33 ~~((five hundred))~~ dollars or more)
34 (RCW 9A.56.096(5)(a))
35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlawful Purchase or Use of a License
12 (RCW 77.15.650(3)(b))
13 Unlawful Trafficking in Fish,
14 Shellfish, or Wildlife 2 (RCW
15 77.15.260(3)(a))
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of
25 a Mental Health Advance
26 Directive (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Mineral Trespass (RCW 78.44.330)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Spotlighting Big Game 1 (RCW
34 77.15.450(3)(b))
35 Suspension of Department Privileges 1
36 (RCW 77.15.670(3)(b))

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

--- **END** ---