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HOUSE BILL 2231

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State of Washington

66th Legislature

2020 Regular Session

**By** Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson, and Riccelli

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1 AN ACT Relating to bail jumping; amending RCW 9A.76.170;  
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.76.170 and 2001 c 264 s 3 are each amended to  
5 read as follows:

6 (1) Any person having been released by court order or admitted to  
7 bail (~~(with knowledge)~~) who has received written notice of the  
8 requirement of a subsequent personal appearance before any court of  
9 this state, or of the requirement to report to a correctional  
10 facility for service of sentence, and who fails to appear or who  
11 fails to surrender for service of sentence as required is guilty of  
12 bail jumping.

13 (2) It is an affirmative defense to a prosecution under this  
14 section that uncontrollable circumstances prevented the person from  
15 appearing or surrendering, and that the person did not contribute to  
16 the creation of such circumstances in reckless disregard of the  
17 requirement to appear or surrender, and that the person appeared or  
18 surrendered as soon as such circumstances ceased to exist.

19 (3) Bail jumping is:

1 (a) A (~~class A felony if the person was held for, charged with,~~  
2 ~~or convicted of murder in the first degree~~) gross misdemeanor if the  
3 person was held for, charged with, or convicted of a felony; or  
4 (b) (~~A class B felony if the person was held for, charged with,~~  
5 ~~or convicted of a class A felony other than murder in the first~~  
6 ~~degree;~~  
7 ~~(c) A class C felony if the person was held for, charged with, or~~  
8 ~~convicted of a class B or class C felony;~~  
9 ~~(d)~~) A misdemeanor if the person was held for, charged with, or  
10 convicted of a gross misdemeanor or misdemeanor.

11 **Sec. 2.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c  
12 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read  
13 as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH

16 SERIOUSNESS LEVEL

17	XVI	Aggravated Murder 1 (RCW 10.95.020)
18	XV	Homicide by abuse (RCW 9A.32.055)
19		Malicious explosion 1 (RCW
20		70.74.280(1))
21		Murder 1 (RCW 9A.32.030)
22	XIV	Murder 2 (RCW 9A.32.050)
23		Trafficking 1 (RCW 9A.40.100(1))
24	XIII	Malicious explosion 2 (RCW
25		70.74.280(2))
26		Malicious placement of an explosive 1
27		(RCW 70.74.270(1))
28	XII	Assault 1 (RCW 9A.36.011)
29		Assault of a Child 1 (RCW 9A.36.120)
30		Malicious placement of an imitation
31		device 1 (RCW 70.74.272(1)(a))
32		Promoting Commercial Sexual Abuse of
33		a Minor (RCW 9.68A.101)
34		Rape 1 (RCW 9A.44.040)
35		Rape of a Child 1 (RCW 9A.44.073)

1 Trafficking 2 (RCW 9A.40.100(3))  
2 XI Manslaughter 1 (RCW 9A.32.060)  
3 Rape 2 (RCW 9A.44.050)  
4 Rape of a Child 2 (RCW 9A.44.076)  
5 Vehicular Homicide, by being under the  
6 influence of intoxicating liquor or  
7 any drug (RCW 46.61.520)  
8 Vehicular Homicide, by the operation of  
9 any vehicle in a reckless manner  
10 (RCW 46.61.520)  
11 X Child Molestation 1 (RCW 9A.44.083)  
12 Criminal Mistreatment 1 (RCW  
13 9A.42.020)  
14 Indecent Liberties (with forcible  
15 compulsion) (RCW  
16 9A.44.100(1)(a))  
17 Kidnapping 1 (RCW 9A.40.020)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 Malicious explosion 3 (RCW  
21 70.74.280(3))  
22 Sexually Violent Predator Escape (RCW  
23 9A.76.115)  
24 IX Abandonment of Dependent Person 1  
25 (RCW 9A.42.060)  
26 Assault of a Child 2 (RCW 9A.36.130)  
27 Explosive devices prohibited (RCW  
28 70.74.180)  
29 Hit and Run—Death (RCW  
30 46.52.020(4)(a))  
31 Homicide by Watercraft, by being under  
32 the influence of intoxicating liquor  
33 or any drug (RCW 79A.60.050)  
34 Inciting Criminal Profiteering (RCW  
35 9A.82.060(1)(b))

1 Malicious placement of an explosive 2  
2 (RCW 70.74.270(2))  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 VIII Arson 1 (RCW 9A.48.020)  
6 Commercial Sexual Abuse of a Minor  
7 (RCW 9.68A.100)  
8 Homicide by Watercraft, by the  
9 operation of any vessel in a reckless  
10 manner (RCW 79A.60.050)  
11 Manslaughter 2 (RCW 9A.32.070)  
12 Promoting Prostitution 1 (RCW  
13 9A.88.070)  
14 Theft of Ammonia (RCW 69.55.010)  
15 VII Air bag diagnostic systems (causing  
16 bodily injury or death) (RCW  
17 46.37.660(2)(b))  
18 Air bag replacement requirements  
19 (causing bodily injury or death)  
20 (RCW 46.37.660(1)(b))  
21 Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor engaged  
26 in sexually explicit conduct 1  
27 (RCW 9.68A.050(1))  
28 Drive-by Shooting (RCW 9A.36.045)  
29 Homicide by Watercraft, by disregard  
30 for the safety of others (RCW  
31 79A.60.050)  
32 Indecent Liberties (without forcible  
33 compulsion) (RCW 9A.44.100(1)  
34 (b) and (c))

1 Introducing Contraband 1 (RCW  
2 9A.76.140)  
3 Malicious placement of an explosive 3  
4 (RCW 70.74.270(3))  
5 Manufacture or import counterfeit,  
6 nonfunctional, damaged, or  
7 previously deployed air bag  
8 (causing bodily injury or death)  
9 (RCW 46.37.650(1)(b))  
10 Negligently Causing Death By Use of a  
11 Signal Preemption Device (RCW  
12 46.37.675)  
13 Sell, install, or reinstall counterfeit,  
14 nonfunctional, damaged, or  
15 previously deployed airbag (RCW  
16 46.37.650(2)(b))  
17 Sending, bringing into state depictions  
18 of minor engaged in sexually  
19 explicit conduct 1 (RCW  
20 9.68A.060(1))  
21 Unlawful Possession of a Firearm in the  
22 first degree (RCW 9.41.040(1))  
23 Use of a Machine Gun or Bump-fire  
24 Stock in Commission of a Felony  
25 (RCW 9.41.225)  
26 Vehicular Homicide, by disregard for  
27 the safety of others (RCW  
28 46.61.520)  
29 VI (~~(Bail Jumping with Murder 1 (RCW~~  
30 ~~9A.76.170(3)(a))))  
31 Bribery (RCW 9A.68.010)  
32 Incest 1 (RCW 9A.64.020(1))  
33 Intimidating a Judge (RCW 9A.72.160)  
34 Intimidating a Juror/Witness (RCW  
35 9A.72.110, 9A.72.130)~~

1 Malicious placement of an imitation  
2 device 2 (RCW 70.74.272(1)(b))  
3 Possession of Depictions of a Minor  
4 Engaged in Sexually Explicit  
5 Conduct 1 (RCW 9.68A.070(1))  
6 Rape of a Child 3 (RCW 9A.44.079)  
7 Theft of a Firearm (RCW 9A.56.300)  
8 Theft from a Vulnerable Adult 1 (RCW  
9 9A.56.400(1))  
10 Unlawful Storage of Ammonia (RCW  
11 69.55.020)  
12 V Abandonment of Dependent Person 2  
13 (RCW 9A.42.070)  
14 Advancing money or property for  
15 extortionate extension of credit  
16 (RCW 9A.82.030)  
17 Air bag diagnostic systems (RCW  
18 46.37.660(2)(c))  
19 Air bag replacement requirements  
20 (RCW 46.37.660(1)(c))  
21 ~~((Bail Jumping with class A Felony  
22 (RCW 9A.76.170(3)(b))))~~  
23 Child Molestation 3 (RCW 9A.44.089)  
24 Criminal Mistreatment 2 (RCW  
25 9A.42.030)  
26 Custodial Sexual Misconduct 1 (RCW  
27 9A.44.160)  
28 Dealing in Depictions of Minor  
29 Engaged in Sexually Explicit  
30 Conduct 2 (RCW 9.68A.050(2))  
31 Domestic Violence Court Order  
32 Violation (RCW 10.99.040,  
33 10.99.050, 26.09.300, 26.10.220,  
34 26.26B.050, 26.50.110, 26.52.070,  
35 or 74.34.145)  
36 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit (RCW  
2 9A.82.020)  
3 Extortionate Means to Collect  
4 Extensions of Credit (RCW  
5 9A.82.040)  
6 Incest 2 (RCW 9A.64.020(2))  
7 Kidnapping 2 (RCW 9A.40.030)  
8 Manufacture or import counterfeit,  
9 nonfunctional, damaged, or  
10 previously deployed air bag (RCW  
11 46.37.650(1)(c))  
12 Perjury 1 (RCW 9A.72.020)  
13 Persistent prison misbehavior (RCW  
14 9.94.070)  
15 Possession of a Stolen Firearm (RCW  
16 9A.56.310)  
17 Rape 3 (RCW 9A.44.060)  
18 Rendering Criminal Assistance 1 (RCW  
19 9A.76.070)  
20 Sell, install, or reinstall counterfeit,  
21 nonfunctional, damaged, or  
22 previously deployed airbag (RCW  
23 46.37.650(2)(c))  
24 Sending, Bringing into State Depictions  
25 of Minor Engaged in Sexually  
26 Explicit Conduct 2 (RCW  
27 9.68A.060(2))  
28 Sexual Misconduct with a Minor 1  
29 (RCW 9A.44.093)  
30 Sexually Violating Human Remains  
31 (RCW 9A.44.105)  
32 Stalking (RCW 9A.46.110)  
33 Taking Motor Vehicle Without  
34 Permission 1 (RCW 9A.56.070)  
35 IV Arson 2 (RCW 9A.48.030)  
36 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a  
2 Projectile Stun Gun) (RCW  
3 9A.36.031(1)(h))  
4 Assault 4 (third domestic violence  
5 offense) (RCW 9A.36.041(3))  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW 9A.68.060)  
13 Counterfeiting (RCW 9.16.035(4))  
14 Driving While Under the Influence  
15 (RCW 46.61.502(6))  
16 Endangerment with a Controlled  
17 Substance (RCW 9A.42.100)  
18 Escape 1 (RCW 9A.76.110)  
19 Hate Crime (RCW 9A.36.080)  
20 Hit and Run—Injury (RCW  
21 46.52.020(4)(b))  
22 Hit and Run with Vessel—Injury  
23 Accident (RCW 79A.60.200(3))  
24 Identity Theft 1 (RCW 9.35.020(2))  
25 Indecent Exposure to Person Under Age  
26 Fourteen (subsequent sex offense)  
27 (RCW 9A.88.010)  
28 Influencing Outcome of Sporting Event  
29 (RCW 9A.82.070)  
30 Physical Control of a Vehicle While  
31 Under the Influence (RCW  
32 46.61.504(6))  
33 Possession of Depictions of a Minor  
34 Engaged in Sexually Explicit  
35 Conduct 2 (RCW 9.68A.070(2))



1 Residential Burglary (RCW 9A.52.025)  
2 Robbery 2 (RCW 9A.56.210)  
3 Theft of Livestock 1 (RCW 9A.56.080)  
4 Threats to Bomb (RCW 9.61.160)  
5 Trafficking in Stolen Property 1 (RCW  
6 9A.82.050)  
7 Unlawful factoring of a credit card or  
8 payment card transaction (RCW  
9 9A.56.290(4)(b))  
10 Unlawful transaction of health coverage  
11 as a health care service contractor  
12 (RCW 48.44.016(3))  
13 Unlawful transaction of health coverage  
14 as a health maintenance  
15 organization (RCW 48.46.033(3))  
16 Unlawful transaction of insurance  
17 business (RCW 48.15.023(3))  
18 Unlicensed practice as an insurance  
19 professional (RCW 48.17.063(2))  
20 Use of Proceeds of Criminal  
21 Profiteering (RCW 9A.82.080 (1)  
22 and (2))  
23 Vehicle Prowling 2 (third or subsequent  
24 offense) (RCW 9A.52.100(3))  
25 Vehicular Assault, by being under the  
26 influence of intoxicating liquor or  
27 any drug, or by the operation or  
28 driving of a vehicle in a reckless  
29 manner (RCW 46.61.522)  
30 Viewing of Depictions of a Minor  
31 Engaged in Sexually Explicit  
32 Conduct 1 (RCW 9.68A.075(1))  
33 Willful Failure to Return from Furlough  
34 (RCW 72.66.060)  
35 III Animal Cruelty 1 (Sexual Conduct or  
36 Contact) (RCW 16.52.205(3))

1 Assault 3 (Except Assault 3 of a Peace  
2 Officer With a Projectile Stun Gun)  
3 (RCW 9A.36.031 except subsection  
4 (1)(h))  
5 Assault of a Child 3 (RCW 9A.36.140)  
6 ((~~Bail Jumping with class B or C Felony~~  
7 ~~(RCW 9A.76.170(3)(e))))~~)  
8 Burglary 2 (RCW 9A.52.030)  
9 Communication with a Minor for  
10 Immoral Purposes (RCW  
11 9.68A.090)  
12 Criminal Gang Intimidation (RCW  
13 9A.46.120)  
14 Custodial Assault (RCW 9A.36.100)  
15 Cyberstalking (subsequent conviction or  
16 threat of death) (RCW 9.61.260(3))  
17 Escape 2 (RCW 9A.76.120)  
18 Extortion 2 (RCW 9A.56.130)  
19 Harassment (RCW 9A.46.020)  
20 Intimidating a Public Servant (RCW  
21 9A.76.180)  
22 Introducing Contraband 2 (RCW  
23 9A.76.150)  
24 Malicious Injury to Railroad Property  
25 (RCW 81.60.070)  
26 Manufacture of Untraceable Firearm  
27 with Intent to Sell (RCW 9.41.190)  
28 Manufacture or Assembly of an  
29 Undetectable Firearm or  
30 Untraceable Firearm (RCW  
31 9.41.325)  
32 Mortgage Fraud (RCW 19.144.080)  
33 Negligently Causing Substantial Bodily  
34 Harm By Use of a Signal  
35 Preemption Device (RCW  
36 46.37.674)

1 Organized Retail Theft 1 (RCW  
2 9A.56.350(2))  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun, Bump-Fire  
7 Stock, Undetectable Firearm, or  
8 Short-Barreled Shotgun or Rifle  
9 (RCW 9.41.190)  
10 Promoting Prostitution 2 (RCW  
11 9A.88.080)  
12 Retail Theft with Special Circumstances  
13 1 (RCW 9A.56.360(2))  
14 Securities Act violation (RCW  
15 21.20.400)  
16 Tampering with a Witness (RCW  
17 9A.72.120)  
18 Telephone Harassment (subsequent  
19 conviction or threat of death) (RCW  
20 9.61.230(2))  
21 Theft of Livestock 2 (RCW 9A.56.083)  
22 Theft with the Intent to Resell 1 (RCW  
23 9A.56.340(2))  
24 Trafficking in Stolen Property 2 (RCW  
25 9A.82.055)  
26 Unlawful Hunting of Big Game 1 (RCW  
27 77.15.410(3)(b))  
28 Unlawful Imprisonment (RCW  
29 9A.40.040)  
30 Unlawful Misbranding of Fish or  
31 Shellfish 1 (RCW 77.140.060(3))  
32 Unlawful possession of firearm in the  
33 second degree (RCW 9.41.040(2))  
34 Unlawful Taking of Endangered Fish or  
35 Wildlife 1 (RCW 77.15.120(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,  
2 or Wildlife 1 (RCW  
3 77.15.260(3)(b))  
4 Unlawful Use of a Nondesignated  
5 Vessel (RCW 77.15.530(4))  
6 Vehicular Assault, by the operation or  
7 driving of a vehicle with disregard  
8 for the safety of others (RCW  
9 46.61.522)  
10 Willful Failure to Return from Work  
11 Release (RCW 72.65.070)  
12 II Commercial Fishing Without a License  
13 1 (RCW 77.15.500(3)(b))  
14 Computer Trespass 1 (RCW 9A.90.040)  
15 Counterfeiting (RCW 9.16.035(3))  
16 Electronic Data Service Interference  
17 (RCW 9A.90.060)  
18 Electronic Data Tampering 1 (RCW  
19 9A.90.080)  
20 Electronic Data Theft (RCW 9A.90.100)  
21 Engaging in Fish Dealing Activity  
22 Unlicensed 1 (RCW 77.15.620(3))  
23 Escape from Community Custody  
24 (RCW 72.09.310)  
25 Failure to Register as a Sex Offender  
26 (second or subsequent offense)  
27 (RCW 9A.44.130 prior to June 10,  
28 2010, and RCW 9A.44.132)  
29 Health Care False Claims (RCW  
30 48.80.030)  
31 Identity Theft 2 (RCW 9.35.020(3))  
32 Improperly Obtaining Financial  
33 Information (RCW 9.35.010)  
34 Malicious Mischief 1 (RCW 9A.48.070)  
35 Organized Retail Theft 2 (RCW  
36 9A.56.350(3))

1 Possession of Stolen Property 1 (RCW  
2 9A.56.150)  
3 Possession of a Stolen Vehicle (RCW  
4 9A.56.068)  
5 Retail Theft with Special Circumstances  
6 2 (RCW 9A.56.360(3))  
7 Scrap Processing, Recycling, or  
8 Supplying Without a License  
9 (second or subsequent offense)  
10 (RCW 19.290.100)  
11 Theft 1 (RCW 9A.56.030)  
12 Theft of a Motor Vehicle (RCW  
13 9A.56.065)  
14 Theft of Rental, Leased, Lease-  
15 purchased, or Loaned Property  
16 (valued at five thousand dollars or  
17 more) (RCW 9A.56.096(5)(a))  
18 Theft with the Intent to Resell 2 (RCW  
19 9A.56.340(3))  
20 Trafficking in Insurance Claims (RCW  
21 48.30A.015)  
22 Unlawful factoring of a credit card or  
23 payment card transaction (RCW  
24 9A.56.290(4)(a))  
25 Unlawful Participation of Non-Indians  
26 in Indian Fishery (RCW  
27 77.15.570(2))  
28 Unlawful Practice of Law (RCW  
29 2.48.180)  
30 Unlawful Purchase or Use of a License  
31 (RCW 77.15.650(3)(b))  
32 Unlawful Trafficking in Fish, Shellfish,  
33 or Wildlife 2 (RCW  
34 77.15.260(3)(a))  
35 Unlicensed Practice of a Profession or  
36 Business (RCW 18.130.190(7))

1 Voyeurism 1 (RCW 9A.44.115)  
2 I Attempting to Elude a Pursuing Police  
3 Vehicle (RCW 46.61.024)  
4 False Verification for Welfare (RCW  
5 74.08.055)  
6 Forgery (RCW 9A.60.020)  
7 Fraudulent Creation or Revocation of a  
8 Mental Health Advance Directive  
9 (RCW 9A.60.060)  
10 Malicious Mischief 2 (RCW 9A.48.080)  
11 Mineral Trespass (RCW 78.44.330)  
12 Possession of Stolen Property 2 (RCW  
13 9A.56.160)  
14 Reckless Burning 1 (RCW 9A.48.040)  
15 Spotlighting Big Game 1 (RCW  
16 77.15.450(3)(b))  
17 Suspension of Department Privileges 1  
18 (RCW 77.15.670(3)(b))  
19 Taking Motor Vehicle Without  
20 Permission 2 (RCW 9A.56.075)  
21 Theft 2 (RCW 9A.56.040)  
22 Theft from a Vulnerable Adult 2 (RCW  
23 9A.56.400(2))  
24 Theft of Rental, Leased, Lease-  
25 purchased, or Loaned Property  
26 (valued at seven hundred fifty  
27 dollars or more but less than five  
28 thousand dollars) (RCW  
29 9A.56.096(5)(b))  
30 Transaction of insurance business  
31 beyond the scope of licensure  
32 (RCW 48.17.063)  
33 Unlawful Fish and Shellfish Catch  
34 Accounting (RCW 77.15.630(3)(b))  
35 Unlawful Issuance of Checks or Drafts  
36 (RCW 9A.56.060)

1 Unlawful Possession of Fictitious  
2 Identification (RCW 9A.56.320)  
3 Unlawful Possession of Instruments of  
4 Financial Fraud (RCW 9A.56.320)  
5 Unlawful Possession of Payment  
6 Instruments (RCW 9A.56.320)  
7 Unlawful Possession of a Personal  
8 Identification Device (RCW  
9 9A.56.320)  
10 Unlawful Production of Payment  
11 Instruments (RCW 9A.56.320)  
12 Unlawful Releasing, Planting,  
13 Possessing, or Placing Deleterious  
14 Exotic Wildlife (RCW  
15 77.15.250(2)(b))  
16 Unlawful Trafficking in Food Stamps  
17 (RCW 9.91.142)  
18 Unlawful Use of Food Stamps (RCW  
19 9.91.144)  
20 Unlawful Use of Net to Take Fish 1  
21 (RCW 77.15.580(3)(b))  
22 Unlawful Use of Prohibited Aquatic  
23 Animal Species (RCW  
24 77.15.253(3))  
25 Vehicle Prowl 1 (RCW 9A.52.095)  
26 Violating Commercial Fishing Area or  
27 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---