
SUBSTITUTE HOUSE BILL 2705

State of Washington 64th Legislature 2016 Regular Session

By House Public Safety (originally sponsored by Representatives Klippert, Hayes, Wilson, Griffey, Muri, and Smith)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to increasing the seriousness level of first
2 degree rape and first degree rape of a child; amending RCW 9.94A.515;
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
6 read as follows:

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)
- Rape 1 (RCW 9A.44.040)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Promoting Commercial Sexual Abuse
10 of a Minor (RCW 9.68A.101)
11 ((Rape 1 (RCW 9A.44.040)))
12 Rape of a Child 1 (RCW 9A.44.073)
13 Trafficking 2 (RCW 9A.40.100(3))
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 Vehicular Homicide, by being under
18 the influence of intoxicating liquor
19 or any drug (RCW 46.61.520)
20 X Child Molestation 1 (RCW 9A.44.083)
21 Criminal Mistreatment 1 (RCW
22 9A.42.020)
23 Indecent Liberties (with forcible
24 compulsion) (RCW
25 9A.44.100(1)(a))
26 Kidnapping 1 (RCW 9A.40.020)
27 Leading Organized Crime (RCW
28 9A.82.060(1)(a))
29 Malicious explosion 3 (RCW
30 70.74.280(3))
31 Sexually Violent Predator Escape
32 (RCW 9A.76.115)
33 IX Abandonment of Dependent Person 1
34 (RCW 9A.42.060)
35 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 VIII Arson 1 (RCW 9A.48.020)
16 Commercial Sexual Abuse of a Minor
17 (RCW 9.68A.100)
18 Homicide by Watercraft, by the
19 operation of any vessel in a
20 reckless manner (RCW
21 79A.60.050)
22 Manslaughter 2 (RCW 9A.32.070)
23 Promoting Prostitution 1 (RCW
24 9A.88.070)
25 Theft of Ammonia (RCW 69.55.010)
26 Vehicular Homicide, by the operation
27 of any vehicle in a reckless
28 manner (RCW 46.61.520)
29 VII Burglary 1 (RCW 9A.52.020)
30 Child Molestation 2 (RCW 9A.44.086)
31 Civil Disorder Training (RCW
32 9A.48.120)
33 Dealing in depictions of minor engaged
34 in sexually explicit conduct 1
35 (RCW 9.68A.050(1))

1 Drive-by Shooting (RCW 9A.36.045)
2 Homicide by Watercraft, by disregard
3 for the safety of others (RCW
4 79A.60.050)
5 Indecent Liberties (without forcible
6 compulsion) (RCW 9A.44.100(1)
7 (b) and (c))
8 Introducing Contraband 1 (RCW
9 9A.76.140)
10 Malicious placement of an explosive 3
11 (RCW 70.74.270(3))
12 Negligently Causing Death By Use of a
13 Signal Preemption Device (RCW
14 46.37.675)
15 Sending, bringing into state depictions
16 of minor engaged in sexually
17 explicit conduct 1 (RCW
18 9.68A.060(1))
19 Unlawful Possession of a Firearm in
20 the first degree (RCW
21 9.41.040(1))
22 Use of a Machine Gun in Commission
23 of a Felony (RCW 9.41.225)
24 Vehicular Homicide, by disregard for
25 the safety of others (RCW
26 46.61.520)
27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(3)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation
35 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))

1 Kidnapping 2 (RCW 9A.40.030)
2 Perjury 1 (RCW 9A.72.020)
3 Persistent prison misbehavior (RCW
4 9.94.070)
5 Physical Control of a Vehicle While
6 Under the Influence (RCW
7 46.61.504(6))
8 Possession of a Stolen Firearm (RCW
9 9A.56.310)
10 Rape 3 (RCW 9A.44.060)
11 Rendering Criminal Assistance 1
12 (RCW 9A.76.070)
13 Sending, Bringing into State
14 Depictions of Minor Engaged in
15 Sexually Explicit Conduct 2
16 (RCW 9.68A.060(2))
17 Sexual Misconduct with a Minor 1
18 (RCW 9A.44.093)
19 Sexually Violating Human Remains
20 (RCW 9A.44.105)
21 Stalking (RCW 9A.46.110)
22 Taking Motor Vehicle Without
23 Permission 1 (RCW 9A.56.070)
24 IV Arson 2 (RCW 9A.48.030)
25 Assault 2 (RCW 9A.36.021)
26 Assault 3 (of a Peace Officer with a
27 Projectile Stun Gun) (RCW
28 9A.36.031(1)(h))
29 Assault by Watercraft (RCW
30 79A.60.060)
31 Bribing a Witness/Bribe Received by
32 Witness (RCW 9A.72.090,
33 9A.72.100)
34 Cheating 1 (RCW 9.46.1961)

1 Commercial Bribery (RCW
2 9A.68.060)
3 Counterfeiting (RCW 9.16.035(4))
4 Endangerment with a Controlled
5 Substance (RCW 9A.42.100)
6 Escape 1 (RCW 9A.76.110)
7 Hit and Run—Injury (RCW
8 46.52.020(4)(b))
9 Hit and Run with Vessel—Injury
10 Accident (RCW 79A.60.200(3))
11 Identity Theft 1 (RCW 9.35.020(2))
12 Indecent Exposure to Person Under
13 Age Fourteen (subsequent sex
14 offense) (RCW 9A.88.010)
15 Influencing Outcome of Sporting Event
16 (RCW 9A.82.070)
17 Malicious Harassment (RCW
18 9A.36.080)
19 Possession of Depictions of a Minor
20 Engaged in Sexually Explicit
21 Conduct 2 (RCW 9.68A.070(2))
22 Residential Burglary (RCW
23 9A.52.025)
24 Robbery 2 (RCW 9A.56.210)
25 Theft of Livestock 1 (RCW 9A.56.080)
26 Threats to Bomb (RCW 9.61.160)
27 Trafficking in Stolen Property 1 (RCW
28 9A.82.050)
29 Unlawful factoring of a credit card or
30 payment card transaction (RCW
31 9A.56.290(4)(b))
32 Unlawful transaction of health
33 coverage as a health care service
34 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health
2 coverage as a health maintenance
3 organization (RCW 48.46.033(3))
4 Unlawful transaction of insurance
5 business (RCW 48.15.023(3))
6 Unlicensed practice as an insurance
7 professional (RCW 48.17.063(2))
8 Use of Proceeds of Criminal
9 Profiteering (RCW 9A.82.080 (1)
10 and (2))
11 Vehicle Prowling 2 (third or
12 subsequent offense) (RCW
13 9A.52.100(3))
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
18 Bodily 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 Special
32 Circumstances 1 (RCW
33 9A.56.360(2))
34 Securities Act violation (RCW
35 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death)
5 (RCW 9.61.230(2))
6 Theft of Livestock 2 (RCW 9A.56.083)
7 Theft with the Intent to Resell 1 (RCW
8 9A.56.340(2))
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1
12 (RCW 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Food Fish or
16 Shellfish 1 (RCW 69.04.938(3))
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish
20 or Wildlife 1 (RCW
21 77.15.120(3)(b))
22 Unlawful Trafficking in Fish, Shellfish,
23 or Wildlife 1 (RCW
24 77.15.260(3)(b))
25 Unlawful Use of a Nondesignated
26 Vessel (RCW 77.15.530(4))
27 Vehicular Assault, by the operation or
28 driving of a vehicle with disregard
29 for the safety of others (RCW
30 46.61.522)
31 Willful Failure to Return from Work
32 Release (RCW 72.65.070)
33 II Commercial Fishing Without a License
34 1 (RCW 77.15.500(3)(b))
35 Computer Trespass 1 (RCW
36 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Engaging in Fish Dealing Activity
3 Unlicensed 1 (RCW 77.15.620(3))
4 Escape from Community Custody
5 (RCW 72.09.310)
6 Failure to Register as a Sex Offender
7 (second or subsequent offense)
8 (RCW 9A.44.130 prior to June 10,
9 2010, and RCW 9A.44.132)
10 Health Care False Claims (RCW
11 48.80.030)
12 Identity Theft 2 (RCW 9.35.020(3))
13 Improperly Obtaining Financial
14 Information (RCW 9.35.010)
15 Malicious Mischief 1 (RCW
16 9A.48.070)
17 Organized Retail Theft 2 (RCW
18 9A.56.350(3))
19 Possession of Stolen Property 1 (RCW
20 9A.56.150)
21 Possession of a Stolen Vehicle (RCW
22 9A.56.068)
23 Retail Theft with Special
24 Circumstances 2 (RCW
25 9A.56.360(3))
26 Scrap Processing, Recycling, or
27 Supplying Without a License
28 (second or subsequent offense)
29 (RCW 19.290.100)
30 Theft 1 (RCW 9A.56.030)
31 Theft of a Motor Vehicle (RCW
32 9A.56.065)

1 Theft of Rental, Leased, ~~((or))~~ Lease-
2 purchased, or Loaned Property
3 (valued at ~~((one))~~ five thousand
4 ~~((five hundred))~~ dollars or more)
5 (RCW 9A.56.096(5)(a))
6 Theft with the Intent to Resell 2 (RCW
7 9A.56.340(3))
8 Trafficking in Insurance Claims (RCW
9 48.30A.015)
10 Unlawful factoring of a credit card or
11 payment card transaction (RCW
12 9A.56.290(4)(a))
13 Unlawful Participation of Non-Indians
14 in Indian Fishery (RCW
15 77.15.570(2))
16 Unlawful Practice of Law (RCW
17 2.48.180)
18 Unlawful Purchase or Use of a License
19 (RCW 77.15.650(3)(b))
20 Unlawful Trafficking in Fish, Shellfish,
21 or Wildlife 2 (RCW
22 77.15.260(3)(a))
23 Unlicensed Practice of a Profession or
24 Business (RCW 18.130.190(7))
25 Voyeurism (RCW 9A.44.115)
26 I Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 False Verification for Welfare (RCW
29 74.08.055)
30 Forgery (RCW 9A.60.020)
31 Fraudulent Creation or Revocation of a
32 Mental Health Advance Directive
33 (RCW 9A.60.060)
34 Malicious Mischief 2 (RCW
35 9A.48.080)
36 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 Spotlighting Big Game 1 (RCW
5 77.15.450(3)(b))
6 Suspension of Department Privileges 1
7 (RCW 77.15.670(3)(b))
8 Taking Motor Vehicle Without
9 Permission 2 (RCW 9A.56.075)
10 Theft 2 (RCW 9A.56.040)
11 Theft of Rental, Leased, ~~((or))~~ Lease-
12 purchased, or Loaned Property
13 (valued at ~~((two))~~ seven hundred
14 fifty dollars or more but less than
15 ~~((one))~~ five thousand ~~((five~~
16 ~~hundred))~~ dollars) (RCW
17 9A.56.096(5)(b))
18 Transaction of insurance business
19 beyond the scope of licensure
20 (RCW 48.17.063)
21 Unlawful Fish and Shellfish Catch
22 Accounting (RCW
23 77.15.630(3)(b))
24 Unlawful Issuance of Checks or Drafts
25 (RCW 9A.56.060)
26 Unlawful Possession of Fictitious
27 Identification (RCW 9A.56.320)
28 Unlawful Possession of Instruments of
29 Financial Fraud (RCW 9A.56.320)
30 Unlawful Possession of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Possession of a Personal
33 Identification Device (RCW
34 9A.56.320)
35 Unlawful Production of Payment
36 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))
5 Unlawful Trafficking in Food Stamps
6 (RCW 9.91.142)
7 Unlawful Use of Food Stamps (RCW
8 9.91.144)
9 Unlawful Use of Net to Take Fish 1
10 (RCW 77.15.580(3)(b))
11 Unlawful Use of Prohibited Aquatic
12 Animal Species (RCW
13 77.15.253(3))
14 Vehicle Prowl 1 (RCW 9A.52.095)
15 Violating Commercial Fishing Area or
16 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---