
HOUSE BILL 1805

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By Representatives Graham, Volz, Klicker, McEntire, Chambers, Christian, and McClintock

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1 AN ACT Relating to making robbery in the second degree a most
2 serious offense under certain circumstances; and amending RCW
3 9A.56.210 and 9.94A.030.

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

5 **Sec. 1.** RCW 9A.56.210 and 2011 c 336 s 380 are each amended to
6 read as follows:

7 (1) A person is guilty of robbery in the second degree if he or
8 she commits robbery:

9 (a) Under circumstances not constituting robbery in the first
10 degree where the robbery is committed with the threatened use of
11 immediate force, violence, or bodily injury; or

12 (b) Under any other circumstances not constituting robbery in the
13 first degree.

14 (2) Robbery in the second degree is a class B felony.

15 **Sec. 2.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Board" means the indeterminate sentence review board created
20 under chapter 9.95 RCW.

1 (2) "Collect," or any derivative thereof, "collect and remit," or
2 "collect and deliver," when used with reference to the department,
3 means that the department, either directly or through a collection
4 agreement authorized by RCW 9.94A.760, is responsible for monitoring
5 and enforcing the offender's sentence with regard to the legal
6 financial obligation, receiving payment thereof from the offender,
7 and, consistent with current law, delivering daily the entire payment
8 to the superior court clerk without depositing it in a departmental
9 account.

10 (3) "Commission" means the sentencing guidelines commission.

11 (4) "Community corrections officer" means an employee of the
12 department who is responsible for carrying out specific duties in
13 supervision of sentenced offenders and monitoring of sentence
14 conditions.

15 (5) "Community custody" means that portion of an offender's
16 sentence of confinement in lieu of earned release time or imposed as
17 part of a sentence under this chapter and served in the community
18 subject to controls placed on the offender's movement and activities
19 by the department.

20 (6) "Community protection zone" means the area within 880 feet of
21 the facilities and grounds of a public or private school.

22 (7) "Community restitution" means compulsory service, without
23 compensation, performed for the benefit of the community by the
24 offender.

25 (8) "Confinement" means total or partial confinement.

26 (9) "Conviction" means an adjudication of guilt pursuant to Title
27 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
28 and acceptance of a plea of guilty.

29 (10) "Crime-related prohibition" means an order of a court
30 prohibiting conduct that directly relates to the circumstances of the
31 crime for which the offender has been convicted, and shall not be
32 construed to mean orders directing an offender affirmatively to
33 participate in rehabilitative programs or to otherwise perform
34 affirmative conduct. However, affirmative acts necessary to monitor
35 compliance with the order of a court may be required by the
36 department.

37 (11) "Criminal history" means the list of a defendant's prior
38 convictions and juvenile adjudications, whether in this state, in
39 federal court, or elsewhere, and any issued certificates of
40 restoration of opportunity pursuant to RCW 9.97.020.

1 (a) The history shall include, where known, for each conviction
2 (i) whether the defendant has been placed on probation and the length
3 and terms thereof; and (ii) whether the defendant has been
4 incarcerated and the length of incarceration.

5 (b) A conviction may be removed from a defendant's criminal
6 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
7 9.95.240, or a similar out-of-state statute, or if the conviction has
8 been vacated pursuant to a governor's pardon. However, when a
9 defendant is charged with a recidivist offense, "criminal history"
10 includes a vacated prior conviction for the sole purpose of
11 establishing that such vacated prior conviction constitutes an
12 element of the present recidivist offense as provided in RCW
13 9.94A.640(4)(b) and 9.96.060(7)(c).

14 (c) The determination of a defendant's criminal history is
15 distinct from the determination of an offender score. A prior
16 conviction that was not included in an offender score calculated
17 pursuant to a former version of the sentencing reform act remains
18 part of the defendant's criminal history.

19 (12) "Criminal street gang" means any ongoing organization,
20 association, or group of three or more persons, whether formal or
21 informal, having a common name or common identifying sign or symbol,
22 having as one of its primary activities the commission of criminal
23 acts, and whose members or associates individually or collectively
24 engage in or have engaged in a pattern of criminal street gang
25 activity. This definition does not apply to employees engaged in
26 concerted activities for their mutual aid and protection, or to the
27 activities of labor and bona fide nonprofit organizations or their
28 members or agents.

29 (13) "Criminal street gang associate or member" means any person
30 who actively participates in any criminal street gang and who
31 intentionally promotes, furthers, or assists in any criminal act by
32 the criminal street gang.

33 (14) "Criminal street gang-related offense" means any felony or
34 misdemeanor offense, whether in this state or elsewhere, that is
35 committed for the benefit of, at the direction of, or in association
36 with any criminal street gang, or is committed with the intent to
37 promote, further, or assist in any criminal conduct by the gang, or
38 is committed for one or more of the following reasons:

39 (a) To gain admission, prestige, or promotion within the gang;

1 (b) To increase or maintain the gang's size, membership,
2 prestige, dominance, or control in any geographical area;

3 (c) To exact revenge or retribution for the gang or any member of
4 the gang;

5 (d) To obstruct justice, or intimidate or eliminate any witness
6 against the gang or any member of the gang;

7 (e) To directly or indirectly cause any benefit, aggrandizement,
8 gain, profit, or other advantage for the gang, its reputation,
9 influence, or membership; or

10 (f) To provide the gang with any advantage in, or any control or
11 dominance over any criminal market sector, including, but not limited
12 to, manufacturing, delivering, or selling any controlled substance
13 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
14 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
15 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
16 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
17 9.68 RCW).

18 (15) "Day fine" means a fine imposed by the sentencing court that
19 equals the difference between the offender's net daily income and the
20 reasonable obligations that the offender has for the support of the
21 offender and any dependents.

22 (16) "Day reporting" means a program of enhanced supervision
23 designed to monitor the offender's daily activities and compliance
24 with sentence conditions, and in which the offender is required to
25 report daily to a specific location designated by the department or
26 the sentencing court.

27 (17) "Department" means the department of corrections.

28 (18) "Determinate sentence" means a sentence that states with
29 exactitude the number of actual years, months, or days of total
30 confinement, of partial confinement, of community custody, the number
31 of actual hours or days of community restitution work, or dollars or
32 terms of a legal financial obligation. The fact that an offender
33 through earned release can reduce the actual period of confinement
34 shall not affect the classification of the sentence as a determinate
35 sentence.

36 (19) "Disposable earnings" means that part of the earnings of an
37 offender remaining after the deduction from those earnings of any
38 amount required by law to be withheld. For the purposes of this
39 definition, "earnings" means compensation paid or payable for
40 personal services, whether denominated as wages, salary, commission,

1 bonuses, or otherwise, and, notwithstanding any other provision of
2 law making the payments exempt from garnishment, attachment, or other
3 process to satisfy a court-ordered legal financial obligation,
4 specifically includes periodic payments pursuant to pension or
5 retirement programs, or insurance policies of any type, but does not
6 include payments made under Title 50 RCW, except as provided in RCW
7 50.40.020 and 50.40.050, or Title 74 RCW.

8 (20)(a) "Domestic violence" has the same meaning as defined in
9 RCW 10.99.020.

10 (b) "Domestic violence" also means: (i) Physical harm, bodily
11 injury, assault, or the infliction of fear of imminent physical harm,
12 bodily injury, or assault, sexual assault, or stalking, as defined in
13 RCW 9A.46.110, of one intimate partner by another intimate partner as
14 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
15 assault, or the infliction of fear of imminent physical harm, bodily
16 injury, or assault, sexual assault, or stalking, as defined in RCW
17 9A.46.110, of one family or household member by another family or
18 household member as defined in RCW 10.99.020.

19 (21) "Drug offender sentencing alternative" is a sentencing
20 option available to persons convicted of a felony offense who are
21 eligible for the option under RCW 9.94A.660.

22 (22) "Drug offense" means:

23 (a) Any felony violation of chapter 69.50 RCW except possession
24 of a controlled substance (RCW 69.50.4013) or forged prescription for
25 a controlled substance (RCW 69.50.403);

26 (b) Any offense defined as a felony under federal law that
27 relates to the possession, manufacture, distribution, or
28 transportation of a controlled substance; or

29 (c) Any out-of-state conviction for an offense that under the
30 laws of this state would be a felony classified as a drug offense
31 under (a) of this subsection.

32 (23) "Earned release" means earned release from confinement as
33 provided in RCW 9.94A.728.

34 (24) "Electronic monitoring" means tracking the location of an
35 individual through the use of technology that is capable of
36 determining or identifying the monitored individual's presence or
37 absence at a particular location including, but not limited to:

38 (a) Radio frequency signaling technology, which detects if the
39 monitored individual is or is not at an approved location and
40 notifies the monitoring agency of the time that the monitored

1 individual either leaves the approved location or tampers with or
2 removes the monitoring device; or

3 (b) Active or passive global positioning system technology, which
4 detects the location of the monitored individual and notifies the
5 monitoring agency of the monitored individual's location and which
6 may also include electronic monitoring with victim notification
7 technology that is capable of notifying a victim or protected party,
8 either directly or through a monitoring agency, if the monitored
9 individual enters within the restricted distance of a victim or
10 protected party, or within the restricted distance of a designated
11 location.

12 (25) "Escape" means:

13 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
14 the first degree (RCW 9A.76.110), escape in the second degree (RCW
15 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
16 willful failure to return from work release (RCW 72.65.070), or
17 willful failure to be available for supervision by the department
18 while in community custody (RCW 72.09.310); or

19 (b) Any federal or out-of-state conviction for an offense that
20 under the laws of this state would be a felony classified as an
21 escape under (a) of this subsection.

22 (26) "Felony traffic offense" means:

23 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
24 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
25 run injury-accident (RCW 46.52.020(4)), felony driving while under
26 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
27 or felony physical control of a vehicle while under the influence of
28 intoxicating liquor or any drug (RCW 46.61.504(6)); or

29 (b) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as a felony
31 traffic offense under (a) of this subsection.

32 (27) "Fine" means a specific sum of money ordered by the
33 sentencing court to be paid by the offender to the court over a
34 specific period of time.

35 (28) "First-time offender" means any person who has no prior
36 convictions for a felony and is eligible for the first-time offender
37 waiver under RCW 9.94A.650.

38 (29) "Home detention" is a subset of electronic monitoring and
39 means a program of partial confinement available to offenders wherein
40 the offender is confined in a private residence 24 hours a day,

1 unless an absence from the residence is approved, authorized, or
2 otherwise permitted in the order by the court or other supervising
3 agency that ordered home detention, and the offender is subject to
4 electronic monitoring.

5 (30) "Homelessness" or "homeless" means a condition where an
6 individual lacks a fixed, regular, and adequate nighttime residence
7 and who has a primary nighttime residence that is:

8 (a) A supervised, publicly or privately operated shelter designed
9 to provide temporary living accommodations;

10 (b) A public or private place not designed for, or ordinarily
11 used as, a regular sleeping accommodation for human beings; or

12 (c) A private residence where the individual stays as a transient
13 invitee.

14 (31) "Legal financial obligation" means a sum of money that is
15 ordered by a superior court of the state of Washington for legal
16 financial obligations which may include restitution to the victim,
17 statutorily imposed crime victims' compensation fees as assessed
18 pursuant to RCW 7.68.035, court costs, county or interlocal drug
19 funds, court-appointed attorneys' fees, and costs of defense, fines,
20 and any other financial obligation that is assessed to the offender
21 as a result of a felony conviction. Upon conviction for vehicular
22 assault while under the influence of intoxicating liquor or any drug,
23 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
24 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
25 financial obligations may also include payment to a public agency of
26 the expense of an emergency response to the incident resulting in the
27 conviction, subject to RCW 38.52.430.

28 (32) "Most serious offense" means any of the following felonies
29 or a felony attempt to commit any of the following felonies:

30 (a) Any felony defined under any law as a class A felony or
31 criminal solicitation of or criminal conspiracy to commit a class A
32 felony;

33 (b) Assault in the second degree;

34 (c) Assault of a child in the second degree;

35 (d) Child molestation in the second degree;

36 (e) Controlled substance homicide;

37 (f) Extortion in the first degree;

38 (g) Incest when committed against a child under age 14;

39 (h) Indecent liberties;

40 (i) Kidnapping in the second degree;

1 (j) Leading organized crime;
2 (k) Manslaughter in the first degree;
3 (l) Manslaughter in the second degree;
4 (m) Promoting prostitution in the first degree;
5 (n) Rape in the third degree;
6 (o) Robbery in the second degree where the robbery is committed
7 with the threatened use of immediate force, violence, or bodily
8 injury (RCW 9A.56.210(1)(a));
9 (p) Sexual exploitation;
10 ~~((p))~~ (q) Vehicular assault, when caused by the operation or
11 driving of a vehicle by a person while under the influence of
12 intoxicating liquor or any drug or by the operation or driving of a
13 vehicle in a reckless manner;
14 ~~((q))~~ (r) Vehicular homicide, when proximately caused by the
15 driving of any vehicle by any person while under the influence of
16 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
17 the operation of any vehicle in a reckless manner;
18 ~~((r))~~ (s) Any other class B felony offense with a finding of
19 sexual motivation;
20 ~~((s))~~ (t) Any other felony with a deadly weapon verdict under
21 RCW 9.94A.825;
22 ~~((t))~~ (u) Any felony offense in effect at any time prior to
23 December 2, 1993, that is comparable to a most serious offense under
24 this subsection, or any federal or out-of-state conviction for an
25 offense that under the laws of this state would be a felony
26 classified as a most serious offense under this subsection;
27 ~~((u))~~ (v)(i) A prior conviction for indecent liberties under
28 RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
29 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
30 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
31 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
32 until July 1, 1988;
33 (ii) A prior conviction for indecent liberties under RCW
34 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
35 if: (A) The crime was committed against a child under the age of 14;
36 or (B) the relationship between the victim and perpetrator is
37 included in the definition of indecent liberties under RCW
38 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
39 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
40 1993, through July 27, 1997;

1 (~~(v)~~) (w) Any out-of-state conviction for a felony offense with
2 a finding of sexual motivation if the minimum sentence imposed was 10
3 years or more; provided that the out-of-state felony offense must be
4 comparable to a felony offense under this title and Title 9A RCW and
5 the out-of-state definition of sexual motivation must be comparable
6 to the definition of sexual motivation contained in this section.

7 (33) "Nonviolent offense" means an offense which is not a violent
8 offense.

9 (34) "Offender" means a person who has committed a felony
10 established by state law and is 18 years of age or older or is less
11 than 18 years of age but whose case is under superior court
12 jurisdiction under RCW 13.04.030 or has been transferred by the
13 appropriate juvenile court to a criminal court pursuant to RCW
14 13.40.110. In addition, for the purpose of community custody
15 requirements under this chapter, "offender" also means a misdemeanor
16 or gross misdemeanor probationer ordered by a superior court to
17 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
18 supervised by the department pursuant to RCW 9.94A.501 and
19 9.94A.5011. Throughout this chapter, the terms "offender" and
20 "defendant" are used interchangeably.

21 (35) "Partial confinement" means confinement for no more than one
22 year in a facility or institution operated or utilized under contract
23 by the state or any other unit of government, or, if home detention,
24 electronic monitoring, or work crew has been ordered by the court or
25 home detention has been ordered by the department as part of the
26 parenting program or the graduated reentry program, in an approved
27 residence, for a substantial portion of each day with the balance of
28 the day spent in the community. Partial confinement includes work
29 release, home detention, work crew, electronic monitoring, and a
30 combination of work crew, electronic monitoring, and home detention.

31 (36) "Pattern of criminal street gang activity" means:

32 (a) The commission, attempt, conspiracy, or solicitation of, or
33 any prior juvenile adjudication of or adult conviction of, two or
34 more of the following criminal street gang-related offenses:

35 (i) Any "serious violent" felony offense as defined in this
36 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
37 Child 1 (RCW 9A.36.120);

38 (ii) Any "violent" offense as defined by this section, excluding
39 Assault of a Child 2 (RCW 9A.36.130);

1 (iii) Deliver or Possession with Intent to Deliver a Controlled
2 Substance (chapter 69.50 RCW);
3 (iv) Any violation of the firearms and dangerous weapon act
4 (chapter 9.41 RCW);
5 (v) Theft of a Firearm (RCW 9A.56.300);
6 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
7 (vii) Hate Crime (RCW 9A.36.080);
8 (viii) Harassment where a subsequent violation or deadly threat
9 is made (RCW 9A.46.020(2)(b));
10 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
11 (x) Any felony conviction by a person 18 years of age or older
12 with a special finding of involving a juvenile in a felony offense
13 under RCW 9.94A.833;
14 (xi) Residential Burglary (RCW 9A.52.025);
15 (xii) Burglary 2 (RCW 9A.52.030);
16 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
17 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
18 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
19 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
20 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
21 9A.56.070);
22 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
23 9A.56.075);
24 (xix) Extortion 1 (RCW 9A.56.120);
25 (xx) Extortion 2 (RCW 9A.56.130);
26 (xxi) Intimidating a Witness (RCW 9A.72.110);
27 (xxii) Tampering with a Witness (RCW 9A.72.120);
28 (xxiii) Reckless Endangerment (RCW 9A.36.050);
29 (xxiv) Coercion (RCW 9A.36.070);
30 (xxv) Harassment (RCW 9A.46.020); or
31 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
32 (b) That at least one of the offenses listed in (a) of this
33 subsection shall have occurred after July 1, 2008;
34 (c) That the most recent committed offense listed in (a) of this
35 subsection occurred within three years of a prior offense listed in
36 (a) of this subsection; and
37 (d) Of the offenses that were committed in (a) of this
38 subsection, the offenses occurred on separate occasions or were
39 committed by two or more persons.
40 (37) "Persistent offender" is an offender who:

1 (a) (i) Has been convicted in this state of any felony considered
2 a most serious offense; and

3 (ii) Has, before the commission of the offense under (a) of this
4 subsection, been convicted as an offender on at least two separate
5 occasions, whether in this state or elsewhere, of felonies that under
6 the laws of this state would be considered most serious offenses and
7 would be included in the offender score under RCW 9.94A.525; provided
8 that of the two or more previous convictions, at least one conviction
9 must have occurred before the commission of any of the other most
10 serious offenses for which the offender was previously convicted; or

11 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
12 of a child in the first degree, child molestation in the first
13 degree, rape in the second degree, rape of a child in the second
14 degree, or indecent liberties by forcible compulsion; (B) any of the
15 following offenses with a finding of sexual motivation: Murder in the
16 first degree, murder in the second degree, homicide by abuse,
17 kidnapping in the first degree, kidnapping in the second degree,
18 assault in the first degree, assault in the second degree, assault of
19 a child in the first degree, assault of a child in the second degree,
20 or burglary in the first degree; or (C) an attempt to commit any
21 crime listed in this subsection (37) (b) (i); and

22 (ii) Has, before the commission of the offense under (b) (i) of
23 this subsection, been convicted as an offender on at least one
24 occasion, whether in this state or elsewhere, of an offense listed in
25 (b) (i) of this subsection or any federal or out-of-state offense or
26 offense under prior Washington law that is comparable to the offenses
27 listed in (b) (i) of this subsection. A conviction for rape of a child
28 in the first degree constitutes a conviction under (b) (i) of this
29 subsection only when the offender was 16 years of age or older when
30 the offender committed the offense. A conviction for rape of a child
31 in the second degree constitutes a conviction under (b) (i) of this
32 subsection only when the offender was 18 years of age or older when
33 the offender committed the offense.

34 (38) "Predatory" means: (a) The perpetrator of the crime was a
35 stranger to the victim, as defined in this section; (b) the
36 perpetrator established or promoted a relationship with the victim
37 prior to the offense and the victimization of the victim was a
38 significant reason the perpetrator established or promoted the
39 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
40 volunteer, or other person in authority in any public or private

1 school and the victim was a student of the school under his or her
2 authority or supervision. For purposes of this subsection, "school"
3 does not include home-based instruction as defined in RCW
4 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
5 authority in any recreational activity and the victim was a
6 participant in the activity under his or her authority or
7 supervision; (iii) a pastor, elder, volunteer, or other person in
8 authority in any church or religious organization, and the victim was
9 a member or participant of the organization under his or her
10 authority; or (iv) a teacher, counselor, volunteer, or other person
11 in authority providing home-based instruction and the victim was a
12 student receiving home-based instruction while under his or her
13 authority or supervision. For purposes of this subsection: (A) "Home-
14 based instruction" has the same meaning as defined in RCW
15 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
16 in authority" does not include the parent or legal guardian of the
17 victim.

18 (39) "Private school" means a school regulated under chapter
19 28A.195 or 28A.205 RCW.

20 (40) "Public school" has the same meaning as in RCW 28A.150.010.

21 (41) "Recidivist offense" means a felony offense where a prior
22 conviction of the same offense or other specified offense is an
23 element of the crime including, but not limited to:

24 (a) Assault in the fourth degree where domestic violence is
25 pleaded and proven, RCW 9A.36.041(3);

26 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

27 (c) Harassment, RCW 9A.46.020(2)(b)(i);

28 (d) Indecent exposure, RCW 9A.88.010(2)(c);

29 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

30 (f) Telephone harassment, RCW 9.61.230(2)(a); and

31 (g) Violation of a no-contact or protection order, RCW 7.105.450
32 or former RCW 26.50.110(5).

33 (42) "Repetitive domestic violence offense" means any:

34 (a)(i) Domestic violence assault that is not a felony offense
35 under RCW 9A.36.041;

36 (ii) Domestic violence violation of a no-contact order under
37 chapter 10.99 RCW that is not a felony offense;

38 (iii) Domestic violence violation of a protection order under
39 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or

1 violation of a domestic violence protection order under chapter 7.105
2 RCW, that is not a felony offense;

3 (iv) Domestic violence harassment offense under RCW 9A.46.020
4 that is not a felony offense; or

5 (v) Domestic violence stalking offense under RCW 9A.46.110 that
6 is not a felony offense; or

7 (b) Any federal, out-of-state, tribal court, military, county, or
8 municipal conviction for an offense that under the laws of this state
9 would be classified as a repetitive domestic violence offense under
10 (a) of this subsection.

11 (43) "Restitution" means a specific sum of money ordered by the
12 sentencing court to be paid by the offender to the court over a
13 specified period of time as payment of damages. The sum may include
14 both public and private costs.

15 (44) "Risk assessment" means the application of the risk
16 instrument recommended to the department by the Washington state
17 institute for public policy as having the highest degree of
18 predictive accuracy for assessing an offender's risk of reoffense.

19 (45) "Serious traffic offense" means:

20 (a) Nonfelony driving while under the influence of intoxicating
21 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
22 while under the influence of intoxicating liquor or any drug (RCW
23 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
24 attended vehicle (RCW 46.52.020(5)); or

25 (b) Any federal, out-of-state, county, or municipal conviction
26 for an offense that under the laws of this state would be classified
27 as a serious traffic offense under (a) of this subsection.

28 (46) "Serious violent offense" is a subcategory of violent
29 offense and means:

30 (a) (i) Murder in the first degree;

31 (ii) Homicide by abuse;

32 (iii) Murder in the second degree;

33 (iv) Manslaughter in the first degree;

34 (v) Assault in the first degree;

35 (vi) Kidnapping in the first degree;

36 (vii) Rape in the first degree;

37 (viii) Assault of a child in the first degree; or

38 (ix) An attempt, criminal solicitation, or criminal conspiracy to
39 commit one of these felonies; or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a
3 serious violent offense under (a) of this subsection.

4 (47) "Sex offense" means:

5 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
6 than RCW 9A.44.132;

7 (ii) A violation of RCW 9A.64.020;

8 (iii) A felony that is a violation of chapter 9.68A RCW other
9 than RCW 9.68A.080;

10 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
11 attempt, criminal solicitation, or criminal conspiracy to commit such
12 crimes; or

13 (v) A felony violation of RCW 9A.44.132(1) (failure to register
14 as a sex offender) if the person has been convicted of violating RCW
15 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
16 prior to June 10, 2010, on at least one prior occasion;

17 (b) Any conviction for a felony offense in effect at any time
18 prior to July 1, 1976, that is comparable to a felony classified as a
19 sex offense in (a) of this subsection;

20 (c) A felony with a finding of sexual motivation under RCW
21 9.94A.835 or 13.40.135; or

22 (d) Any federal or out-of-state conviction for an offense that
23 under the laws of this state would be a felony classified as a sex
24 offense under (a) of this subsection.

25 (48) "Sexual motivation" means that one of the purposes for which
26 the defendant committed the crime was for the purpose of his or her
27 sexual gratification.

28 (49) "Standard sentence range" means the sentencing court's
29 discretionary range in imposing a nonappealable sentence.

30 (50) "Statutory maximum sentence" means the maximum length of
31 time for which an offender may be confined as punishment for a crime
32 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
33 defining the crime, or other statute defining the maximum penalty for
34 a crime.

35 (51) "Stranger" means that the victim did not know the offender
36 24 hours before the offense.

37 (52) "Total confinement" means confinement inside the physical
38 boundaries of a facility or institution operated or utilized under
39 contract by the state or any other unit of government for 24 hours a
40 day, or pursuant to RCW 72.64.050 and 72.64.060.

1 (53) "Transition training" means written and verbal instructions
2 and assistance provided by the department to the offender during the
3 two weeks prior to the offender's successful completion of the work
4 ethic camp program. The transition training shall include
5 instructions in the offender's requirements and obligations during
6 the offender's period of community custody.

7 (54) "Victim" means any person who has sustained emotional,
8 psychological, physical, or financial injury to person or property as
9 a direct result of the crime charged.

10 (55) "Victim of domestic violence" means an intimate partner or
11 household member who has been subjected to the infliction of physical
12 harm or sexual and psychological abuse by an intimate partner or
13 household member as part of a pattern of assaultive, coercive, and
14 controlling behaviors directed at achieving compliance from or
15 control over that intimate partner or household member. Domestic
16 violence includes, but is not limited to, the offenses listed in RCW
17 10.99.020 and 26.50.010 committed by an intimate partner or household
18 member against a victim who is an intimate partner or household
19 member.

20 (56) "Victim of sex trafficking, prostitution, or commercial
21 sexual abuse of a minor" means a person who has been forced or
22 coerced to perform a commercial sex act including, but not limited
23 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
24 9.68A.101, and the trafficking victims protection act of 2000, 22
25 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
26 commercial sex act when they were less than 18 years of age including
27 but not limited to the offenses defined in chapter 9.68A RCW.

28 (57) "Victim of sexual assault" means any person who is a victim
29 of a sexual assault offense, nonconsensual sexual conduct, or
30 nonconsensual sexual penetration and as a result suffers physical,
31 emotional, financial, or psychological impacts. Sexual assault
32 offenses include, but are not limited to, the offenses defined in
33 chapter 9A.44 RCW.

34 (58) "Violent offense" means:

35 (a) Any of the following felonies:

36 (i) Any felony defined under any law as a class A felony or an
37 attempt to commit a class A felony;

38 (ii) Criminal solicitation of or criminal conspiracy to commit a
39 class A felony;

40 (iii) Manslaughter in the first degree;

1 (iv) Manslaughter in the second degree;
2 (v) Indecent liberties if committed by forcible compulsion;
3 (vi) Kidnapping in the second degree;
4 (vii) Arson in the second degree;
5 (viii) Assault in the second degree;
6 (ix) Assault of a child in the second degree;
7 (x) Extortion in the first degree;
8 (xi) Robbery in the second degree;
9 (xii) Drive-by shooting;
10 (xiii) Vehicular assault, when caused by the operation or driving
11 of a vehicle by a person while under the influence of intoxicating
12 liquor or any drug or by the operation or driving of a vehicle in a
13 reckless manner; and
14 (xiv) Vehicular homicide, when proximately caused by the driving
15 of any vehicle by any person while under the influence of
16 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
17 the operation of any vehicle in a reckless manner;
18 (b) Any conviction for a felony offense in effect at any time
19 prior to July 1, 1976, that is comparable to a felony classified as a
20 violent offense in (a) of this subsection; and
21 (c) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a
23 violent offense under (a) or (b) of this subsection.
24 (59) "Work crew" means a program of partial confinement
25 consisting of civic improvement tasks for the benefit of the
26 community that complies with RCW 9.94A.725.
27 (60) "Work ethic camp" means an alternative incarceration program
28 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
29 the cost of corrections by requiring offenders to complete a
30 comprehensive array of real-world job and vocational experiences,
31 character-building work ethics training, life management skills
32 development, substance abuse rehabilitation, counseling, literacy
33 training, and basic adult education.
34 (61) "Work release" means a program of partial confinement
35 available to offenders who are employed or engaged as a student in a
36 regular course of study at school.

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