
HOUSE BILL 1101

State of Washington

69th Legislature

2025 Regular Session

By Representatives Jacobsen and Klicker

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1 AN ACT Relating to vehicular homicide offenses; amending RCW
2 9.94A.030 and 9.94A.030; providing an effective date; and providing
3 an expiration date.

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

5 **Sec. 1.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

11 (2) "Collect," or any derivative thereof, "collect and remit," or
12 "collect and deliver," when used with reference to the department,
13 means that the department, either directly or through a collection
14 agreement authorized by RCW 9.94A.760, is responsible for monitoring
15 and enforcing the offender's sentence with regard to the legal
16 financial obligation, receiving payment thereof from the offender,
17 and, consistent with current law, delivering daily the entire payment
18 to the superior court clerk without depositing it in a departmental
19 account.

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

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

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

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

12 (7) "Community restitution" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
18 and acceptance of a plea of guilty.

19 (10) "Crime-related prohibition" means an order of a court
20 prohibiting conduct that directly relates to the circumstances of the
21 crime for which the offender has been convicted, and shall not be
22 construed to mean orders directing an offender affirmatively to
23 participate in rehabilitative programs or to otherwise perform
24 affirmative conduct. However, affirmative acts necessary to monitor
25 compliance with the order of a court may be required by the
26 department.

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

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

35 (b) A conviction may be removed from a defendant's criminal
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
37 9.95.240, or a similar out-of-state statute, or if the conviction has
38 been vacated pursuant to a governor's pardon. However, when a
39 defendant is charged with a recidivist offense, "criminal history"
40 includes a vacated prior conviction for the sole purpose of

1 establishing that such vacated prior conviction constitutes an
2 element of the present recidivist offense as provided in RCW
3 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

4 (c) The determination of a defendant's criminal history is
5 distinct from the determination of an offender score. A prior
6 conviction that was not included in an offender score calculated
7 pursuant to a former version of the sentencing reform act remains
8 part of the defendant's criminal history.

9 (12) "Criminal street gang" means any ongoing organization,
10 association, or group of three or more persons, whether formal or
11 informal, having a common name or common identifying sign or symbol,
12 having as one of its primary activities the commission of criminal
13 acts, and whose members or associates individually or collectively
14 engage in or have engaged in a pattern of criminal street gang
15 activity. This definition does not apply to employees engaged in
16 concerted activities for their mutual aid and protection, or to the
17 activities of labor and bona fide nonprofit organizations or their
18 members or agents.

19 (13) "Criminal street gang associate or member" means any person
20 who actively participates in any criminal street gang and who
21 intentionally promotes, furthers, or assists in any criminal act by
22 the criminal street gang.

23 (14) "Criminal street gang-related offense" means any felony or
24 misdemeanor offense, whether in this state or elsewhere, that is
25 committed for the benefit of, at the direction of, or in association
26 with any criminal street gang, or is committed with the intent to
27 promote, further, or assist in any criminal conduct by the gang, or
28 is committed for one or more of the following reasons:

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

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

32 (c) To exact revenge or retribution for the gang or any member of
33 the gang;

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

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

39 (f) To provide the gang with any advantage in, or any control or
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
6 9.68 RCW).

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

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

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

17 (18) "Determinate sentence" means a sentence that states with
18 exactitude the number of actual years, months, or days of total
19 confinement, of partial confinement, of community custody, the number
20 of actual hours or days of community restitution work, or dollars or
21 terms of a legal financial obligation. The fact that an offender
22 through earned release can reduce the actual period of confinement
23 shall not affect the classification of the sentence as a determinate
24 sentence.

25 (19) "Disposable earnings" means that part of the earnings of an
26 offender remaining after the deduction from those earnings of any
27 amount required by law to be withheld. For the purposes of this
28 definition, "earnings" means compensation paid or payable for
29 personal services, whether denominated as wages, salary, commission,
30 bonuses, or otherwise, and, notwithstanding any other provision of
31 law making the payments exempt from garnishment, attachment, or other
32 process to satisfy a court-ordered legal financial obligation,
33 specifically includes periodic payments pursuant to pension or
34 retirement programs, or insurance policies of any type, but does not
35 include payments made under Title 50 RCW, except as provided in RCW
36 50.40.020 and 50.40.050, or Title 74 RCW.

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

39 (b) "Domestic violence" also means: (i) Physical harm, bodily
40 injury, assault, or the infliction of fear of imminent physical harm,

1 bodily injury, or assault, sexual assault, or stalking, as defined in
2 RCW 9A.46.110, of one intimate partner by another intimate partner as
3 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
4 assault, or the infliction of fear of imminent physical harm, bodily
5 injury, or assault, sexual assault, or stalking, as defined in RCW
6 9A.46.110, of one family or household member by another family or
7 household member as defined in RCW 10.99.020.

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

11 (22) "Drug offense" means:

12 (a) Any felony violation of chapter 69.50 RCW except possession
13 of a controlled substance (RCW 69.50.4013) or forged prescription for
14 a controlled substance (RCW 69.50.403);

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

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

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

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

27 (a) Radio frequency signaling technology, which detects if the
28 monitored individual is or is not at an approved location and
29 notifies the monitoring agency of the time that the monitored
30 individual either leaves the approved location or tampers with or
31 removes the monitoring device; or

32 (b) Active or passive global positioning system technology, which
33 detects the location of the monitored individual and notifies the
34 monitoring agency of the monitored individual's location and which
35 may also include electronic monitoring with victim notification
36 technology that is capable of notifying a victim or protected party,
37 either directly or through a monitoring agency, if the monitored
38 individual enters within the restricted distance of a victim or
39 protected party, or within the restricted distance of a designated
40 location.

1 (25) "Escape" means:

2 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
3 the first degree (RCW 9A.76.110), escape in the second degree (RCW
4 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
5 willful failure to return from work release (RCW 72.65.070), or
6 willful failure to be available for supervision by the department
7 while in community custody (RCW 72.09.310); or

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

11 (26) "Felony traffic offense" means:

12 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
13 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
14 run injury-accident (RCW 46.52.020(4)), felony driving while under
15 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
16 or felony physical control of a vehicle while under the influence of
17 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

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

27 (29) "Home detention" is a subset of electronic monitoring and
28 means a program of partial confinement available to offenders wherein
29 the offender is confined in a private residence 24 hours a day,
30 unless an absence from the residence is approved, authorized, or
31 otherwise permitted in the order by the court or other supervising
32 agency that ordered home detention, and the offender is subject to
33 electronic monitoring.

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

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

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

1 (c) A private residence where the individual stays as a transient
2 invitee.

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

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

19 (a) Any felony defined under any law as a class A felony or
20 criminal solicitation of or criminal conspiracy to commit a class A
21 felony;

22 (b) Assault in the second degree;

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

24 (d) Child molestation in the second degree;

25 (e) Controlled substance homicide;

26 (f) Extortion in the first degree;

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

28 (h) Indecent liberties;

29 (i) Kidnapping in the second degree;

30 (j) Leading organized crime;

31 (k) Manslaughter in the first degree;

32 (l) Manslaughter in the second degree;

33 (m) Promoting prostitution in the first degree;

34 (n) Rape in the third degree;

35 (o) Sexual exploitation;

36 (p) Vehicular assault, when caused by the operation or driving of
37 a vehicle by a person while under the influence of intoxicating
38 liquor or any drug or by the operation or driving of a vehicle in a
39 reckless manner;

1 (q) Vehicular homicide(~~(, when proximately caused by the driving~~
2 ~~of any vehicle by any person while under the influence of~~
3 ~~intoxicating liquor or any drug as defined by RCW 46.61.502, or by~~
4 ~~the operation of any vehicle in a reckless manner));~~

5 (r) Any other class B felony offense with a finding of sexual
6 motivation;

7 (s) Any other felony with a deadly weapon verdict under RCW
8 9.94A.825;

9 (t) Any felony offense in effect at any time prior to December 2,
10 1993, that is comparable to a most serious offense under this
11 subsection, or any federal or out-of-state conviction for an offense
12 that under the laws of this state would be a felony classified as a
13 most serious offense under this subsection;

14 (u)(i) A prior conviction for indecent liberties under RCW
15 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
16 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
17 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
18 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
19 until July 1, 1988;

20 (ii) A prior conviction for indecent liberties under RCW
21 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
22 if: (A) The crime was committed against a child under the age of 14;
23 or (B) the relationship between the victim and perpetrator is
24 included in the definition of indecent liberties under RCW
25 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
26 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
27 1993, through July 27, 1997;

28 (v) Any out-of-state conviction for a felony offense with a
29 finding of sexual motivation if the minimum sentence imposed was 10
30 years or more; provided that the out-of-state felony offense must be
31 comparable to a felony offense under this title and Title 9A RCW and
32 the out-of-state definition of sexual motivation must be comparable
33 to the definition of sexual motivation contained in this section.

34 (33) "Nonviolent offense" means an offense which is not a violent
35 offense.

36 (34) "Offender" means a person who has committed a felony
37 established by state law and is 18 years of age or older or is less
38 than 18 years of age but whose case is under superior court
39 jurisdiction under RCW 13.04.030 or has been transferred by the
40 appropriate juvenile court to a criminal court pursuant to RCW

1 13.40.110. In addition, for the purpose of community custody
2 requirements under this chapter, "offender" also means a misdemeanor
3 or gross misdemeanor probationer ordered by a superior court to
4 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
5 supervised by the department pursuant to RCW 9.94A.501 and
6 9.94A.5011. Throughout this chapter, the terms "offender" and
7 "defendant" are used interchangeably.

8 (35) "Partial confinement" means confinement for no more than one
9 year in a facility or institution operated or utilized under contract
10 by the state or any other unit of government, or, if home detention,
11 electronic monitoring, or work crew has been ordered by the court or
12 home detention has been ordered by the department as part of the
13 parenting program or the graduated reentry program, in an approved
14 residence, for a substantial portion of each day with the balance of
15 the day spent in the community. Partial confinement includes work
16 release, home detention, work crew, electronic monitoring, and a
17 combination of work crew, electronic monitoring, and home detention.

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

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

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

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

27 (iii) Deliver or Possession with Intent to Deliver a Controlled
28 Substance (chapter 69.50 RCW);

29 (iv) Any violation of the firearms and dangerous weapon act
30 (chapter 9.41 RCW);

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

32 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

33 (vii) Hate Crime (RCW 9A.36.080);

34 (viii) Harassment where a subsequent violation or deadly threat
35 is made (RCW 9A.46.020(2)(b));

36 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

37 (x) Any felony conviction by a person 18 years of age or older
38 with a special finding of involving a juvenile in a felony offense
39 under RCW 9.94A.833;

40 (xi) Residential Burglary (RCW 9A.52.025);

1 (xii) Burglary 2 (RCW 9A.52.030);
2 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
3 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
4 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
5 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
6 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
7 9A.56.070);
8 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
9 9A.56.075);
10 (xix) Extortion 1 (RCW 9A.56.120);
11 (xx) Extortion 2 (RCW 9A.56.130);
12 (xxi) Intimidating a Witness (RCW 9A.72.110);
13 (xxii) Tampering with a Witness (RCW 9A.72.120);
14 (xxiii) Reckless Endangerment (RCW 9A.36.050);
15 (xxiv) Coercion (RCW 9A.36.070);
16 (xxv) Harassment (RCW 9A.46.020); or
17 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

18 (b) That at least one of the offenses listed in (a) of this
19 subsection shall have occurred after July 1, 2008;

20 (c) That the most recent committed offense listed in (a) of this
21 subsection occurred within three years of a prior offense listed in
22 (a) of this subsection; and

23 (d) Of the offenses that were committed in (a) of this
24 subsection, the offenses occurred on separate occasions or were
25 committed by two or more persons.

26 (37) "Persistent offender" is an offender who:

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

29 (ii) Has, before the commission of the offense under (a) of this
30 subsection, been convicted as an offender on at least two separate
31 occasions, whether in this state or elsewhere, of felonies that under
32 the laws of this state would be considered most serious offenses and
33 would be included in the offender score under RCW 9.94A.525; provided
34 that of the two or more previous convictions, at least one conviction
35 must have occurred before the commission of any of the other most
36 serious offenses for which the offender was previously convicted; or

37 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
38 of a child in the first degree, child molestation in the first
39 degree, rape in the second degree, rape of a child in the second
40 degree, or indecent liberties by forcible compulsion; (B) any of the

1 following offenses with a finding of sexual motivation: Murder in the
2 first degree, murder in the second degree, homicide by abuse,
3 kidnapping in the first degree, kidnapping in the second degree,
4 assault in the first degree, assault in the second degree, assault of
5 a child in the first degree, assault of a child in the second degree,
6 or burglary in the first degree; or (C) an attempt to commit any
7 crime listed in this subsection (37)(b)(i); and

8 (ii) Has, before the commission of the offense under (b)(i) of
9 this subsection, been convicted as an offender on at least one
10 occasion, whether in this state or elsewhere, of an offense listed in
11 (b)(i) of this subsection or any federal or out-of-state offense or
12 offense under prior Washington law that is comparable to the offenses
13 listed in (b)(i) of this subsection. A conviction for rape of a child
14 in the first degree constitutes a conviction under (b)(i) of this
15 subsection only when the offender was 16 years of age or older when
16 the offender committed the offense. A conviction for rape of a child
17 in the second degree constitutes a conviction under (b)(i) of this
18 subsection only when the offender was 18 years of age or older when
19 the offender committed the offense.

20 (38) "Predatory" means: (a) The perpetrator of the crime was a
21 stranger to the victim, as defined in this section; (b) the
22 perpetrator established or promoted a relationship with the victim
23 prior to the offense and the victimization of the victim was a
24 significant reason the perpetrator established or promoted the
25 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
26 volunteer, or other person in authority in any public or private
27 school and the victim was a student of the school under his or her
28 authority or supervision. For purposes of this subsection, "school"
29 does not include home-based instruction as defined in RCW
30 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
31 authority in any recreational activity and the victim was a
32 participant in the activity under his or her authority or
33 supervision; (iii) a pastor, elder, volunteer, or other person in
34 authority in any church or religious organization, and the victim was
35 a member or participant of the organization under his or her
36 authority; or (iv) a teacher, counselor, volunteer, or other person
37 in authority providing home-based instruction and the victim was a
38 student receiving home-based instruction while under his or her
39 authority or supervision. For purposes of this subsection: (A) "Home-
40 based instruction" has the same meaning as defined in RCW

1 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
2 in authority" does not include the parent or legal guardian of the
3 victim.

4 (39) "Private school" means a school regulated under chapter
5 28A.195 or 28A.205 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

24 (iii) Domestic violence violation of a protection order under
25 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
26 violation of a domestic violence protection order under chapter 7.105
27 RCW, that is not a felony offense;

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

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

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

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

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

5 (45) "Serious traffic offense" means:

6 (a) Nonfelony driving while under the influence of intoxicating
7 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
8 while under the influence of intoxicating liquor or any drug (RCW
9 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
10 attended vehicle (RCW 46.52.020(5)); or

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

14 (46) "Serious violent offense" is a subcategory of violent
15 offense and means:

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

17 (ii) Homicide by abuse;

18 (iii) Murder in the second degree;

19 (iv) Manslaughter in the first degree;

20 (v) Assault in the first degree;

21 (vi) Kidnapping in the first degree;

22 (vii) Rape in the first degree;

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

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

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

29 (47) "Sex offense" means:

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

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

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

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

38 (v) A felony violation of RCW 9A.44.132(1) (failure to register
39 as a sex offender) if the person has been convicted of violating RCW

1 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
2 prior to June 10, 2010, on at least one prior occasion;

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

6 (c) A felony with a finding of sexual motivation under RCW
7 9.94A.835 or 13.40.135; or

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

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

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

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

21 (51) "Stranger" means that the victim did not know the offender
22 24 hours before the offense.

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

27 (53) "Transition training" means written and verbal instructions
28 and assistance provided by the department to the offender during the
29 two weeks prior to the offender's successful completion of the work
30 ethic camp program. The transition training shall include
31 instructions in the offender's requirements and obligations during
32 the offender's period of community custody.

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

36 (55) "Victim of domestic violence" means an intimate partner or
37 household member who has been subjected to the infliction of physical
38 harm or sexual and psychological abuse by an intimate partner or
39 household member as part of a pattern of assaultive, coercive, and
40 controlling behaviors directed at achieving compliance from or

1 control over that intimate partner or household member. Domestic
2 violence includes, but is not limited to, the offenses listed in RCW
3 10.99.020 and 26.50.010 committed by an intimate partner or household
4 member against a victim who is an intimate partner or household
5 member.

6 (56) "Victim of sex trafficking, prostitution, or commercial
7 sexual abuse of a minor" means a person who has been forced or
8 coerced to perform a commercial sex act including, but not limited
9 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
10 9.68A.101, and the trafficking victims protection act of 2000, 22
11 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
12 commercial sex act when they were less than 18 years of age including
13 but not limited to the offenses defined in chapter 9.68A RCW.

14 (57) "Victim of sexual assault" means any person who is a victim
15 of a sexual assault offense, nonconsensual sexual conduct, or
16 nonconsensual sexual penetration and as a result suffers physical,
17 emotional, financial, or psychological impacts. Sexual assault
18 offenses include, but are not limited to, the offenses defined in
19 chapter 9A.44 RCW.

20 (58) "Violent offense" means:

21 (a) Any of the following felonies:

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

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

26 (iii) Manslaughter in the first degree;

27 (iv) Manslaughter in the second degree;

28 (v) Indecent liberties if committed by forcible compulsion;

29 (vi) Kidnapping in the second degree;

30 (vii) Arson in the second degree;

31 (viii) Assault in the second degree;

32 (ix) Assault of a child in the second degree;

33 (x) Extortion in the first degree;

34 (xi) Robbery in the second degree;

35 (xii) Drive-by shooting;

36 (xiii) Vehicular assault, when caused by the operation or driving
37 of a vehicle by a person while under the influence of intoxicating
38 liquor or any drug or by the operation or driving of a vehicle in a
39 reckless manner; and

1 (xiv) Vehicular homicide(~~(, when proximately caused by the~~
2 ~~driving of any vehicle by any person while under the influence of~~
3 ~~intoxicating liquor or any drug as defined by RCW 46.61.502, or by~~
4 ~~the operation of any vehicle in a reckless manner));~~

5 (b) Any conviction for a felony offense in effect at any time
6 prior to July 1, 1976, that is comparable to a felony classified as a
7 violent offense in (a) of this subsection; and

8 (c) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a
10 violent offense under (a) or (b) of this subsection.

11 (59) "Work crew" means a program of partial confinement
12 consisting of civic improvement tasks for the benefit of the
13 community that complies with RCW 9.94A.725.

14 (60) "Work ethic camp" means an alternative incarceration program
15 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
16 the cost of corrections by requiring offenders to complete a
17 comprehensive array of real-world job and vocational experiences,
18 character-building work ethics training, life management skills
19 development, substance abuse rehabilitation, counseling, literacy
20 training, and basic adult education.

21 (61) "Work release" means a program of partial confinement
22 available to offenders who are employed or engaged as a student in a
23 regular course of study at school.

24 **Sec. 2.** RCW 9.94A.030 and 2024 c 306 s 2 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

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

30 (2) "Collect," or any derivative thereof, "collect and remit," or
31 "collect and deliver," when used with reference to the department,
32 means that the department, either directly or through a collection
33 agreement authorized by RCW 9.94A.760, is responsible for monitoring
34 and enforcing the offender's sentence with regard to the legal
35 financial obligation, receiving payment thereof from the offender,
36 and, consistent with current law, delivering daily the entire payment
37 to the superior court clerk without depositing it in a departmental
38 account.

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

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

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

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

12 (7) "Community restitution" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
18 and acceptance of a plea of guilty.

19 (10) "Crime-related prohibition" means an order of a court
20 prohibiting conduct that directly relates to the circumstances of the
21 crime for which the offender has been convicted, and shall not be
22 construed to mean orders directing an offender affirmatively to
23 participate in rehabilitative programs or to otherwise perform
24 affirmative conduct. However, affirmative acts necessary to monitor
25 compliance with the order of a court may be required by the
26 department.

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

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

35 (b) A conviction may be removed from a defendant's criminal
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
37 9.95.240, or a similar out-of-state statute, or if the conviction has
38 been vacated pursuant to a governor's pardon. However, when a
39 defendant is charged with a recidivist offense, "criminal history"
40 includes a vacated prior conviction for the sole purpose of

1 establishing that such vacated prior conviction constitutes an
2 element of the present recidivist offense as provided in RCW
3 9.94A.640(4)(b) and 9.96.060(~~((7))~~) (8)(c).

4 (c) The determination of a defendant's criminal history is
5 distinct from the determination of an offender score. A prior
6 conviction that was not included in an offender score calculated
7 pursuant to a former version of the sentencing reform act remains
8 part of the defendant's criminal history.

9 (12) "Criminal street gang" means any ongoing organization,
10 association, or group of three or more persons, whether formal or
11 informal, having a common name or common identifying sign or symbol,
12 having as one of its primary activities the commission of criminal
13 acts, and whose members or associates individually or collectively
14 engage in or have engaged in a pattern of criminal street gang
15 activity. This definition does not apply to employees engaged in
16 concerted activities for their mutual aid and protection, or to the
17 activities of labor and bona fide nonprofit organizations or their
18 members or agents.

19 (13) "Criminal street gang associate or member" means any person
20 who actively participates in any criminal street gang and who
21 intentionally promotes, furthers, or assists in any criminal act by
22 the criminal street gang.

23 (14) "Criminal street gang-related offense" means any felony or
24 misdemeanor offense, whether in this state or elsewhere, that is
25 committed for the benefit of, at the direction of, or in association
26 with any criminal street gang, or is committed with the intent to
27 promote, further, or assist in any criminal conduct by the gang, or
28 is committed for one or more of the following reasons:

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

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

32 (c) To exact revenge or retribution for the gang or any member of
33 the gang;

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

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

39 (f) To provide the gang with any advantage in, or any control or
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
6 9.68 RCW).

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

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

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

17 (18) "Determinate sentence" means a sentence that states with
18 exactitude the number of actual years, months, or days of total
19 confinement, of partial confinement, of community custody, the number
20 of actual hours or days of community restitution work, or dollars or
21 terms of a legal financial obligation. The fact that an offender
22 through earned release can reduce the actual period of confinement
23 shall not affect the classification of the sentence as a determinate
24 sentence.

25 (19) "Disposable earnings" means that part of the earnings of an
26 offender remaining after the deduction from those earnings of any
27 amount required by law to be withheld. For the purposes of this
28 definition, "earnings" means compensation paid or payable for
29 personal services, whether denominated as wages, salary, commission,
30 bonuses, or otherwise, and, notwithstanding any other provision of
31 law making the payments exempt from garnishment, attachment, or other
32 process to satisfy a court-ordered legal financial obligation,
33 specifically includes periodic payments pursuant to pension or
34 retirement programs, or insurance policies of any type, but does not
35 include payments made under Title 50 RCW, except as provided in RCW
36 50.40.020 and 50.40.050, or Title 74 RCW.

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

39 (b) "Domestic violence" also means: (i) Physical harm, bodily
40 injury, assault, or the infliction of fear of imminent physical harm,

1 bodily injury, or assault, sexual assault, or stalking, as defined in
2 RCW 9A.46.110, of one intimate partner by another intimate partner as
3 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
4 assault, or the infliction of fear of imminent physical harm, bodily
5 injury, or assault, sexual assault, or stalking, as defined in RCW
6 9A.46.110, of one family or household member by another family or
7 household member as defined in RCW 10.99.020.

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

11 (22) "Drug offender sentencing alternative for driving under the
12 influence" is a sentencing option available to persons convicted of
13 felony driving while under the influence of intoxicating liquor or
14 any drug under RCW 46.61.502(6), or felony physical control of a
15 vehicle while under the influence of intoxicating liquor or any drug
16 under RCW 46.61.504(6) who are eligible under RCW 9.94A.661.

17 (23) "Drug offense" means:

18 (a) Any felony violation of chapter 69.50 RCW except possession
19 of a controlled substance (RCW 69.50.4013) or forged prescription for
20 a controlled substance (RCW 69.50.403);

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

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

27 (24) "Earned release" means earned release from confinement as
28 provided in RCW 9.94A.728.

29 (25) "Electronic monitoring" means tracking the location of an
30 individual through the use of technology that is capable of
31 determining or identifying the monitored individual's presence or
32 absence at a particular location including, but not limited to:

33 (a) Radio frequency signaling technology, which detects if the
34 monitored individual is or is not at an approved location and
35 notifies the monitoring agency of the time that the monitored
36 individual either leaves the approved location or tampers with or
37 removes the monitoring device; or

38 (b) Active or passive global positioning system technology, which
39 detects the location of the monitored individual and notifies the
40 monitoring agency of the monitored individual's location and which

1 may also include electronic monitoring with victim notification
2 technology that is capable of notifying a victim or protected party,
3 either directly or through a monitoring agency, if the monitored
4 individual enters within the restricted distance of a victim or
5 protected party, or within the restricted distance of a designated
6 location.

7 (26) "Escape" means:

8 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
9 the first degree (RCW 9A.76.110), escape in the second degree (RCW
10 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
11 willful failure to return from work release (RCW 72.65.070), or
12 willful failure to be available for supervision by the department
13 while in community custody (RCW 72.09.310); or

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

17 (27) "Felony traffic offense" means:

18 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
19 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
20 run injury-accident (RCW 46.52.020(4)), felony driving while under
21 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
22 or felony physical control of a vehicle while under the influence of
23 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

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

30 (29) "First-time offender" means any person who has no prior
31 convictions for a felony and is eligible for the first-time offender
32 waiver under RCW 9.94A.650.

33 (30) "Home detention" is a subset of electronic monitoring and
34 means a program of partial confinement available to offenders wherein
35 the offender is confined in a private residence 24 hours a day,
36 unless an absence from the residence is approved, authorized, or
37 otherwise permitted in the order by the court or other supervising
38 agency that ordered home detention, and the offender is subject to
39 electronic monitoring.

1 (31) "Homelessness" or "homeless" means a condition where an
2 individual lacks a fixed, regular, and adequate nighttime residence
3 and who has a primary nighttime residence that is:

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

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

8 (c) A private residence where the individual stays as a transient
9 invitee.

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

24 (33) "Most serious offense" means any of the following felonies
25 or a felony attempt to commit any of the following felonies:

26 (a) Any felony defined under any law as a class A felony or
27 criminal solicitation of or criminal conspiracy to commit a class A
28 felony;

29 (b) Assault in the second degree;

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

31 (d) Child molestation in the second degree;

32 (e) Controlled substance homicide;

33 (f) Extortion in the first degree;

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

35 (h) Indecent liberties;

36 (i) Kidnapping in the second degree;

37 (j) Leading organized crime;

38 (k) Manslaughter in the first degree;

39 (l) Manslaughter in the second degree;

40 (m) Promoting prostitution in the first degree;

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

1 (34) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (35) "Offender" means a person who has committed a felony
4 established by state law and is 18 years of age or older or is less
5 than 18 years of age but whose case is under superior court
6 jurisdiction under RCW 13.04.030 or has been transferred by the
7 appropriate juvenile court to a criminal court pursuant to RCW
8 13.40.110. In addition, for the purpose of community custody
9 requirements under this chapter, "offender" also means a misdemeanor
10 or gross misdemeanor probationer ordered by a superior court to
11 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
12 supervised by the department pursuant to RCW 9.94A.501 and
13 9.94A.5011. Throughout this chapter, the terms "offender" and
14 "defendant" are used interchangeably.

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

25 (37) "Pattern of criminal street gang activity" means:

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

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

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

34 (iii) Deliver or Possession with Intent to Deliver a Controlled
35 Substance (chapter 69.50 RCW);

36 (iv) Any violation of the firearms and dangerous weapon act
37 (chapter 9.41 RCW);

38 (v) Theft of a Firearm (RCW 9A.56.300);

39 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

40 (vii) Hate Crime (RCW 9A.36.080);

1 (viii) Harassment where a subsequent violation or deadly threat
2 is made (RCW 9A.46.020(2)(b));

3 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

4 (x) Any felony conviction by a person 18 years of age or older
5 with a special finding of involving a juvenile in a felony offense
6 under RCW 9.94A.833;

7 (xi) Residential Burglary (RCW 9A.52.025);

8 (xii) Burglary 2 (RCW 9A.52.030);

9 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

10 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

11 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

12 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

13 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
14 9A.56.070);

15 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
16 9A.56.075);

17 (xix) Extortion 1 (RCW 9A.56.120);

18 (xx) Extortion 2 (RCW 9A.56.130);

19 (xxi) Intimidating a Witness (RCW 9A.72.110);

20 (xxii) Tampering with a Witness (RCW 9A.72.120);

21 (xxiii) Reckless Endangerment (RCW 9A.36.050);

22 (xxiv) Coercion (RCW 9A.36.070);

23 (xxv) Harassment (RCW 9A.46.020); or

24 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

25 (b) That at least one of the offenses listed in (a) of this
26 subsection shall have occurred after July 1, 2008;

27 (c) That the most recent committed offense listed in (a) of this
28 subsection occurred within three years of a prior offense listed in
29 (a) of this subsection; and

30 (d) Of the offenses that were committed in (a) of this
31 subsection, the offenses occurred on separate occasions or were
32 committed by two or more persons.

33 (38) "Persistent offender" is an offender who:

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

36 (ii) Has, before the commission of the offense under (a) of this
37 subsection, been convicted as an offender on at least two separate
38 occasions, whether in this state or elsewhere, of felonies that under
39 the laws of this state would be considered most serious offenses and
40 would be included in the offender score under RCW 9.94A.525; provided

1 that of the two or more previous convictions, at least one conviction
2 must have occurred before the commission of any of the other most
3 serious offenses for which the offender was previously convicted; or

4 (b) (i) Has been convicted of: (A) Rape in the first degree, rape
5 of a child in the first degree, child molestation in the first
6 degree, rape in the second degree, rape of a child in the second
7 degree, or indecent liberties by forcible compulsion; (B) any of the
8 following offenses with a finding of sexual motivation: Murder in the
9 first degree, murder in the second degree, homicide by abuse,
10 kidnapping in the first degree, kidnapping in the second degree,
11 assault in the first degree, assault in the second degree, assault of
12 a child in the first degree, assault of a child in the second degree,
13 or burglary in the first degree; or (C) an attempt to commit any
14 crime listed in this subsection (38) (b) (i); and

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

27 (39) "Predatory" means: (a) The perpetrator of the crime was a
28 stranger to the victim, as defined in this section; (b) the
29 perpetrator established or promoted a relationship with the victim
30 prior to the offense and the victimization of the victim was a
31 significant reason the perpetrator established or promoted the
32 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
33 volunteer, or other person in authority in any public or private
34 school and the victim was a student of the school under his or her
35 authority or supervision. For purposes of this subsection, "school"
36 does not include home-based instruction as defined in RCW
37 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
38 authority in any recreational activity and the victim was a
39 participant in the activity under his or her authority or
40 supervision; (iii) a pastor, elder, volunteer, or other person in

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

11 (40) "Private school" means a school regulated under chapter
12 28A.195 or 28A.205 RCW.

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

14 (42) "Recidivist offense" means a felony offense where a prior
15 conviction of the same offense or other specified offense is an
16 element of the crime including, but not limited to:

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

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

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

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

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

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

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

26 (43) "Repetitive domestic violence offense" means any:

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

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

31 (iii) Domestic violence violation of a protection order under
32 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or
33 violation of a domestic violence protection order under chapter 7.105
34 RCW, that is not a felony offense;

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

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

39 (b) Any federal, out-of-state, tribal court, military, county, or
40 municipal conviction for an offense that under the laws of this state

1 would be classified as a repetitive domestic violence offense under
2 (a) of this subsection.

3 (44) "Restitution" means a specific sum of money ordered by the
4 sentencing court to be paid by the offender to the court over a
5 specified period of time as payment of damages. The sum may include
6 both public and private costs.

7 (45) "Risk assessment" means the application of the risk
8 instrument recommended to the department by the Washington state
9 institute for public policy as having the highest degree of
10 predictive accuracy for assessing an offender's risk of reoffense.

11 (46) "Serious traffic offense" means:

12 (a) (i) Nonfelony driving while under the influence of
13 intoxicating liquor or any drug (RCW 46.61.502);

14 (ii) Nonfelony actual physical control while under the influence
15 of intoxicating liquor or any drug (RCW 46.61.504);

16 (iii) Reckless driving (RCW 46.61.500);

17 (iv) Negligent driving if the conviction is the result of a
18 charge that was originally filed as a violation of RCW 46.61.502 or
19 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
20 46.61.522 while under the influence of intoxicating liquor or any
21 drug (RCW 46.61.5249);

22 (v) Reckless endangerment if the conviction is the result of a
23 charge that was originally filed as a violation of RCW 46.61.502 or
24 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
25 46.61.522 while under the influence of intoxicating liquor or any
26 drug (RCW 9A.36.050); or

27 (vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

31 (c) This definition applies for the purpose of a personal
32 driver's license only and does not apply to violations related to a
33 commercial motor vehicle under RCW 46.25.090.

34 (47) "Serious violent offense" is a subcategory of violent
35 offense and means:

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

37 (ii) Homicide by abuse;

38 (iii) Murder in the second degree;

39 (iv) Manslaughter in the first degree;

40 (v) Assault in the first degree;

1 (vi) Kidnapping in the first degree;

2 (vii) Rape in the first degree;

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

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

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

9 (48) "Sex offense" means:

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

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

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

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

18 (v) A felony violation of RCW 9A.44.132(1) (failure to register
19 as a sex offender) if the person has been convicted of violating RCW
20 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
21 prior to June 10, 2010, on at least one prior occasion;

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

25 (c) A felony with a finding of sexual motivation under RCW
26 9.94A.835 or 13.40.135; or

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

30 (49) "Sexual motivation" means that one of the purposes for which
31 the defendant committed the crime was for the purpose of his or her
32 sexual gratification.

33 (50) "Standard sentence range" means the sentencing court's
34 discretionary range in imposing a nonappealable sentence.

35 (51) "Statutory maximum sentence" means the maximum length of
36 time for which an offender may be confined as punishment for a crime
37 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
38 defining the crime, or other statute defining the maximum penalty for
39 a crime.

1 (52) "Stranger" means that the victim did not know the offender
2 24 hours before the offense.

3 (53) "Total confinement" means confinement inside the physical
4 boundaries of a facility or institution operated or utilized under
5 contract by the state or any other unit of government for 24 hours a
6 day, or pursuant to RCW 72.64.050 and 72.64.060.

7 (54) "Transition training" means written and verbal instructions
8 and assistance provided by the department to the offender during the
9 two weeks prior to the offender's successful completion of the work
10 ethic camp program. The transition training shall include
11 instructions in the offender's requirements and obligations during
12 the offender's period of community custody.

13 (55) "Victim" means any person who has sustained emotional,
14 psychological, physical, or financial injury to person or property as
15 a direct result of the crime charged.

16 (56) "Victim of domestic violence" means an intimate partner or
17 household member who has been subjected to the infliction of physical
18 harm or sexual and psychological abuse by an intimate partner or
19 household member as part of a pattern of assaultive, coercive, and
20 controlling behaviors directed at achieving compliance from or
21 control over that intimate partner or household member. Domestic
22 violence includes, but is not limited to, the offenses listed in RCW
23 10.99.020 and 26.50.010 committed by an intimate partner or household
24 member against a victim who is an intimate partner or household
25 member.

26 (57) "Victim of sex trafficking, prostitution, or commercial
27 sexual abuse of a minor" means a person who has been forced or
28 coerced to perform a commercial sex act including, but not limited
29 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,
30 9.68A.101, and the trafficking victims protection act of 2000, 22
31 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a
32 commercial sex act when they were less than 18 years of age including
33 but not limited to the offenses defined in chapter 9.68A RCW.

34 (58) "Victim of sexual assault" means any person who is a victim
35 of a sexual assault offense, nonconsensual sexual conduct, or
36 nonconsensual sexual penetration and as a result suffers physical,
37 emotional, financial, or psychological impacts. Sexual assault
38 offenses include, but are not limited to, the offenses defined in
39 chapter 9A.44 RCW.

40 (59) "Violent offense" means:

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

1 (62) "Work release" means a program of partial confinement
2 available to offenders who are employed or engaged as a student in a
3 regular course of study at school.

4 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
5 2026.

6 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
7 1, 2026.

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