

HOUSE BILL 1384

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert, Rude, Mosbrucker, Chase, Young, Dent, Walsh, and Jacobsen

Read first time 01/26/21. Referred to Committee on Public Safety.

1 AN ACT Relating to the seriousness levels of rape of a child and  
2 child molestation offenses; and amending RCW 9.94A.515.

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

4 **Sec. 1.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
5 read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH  
8 SERIOUSNESS LEVEL

9 XVI Aggravated Murder 1 (RCW 10.95.020)

10 XV Homicide by abuse (RCW 9A.32.055)

11 Malicious explosion 1 (RCW  
12 70.74.280(1))

13 Murder 1 (RCW 9A.32.030)

14 XIV Murder 2 (RCW 9A.32.050)

15 Trafficking 1 (RCW 9A.40.100(1))

16 XIII Malicious explosion 2 (RCW  
17 70.74.280(2))

1 Malicious placement of an explosive 1  
2 (RCW 70.74.270(1))  
3 Rape of a Child 1 (RCW 9A.44.073)  
4 XII Assault 1 (RCW 9A.36.011)  
5 Assault of a Child 1 (RCW 9A.36.120)  
6 Malicious placement of an imitation  
7 device 1 (RCW 70.74.272(1)(a))  
8 Promoting Commercial Sexual Abuse of  
9 a Minor (RCW 9.68A.101)  
10 Rape 1 (RCW 9A.44.040)  
11 (~~Rape of a Child 1 (RCW 9A.44.073)~~)  
12 Rape of a Child 2 (RCW  
13 9A.44.076)  
14 Trafficking 2 (RCW 9A.40.100(3))  
15 XI Child Molestation 1 (RCW 9A.44.083)  
16 Manslaughter 1 (RCW 9A.32.060)  
17 Rape 2 (RCW 9A.44.050)  
18 (~~Rape of a Child 2 (RCW 9A.44.076)~~)  
19 Vehicular Homicide, by being under the  
20 influence of intoxicating liquor or  
21 any drug (RCW 46.61.520)  
22 Vehicular Homicide, by the operation of  
23 any vehicle in a reckless manner  
24 (RCW 46.61.520)  
25 X (~~Child Molestation 1 (RCW~~  
26 ~~9A.44.083)~~)  
27 Criminal Mistreatment 1 (RCW  
28 9A.42.020)  
29 Indecent Liberties (with forcible  
30 compulsion) (RCW  
31 9A.44.100(1)(a))  
32 Kidnapping 1 (RCW 9A.40.020)  
33 Leading Organized Crime (RCW  
34 9A.82.060(1)(a))

1 Malicious explosion 3 (RCW  
2 70.74.280(3))  
3 Sexually Violent Predator Escape (RCW  
4 9A.76.115)  
5 IX Abandonment of Dependent Person 1  
6 (RCW 9A.42.060)  
7 Assault of a Child 2 (RCW 9A.36.130)  
8 Explosive devices prohibited (RCW  
9 70.74.180)  
10 Hit and Run—Death (RCW  
11 46.52.020(4)(a))  
12 Homicide by Watercraft, by being under  
13 the influence of intoxicating liquor  
14 or any drug (RCW 79A.60.050)  
15 Inciting Criminal Profiteering (RCW  
16 9A.82.060(1)(b))  
17 Malicious placement of an explosive 2  
18 (RCW 70.74.270(2))  
19 Robbery 1 (RCW 9A.56.200)  
20 Sexual Exploitation (RCW 9.68A.040)  
21 VIII Arson 1 (RCW 9A.48.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Commercial Sexual Abuse of a Minor  
24 (RCW 9.68A.100)  
25 Homicide by Watercraft, by the  
26 operation of any vessel in a reckless  
27 manner (RCW 79A.60.050)  
28 Manslaughter 2 (RCW 9A.32.070)  
29 Promoting Prostitution 1 (RCW  
30 9A.88.070)  
31 Theft of Ammonia (RCW 69.55.010)  
32 VII Air bag diagnostic systems (causing  
33 bodily injury or death) (RCW  
34 46.37.660(2)(b))

1 Air bag replacement requirements  
2 (causing bodily injury or death)  
3 (RCW 46.37.660(1)(b))  
4 Burglary 1 (RCW 9A.52.020)  
5 ~~((Child Molestation 2 (RCW~~  
6 ~~9A.44.086)))~~  
7 Civil Disorder Training (RCW  
8 9A.48.120)  
9 Dealing in depictions of minor engaged  
10 in sexually explicit conduct 1  
11 (RCW 9.68A.050(1))  
12 Drive-by Shooting (RCW 9A.36.045)  
13 False Reporting 1 (RCW  
14 9A.84.040(2)(a))  
15 Homicide by Watercraft, by disregard  
16 for the safety of others (RCW  
17 79A.60.050)  
18 Indecent Liberties (without forcible  
19 compulsion) (RCW 9A.44.100(1)  
20 (b) and (c))  
21 Introducing Contraband 1 (RCW  
22 9A.76.140)  
23 Malicious placement of an explosive 3  
24 (RCW 70.74.270(3))  
25 Manufacture or import counterfeit,  
26 nonfunctional, damaged, or  
27 previously deployed air bag  
28 (causing bodily injury or death)  
29 (RCW 46.37.650(1)(b))  
30 Negligently Causing Death By Use of a  
31 Signal Preemption Device (RCW  
32 46.37.675)  
33 Rape of a Child 3 (RCW 9A.44.079)

1 Sell, install, or reinstall counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed airbag (RCW  
4 46.37.650(2)(b))

5 Sending, bringing into state depictions  
6 of minor engaged in sexually  
7 explicit conduct 1 (RCW  
8 9.68A.060(1))

9 Unlawful Possession of a Firearm in the  
10 first degree (RCW 9.41.040(1))

11 Use of a Machine Gun or Bump-fire  
12 Stock in Commission of a Felony  
13 (RCW 9.41.225)

14 Vehicular Homicide, by disregard for  
15 the safety of others (RCW  
16 46.61.520)

17 VI Bail Jumping with Murder 1 (RCW  
18 9A.76.170(3)(a))

19 Bribery (RCW 9A.68.010)

20 Child Molestation 3 (RCW 9A.44.089)

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

22 Intimidating a Judge (RCW 9A.72.160)

23 Intimidating a Juror/Witness (RCW  
24 9A.72.110, 9A.72.130)

25 Malicious placement of an imitation  
26 device 2 (RCW 70.74.272(1)(b))

27 Possession of Depictions of a Minor  
28 Engaged in Sexually Explicit  
29 Conduct 1 (RCW 9.68A.070(1))

30 ~~((Rape of a Child 3 (RCW 9A.44.079)))~~

31 Theft of a Firearm (RCW 9A.56.300)

32 Theft from a Vulnerable Adult 1 (RCW  
33 9A.56.400(1))

34 Unlawful Storage of Ammonia (RCW  
35 69.55.020)

1 V Abandonment of Dependent Person 2  
2 (RCW 9A.42.070)  
3 Advancing money or property for  
4 extortionate extension of credit  
5 (RCW 9A.82.030)  
6 Air bag diagnostic systems (RCW  
7 46.37.660(2)(c))  
8 Air bag replacement requirements  
9 (RCW 46.37.660(1)(c))  
10 Bail Jumping with class A Felony  
11 (RCW 9A.76.170(3)(b))  
12 ((Child Molestation 3 (RCW  
13 9A.44.089)))  
14 Criminal Mistreatment 2 (RCW  
15 9A.42.030)  
16 Custodial Sexual Misconduct 1 (RCW  
17 9A.44.160)  
18 Dealing in Depictions of Minor  
19 Engaged in Sexually Explicit  
20 Conduct 2 (RCW 9.68A.050(2))  
21 Domestic Violence Court Order  
22 Violation (RCW 10.99.040,  
23 10.99.050, 26.09.300, 26.10.220,  
24 26.26B.050, 26.50.110, 26.52.070,  
25 or 74.34.145)  
26 Extortion 1 (RCW 9A.56.120)  
27 Extortionate Extension of Credit (RCW  
28 9A.82.020)  
29 Extortionate Means to Collect  
30 Extensions of Credit (RCW  
31 9A.82.040)  
32 Incest 2 (RCW 9A.64.020(2))  
33 Kidnapping 2 (RCW 9A.40.030)

1 Manufacture or import counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed air bag (RCW  
4 46.37.650(1)(c))  
5 Perjury 1 (RCW 9A.72.020)  
6 Persistent prison misbehavior (RCW  
7 9.94.070)  
8 Possession of a Stolen Firearm (RCW  
9 9A.56.310)  
10 Rape 3 (RCW 9A.44.060)  
11 Rendering Criminal Assistance 1 (RCW  
12 9A.76.070)  
13 Sell, install, or reinstall counterfeit,  
14 nonfunctional, damaged, or  
15 previously deployed airbag (RCW  
16 46.37.650(2)(c))  
17 Sending, Bringing into State Depictions  
18 of Minor Engaged in Sexually  
19 Explicit Conduct 2 (RCW  
20 9.68A.060(2))  
21 Sexual Misconduct with a Minor 1  
22 (RCW 9A.44.093)  
23 Sexually Violating Human Remains  
24 (RCW 9A.44.105)  
25 Stalking (RCW 9A.46.110)  
26 Taking Motor Vehicle Without  
27 Permission 1 (RCW 9A.56.070)  
28 IV Arson 2 (RCW 9A.48.030)  
29 Assault 2 (RCW 9A.36.021)  
30 Assault 3 (of a Peace Officer with a  
31 Projectile Stun Gun) (RCW  
32 9A.36.031(1)(h))  
33 Assault 4 (third domestic violence  
34 offense) (RCW 9A.36.041(3))  
35 Assault by Watercraft (RCW  
36 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Driving While Under the Influence  
8 (RCW 46.61.502(6))  
9 Endangerment with a Controlled  
10 Substance (RCW 9A.42.100)  
11 Escape 1 (RCW 9A.76.110)  
12 Hate Crime (RCW 9A.36.080)  
13 Hit and Run—Injury (RCW  
14 46.52.020(4)(b))  
15 Hit and Run with Vessel—Injury  
16 Accident (RCW 79A.60.200(3))  
17 Identity Theft 1 (RCW 9.35.020(2))  
18 Indecent Exposure to Person Under Age  
19 Fourteen (subsequent sex offense)  
20 (RCW 9A.88.010)  
21 Influencing Outcome of Sporting Event  
22 (RCW 9A.82.070)  
23 Physical Control of a Vehicle While  
24 Under the Influence (RCW  
25 46.61.504(6))  
26 Possession of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 2 (RCW 9.68A.070(2))  
29 Residential Burglary (RCW 9A.52.025)  
30 Robbery 2 (RCW 9A.56.210)  
31 Theft of Livestock 1 (RCW 9A.56.080)  
32 Threats to Bomb (RCW 9.61.160)  
33 Trafficking in Stolen Property 1 (RCW  
34 9A.82.050)



1 Unlawful factoring of a credit card or  
2 payment card transaction (RCW  
3 9A.56.290(4)(b))  
4 Unlawful transaction of health coverage  
5 as a health care service contractor  
6 (RCW 48.44.016(3))  
7 Unlawful transaction of health coverage  
8 as a health maintenance  
9 organization (RCW 48.46.033(3))  
10 Unlawful transaction of insurance  
11 business (RCW 48.15.023(3))  
12 Unlicensed practice as an insurance  
13 professional (RCW 48.17.063(2))  
14 Use of Proceeds of Criminal  
15 Profiteering (RCW 9A.82.080 (1)  
16 and (2))  
17 Vehicle Prowling 2 (third or subsequent  
18 offense) (RCW 9A.52.100(3))  
19 Vehicular Assault, by being under the  
20 influence of intoxicating liquor or  
21 any drug, or by the operation or  
22 driving of a vehicle in a reckless  
23 manner (RCW 46.61.522)  
24 Viewing of Depictions of a Minor  
25 Engaged in Sexually Explicit  
26 Conduct 1 (RCW 9.68A.075(1))  
27 Willful Failure to Return from Furlough  
28 (RCW 72.66.060)  
29 III Animal Cruelty 1 (Sexual Conduct or  
30 Contact) (RCW 16.52.205(3))  
31 Assault 3 (Except Assault 3 of a Peace  
32 Officer With a Projectile Stun Gun)  
33 (RCW 9A.36.031 except subsection  
34 (1)(h))  
35 Assault of a Child 3 (RCW 9A.36.140)  
36 Bail Jumping with class B or C Felony  
37 (RCW 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)  
2 Communication with a Minor for  
3 Immoral Purposes (RCW  
4 9.68A.090)  
5 Criminal Gang Intimidation (RCW  
6 9A.46.120)  
7 Custodial Assault (RCW 9A.36.100)  
8 Cyberstalking (subsequent conviction or  
9 threat of death) (RCW 9.61.260(3))  
10 Escape 2 (RCW 9A.76.120)  
11 Extortion 2 (RCW 9A.56.130)  
12 False Reporting 2 (RCW  
13 9A.84.040(2)(b))  
14 Harassment (RCW 9A.46.020)  
15 Intimidating a Public Servant (RCW  
16 9A.76.180)  
17 Introducing Contraband 2 (RCW  
18 9A.76.150)  
19 Malicious Injury to Railroad Property  
20 (RCW 81.60.070)  
21 Manufacture of Untraceable Firearm  
22 with Intent to Sell (RCW 9.41.190)  
23 Manufacture or Assembly of an  
24 Undetectable Firearm or  
25 Untraceable Firearm (RCW  
26 9.41.325)  
27 Mortgage Fraud (RCW 19.144.080)  
28 Negligently Causing Substantial Bodily  
29 Harm By Use of a Signal  
30 Preemption Device (RCW  
31 46.37.674)  
32 Organized Retail Theft 1 (RCW  
33 9A.56.350(2))  
34 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun, Bump-Fire  
4 Stock, Undetectable Firearm, or  
5 Short-Barreled Shotgun or Rifle  
6 (RCW 9.41.190)  
7 Promoting Prostitution 2 (RCW  
8 9A.88.080)  
9 Retail Theft with Special Circumstances  
10 1 (RCW 9A.56.360(2))  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Tampering with a Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment (subsequent  
16 conviction or threat of death) (RCW  
17 9.61.230(2))  
18 Theft of Livestock 2 (RCW 9A.56.083)  
19 Theft with the Intent to Resell 1 (RCW  
20 9A.56.340(2))  
21 Trafficking in Stolen Property 2 (RCW  
22 9A.82.055)  
23 Unlawful Hunting of Big Game 1 (RCW  
24 77.15.410(3)(b))  
25 Unlawful Imprisonment (RCW  
26 9A.40.040)  
27 Unlawful Misbranding of Fish or  
28 Shellfish 1 (RCW 77.140.060(3))  
29 Unlawful possession of firearm in the  
30 second degree (RCW 9.41.040(2))  
31 Unlawful Taking of Endangered Fish or  
32 Wildlife 1 (RCW 77.15.120(3)(b))  
33 Unlawful Trafficking in Fish, Shellfish,  
34 or Wildlife 1 (RCW  
35 77.15.260(3)(b))

1 Unlawful Use of a Nondesignated  
2 Vessel (RCW 77.15.530(4))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 Willful Failure to Return from Work  
8 Release (RCW 72.65.070)  
9 II Commercial Fishing Without a License  
10 1 (RCW 77.15.500(3)(b))  
11 Computer Trespass 1 (RCW 9A.90.040)  
12 Counterfeiting (RCW 9.16.035(3))  
13 Electronic Data Service Interference  
14 (RCW 9A.90.060)  
15 Electronic Data Tampering 1 (RCW  
16 9A.90.080)  
17 Electronic Data Theft (RCW 9A.90.100)  
18 Engaging in Fish Dealing Activity  
19 Unlicensed 1 (RCW 77.15.620(3))  
20 Escape from Community Custody  
21 (RCW 72.09.310)  
22 Failure to Register as a Sex Offender  
23 (second or subsequent offense)  
24 (RCW 9A.44.130 prior to June 10,  
25 2010, and RCW 9A.44.132)  
26 Health Care False Claims (RCW  
27 48.80.030)  
28 Identity Theft 2 (RCW 9.35.020(3))  
29 Improperly Obtaining Financial  
30 Information (RCW 9.35.010)  
31 Malicious Mischief 1 (RCW 9A.48.070)  
32 Organized Retail Theft 2 (RCW  
33 9A.56.350(3))  
34 Possession of Stolen Property 1 (RCW  
35 9A.56.150)

1 Possession of a Stolen Vehicle (RCW  
2 9A.56.068)  
3 Retail Theft with Special Circumstances  
4 2 (RCW 9A.56.360(3))  
5 Scrap Processing, Recycling, or  
6 Supplying Without a License  
7 (second or subsequent offense)  
8 (RCW 19.290.100)  
9 Theft 1 (RCW 9A.56.030)  
10 Theft of a Motor Vehicle (RCW  
11 9A.56.065)  
12 Theft of Rental, Leased, Lease-  
13 purchased, or Loaned Property  
14 (valued at five thousand dollars or  
15 more) (RCW 9A.56.096(5)(a))  
16 Theft with the Intent to Resell 2 (RCW  
17 9A.56.340(3))  
18 Trafficking in Insurance Claims (RCW  
19 48.30A.015)  
20 Unlawful factoring of a credit card or  
21 payment card transaction (RCW  
22 9A.56.290(4)(a))  
23 Unlawful Participation of Non-Indians  
24 in Indian Fishery (RCW  
25 77.15.570(2))  
26 Unlawful Practice of Law (RCW  
27 2.48.180)  
28 Unlawful Purchase or Use of a License  
29 (RCW 77.15.650(3)(b))  
30 Unlawful Trafficking in Fish, Shellfish,  
31 or Wildlife 2 (RCW  
32 77.15.260(3)(a))  
33 Unlicensed Practice of a Profession or  
34 Business (RCW 18.130.190(7))  
35 Voyeurism 1 (RCW 9A.44.115)

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