
SENATE BILL 5059

State of Washington 65th Legislature 2017 Regular Session

By Senators O'Ban, Fortunato, Rivers, Miloscia, Brown, Warnick,
Honeyford, and Padden

Read first time 01/11/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to motor vehicle property offenses; amending RCW
2 9.94A.525; 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.525 and 2013 2nd sp.s. c 35 s 8 are each
6 amended to read as follows:

7 The offender score is measured on the horizontal axis of the
8 sentencing grid. The offender score rules are as follows:

9 The offender score is the sum of points accrued under this
10 section rounded down to the nearest whole number.

11 (1) A prior conviction is a conviction which exists before the
12 date of sentencing for the offense for which the offender score is
13 being computed. Convictions entered or sentenced on the same date as
14 the conviction for which the offender score is being computed shall
15 be deemed "other current offenses" within the meaning of RCW
16 9.94A.589.

17 (2)(a) Class A and sex prior felony convictions shall always be
18 included in the offender score.

19 (b) Class B prior felony convictions other than sex offenses
20 shall not be included in the offender score, if since the last date
21 of release from confinement (including full-time residential

1 treatment) pursuant to a felony conviction, if any, or entry of
2 judgment and sentence, the offender had spent ten consecutive years
3 in the community without committing any crime that subsequently
4 results in a conviction.

5 (c) Except as provided in (e) of this subsection, class C prior
6 felony convictions other than sex offenses shall not be included in
7 the offender score if, since the last date of release from
8 confinement (including full-time residential treatment) pursuant to a
9 felony conviction, if any, or entry of judgment and sentence, the
10 offender had spent five consecutive years in the community without
11 committing any crime that subsequently results in a conviction.

12 (d) Except as provided in (e) of this subsection, serious traffic
13 convictions shall not be included in the offender score if, since the
14 last date of release from confinement (including full-time
15 residential treatment) pursuant to a conviction, if any, or entry of
16 judgment and sentence, the offender spent five years in the community
17 without committing any crime that subsequently results in a
18 conviction.

19 (e) If the present conviction is felony driving while under the
20 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
21 felony physical control of a vehicle while under the influence of
22 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
23 crimes for the offense as defined by RCW 46.61.5055(14) shall be
24 included in the offender score, and prior convictions for felony
25 driving while under the influence of intoxicating liquor or any drug
26 (RCW 46.61.502(6)) or felony physical control of a vehicle while
27 under the influence of intoxicating liquor or any drug (RCW
28 46.61.504(6)) shall always be included in the offender score. All
29 other convictions of the defendant shall be scored according to this
30 section.

31 (f) Prior convictions for a repetitive domestic violence offense,
32 as defined in RCW 9.94A.030, shall not be included in the offender
33 score if, since the last date of release from confinement or entry of
34 judgment and sentence, the offender had spent ten consecutive years
35 in the community without committing any crime that subsequently
36 results in a conviction.

37 (g) This subsection applies to both adult and juvenile prior
38 convictions.

39 (3) Out-of-state convictions for offenses shall be classified
40 according to the comparable offense definitions and sentences

1 provided by Washington law. Federal convictions for offenses shall be
2 classified according to the comparable offense definitions and
3 sentences provided by Washington law. If there is no clearly
4 comparable offense under Washington law or the offense is one that is
5 usually considered subject to exclusive federal jurisdiction, the
6 offense shall be scored as a class C felony equivalent if it was a
7 felony under the relevant federal statute.

8 (4) Score prior convictions for felony anticipatory offenses
9 (attempts, criminal solicitations, and criminal conspiracies) the
10 same as if they were convictions for completed offenses.

11 (5)(a) In the case of multiple prior convictions, for the purpose
12 of computing the offender score, count all convictions separately,
13 except:

14 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a),
15 to encompass the same criminal conduct, shall be counted as one
16 offense, the offense that yields the highest offender score. The
17 current sentencing court shall determine with respect to other prior
18 adult offenses for which sentences were served concurrently or prior
19 juvenile offenses for which sentences were served consecutively,
20 whether those offenses shall be counted as one offense or as separate
21 offenses using the "same criminal conduct" analysis found in RCW
22 9.94A.589(1)(a), and if the court finds that they shall be counted as
23 one offense, then the offense that yields the highest offender score
24 shall be used. The current sentencing court may presume that such
25 other prior offenses were not the same criminal conduct from
26 sentences imposed on separate dates, or in separate counties or
27 jurisdictions, or in separate complaints, indictments, or
28 informations;

29 (ii) In the case of multiple prior convictions for offenses
30 committed before July 1, 1986, for the purpose of computing the
31 offender score, count all adult convictions served concurrently as
32 one offense, and count all juvenile convictions entered on the same
33 date as one offense. Use the conviction for the offense that yields
34 the highest offender score.

35 (b) As used in this subsection (5), "served concurrently" means
36 that: (i) The latter sentence was imposed with specific reference to
37 the former; (ii) the concurrent relationship of the sentences was
38 judicially imposed; and (iii) the concurrent timing of the sentences
39 was not the result of a probation or parole revocation on the former
40 offense.

1 (6) If the present conviction is one of the anticipatory offenses
2 of criminal attempt, solicitation, or conspiracy, count each prior
3 conviction as if the present conviction were for a completed offense.
4 When these convictions are used as criminal history, score them the
5 same as a completed crime.

6 (7) If the present conviction is for a nonviolent offense and not
7 covered by subsection (11), (12), or (13) of this section, count one
8 point for each adult prior felony conviction and one point for each
9 juvenile prior violent felony conviction and 1/2 point for each
10 juvenile prior nonviolent felony conviction.

11 (8) If the present conviction is for a violent offense and not
12 covered in subsection (9), (10), (11), (12), or (13) of this section,
13 count two points for each prior adult and juvenile violent felony
14 conviction, one point for each prior adult nonviolent felony
15 conviction, and 1/2 point for each prior juvenile nonviolent felony
16 conviction.

17 (9) If the present conviction is for a serious violent offense,
18 count three points for prior adult and juvenile convictions for
19 crimes in this category, two points for each prior adult and juvenile
20 violent conviction (not already counted), one point for each prior
21 adult nonviolent felony conviction, and 1/2 point for each prior
22 juvenile nonviolent felony conviction.

23 (10) If the present conviction is for Burglary 1, count prior
24 convictions as in subsection (8) of this section; however count two
25 points for each prior adult Burglary 2 or residential burglary
26 conviction, and one point for each prior juvenile Burglary 2 or
27 residential burglary conviction.

28 (11) If the present conviction is for a felony traffic offense
29 count two points for each adult or juvenile prior conviction for
30 Vehicular Homicide or Vehicular Assault; for each felony offense
31 count one point for each adult and 1/2 point for each juvenile prior
32 conviction; for each serious traffic offense, other than those used
33 for an enhancement pursuant to RCW 46.61.520(2), count one point for
34 each adult and 1/2 point for each juvenile prior conviction; count
35 one point for each adult and 1/2 point for each juvenile prior
36 conviction for operation of a vessel while under the influence of
37 intoxicating liquor or any drug.

38 (12) If the present conviction is for homicide by watercraft or
39 assault by watercraft count two points for each adult or juvenile
40 prior conviction for homicide by watercraft or assault by watercraft;

1 for each felony offense count one point for each adult and 1/2 point
2 for each juvenile prior conviction; count one point for each adult
3 and 1/2 point for each juvenile prior conviction for driving under
4 the influence of intoxicating liquor or any drug, actual physical
5 control of a motor vehicle while under the influence of intoxicating
6 liquor or any drug, or operation of a vessel while under the
7 influence of intoxicating liquor or any drug.

8 (13) If the present conviction is for manufacture of
9 methamphetamine count three points for each adult prior manufacture
10 of methamphetamine conviction and two points for each juvenile
11 manufacture of methamphetamine offense. If the present conviction is
12 for a drug offense and the offender has a criminal history that
13 includes a sex offense or serious violent offense, count three points
14 for each adult prior felony drug offense conviction and two points
15 for each juvenile drug offense. All other adult and juvenile felonies
16 are scored as in subsection (8) of this section if the current drug
17 offense is violent, or as in subsection (7) of this section if the
18 current drug offense is nonviolent.

19 (14) If the present conviction is for Escape from Community
20 Custody, RCW 72.09.310, count only prior escape convictions in the
21 offender score. Count adult prior escape convictions as one point and
22 juvenile prior escape convictions as 1/2 point.

23 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
24 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
25 and juvenile prior convictions as 1/2 point.

26 (16) If the present conviction is for Burglary 2 or residential
27 burglary, count priors as in subsection (7) of this section; however,
28 count two points for each adult and juvenile prior Burglary 1
29 conviction, two points for each adult prior Burglary 2 or residential
30 burglary conviction, and one point for each juvenile prior Burglary 2
31 or residential burglary conviction.

32 (17) If the present conviction is for a sex offense, count priors
33 as in subsections (7) through (11) and (13) through (16) of this
34 section; however count three points for each adult and juvenile prior
35 sex offense conviction.

36 (18) If the present conviction is for failure to register as a
37 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
38 subsections (7) through (11) and (13) through (16) of this section;
39 however count three points for each adult and juvenile prior sex
40 offense conviction, excluding prior convictions for failure to

1 register as a sex offender under RCW 9A.44.130 or 9A.44.132, which
2 shall count as one point.

3 (19) If the present conviction is for an offense committed while
4 the offender was under community custody, add one point. For purposes
5 of this subsection, community custody includes community placement or
6 postrelease supervision, as defined in chapter 9.94B RCW.

7 (20) If the present conviction is for Theft of a Motor Vehicle,
8 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
9 Permission 1, (~~(\oplus)~~) Taking a Motor Vehicle Without Permission 2,
10 Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2 (motor
11 vehicle), count priors as in subsections (7) through (18) of this
12 section; however count one point for prior convictions of Vehicle
13 Prowling 2, and three points for each adult and juvenile prior Theft
14 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of
15 Stolen Property 1 (of a motor vehicle), Possession of Stolen Property
16 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a
17 Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, (~~(\oplus)~~)
18 Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1
19 (motor vehicle), or Malicious Mischief 2 (motor vehicle) conviction.

20 (21) If the present conviction is for a felony domestic violence
21 offense where domestic violence as defined in RCW 9.94A.030 was
22 (~~(\oplus)~~) pleaded and proven, count priors as in
23 subsections (7) through (20) of this section; however, count points
24 as follows:

25 (a) Count two points for each adult prior conviction where
26 domestic violence as defined in RCW 9.94A.030 was (~~(\oplus)~~)
27 pleaded and proven after August 1, 2011, for the following offenses:
28 A violation of a no-contact order that is a felony offense, a
29 violation of a protection order that is a felony offense, a felony
30 domestic violence harassment offense, a felony domestic violence
31 stalking offense, a domestic violence Burglary 1 offense, a domestic
32 violence Kidnapping 1 offense, a domestic violence Kidnapping 2
33 offense, a domestic violence unlawful imprisonment offense, a
34 domestic violence Robbery 1 offense, a domestic violence Robbery 2
35 offense, a domestic violence Assault 1 offense, a domestic violence
36 Assault 2 offense, a domestic violence Assault 3 offense, a domestic
37 violence Arson 1 offense, or a domestic violence Arson 2 offense;

38 (b) Count one point for each second and subsequent juvenile
39 conviction where domestic violence as defined in RCW 9.94A.030 was

1 (~~plead~~~~pled~~) pleaded and proven after August 1, 2011, for the
2 offenses listed in (a) of this subsection; and

3 (c) Count one point for each adult prior conviction for a
4 repetitive domestic violence offense as defined in RCW 9.94A.030,
5 where domestic violence as defined in RCW 9.94A.030, was (~~plead~~
6 ~~pled~~) pleaded and proven after August 1, 2011.

7 (22) The fact that a prior conviction was not included in an
8 offender's offender score or criminal history at a previous
9 sentencing shall have no bearing on whether it is included in the
10 criminal history or offender score for the current offense. Prior
11 convictions that were not counted in the offender score or included
12 in criminal history under repealed or previous versions of the
13 sentencing reform act shall be included in criminal history and shall
14 count in the offender score if the current version of the sentencing
15 reform act requires including or counting those convictions. Prior
16 convictions that were not included in criminal history or in the
17 offender score shall be included upon any resentencing to ensure
18 imposition of an accurate sentence.

19 **Sec. 2.** RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and
20 2016 c 6 s 1 are each reenacted and amended to read as follows:

21 TABLE 2

22 CRIMES INCLUDED WITHIN EACH
23 SERIOUSNESS LEVEL

- 24 XVI Aggravated Murder 1 (RCW 10.95.020)
25 XV Homicide by abuse (RCW 9A.32.055)
26 Malicious explosion 1 (RCW
27 70.74.280(1))
28 Murder 1 (RCW 9A.32.030)
29 XIV Murder 2 (RCW 9A.32.050)
30 Trafficking 1 (RCW 9A.40.100(1))
31 XIII Malicious explosion 2 (RCW
32 70.74.280(2))
33 Malicious placement of an explosive 1
34 (RCW 70.74.270(1))
35 XII Assault 1 (RCW 9A.36.011)
36 Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation
2 device 1 (RCW 70.74.272(1)(a))
3 Promoting Commercial Sexual Abuse of
4 a Minor (RCW 9.68A.101)
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 Trafficking 2 (RCW 9A.40.100(3))
8 XI Manslaughter 1 (RCW 9A.32.060)
9 Rape 2 (RCW 9A.44.050)
10 Rape of a Child 2 (RCW 9A.44.076)
11 Vehicular Homicide, by being under the
12 influence of intoxicating liquor or
13 any drug (RCW 46.61.520)
14 Vehicular Homicide, by the operation of
15 any vehicle in a reckless manner
16 (RCW 46.61.520)
17 X Child Molestation 1 (RCW 9A.44.083)
18 Criminal Mistreatment 1 (RCW
19 9A.42.020)
20 Indecent Liberties (with forcible
21 compulsion) (RCW
22 9A.44.100(1)(a))
23 Kidnapping 1 (RCW 9A.40.020)
24 Leading Organized Crime (RCW
25 9A.82.060(1)(a))
26 Malicious explosion 3 (RCW
27 70.74.280(3))
28 Sexually Violent Predator Escape (RCW
29 9A.76.115)
30 IX Abandonment of Dependent Person 1
31 (RCW 9A.42.060)
32 Assault of a Child 2 (RCW 9A.36.130)
33 Explosive devices prohibited (RCW
34 70.74.180)

1 Hit and Run—Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being under
4 the influence of intoxicating liquor
5 or any drug (RCW 79A.60.050)
6 Inciting Criminal Profiteering (RCW
7 9A.82.060(1)(b))
8 Malicious placement of an explosive 2
9 (RCW 70.74.270(2))
10 Robbery 1 (RCW 9A.56.200)
11 Sexual Exploitation (RCW 9.68A.040)
12 VIII Arson 1 (RCW 9A.48.020)
13 Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)
15 Homicide by Watercraft, by the
16 operation of any vessel in a reckless
17 manner (RCW 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Promoting Prostitution 1 (RCW
20 9A.88.070)
21 Theft of Ammonia (RCW 69.55.010)
22 VII Air bag diagnostic systems (causing
23 bodily injury or death) (RCW
24 46.37.660(2)(b))
25 Air bag replacement requirements
26 (causing bodily injury or death)
27 (RCW 46.37.660(1)(b))
28 Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sale, install, ~~((for))~~ or reinstall
20 counterfeit, nonfunctional,
21 damaged, or previously deployed
22 airbag (RCW 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun in Commission
30 of a Felony (RCW 9.41.225)

31 Vehicular Homicide, by disregard for
32 the safety of others (RCW
33 46.61.520)

34 VI Bail Jumping with Murder 1 (RCW
35 9A.76.170(3)(a))

36 Bribery (RCW 9A.68.010)

37 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW 9A.72.160)
2 Intimidating a Juror/Witness (RCW
3 9A.72.110, 9A.72.130)
4 Malicious placement of an imitation
5 device 2 (RCW 70.74.272(1)(b))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.070(1))
9 Rape of a Child 3 (RCW 9A.44.079)
10 Taking Motor Vehicle Without
11 Permission 1 (third or subsequent
12 offense) (RCW 9A.56.070)
13 Theft of a Firearm (RCW 9A.56.300)
14 Unlawful Storage of Ammonia (RCW
15 69.55.020)
16 V Abandonment of Dependent Person 2
17 (RCW 9A.42.070)
18 Advancing money or property for
19 extortionate extension of credit
20 (RCW 9A.82.030)
21 Air bag diagnostic systems (RCW
22 46.37.660(2)(c))
23 Air bag replacement requirements
24 (RCW 46.37.660(1)(c))
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 2 (RCW
29 9A.42.030)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Dealing in Depictions of Minor
33 Engaged in Sexually Explicit
34 Conduct 2 (RCW 9.68A.050(2))

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

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 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 9A.68.060)
24 Counterfeiting (RCW 9.16.035(4))
25 Endangerment with a Controlled
26 Substance (RCW 9A.42.100)
27 Escape 1 (RCW 9A.76.110)
28 Hit and Run—Injury (RCW
29 46.52.020(4)(b))
30 Hit and Run with Vessel—Injury
31 Accident (RCW 79A.60.200(3))
32 Identity Theft 1 (RCW 9.35.020(2))
33 Indecent Exposure to Person Under Age
34 Fourteen (subsequent sex offense)
35 (RCW 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Malicious Harassment (RCW
4 9A.36.080)
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct 2 (RCW 9.68A.070(2))
8 Residential Burglary (RCW 9A.52.025)
9 Robbery 2 (RCW 9A.56.210)
10 Theft of Livestock 1 (RCW 9A.56.080)
11 Threats to Bomb (RCW 9.61.160)
12 Trafficking in Stolen Property 1 (RCW
13 9A.82.050)
14 Unlawful factoring of a credit card or
15 payment card transaction (RCW
16 9A.56.290(4)(b))
17 Unlawful transaction of health coverage
18 as a health care service contractor
19 (RCW 48.44.016(3))
20 Unlawful transaction of health coverage
21 as a health maintenance
22 organization (RCW 48.46.033(3))
23 Unlawful transaction of insurance
24 business (RCW 48.15.023(3))
25 Unlicensed practice as an insurance
26 professional (RCW 48.17.063(2))
27 Use of Proceeds of Criminal
28 Profiteering (RCW 9A.82.080 (1)
29 and (2))
30 Vehicle Prowling 2 (third or subsequent
31 offense) (RCW 9A.52.100(3))
32 Vehicular Assault, by being under the
33 influence of intoxicating liquor or
34 any drug, or by the operation or
35 driving of a vehicle in a reckless
36 manner (RCW 46.61.522)

1 Viewing of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.075(1))
4 Willful Failure to Return from Furlough
5 (RCW 72.66.060)
6 III Animal Cruelty 1 (Sexual Conduct or
7 Contact) (RCW 16.52.205(3))
8 Assault 3 (Except Assault 3 of a Peace
9 Officer With a Projectile Stun Gun)
10 (RCW 9A.36.031 except subsection
11 (1)(h))
12 Assault of a Child 3 (RCW 9A.36.140)
13 Bail Jumping with class B or C Felony
14 (RCW 9A.76.170(3)(c))
15 Burglary 2 (RCW 9A.52.030)
16 Communication with a Minor for
17 Immoral Purposes (RCW
18 9.68A.090)
19 Criminal Gang Intimidation (RCW
20 9A.46.120)
21 Custodial Assault (RCW 9A.36.100)
22 Cyberstalking (subsequent conviction or
23 threat of death) (RCW 9.61.260(3))
24 Escape 2 (RCW 9A.76.120)
25 Extortion 2 (RCW 9A.56.130)
26 Harassment (RCW 9A.46.020)
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Introducing Contraband 2 (RCW
30 9A.76.150)
31 Malicious Injury to Railroad Property
32 (RCW 81.60.070)
33 Malicious Mischief 1 (motor vehicle,
34 third or subsequent offense) (RCW
35 9A.48.070)

1 Mortgage Fraud (RCW 19.144.080)
2 Negligently Causing Substantial Bodily
3 Harm By Use of a Signal
4 Preemption Device (RCW
5 46.37.674)
6 Organized Retail Theft 1 (RCW
7 9A.56.350(2))
8 Perjury 2 (RCW 9A.72.030)
9 Possession of Incendiary Device (RCW
10 9.40.120)
11 Possession of Machine Gun or Short-
12 Barreled Shotgun or Rifle (RCW
13 9.41.190)
14 Possession of Stolen Vehicle (third or
15 subsequent offense) (RCW
16 9A.56.068)
17 Promoting Prostitution 2 (RCW
18 9A.88.080)
19 Retail Theft with Special Circumstances
20 1 (RCW 9A.56.360(2))
21 Securities Act violation (RCW
22 21.20.400)
23 Tampering with a Witness (RCW
24 9A.72.120)
25 Telephone Harassment (subsequent
26 conviction or threat of death) (RCW
27 9.61.230(2))
28 Theft of Livestock 2 (RCW 9A.56.083)
29 Theft of Motor Vehicle (third or
30 subsequent offense) (RCW
31 9A.56.065)
32 Theft with the Intent to Resell 1 (RCW
33 9A.56.340(2))
34 Trafficking in Stolen Property 2 (RCW
35 9A.82.055)

1 Unlawful Hunting of Big Game 1 (RCW
2 77.15.410(3)(b))
3 Unlawful Imprisonment (RCW
4 9A.40.040)
5 Unlawful Misbranding of Food Fish or
6 Shellfish 1 (RCW 69.04.938(3))
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(2))
9 Unlawful Taking of Endangered Fish or
10 Wildlife 1 (RCW 77.15.120(3)(b))
11 Unlawful Trafficking in Fish, Shellfish,
12 or Wildlife 1 (RCW
13 77.15.260(3)(b))
14 Unlawful Use of a Nondesignated
15 Vessel (RCW 77.15.530(4))
16 Vehicular Assault, by the operation or
17 driving of a vehicle with disregard
18 for the safety of others (RCW
19 46.61.522)
20 Willful Failure to Return from Work
21 Release (RCW 72.65.070)
22 II Commercial Fishing Without a License
23 1 (RCW 77.15.500(3)(b))
24 Computer Trespass 1 (RCW 9A.90.040)
25 Counterfeiting (RCW 9.16.035(3))
26 Electronic Data Service Interference
27 (RCW 9A.90.060)
28 Electronic Data Tampering 1 (RCW
29 9A.90.080)
30 Electronic Data Theft (RCW 9A.90.100)
31 Engaging in Fish Dealing Activity
32 Unlicensed 1 (RCW 77.15.620(3))
33 Escape from Community Custody
34 (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 10,
4 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 Malicious Mischief 1 (RCW 9A.48.070)
11 Malicious Mischief 2 (motor vehicle,
12 third or subsequent offense) (RCW
13 9A.48.080)
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 Circumstances
21 2 (RCW 9A.56.360(3))
22 Scrap Processing, Recycling, or
23 Supplying Without a License
24 (second or subsequent offense)
25 (RCW 19.290.100)
26 Taking Motor Vehicle Without
27 Permission 2 (third or subsequent
28 offense) (RCW 9A.56.075)
29 Theft 1 (RCW 9A.56.030)
30 Theft of a Motor Vehicle (RCW
31 9A.56.065)
32 Theft of Rental, Leased, Lease-
33 purchased, or Loaned Property
34 (valued at five thousand dollars or
35 more) (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Participation of Non-Indians
9 in Indian Fishery (RCW
10 77.15.570(2))
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Vehicle Prowl 1 (third or subsequent
21 offense) (RCW 9A.52.095)
22 Voyeurism (RCW 9A.44.115)
23 I Attempting to Elude a Pursuing Police
24 Vehicle (RCW 46.61.024)
25 False Verification for Welfare (RCW
26 74.08.055)
27 Forgery (RCW 9A.60.020)
28 Fraudulent Creation or Revocation of a
29 Mental Health Advance Directive
30 (RCW 9A.60.060)
31 Malicious Mischief 2 (RCW 9A.48.080)
32 Mineral Trespass (RCW 78.44.330)
33 Possession of Stolen Property 2 (RCW
34 9A.56.160)
35 Reckless Burning 1 (RCW 9A.48.040)

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

1 Unlawful Trafficking in Food Stamps
2 (RCW 9.91.142)
3 Unlawful Use of Food Stamps (RCW
4 9.91.144)
5 Unlawful Use of Net to Take Fish 1
6 (RCW 77.15.580(3)(b))
7 Unlawful Use of Prohibited Aquatic
8 Animal Species (RCW
9 77.15.253(3))
10 Vehicle Prowl 1 (RCW 9A.52.095)
11 Violating Commercial Fishing Area or
12 Time 1 (RCW 77.15.550(3)(b))

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