
HOUSE BILL 2024

State of Washington

65th Legislature

2017 Regular Session

By Representative Klippert

Read first time 02/08/17. Referred to Committee on Public Safety.

1 AN ACT Relating to increasing the seriousness level of first
2 degree rape; 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 2016 c 213 s 5, 2016 c 164 s 13, and
6 2016 c 6 s 1 are each reenacted and amended to read as follows:

7 TABLE 2

8 CRIMES INCLUDED WITHIN EACH
9 SERIOUSNESS LEVEL

10 XVI Aggravated Murder 1 (RCW 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 Rape 1 (RCW 9A.44.040)

17 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 of
10 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 the
18 influence of intoxicating liquor or
19 any drug (RCW 46.61.520)
20 Vehicular Homicide, by the operation of
21 any vehicle in a reckless manner
22 (RCW 46.61.520)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Criminal Mistreatment 1 (RCW
25 9A.42.020)
26 Indecent Liberties (with forcible
27 compulsion) (RCW
28 9A.44.100(1)(a))
29 Kidnapping 1 (RCW 9A.40.020)
30 Leading Organized Crime (RCW
31 9A.82.060(1)(a))
32 Malicious explosion 3 (RCW
33 70.74.280(3))
34 Sexually Violent Predator Escape (RCW
35 9A.76.115)

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 under
9 the influence of intoxicating liquor
10 or any drug (RCW 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2
14 (RCW 70.74.270(2))
15 Robbery 1 (RCW 9A.56.200)
16 Sexual Exploitation (RCW 9.68A.040)
17 VIII Arson 1 (RCW 9A.48.020)
18 Commercial Sexual Abuse of a Minor
19 (RCW 9.68A.100)
20 Homicide by Watercraft, by the
21 operation of any vessel in a reckless
22 manner (RCW 79A.60.050)
23 Manslaughter 2 (RCW 9A.32.070)
24 Promoting Prostitution 1 (RCW
25 9A.88.070)
26 Theft of Ammonia (RCW 69.55.010)
27 VII Air bag diagnostic systems (causing
28 bodily injury or death) (RCW
29 46.37.660(2)(b))
30 Air bag replacement requirements
31 (causing bodily injury or death)
32 (RCW 46.37.660(1)(b))
33 Burglary 1 (RCW 9A.52.020)
34 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)

3 Dealing in depictions of minor engaged
4 in sexually explicit conduct 1
5 (RCW 9.68A.050(1))

6 Drive-by Shooting (RCW 9A.36.045)

7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)

10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))

13 Introducing Contraband 1 (RCW
14 9A.76.140)

15 Malicious placement of an explosive 3
16 (RCW 70.74.270(3))

17 Manufacture or import counterfeit,
18 nonfunctional, damaged, or
19 previously deployed air bag
20 (causing bodily injury or death)
21 (RCW 46.37.650(1)(b))

22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)

25 Sale, install, ~~((for))~~ or reinstall
26 counterfeit, nonfunctional,
27 damaged, or previously deployed
28 airbag (RCW 46.37.650(2)(b))

29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct 1 (RCW
32 9.68A.060(1))

33 Unlawful Possession of a Firearm in the
34 first degree (RCW 9.41.040(1))

35 Use of a Machine Gun in Commission
36 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW 9A.72.160)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Malicious placement of an imitation
12 device 2 (RCW 70.74.272(1)(b))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.070(1))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Unlawful Storage of Ammonia (RCW
19 69.55.020)

20 V Abandonment of Dependent Person 2
21 (RCW 9A.42.070)
22 Advancing money or property for
23 extortionate extension of credit
24 (RCW 9A.82.030)
25 Air bag diagnostic systems (RCW
26 46.37.660(2)(c))
27 Air bag replacement requirements
28 (RCW 46.37.660(1)(c))
29 Bail Jumping with class A Felony
30 (RCW 9A.76.170(3)(b))
31 Child Molestation 3 (RCW 9A.44.089)
32 Criminal Mistreatment 2 (RCW
33 9A.42.030)
34 Custodial Sexual Misconduct 1 (RCW
35 9A.44.160)

1 Dealing in Depictions of Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.050(2))
4 Domestic Violence Court Order
5 Violation (RCW 10.99.040,
6 10.99.050, 26.09.300, 26.10.220,
7 26.26.138, 26.50.110, 26.52.070, or
8 74.34.145)
9 Driving While Under the Influence
10 (RCW 46.61.502(6))
11 Extortion 1 (RCW 9A.56.120)
12 Extortionate Extension of Credit (RCW
13 9A.82.020)
14 Extortionate Means to Collect
15 Extensions of Credit (RCW
16 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Manufacture or import counterfeit,
20 nonfunctional, damaged, or
21 previously deployed air bag (RCW
22 46.37.650(1)(c))
23 Perjury 1 (RCW 9A.72.020)
24 Persistent prison misbehavior (RCW
25 9.94.070)
26 Physical Control of a Vehicle While
27 Under the Influence (RCW
28 46.61.504(6))
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1 (RCW
33 9A.76.070)

1 Sale, install, ~~((for))~~ or reinstall
2 counterfeit, nonfunctional,
3 damaged, or previously deployed
4 airbag (RCW 46.37.650(2)(c))
5 Sending, Bringing into State Depictions
6 of Minor Engaged in Sexually
7 Explicit Conduct 2 (RCW
8 9.68A.060(2))
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Arson 2 (RCW 9A.48.030)
17 Assault 2 (RCW 9A.36.021)
18 Assault 3 (of a Peace Officer with a
19 Projectile Stun Gun) (RCW
20 9A.36.031(1)(h))
21 Assault by Watercraft (RCW
22 79A.60.060)
23 Bribing a Witness/Bribe Received by
24 Witness (RCW 9A.72.090,
25 9A.72.100)
26 Cheating 1 (RCW 9.46.1961)
27 Commercial Bribery (RCW 9A.68.060)
28 Counterfeiting (RCW 9.16.035(4))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Hit and Run—Injury (RCW
33 46.52.020(4)(b))
34 Hit and Run with Vessel—Injury
35 Accident (RCW 79A.60.200(3))

1 Identity Theft 1 (RCW 9.35.020(2))
2 Indecent Exposure to Person Under Age
3 Fourteen (subsequent sex offense)
4 (RCW 9A.88.010)
5 Influencing Outcome of Sporting Event
6 (RCW 9A.82.070)
7 Malicious Harassment (RCW
8 9A.36.080)
9 Possession of Depictions of a Minor
10 Engaged in Sexually Explicit
11 Conduct 2 (RCW 9.68A.070(2))
12 Residential Burglary (RCW 9A.52.025)
13 Robbery 2 (RCW 9A.56.210)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Threats to Bomb (RCW 9.61.160)
16 Trafficking in Stolen Property 1 (RCW
17 9A.82.050)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(b))
21 Unlawful transaction of health coverage
22 as a health care service contractor
23 (RCW 48.44.016(3))
24 Unlawful transaction of health coverage
25 as a health maintenance
26 organization (RCW 48.46.033(3))
27 Unlawful transaction of insurance
28 business (RCW 48.15.023(3))
29 Unlicensed practice as an insurance
30 professional (RCW 48.17.063(2))
31 Use of Proceeds of Criminal
32 Profiteering (RCW 9A.82.080 (1)
33 and (2))
34 Vehicle Prowling 2 (third or subsequent
35 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Mortgage Fraud (RCW 19.144.080)
4 Negligently Causing Substantial Bodily
5 Harm By Use of a Signal
6 Preemption Device (RCW
7 46.37.674)
8 Organized Retail Theft 1 (RCW
9 9A.56.350(2))
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-
14 Barreled Shotgun or Rifle (RCW
15 9.41.190)
16 Promoting Prostitution 2 (RCW
17 9A.88.080)
18 Retail Theft with Special Circumstances
19 1 (RCW 9A.56.360(2))
20 Securities Act violation (RCW
21 21.20.400)
22 Tampering with a Witness (RCW
23 9A.72.120)
24 Telephone Harassment (subsequent
25 conviction or threat of death) (RCW
26 9.61.230(2))
27 Theft of Livestock 2 (RCW 9A.56.083)
28 Theft with the Intent to Resell 1 (RCW
29 9A.56.340(2))
30 Trafficking in Stolen Property 2 (RCW
31 9A.82.055)
32 Unlawful Hunting of Big Game 1 (RCW
33 77.15.410(3)(b))
34 Unlawful Imprisonment (RCW
35 9A.40.040)

1 Unlawful Misbranding of Food Fish or
2 Shellfish 1 (RCW 69.04.938(3))
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Unlawful Taking of Endangered Fish or
6 Wildlife 1 (RCW 77.15.120(3)(b))
7 Unlawful Trafficking in Fish, Shellfish,
8 or Wildlife 1 (RCW
9 77.15.260(3)(b))
10 Unlawful Use of a Nondesigned
11 Vessel (RCW 77.15.530(4))
12 Vehicular Assault, by the operation or
13 driving of a vehicle with disregard
14 for the safety of others (RCW
15 46.61.522)
16 Willful Failure to Return from Work
17 Release (RCW 72.65.070)
18 II Commercial Fishing Without a License
19 1 (RCW 77.15.500(3)(b))
20 Computer Trespass 1 (RCW 9A.90.040)
21 Counterfeiting (RCW 9.16.035(3))
22 Electronic Data Service Interference
23 (RCW 9A.90.060)
24 Electronic Data Tampering 1 (RCW
25 9A.90.080)
26 Electronic Data Theft (RCW 9A.90.100)
27 Engaging in Fish Dealing Activity
28 Unlicensed 1 (RCW 77.15.620(3))
29 Escape from Community Custody
30 (RCW 72.09.310)
31 Failure to Register as a Sex Offender
32 (second or subsequent offense)
33 (RCW 9A.44.130 prior to June 10,
34 2010, and RCW 9A.44.132)
35 Health Care False Claims (RCW
36 48.80.030)

1 Identity Theft 2 (RCW 9.35.020(3))
2 Improperly Obtaining Financial
3 Information (RCW 9.35.010)
4 Malicious Mischief 1 (RCW 9A.48.070)
5 Organized Retail Theft 2 (RCW
6 9A.56.350(3))
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Possession of a Stolen Vehicle (RCW
10 9A.56.068)
11 Retail Theft with Special Circumstances
12 2 (RCW 9A.56.360(3))
13 Scrap Processing, Recycling, or
14 Supplying Without a License
15 (second or subsequent offense)
16 (RCW 19.290.100)
17 Theft 1 (RCW 9A.56.030)
18 Theft of a Motor Vehicle (RCW
19 9A.56.065)
20 Theft of Rental, Leased, Lease-
21 purchased, or Loaned Property
22 (valued at five thousand dollars or
23 more) (RCW 9A.56.096(5)(a))
24 Theft with the Intent to Resell 2 (RCW
25 9A.56.340(3))
26 Trafficking in Insurance Claims (RCW
27 48.30A.015)
28 Unlawful factoring of a credit card or
29 payment card transaction (RCW
30 9A.56.290(4)(a))
31 Unlawful Participation of Non-Indians
32 in Indian Fishery (RCW
33 77.15.570(2))
34 Unlawful Practice of Law (RCW
35 2.48.180)

1 Unlawful Purchase or Use of a License
2 (RCW 77.15.650(3)(b))
3 Unlawful Trafficking in Fish, Shellfish,
4 or Wildlife 2 (RCW
5 77.15.260(3)(a))
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))
8 Voyeurism (RCW 9A.44.115)
9 I Attempting to Elude a Pursuing Police
10 Vehicle (RCW 46.61.024)
11 False Verification for Welfare (RCW
12 74.08.055)
13 Forgery (RCW 9A.60.020)
14 Fraudulent Creation or Revocation of a
15 Mental Health Advance Directive
16 (RCW 9A.60.060)
17 Malicious Mischief 2 (RCW 9A.48.080)
18 Mineral Trespass (RCW 78.44.330)
19 Possession of Stolen Property 2 (RCW
20 9A.56.160)
21 Reckless Burning 1 (RCW 9A.48.040)
22 Spotlighting Big Game 1 (RCW
23 77.15.450(3)(b))
24 Suspension of Department Privileges 1
25 (RCW 77.15.670(3)(b))
26 Taking Motor Vehicle Without
27 Permission 2 (RCW 9A.56.075)
28 Theft 2 (RCW 9A.56.040)
29 Theft of Rental, Leased, Lease-
30 purchased, or Loaned Property
31 (valued at seven hundred fifty
32 dollars or more but less than five
33 thousand dollars) (RCW
34 9A.56.096(5)(b))

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063)
4 Unlawful Fish and Shellfish Catch
5 Accounting (RCW 77.15.630(3)(b))
6 Unlawful Issuance of Checks or Drafts
7 (RCW 9A.56.060)
8 Unlawful Possession of Fictitious
9 Identification (RCW 9A.56.320)
10 Unlawful Possession of Instruments of
11 Financial Fraud (RCW 9A.56.320)
12 Unlawful Possession of Payment
13 Instruments (RCW 9A.56.320)
14 Unlawful Possession of a Personal
15 Identification Device (RCW
16 9A.56.320)
17 Unlawful Production of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Releasing, Planting,
20 Possessing, or Placing Deleterious
21 Exotic Wildlife (RCW
22 77.15.250(2)(b))
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Unlawful Use of Net to Take Fish 1
28 (RCW 77.15.580(3)(b))
29 Unlawful Use of Prohibited Aquatic
30 Animal Species (RCW
31 77.15.253(3))
32 Vehicle Prowl 1 (RCW 9A.52.095)
33 Violating Commercial Fishing Area or
34 Time 1 (RCW 77.15.550(3)(b))

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