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**HOUSE BILL 1407**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Barkis, Hackney, Ley, Jacobsen, and Caldier

Read first time 01/20/25. Referred to Committee on Community Safety.

1 AN ACT Relating to offenses involving graffiti or other damage to  
2 property; amending RCW 9A.48.105, 9.94A.533, 9A.20.030, 36.28A.210,  
3 and 13.40.0357; reenacting and amending RCW 9A.04.110 and 9.94A.515;  
4 adding a new section to chapter 9A.48 RCW; adding a new section to  
5 chapter 9.94A RCW; creating a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that an increase in  
8 graffiti and defacement of public and private property damages and  
9 detracts from the general enjoyment of community spaces. This act  
10 provides the court with more options for offenders to rectify their  
11 mistakes. The intent of this act is to discourage graffiti and other  
12 malicious mischief crimes by including community service hours or  
13 actual damage cleanup as a court-issued punishment. Adults are paying  
14 the fines for some youth, so the offender is not experiencing  
15 consequences that would lead to better behavior. Prosecutors are  
16 unlikely to recommend actual jail time for minor crimes. Therefore,  
17 picking up trash in state parks, scrubbing off paint, or doing other  
18 forms of community restitution provides a reformative opportunity.  
19 This act is building on policies that currently exist in the justice  
20 system with the expectation of better outcomes for all involved.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 9A.48  
2    RCW to read as follows:

3        For offenders convicted of malicious mischief in the third degree  
4    or criminal street gang tagging and graffiti, the court shall order  
5    the offender to perform at least 40 hours of community restitution,  
6    as defined in RCW 9.94A.030, in addition to other penalties. The  
7    court may use any community restitution program available including,  
8    but not limited to, RCW 72.09.260.

9        **Sec. 3.**    RCW 9A.04.110 and 2011 c 336 s 350 and 2011 c 166 s 2  
10    are each reenacted and amended to read as follows:

11        In this title unless a different meaning plainly is required:

12        (1) "Acted" includes, where relevant, omitted to act;  
13        (2) "Actor" includes, where relevant, a person failing to act;  
14        (3) "Benefit" is any gain or advantage to the beneficiary,  
15    including any gain or advantage to a third person pursuant to the  
16    desire or consent of the beneficiary;

17        (4) (a) "Bodily injury," "physical injury," or "bodily harm" means  
18    physical pain or injury, illness, or an impairment of physical  
19    condition;

20        (b) "Substantial bodily harm" means bodily injury which involves  
21    a temporary but substantial disfigurement, or which causes a  
22    temporary but substantial loss or impairment of the function of any  
23    bodily part or organ, or which causes a fracture of any bodily part;

24        (c) "Great bodily harm" means bodily injury which creates a  
25    probability of death, or which causes significant serious permanent  
26    disfigurement, or which causes a significant permanent loss or  
27    impairment of the function of any bodily part or organ;

28        (5) "Building," in addition to its ordinary meaning, includes any  
29    dwelling, fenced area, vehicle, railway car, cargo container, or any  
30    other structure used for lodging of persons or for carrying on  
31    business therein, or for the use, sale, or deposit of goods; each  
32    unit of a building consisting of two or more units separately secured  
33    or occupied is a separate building;

34        (6) "Deadly weapon" means any explosive or loaded or unloaded  
35    firearm, and shall include any other weapon, device, instrument,  
36    article, or substance, including a "vehicle" as defined in this  
37    section, which, under the circumstances in which it is used,  
38    attempted to be used, or threatened to be used, is readily capable of  
39    causing death or substantial bodily harm;

1 (7) "Dwelling" means any building or structure, though movable or  
2 temporary, or a portion thereof, which is used or ordinarily used by  
3 a person for lodging;

4 (8) "Government" includes any branch, subdivision, or agency of  
5 the government of this state and any county, city, district, or other  
6 local governmental unit;

7 (9) "Governmental function" includes any activity which a public  
8 servant is legally authorized or permitted to undertake on behalf of  
9 a government;

10 (10) "Graffiti" means defacing, damaging, or destroying public or  
11 private buildings, structures, facilities, natural features, or  
12 places without the owner's permission by writing, painting, spraying,  
13 marking, or drawing with paint, ink, dye, or other substances;

14 (11) "Indicted" and "indictment" include "informed against" and  
15 "information", and "informed against" and "information" include  
16 "indicted" and "indictment";

17 (~~(11)~~) (12) "Judge" includes every judicial officer authorized  
18 alone or with others, to hold or preside over a court;

19 (~~(12)~~) (13) "Malice" and "maliciously" shall import an evil  
20 intent, wish, or design to vex, annoy, or injure another person.  
21 Malice may be inferred from an act done in willful disregard of the  
22 rights of another, or an act wrongfully done without just cause or  
23 excuse, or an act or omission of duty betraying a willful disregard  
24 of social duty;

25 (~~(13)~~) (14) "Officer" and "public officer" means a person  
26 holding office under a city, county, or state government, or the  
27 federal government who performs a public function and in so doing is  
28 vested with the exercise of some sovereign power of government, and  
29 includes all assistants, deputies, clerks, and employees of any  
30 public officer and all persons lawfully exercising or assuming to  
31 exercise any of the powers or functions of a public officer;

32 (~~(14)~~) (15) "Omission" means a failure to act;

33 (~~(15)~~) (16) "Peace officer" means a duly appointed city,  
34 county, or state law enforcement officer;

35 (~~(16)~~) (17) "Pecuniary benefit" means any gain or advantage in  
36 the form of money, property, commercial interest, or anything else  
37 the primary significance of which is economic gain;

38 (~~(17)~~) (18) "Person," "he or she," and "actor" include any  
39 natural person and, where relevant, a corporation, joint stock  
40 association, or an unincorporated association;

1       ~~((18))~~ (19) "Place of work" includes but is not limited to all  
2 the lands and other real property of a farm or ranch in the case of  
3 an actor who owns, operates, or is employed to work on such a farm or  
4 ranch;

5       ~~((19))~~ (20) "Prison" means any place designated by law for the  
6 keeping of persons held in custody under process of law, or under  
7 lawful arrest, including but not limited to any state correctional  
8 institution or any county or city jail;

9       ~~((20))~~ (21) "Prisoner" includes any person held in custody  
10 under process of law, or under lawful arrest;

11       ~~((21))~~ (22) "Projectile stun gun" means an electronic device  
12 that projects wired probes attached to the device that emit an  
13 electrical charge and that is designed and primarily employed to  
14 incapacitate a person or animal;

15       ~~((22))~~ (23) "Property" means anything of value, whether  
16 tangible or intangible, real or personal;

17       ~~((23))~~ (24) "Public servant" means any person other than a  
18 witness who presently occupies the position of or has been elected,  
19 appointed, or designated to become any officer or employee of  
20 government, including a legislator, judge, judicial officer, juror,  
21 and any person participating as an advisor, consultant, or otherwise  
22 in performing a governmental function;

23       ~~((24))~~ (25) "Signature" includes any memorandum, mark, or sign  
24 made with intent to authenticate any instrument or writing, or the  
25 subscription of any person thereto;

26       ~~((25))~~ (26) "Statute" means the Constitution or an act of the  
27 legislature or initiative or referendum of this state;

28       ~~((26))~~ (27) "Strangulation" means to compress a person's neck,  
29 thereby obstructing the person's blood flow or ability to breathe, or  
30 doing so with the intent to obstruct the person's blood flow or  
31 ability to breathe;

32       ~~((27))~~ (28) "Suffocation" means to block or impair a person's  
33 intake of air at the nose and mouth, whether by smothering or other  
34 means, with the intent to obstruct the person's ability to breathe;

35       ~~((28))~~ (29) "Threat" means to communicate, directly or  
36 indirectly the intent:

37       (a) To cause bodily injury in the future to the person threatened  
38 or to any other person; or

39       (b) To cause physical damage to the property of a person other  
40 than the actor; or

1 (c) To subject the person threatened or any other person to  
2 physical confinement or restraint; or

3 (d) To accuse any person of a crime or cause criminal charges to  
4 be instituted against any person; or

5 (e) To expose a secret or publicize an asserted fact, whether  
6 true or false, tending to subject any person to hatred, contempt, or  
7 ridicule; or

8 (f) To reveal any information sought to be concealed by the  
9 person threatened; or

10 (g) To testify or provide information or withhold testimony or  
11 information with respect to another's legal claim or defense; or

12 (h) To take wrongful action as an official against anyone or  
13 anything, or wrongfully withhold official action, or cause such  
14 action or withholding; or

15 (i) To bring about or continue a strike, boycott, or other  
16 similar collective action to obtain property which is not demanded or  
17 received for the benefit of the group which the actor purports to  
18 represent; or

19 (j) To do any other act which is intended to harm substantially  
20 the person threatened or another with respect to his or her health,  
21 safety, business, financial condition, or personal relationships;

22 ~~((+29))~~ (30) "Vehicle" means a "motor vehicle" as defined in the  
23 vehicle and traffic laws, any aircraft, or any vessel equipped for  
24 propulsion by mechanical means or by sail;

25 ~~((+30))~~ (31) Words in the present tense shall include the future  
26 tense; and in the masculine shall include the feminine and neuter  
27 genders; and in the singular shall include the plural; and in the  
28 plural shall include the singular.

29 **Sec. 4.** RCW 9A.48.105 and 2008 c 276 s 306 are each amended to  
30 read as follows:

31 (1) A person is guilty of criminal street gang tagging and  
32 graffiti if he or she commits malicious mischief in the third degree  
33 under RCW 9A.48.090(1)(b) and he or she:

34 (a) Has multiple current convictions for malicious mischief in  
35 the third degree offenses under RCW 9A.48.090(1)(b); or

36 (b) Has previously been convicted for a malicious mischief in the  
37 third degree offense under RCW 9A.48.090(1)(b) or a comparable  
38 offense under a municipal code provision of any city or town; and

1 (c) The current offense or one of the current offenses is a  
2 "criminal street gang-related offense" as defined in RCW 9.94A.030.

3 (2) (~~Criminal~~) (a) Except as provided in (b) of this  
4 subsection, criminal street gang tagging and graffiti is a gross  
5 misdemeanor offense.

6 (b) A second or subsequent conviction for criminal street gang  
7 tagging and graffiti is a class C felony.

8 NEW SECTION. Sec. 5. A new section is added to chapter 9.94A  
9 RCW to read as follows:

10 (1) In a prosecution for malicious mischief in the first degree  
11 under RCW 9A.48.070, or a second or subsequent criminal street gang  
12 tagging and graffiti offense under RCW 9A.48.105(2)(b), the  
13 prosecuting attorney may file a special allegation when sufficient  
14 evidence exists to show that the defendant engaged in organized  
15 graffiti in the commission of the offense.

16 (2) In a criminal case in which there has been a special  
17 allegation and the accused has been convicted of the underlying  
18 crime, the court shall make a finding of fact prior to sentencing  
19 whether the defendant engaged in organized graffiti in the commission  
20 of the offense. If the court finds beyond a reasonable doubt that the  
21 defendant engaged in organized graffiti in the commission of the  
22 offense, the defendant shall be sentenced in accordance with RCW  
23 9.94A.533(16).

24 (3) For purposes of this section, a person engages in organized  
25 graffiti if the person:

26 (a) Commits, individually or as a participant in a group of  
27 multiple individuals, any act or series of acts that results in  
28 physical damage to the property of another in the amount of \$25,000  
29 or more; or

30 (b) Travels across state lines with the purpose of committing the  
31 offense of malicious mischief, and commits any act or series of acts  
32 that results in physical damage to the property of another in the  
33 amount of \$10,000 or more.

34 **Sec. 6.** RCW 9.94A.533 and 2024 c 301 s 28 are each amended to  
35 read as follows:

36 (1) The provisions of this section apply to the standard sentence  
37 ranges determined by RCW 9.94A.510 or 9.94A.517.

1 (2) For persons convicted of the anticipatory offenses of  
2 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
3 RCW, the standard sentence range is determined by locating the  
4 sentencing grid sentence range defined by the appropriate offender  
5 score and the seriousness level of the completed crime, and  
6 multiplying the range by seventy-five percent.

7 (3) The following additional times shall be added to the standard  
8 sentence range for felony crimes committed after July 23, 1995, if  
9 the offender or an accomplice was armed with a firearm as defined in  
10 RCW 9.41.010 and the offender is being sentenced for one of the  
11 crimes listed in this subsection as eligible for any firearm  
12 enhancements based on the classification of the completed felony  
13 crime. If the offender is being sentenced for more than one offense,  
14 the firearm enhancement or enhancements must be added to the total  
15 period of confinement for all offenses, regardless of which  
16 underlying offense is subject to a firearm enhancement. If the  
17 offender or an accomplice was armed with a firearm as defined in RCW  
18 9.41.010 and the offender is being sentenced for an anticipatory  
19 offense under chapter 9A.28 RCW to commit one of the crimes listed in  
20 this subsection as eligible for any firearm enhancements, the  
21 following additional times shall be added to the standard sentence  
22 range determined under subsection (2) of this section based on the  
23 felony crime of conviction as classified under RCW 9A.28.020:

24 (a) Five years for any felony defined under any law as a class A  
25 felony or with a statutory maximum sentence of at least twenty years,  
26 or both, and not covered under (f) of this subsection;

27 (b) Three years for any felony defined under any law as a class B  
28 felony or with a statutory maximum sentence of ten years, or both,  
29 and not covered under (f) of this subsection;

30 (c) Eighteen months for any felony defined under any law as a  
31 class C felony or with a statutory maximum sentence of five years, or  
32 both, and not covered under (f) of this subsection;

33 (d) If the offender is being sentenced for any firearm  
34 enhancements under (a), (b), and/or (c) of this subsection and the  
35 offender has previously been sentenced for any deadly weapon  
36 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
37 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
38 both, all firearm enhancements under this subsection shall be twice  
39 the amount of the enhancement listed;

1 (e) Notwithstanding any other provision of law, all firearm  
2 enhancements under this section are mandatory, shall be served in  
3 total confinement, and shall run consecutively to all other  
4 sentencing provisions, including other firearm or deadly weapon  
5 enhancements, for all offenses sentenced under this chapter. However,  
6 whether or not a mandatory minimum term has expired, an offender  
7 serving a sentence under this subsection may be:

8 (i) Granted an extraordinary medical placement when authorized  
9 under RCW 9.94A.728(1)(c); or

10 (ii) Released under the provisions of RCW 9.94A.730;

11 (f) The firearm enhancements in this section shall apply to all  
12 felony crimes except the following: Possession of a machine gun or  
13 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
14 theft of a firearm, unlawful possession of a firearm in the first and  
15 second degree, and use of a machine gun or bump-fire stock in a  
16 felony;

17 (g) If the standard sentence range under this section exceeds the  
18 statutory maximum sentence for the offense, the statutory maximum  
19 sentence shall be the presumptive sentence unless the offender is a  
20 persistent offender. If the addition of a firearm enhancement  
21 increases the sentence so that it would exceed the statutory maximum  
22 for the offense, the portion of the sentence representing the  
23 enhancement may not be reduced.

24 (4) The following additional times shall be added to the standard  
25 sentence range for felony crimes committed after July 23, 1995, if  
26 the offender or an accomplice was armed with a deadly weapon other  
27 than a firearm as defined in RCW 9.41.010 and the offender is being  
28 sentenced for one of the crimes listed in this subsection as eligible  
29 for any deadly weapon enhancements based on the classification of the  
30 completed felony crime. If the offender is being sentenced for more  
31 than one offense, the deadly weapon enhancement or enhancements must  
32 be added to the total period of confinement for all offenses,  
33 regardless of which underlying offense is subject to a deadly weapon  
34 enhancement. If the offender or an accomplice was armed with a deadly  
35 weapon other than a firearm as defined in RCW 9.41.010 and the  
36 offender is being sentenced for an anticipatory offense under chapter  
37 9A.28 RCW to commit one of the crimes listed in this subsection as  
38 eligible for any deadly weapon enhancements, the following additional  
39 times shall be added to the standard sentence range determined under



1 subsection (2) of this section based on the felony crime of  
2 conviction as classified under RCW 9A.28.020:

3 (a) Two years for any felony defined under any law as a class A  
4 felony or with a statutory maximum sentence of at least twenty years,  
5 or both, and not covered under (f) of this subsection;

6 (b) One year for any felony defined under any law as a class B  
7 felony or with a statutory maximum sentence of ten years, or both,  
8 and not covered under (f) of this subsection;

9 (c) Six months for any felony defined under any law as a class C  
10 felony or with a statutory maximum sentence of five years, or both,  
11 and not covered under (f) of this subsection;

12 (d) If the offender is being sentenced under (a), (b), and/or (c)  
13 of this subsection for any deadly weapon enhancements and the  
14 offender has previously been sentenced for any deadly weapon  
15 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
16 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
17 both, all deadly weapon enhancements under this subsection shall be  
18 twice the amount of the enhancement listed;

19 (e) Notwithstanding any other provision of law, all deadly weapon  
20 enhancements under this section are mandatory, shall be served in  
21 total confinement, and shall run consecutively to all other  
22 sentencing provisions, including other firearm or deadly weapon  
23 enhancements, for all offenses sentenced under this chapter. However,  
24 whether or not a mandatory minimum term has expired, an offender  
25 serving a sentence under this subsection may be:

26 (i) Granted an extraordinary medical placement when authorized  
27 under RCW 9.94A.728(1)(c); or

28 (ii) Released under the provisions of RCW 9.94A.730;

29 (f) The deadly weapon enhancements in this section shall apply to  
30 all felony crimes except the following: Possession of a machine gun  
31 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
32 theft of a firearm, unlawful possession of a firearm in the first and  
33 second degree, and use of a machine gun or bump-fire stock in a  
34 felony;

35 (g) If the standard sentence range under this section exceeds the  
36 statutory maximum sentence for the offense, the statutory maximum  
37 sentence shall be the presumptive sentence unless the offender is a  
38 persistent offender. If the addition of a deadly weapon enhancement  
39 increases the sentence so that it would exceed the statutory maximum

1 for the offense, the portion of the sentence representing the  
2 enhancement may not be reduced.

3 (5) The following additional times shall be added to the standard  
4 sentence range if the offender or an accomplice committed the offense  
5 while in a county jail or state correctional facility and the  
6 offender is being sentenced for one of the crimes listed in this  
7 subsection. If the offender or an accomplice committed one of the  
8 crimes listed in this subsection while in a county jail or state  
9 correctional facility, and the offender is being sentenced for an  
10 anticipatory offense under chapter 9A.28 RCW to commit one of the  
11 crimes listed in this subsection, the following additional times  
12 shall be added to the standard sentence range determined under  
13 subsection (2) of this section:

14 (a) Eighteen months for offenses committed under RCW 69.50.401(2)  
15 (a) or (b) or 69.50.410;

16 (b) Fifteen months for offenses committed under RCW 69.50.401(2)  
17 (c), (d), or (e);

18 (c) Twelve months for offenses committed under RCW 69.50.4013.

19 For the purposes of this subsection, all of the real property of  
20 a state correctional facility or county jail shall be deemed to be  
21 part of that facility or county jail.

22 (6) An additional twenty-four months shall be added to the  
23 standard sentence range for any ranked offense involving a violation  
24 of chapter 69.50 RCW if the offense was also a violation of RCW  
25 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
26 run consecutively to all other sentencing provisions, for all  
27 offenses sentenced under this chapter.

28 (7) An additional two years shall be added to the standard  
29 sentence range for vehicular homicide committed while under the  
30 influence of intoxicating liquor or any drug as defined by RCW  
31 46.61.502 for each prior offense as defined in RCW 46.61.5055.

32 Notwithstanding any other provision of law, all impaired driving  
33 enhancements under this subsection are mandatory, shall be served in  
34 total confinement, and shall run consecutively to all other  
35 sentencing provisions, including other impaired driving enhancements,  
36 for all offenses sentenced under this chapter.

37 An offender serving a sentence under this subsection may be  
38 granted an extraordinary medical placement when authorized under RCW  
39 9.94A.728(1)(c).

1 (8)(a) The following additional times shall be added to the  
2 standard sentence range for felony crimes committed on or after July  
3 1, 2006, if the offense was committed with sexual motivation, as that  
4 term is defined in RCW 9.94A.030. If the offender is being sentenced  
5 for more than one offense, the sexual motivation enhancement must be  
6 added to the total period of total confinement for all offenses,  
7 regardless of which underlying offense is subject to a sexual  
8 motivation enhancement. If the offender committed the offense with  
9 sexual motivation and the offender is being sentenced for an  
10 anticipatory offense under chapter 9A.28 RCW, the following  
11 additional times shall be added to the standard sentence range  
12 determined under subsection (2) of this section based on the felony  
13 crime of conviction as classified under RCW 9A.28.020:

14 (i) Two years for any felony defined under the law as a class A  
15 felony or with a statutory maximum sentence of at least twenty years,  
16 or both;

17 (ii) Eighteen months for any felony defined under any law as a  
18 class B felony or with a statutory maximum sentence of ten years, or  
19 both;

20 (iii) One year for any felony defined under any law as a class C  
21 felony or with a statutory maximum sentence of five years, or both;

22 (iv) If the offender is being sentenced for any sexual motivation  
23 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
24 the offender has previously been sentenced for any sexual motivation  
25 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
26 (iii) of this subsection, all sexual motivation enhancements under  
27 this subsection shall be twice the amount of the enhancement listed;

28 (b) Notwithstanding any other provision of law, all sexual  
29 motivation enhancements under this subsection are mandatory, shall be  
30 served in total confinement, and shall run consecutively to all other  
31 sentencing provisions, including other sexual motivation  
32 enhancements, for all offenses sentenced under this chapter. However,  
33 whether or not a mandatory minimum term has expired, an offender  
34 serving a sentence under this subsection may be:

35 (i) Granted an extraordinary medical placement when authorized  
36 under RCW 9.94A.728(1)(c); or

37 (ii) Released under the provisions of RCW 9.94A.730;

38 (c) The sexual motivation enhancements in this subsection apply  
39 to all felony crimes;

1 (d) If the standard sentence range under this subsection exceeds  
2 the statutory maximum sentence for the offense, the statutory maximum  
3 sentence shall be the presumptive sentence unless the offender is a  
4 persistent offender. If the addition of a sexual motivation  
5 enhancement increases the sentence so that it would exceed the  
6 statutory maximum for the offense, the portion of the sentence  
7 representing the enhancement may not be reduced;

8 (e) The portion of the total confinement sentence which the  
9 offender must serve under this subsection shall be calculated before  
10 any earned early release time is credited to the offender;

11 (f) Nothing in this subsection prevents a sentencing court from  
12 imposing a sentence outside the standard sentence range pursuant to  
13 RCW 9.94A.535.

14 (9) An additional one-year enhancement shall be added to the  
15 standard sentence range for the felony crimes of RCW 9A.44.073,  
16 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
17 or after July 22, 2007, if the offender engaged, agreed, or offered  
18 to engage the victim in the sexual conduct in return for a fee. If  
19 the offender is being sentenced for more than one offense, the  
20 one-year enhancement must be added to the total period of total  
21 confinement for all offenses, regardless of which underlying offense  
22 is subject to the enhancement. If the offender is being sentenced for  
23 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
24 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
25 offender attempted, solicited another, or conspired to engage, agree,  
26 or offer to engage the victim in the sexual conduct in return for a  
27 fee, an additional one-year enhancement shall be added to the  
28 standard sentence range determined under subsection (2) of this  
29 section. For purposes of this subsection, "sexual conduct" means  
30 sexual intercourse or sexual contact, both as defined in chapter  
31 9A.44 RCW.

32 (10)(a) For a person age eighteen or older convicted of any  
33 criminal street gang-related felony offense for which the person  
34 compensated, threatened, or solicited a minor in order to involve the  
35 minor in the commission of the felony offense, the standard sentence  
36 range is determined by locating the sentencing grid sentence range  
37 defined by the appropriate offender score and the seriousness level  
38 of the completed crime, and multiplying the range by one hundred  
39 twenty-five percent. If the standard sentence range under this  
40 subsection exceeds the statutory maximum sentence for the offense,

1 the statutory maximum sentence is the presumptive sentence unless the  
2 offender is a persistent offender.

3 (b) This subsection does not apply to any criminal street gang-  
4 related felony offense for which involving a minor in the commission  
5 of the felony offense is an element of the offense.

6 (c) The increased penalty specified in (a) of this subsection is  
7 unavailable in the event that the prosecution gives notice that it  
8 will seek an exceptional sentence based on an aggravating factor  
9 under RCW 9.94A.535.

10 (11) An additional twelve months and one day shall be added to  
11 the standard sentence range for a conviction of attempting to elude a  
12 police vehicle as defined by RCW 46.61.024, if the conviction  
13 included a finding by special allegation of endangering one or more  
14 persons under RCW 9.94A.834.

15 (12) An additional twelve months shall be added to the standard  
16 sentence range for an offense that is also a violation of RCW  
17 9.94A.831.

18 (13) An additional twelve months shall be added to the standard  
19 sentence range for vehicular homicide committed while under the  
20 influence of intoxicating liquor or any drug as defined by RCW  
21 46.61.520 or for vehicular assault committed while under the  
22 influence of intoxicating liquor or any drug as defined by RCW  
23 46.61.522, or for any felony driving under the influence (RCW  
24 46.61.502(6)) or felony physical control under the influence (RCW  
25 46.61.504(6)) for each child passenger under the age of sixteen who  
26 is an occupant in the defendant's vehicle. These enhancements shall  
27 be mandatory, shall be served in total confinement, and shall run  
28 consecutively to all other sentencing provisions, including other  
29 minor child enhancements, for all offenses sentenced under this  
30 chapter. If the addition of a minor child enhancement increases the  
31 sentence so that it would exceed the statutory maximum for the  
32 offense, the portion of the sentence representing the enhancement  
33 shall be mandatory, shall be served in total confinement, and shall  
34 run consecutively to all other sentencing provisions.

35 (14) An additional twelve months shall be added to the standard  
36 sentence range for an offense that is also a violation of RCW  
37 9.94A.832.

38 (15) An additional 12 months may, at the discretion of the court,  
39 be added to the standard sentence range for an offense that is also a  
40 violation of RCW 9.94A.828.

1       (16) An additional 12 months shall be added to the standard  
2 sentence range for a conviction for malicious mischief in the first  
3 degree under RCW 9A.48.070, or a second or subsequent conviction for  
4 criminal street gang tagging and graffiti under RCW 9A.48.105(2)(b),  
5 if the court finds that the offender engaged in organized graffiti  
6 pursuant to section 5 of this act.

7       (17) Regardless of any provisions in this section, if a person is  
8 being sentenced in adult court for a crime committed under age  
9 eighteen, the court has full discretion to depart from mandatory  
10 sentencing enhancements and to take the particular circumstances  
11 surrounding the defendant's youth into account.

12       **Sec. 7.** RCW 9A.20.030 and 1982 1st ex.s. c 47 s 12 are each  
13 amended to read as follows:

14       (1) If a person has gained money or property or caused a victim  
15 to lose money or property through the commission of a crime, upon  
16 conviction thereof or when the offender pleads guilty to a lesser  
17 offense or fewer offenses and agrees with the prosecutor's  
18 recommendation that the offender be required to pay restitution to a  
19 victim of an offense or offenses which are not prosecuted pursuant to  
20 a plea agreement, the court, in lieu of imposing the fine authorized  
21 for the offense under RCW 9A.20.020, may order the defendant to pay  
22 an amount, fixed by the court, not to exceed double the amount of the  
23 defendant's gain or victim's loss from the commission of a crime.  
24 Such amount may be used to provide restitution to the victim at the  
25 order of the court. It shall be the duty of the prosecuting attorney  
26 to investigate the alternative of restitution, and to recommend it to  
27 the court, when the prosecuting attorney believes that restitution is  
28 appropriate and feasible. If the court orders restitution, the court  
29 shall make a finding as to the amount of the defendant's gain or  
30 victim's loss from the crime, and if the record does not contain  
31 sufficient evidence to support such finding the court may conduct a  
32 hearing upon the issue. For purposes of this section, the terms  
33 "gain" or "loss" refer to the amount of money or the value of  
34 property or services gained or lost.

35       (2)(a) If a person commits malicious mischief in the third degree  
36 under RCW 9A.48.090 or criminal street gang tagging and graffiti  
37 under RCW 9A.48.105, in addition to the community restitution  
38 authorized in section 2 of this act, the court has discretion to

1 order community or clean-up restitution, in lieu of part or all of  
2 the incarceration sentence.

3 (b) The court may order the person to clean up the damage, with  
4 prior permission of the legal owner or, in the case of public  
5 property, of the agency managing the property.

6 (c) When the court orders community restitution under section 2  
7 of this act, the payment shall be forwarded to the state treasurer  
8 who shall distribute it to the program for which the restitution is  
9 performed.

10 (d) When the court does not order community restitution under  
11 section 2 of this act, the restitution payment shall be forwarded to  
12 the state treasurer who shall deposit it in the graffiti and tagging  
13 abatement grant program in RCW 36.28A.210, or a similar account, to  
14 be used solely for graffiti abatement and cleanup.

15 (3) Notwithstanding any other provision of law, this section also  
16 applies to any corporation or joint stock association found guilty of  
17 any crime.

18 **Sec. 8.** RCW 36.28A.210 and 2008 c 276 s 102 are each amended to  
19 read as follows:

20 (1) When funded, the Washington association of sheriffs and  
21 police chiefs shall establish a grant program to assist local law  
22 enforcement agencies in the support of graffiti and tagging abatement  
23 programs located in local communities. Grant applicants are  
24 encouraged to utilize multijurisdictional efforts.

25 (2) Each graffiti or tagging abatement grant applicant shall:

26 (a) Demonstrate that a significant gang problem exists in the  
27 jurisdiction or jurisdictions receiving the grant;

28 (b) Show how the funds will be used to dispose or eliminate any  
29 current or ongoing tagging or graffiti within a specified time  
30 period;

31 (c) Specify how the funds will be used to reduce gang-related  
32 graffiti or tagging within its community;

33 (d) Show how the local citizens and business owners of the  
34 community will benefit from the proposed graffiti or tagging  
35 abatement process being presented in the grant application; and

36 (e) Collect data on performance pursuant to RCW 36.28A.220.

37 (3) The cost of administering the grants shall not exceed  
38 twenty-five thousand dollars, or four percent of funding, whichever  
39 is greater.

1     (4) Subject to appropriations made available for this purpose,  
2     during fiscal years 2025-2027, grants must be awarded under this  
3     section to investigate, arrest, and prosecute individuals involved in  
4     tagging or graffiti on property owned by the department of  
5     transportation. Each recipient of a grant awarded under this  
6     subsection must provide a report to the legislature by December 31st  
7     of the calendar year following the calendar year in which the grant  
8     is awarded. The report must include the number of arrests,  
9     convictions, and community service hours, or other corrective actions  
10    taken against individuals damaging property with graffiti that  
11    resulted from the provided funding.

12         **Sec. 9.** RCW 13.40.0357 and 2023 c 295 s 8 are each amended to  
13    read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
<b>Arson and Malicious Mischief</b>		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
<del>(B)</del>	Malicious Mischief 1 (9A.48.070)	<del>(C)</del>
<u>B+</u>		<u>C+</u>
<del>(C)</del>	Malicious Mischief 2 (9A.48.080)	<del>(D)</del>
<u>C+</u>		<u>D+</u>
<del>(D)</del>	Malicious Mischief 3 (9A.48.090)	<del>(E)</del>
<u>D+</u>		<u>D</u>
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+



1		<b>Assault and Other Crimes Involving</b>	
2		<b>Physical Harm</b>	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	B+	Drive-By Shooting (9A.36.045)	C+
8		committed at age 15 or under	
9	A++	Drive-By Shooting (9A.36.045)	A
10		committed at age 16 or 17	
11	D+	Reckless Endangerment (9A.36.050)	E
12	C+	Promoting Suicide Attempt (9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		<b>Burglary and Trespass</b>	
16	B+	Burglary 1 (9A.52.020) committed at	C+
17		age 15 or under	
18	A-	Burglary 1 (9A.52.020) committed at	B+
19		age 16 or 17	
20	B	Residential Burglary (9A.52.025)	C
21	B	Burglary 2 (9A.52.030)	C
22	D	Burglary Tools (Possession of)	E
23		(9A.52.060)	
24	D	Criminal Trespass 1 (9A.52.070)	E
25	E	Criminal Trespass 2 (9A.52.080)	E
26	C	Mineral Trespass (78.44.330)	C
27	C	Vehicle Prowling 1 (9A.52.095)	D
28	D	Vehicle Prowling 2 (9A.52.100)	E
29		<b>Drugs</b>	
30	E	Possession/Consumption of Alcohol	E
31		(66.44.270)	
32	C	Illegally Obtaining Legend Drug	D
33		(69.41.020)	
34	C+	Sale, Delivery, Possession of Legend	D+
35		Drug with Intent to Sell (69.41.030(2)(a))	

1	E	Possession of Legend	E
2		Drug (69.41.030(2)(b))	
3	B+	Violation of Uniform Controlled	B+
4		Substances Act - Narcotic,	
5		Methamphetamine, or Flunitrazepam	
6		Sale (69.50.401(2) (a) or (b))	
7	C	Violation of Uniform Controlled	C
8		Substances Act - Nonnarcotic Sale	
9		(69.50.401(2)(c))	
10	E	Possession of Cannabis <40 grams	E
11		(69.50.4014)	
12	C	Fraudulently Obtaining Controlled	C
13		Substance (69.50.403)	
14	C+	Sale of Controlled Substance for Profit	C+
15		(69.50.410)	
16	E	Unlawful Inhalation (9.47A.020)	E
17	B	Violation of Uniform Controlled	B
18		Substances Act - Narcotic,	
19		Methamphetamine, or Flunitrazepam	
20		Counterfeit Substances (69.50.4011(2)	
21		(a) or (b))	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Nonnarcotic Counterfeit	
24		Substances (69.50.4011(2) (c), (d), or (e))	
25	E	Violation of Uniform Controlled	E
26		Substances Act - Possession of a	
27		Controlled Substance (69.50.4013)	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Possession of a	
30		Controlled Substance (69.50.4012)	
31		<b>Firearms and Weapons</b>	
32	B	Theft of Firearm (9A.56.300)	C
33	B	Possession of Stolen Firearm	C
34		(9A.56.310)	
35	E	Carrying Loaded Pistol Without Permit	E
36		(9.41.050)	
37	C	Possession of Firearms by Minor (<18)	C
38		(9.41.040(2)(a) (v))	

1	D+	Possession of Dangerous Weapon	E
2		(9.41.250)	
3	D	Intimidating Another Person by use of	E
4		Weapon (9.41.270)	
5		<b>Homicide</b>	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		<b>Kidnapping</b>	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment (9A.40.040)	D+
15		<b>Obstructing Governmental Operation</b>	
16	D	Obstructing a Law Enforcement Officer	E
17		(9A.76.020)	
18	E	Resisting Arrest (9A.76.040)	E
19	B	Introducing Contraband 1 (9A.76.140)	C
20	C	Introducing Contraband 2 (9A.76.150)	D
21	E	Introducing Contraband 3 (9A.76.160)	E
22	B+	Intimidating a Public Servant	C+
23		(9A.76.180)	
24	B+	Intimidating a Witness (9A.72.110)	C+
25		<b>Public Disturbance</b>	
26	C+	Criminal Mischief with Weapon	D+
27		(9A.84.010(2)(b))	
28	D+	Criminal Mischief Without Weapon	E
29		(9A.84.010(2)(a))	
30	E	Failure to Disperse (9A.84.020)	E
31	E	Disorderly Conduct (9A.84.030)	E
32		<b>Sex Crimes</b>	
33	A	Rape 1 (9A.44.040)	B+
34	B++	Rape 2 (9A.44.050) committed at age 14	B+
35		or under	

1	A-	Rape 2 (9A.44.050) committed at age 15	B+
2		through age 17	
3	C+	Rape 3 (9A.44.060)	D+
4	B++	Rape of a Child 1 (9A.44.073)	B+
5		committed at age 14 or under	
6	A-	Rape of a Child 1 (9A.44.073)	B+
7		committed at age 15	
8	B+	Rape of a Child 2 (9A.44.076)	C+
9	B	Incest 1 (9A.64.020(1))	C
10	C	Incest 2 (9A.64.020(2))	D
11	D+	Indecent Exposure (Victim <14)	E
12		(9A.88.010)	
13	E	Indecent Exposure (Victim 14 or over)	E
14		(9A.88.010)	
15	B+	Promoting Prostitution 1 (9A.88.070)	C+
16	C+	Promoting Prostitution 2 (9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	B++	Child Molestation 1 (9A.44.083)	B+
20		committed at age 14 or under	
21	A-	Child Molestation 1 (9A.44.083)	B+
22		committed at age 15 through age 17	
23	B	Child Molestation 2 (9A.44.086)	C+
24	C	Failure to Register as a Sex Offender	D
25		(9A.44.132)	
26		<b>Theft, Robbery, Extortion, and</b>	
27		<b>Forgery</b>	
28	B	Theft 1 (9A.56.030)	C
29	C	Theft 2 (9A.56.040)	D
30	D	Theft 3 (9A.56.050)	E
31	B	Theft of Livestock 1 and 2 (9A.56.080	C
32		and 9A.56.083)	
33	C	Forgery (9A.60.020)	D
34	A	Robbery 1 (9A.56.200) committed at	B+
35		age 15 or under	
36	A++	Robbery 1 (9A.56.200) committed at	A
37		age 16 or 17	

1	B+	Robbery 2 (9A.56.210)	C+
2	B+	Extortion 1 (9A.56.120)	C+
3	C+	Extortion 2 (9A.56.130)	D+
4	C	Identity Theft 1 (9.35.020(2))	D
5	D	Identity Theft 2 (9.35.020(3))	E
6	D	Improperly Obtaining Financial	E
7		Information (9.35.010)	
8	B	Possession of a Stolen Vehicle	C
9		(9A.56.068)	
10	B	Possession of Stolen Property 1	C
11		(9A.56.150)	
12	C	Possession of Stolen Property 2	D
13		(9A.56.160)	
14	D	Possession of Stolen Property 3	E
15		(9A.56.170)	
16	B	Taking Motor Vehicle Without	C
17		Permission 1 (9A.56.070)	
18	C	Taking Motor Vehicle Without	D
19		Permission 2 (9A.56.075)	
20	B	Theft of a Motor Vehicle (9A.56.065)	C
21		<b>Motor Vehicle Related Crimes</b>	
22	E	Driving Without a License (46.20.005)	E
23	B+	Hit and Run - Death (46.52.020(4)(a))	C+
24	C	Hit and Run - Injury (46.52.020(4)(b))	D
25	D	Hit and Run-Attended (46.52.020(5))	E
26	E	Hit and Run-Unattended (46.52.010)	E
27	C	Vehicular Assault (46.61.522)	D
28	C	Attempting to Elude Pursuing Police	D
29		Vehicle (46.61.024)	
30	E	Reckless Driving (46.61.500)	E
31	D	Driving While Under the Influence	E
32		(46.61.502 and 46.61.504)	
33	B+	Felony Driving While Under the	B
34		Influence (46.61.502(6))	
35	B+	Felony Physical Control of a Vehicle	B
36		While Under the Influence (46.61.504(6))	

1		<b>Other</b>	
2	B	Animal Cruelty 1 (16.52.205)	C
3	B	Bomb Threat (9.61.160)	C
4	C	Escape 1 <sup>1</sup> (9A.76.110)	C
5	C	Escape 2 <sup>1</sup> (9A.76.120)	C
6	D	Escape 3 (9A.76.130)	E
7	E	Obscene, Harassing, Etc., Phone Calls	E
8		(9.61.230)	
9	A	Other Offense Equivalent to an Adult	B+
10		Class A Felony	
11	B	Other Offense Equivalent to an Adult	C
12		Class B Felony	
13	C	Other Offense Equivalent to an Adult	D
14		Class C Felony	
15	D	Other Offense Equivalent to an Adult	E
16		Gross Misdemeanor	
17	E	Other Offense Equivalent to an Adult	E
18		Misdemeanor	
19	V	Violation of Order of Restitution,	V
20		Community Supervision, or Confinement	
21		(13.40.200) <sup>2</sup>	

22 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
23 and the standard range is established as follows:

24 1st escape or attempted escape during 12-month period - 28 days  
25 confinement

26 2nd escape or attempted escape during 12-month period - 8 weeks  
27 confinement

28 3rd and subsequent escape or attempted escape during 12-month  
29 period - 12 weeks confinement

30 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
31 it may impose a penalty of up to 30 days of confinement.

32 **JUVENILE SENTENCING STANDARDS**

33 This schedule must be used for juvenile offenders. The court may  
34 select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

4	A++	129 to 260 weeks for all category A++ offenses					
5	A+	180 weeks to age 21 for all category A+ offenses					
6	A	103-129 weeks for all category A offenses					
7	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
8	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
9	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
10	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
11	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
12		C	LS	LS	LS	LS	15-36 weeks
13		D+	LS	LS	LS	LS	LS
14		D	LS	LS	LS	LS	LS
15		E	LS	LS	LS	LS	LS
16	PRIOR		0	1	2	3	4 or more
17	ADJUDICATIONS						

18 NOTE: References in the grid to days or weeks mean periods of  
 19 confinement. "LS" means "local sanctions" as defined in RCW  
 20 13.40.020.

21 (1) The vertical axis of the grid is the current offense  
 22 category. The current offense category is determined by the offense  
 23 of adjudication.

24 (2) The horizontal axis of the grid is the number of prior  
 25 adjudications included in the juvenile's criminal history. Each prior  
 26 felony adjudication shall count as one point. Each prior violation,  
 27 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
 28 point. Fractional points shall be rounded down.

29 (3) The standard range disposition for each offense is determined  
 30 by the intersection of the column defined by the prior adjudications  
 31 and the row defined by the current offense category.

32 (4) RCW 13.40.180 applies if the offender is being sentenced for  
 33 more than one offense.

1 (5) A current offense that is a violation is equivalent to an  
2 offense category of E. However, a disposition for a violation shall  
3 not include confinement.

4 (6) A juvenile adjudicated of malicious mischief in the first,  
5 second, or third degree shall be required to perform community  
6 restitution in addition to local sanctions or in lieu of time in  
7 confinement.

8 OR

9 **OPTION B**

10 **SUSPENDED DISPOSITION ALTERNATIVE**

11 (1) If the offender is subject to a standard range disposition  
12 involving confinement by the department, the court may impose the  
13 standard range and suspend the disposition on condition that the  
14 offender comply with one or more local sanctions and any educational  
15 or treatment requirement. The treatment programs provided to the  
16 offender must be either research-based best practice programs as  
17 identified by the Washington state institute for public policy or the  
18 joint legislative audit and review committee, or for chemical  
19 dependency treatment programs or services, they must be evidence-  
20 based or research-based best practice programs. For the purposes of  
21 this subsection:

22 (a) "Evidence-based" means a program or practice that has had  
23 multiple site random controlled trials across heterogeneous  
24 populations demonstrating that the program or practice is effective  
25 for the population; and

26 (b) "Research-based" means a program or practice that has some  
27 research demonstrating effectiveness, but that does not yet meet the  
28 standard of evidence-based practices.

29 (2) If the offender fails to comply with the suspended  
30 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
31 or may revoke the suspended disposition and order the disposition's  
32 execution.

33 (3) An offender is ineligible for the suspended disposition  
34 option under this section if the offender:

35 (a) Is adjudicated of an A+ or A++ offense;

36 (b) Is fourteen years of age or older and is adjudicated of one  
37 or more of the following offenses:

38 (i) A class A offense, or an attempt, conspiracy, or solicitation  
39 to commit a class A offense;



1 (ii) Manslaughter in the first degree (RCW 9A.32.060);  
2 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
3 the first degree (RCW 9A.56.120), kidnapping in the second degree  
4 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
5 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
6 manslaughter 2 (RCW 9A.32.070); or

7 (iv) Violation of the uniform controlled substances act (RCW  
8 69.50.401(2) (a) and (b)), when the offense includes infliction of  
9 bodily harm upon another or when during the commission or immediate  
10 withdrawal from the offense the respondent was armed with a deadly  
11 weapon;

12 (c) Is ordered to serve a disposition for a firearm violation  
13 under RCW 13.40.193;

14 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
15 or

16 (e) Has a prior option B disposition.

17 (4) A juvenile adjudicated of malicious mischief in the first,  
18 second, or third degree shall be required to perform community  
19 restitution in addition to local sanctions or in lieu of time in  
20 confinement.

21 OR

22 **OPTION C**

23 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

24 If the juvenile offender is subject to a standard range  
25 disposition of local sanctions or 15 to 36 weeks of confinement and  
26 has not committed a B++ or B+ offense, the court may impose a  
27 disposition under RCW 13.40.160(4) and 13.40.165.

28 OR

29 **OPTION D**

30 **MANIFEST INJUSTICE**

31 If the court determines that a disposition under option A, B, or C  
32 would effectuate a manifest injustice, the court shall impose a  
33 disposition outside the standard range under RCW 13.40.160(2).

34 **Sec. 10.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are  
35 each reenacted and amended to read as follows:

36 TABLE 2

1		CRIMES INCLUDED WITHIN EACH
2		SERIOUSNESS LEVEL
3	XVI	Aggravated Murder 1 (RCW 10.95.020)
4	XV	Homicide by abuse (RCW 9A.32.055)
5		Malicious explosion 1 (RCW
6		70.74.280(1))
7		Murder 1 (RCW 9A.32.030)
8	XIV	Murder 2 (RCW 9A.32.050)
9		Trafficking 1 (RCW 9A.40.100(1))
10	XIII	Malicious explosion 2 (RCW
11		70.74.280(2))
12		Malicious placement of an explosive 1
13		(RCW 70.74.270(1))
14	XII	Assault 1 (RCW 9A.36.011)
15		Assault of a Child 1 (RCW 9A.36.120)
16		Malicious placement of an imitation
17		device 1 (RCW 70.74.272(1)(a))
18		Promoting Commercial Sexual Abuse
19		of a Minor (RCW 9.68A.101)
20		Rape 1 (RCW 9A.44.040)
21		Rape of a Child 1 (RCW 9A.44.073)
22		Trafficking 2 (RCW 9A.40.100(3))
23	XI	Manslaughter 1 (RCW 9A.32.060)
24		Rape 2 (RCW 9A.44.050)
25		Rape of a Child 2 (RCW 9A.44.076)
26		Vehicular Homicide, by being under the
27		influence of intoxicating liquor or
28		any drug (RCW 46.61.520)
29		Vehicular Homicide, by the operation of
30		any vehicle in a reckless manner
31		(RCW 46.61.520)
32	X	Child Molestation 1 (RCW 9A.44.083)
33		Criminal Mistreatment 1 (RCW
34		9A.42.020)

1 Indecent Liberties (with forcible  
2 compulsion) (RCW  
3 9A.44.100(1)(a))  
4 Kidnapping 1 (RCW 9A.40.020)  
5 Leading Organized Crime (RCW  
6 9A.82.060(1)(a))  
7 Malicious explosion 3 (RCW  
8 70.74.280(3))  
9 Sexually Violent Predator Escape (RCW  
10 9A.76.115)  
11 IX Abandonment of Dependent Person 1  
12 (RCW 9A.42.060)  
13 Assault of a Child 2 (RCW 9A.36.130)  
14 Explosive devices prohibited (RCW  
15 70.74.180)  
16 Hit and Run—Death (RCW  
17 46.52.020(4)(a))  
18 Homicide by Watercraft, by being under  
19 the influence of intoxicating liquor  
20 or any drug (RCW 79A.60.050)  
21 Inciting Criminal Profiteering (RCW  
22 9A.82.060(1)(b))  
23 Malicious placement of an explosive 2  
24 (RCW 70.74.270(2))  
25 Robbery 1 (RCW 9A.56.200)  
26 Sexual Exploitation (RCW 9.68A.040)  
27 VIII Arson 1 (RCW 9A.48.020)  
28 Commercial Sexual Abuse of a Minor  
29 (RCW 9.68A.100)  
30 Homicide by Watercraft, by the  
31 operation of any vessel in a reckless  
32 manner (RCW 79A.60.050)  
33 Manslaughter 2 (RCW 9A.32.070)  
34 Promoting Prostitution 1 (RCW  
35 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)  
2 VII Air bag diagnostic systems (causing  
3 bodily injury or death) (RCW  
4 46.37.660(2)(b))  
5 Air bag replacement requirements  
6 (causing bodily injury or death)  
7 (RCW 46.37.660(1)(b))  
8 Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Civil Disorder Training (RCW  
11 9A.48.120)  
12 Custodial Sexual Misconduct 1 (RCW  
13 9A.44.160)  
14 Dealing in depictions of minor engaged  
15 in sexually explicit conduct 1  
16 (RCW 9.68A.050(1))  
17 Drive-by Shooting (RCW 9A.36.045)  
18 False Reporting 1 (RCW  
19 9A.84.040(2)(a))  
20 Homicide by Watercraft, by disregard  
21 for the safety of others (RCW  
22 79A.60.050)  
23 Indecent Liberties (without forcible  
24 compulsion) (RCW 9A.44.100(1)  
25 (b) and (c))  
26 Introducing Contraband 1 (RCW  
27 9A.76.140)  
28 Malicious placement of an explosive 3  
29 (RCW 70.74.270(3))  
30 Manufacture or import counterfeit,  
31 nonfunctional, damaged, or  
32 previously deployed air bag  
33 (causing bodily injury or death)  
34 (RCW 46.37.650(1)(b))

1 Negligently Causing Death By Use of a  
2 Signal Preemption Device (RCW  
3 46.37.675)  
4 Sell, install, or reinstall counterfeit,  
5 nonfunctional, damaged, or  
6 previously deployed airbag (RCW  
7 46.37.650(2)(b))  
8 Sending, bringing into state depictions  
9 of minor engaged in sexually  
10 explicit conduct 1 (RCW  
11 9.68A.060(1))  
12 Unlawful Possession of a Firearm in the  
13 first degree (RCW 9.41.040(1))  
14 Use of a Machine Gun or Bump-fire  
15 Stock in Commission of a Felony  
16 (RCW 9.41.225)  
17 Vehicular Homicide, by disregard for  
18 the safety of others (RCW  
19 46.61.520)  
20 VI Bail Jumping with Murder 1 (RCW  
21 9A.76.170(3)(a))  
22 Bribery (RCW 9A.68.010)  
23 Incest 1 (RCW 9A.64.020(1))  
24 Intimidating a Judge (RCW 9A.72.160)  
25 Intimidating a Juror/Witness (RCW  
26 9A.72.110, 9A.72.130)  
27 Malicious placement of an imitation  
28 device 2 (RCW 70.74.272(1)(b))  
29 Possession of Depictions of a Minor  
30 Engaged in Sexually Explicit  
31 Conduct 1 (RCW 9.68A.070(1))  
32 Rape of a Child 3 (RCW 9A.44.079)  
33 Theft of a Firearm (RCW 9A.56.300)  
34 Theft from a Vulnerable Adult 1 (RCW  
35 9A.56.400(1))

1 Unlawful Storage of Ammonia (RCW  
2 69.55.020)

3 V Abandonment of Dependent Person 2  
4 (RCW 9A.42.070)

5 Advancing money or property for  
6 extortionate extension of credit  
7 (RCW 9A.82.030)

8 Air bag diagnostic systems (RCW  
9 46.37.660(2)(c))

10 Air bag replacement requirements  
11 (RCW 46.37.660(1)(c))

12 Bail Jumping with class A Felony  
13 (RCW 9A.76.170(3)(b))

14 Child Molestation 3 (RCW 9A.44.089)

15 Criminal Mistreatment 2 (RCW  
16 9A.42.030)

17 Custodial Sexual Misconduct 2 (RCW  
18 9A.44.170)

19 Dealing in Depictions of Minor  
20 Engaged in Sexually Explicit  
21 Conduct 2 (RCW 9.68A.050(2))

22 Domestic Violence Court Order  
23 Violation (RCW 7.105.450,  
24 10.99.040, 10.99.050, 26.09.300,  
25 26.26B.050, or 26.52.070)

26 Extortion 1 (RCW 9A.56.120)

27 Extortionate Extension of Credit (RCW  
28 9A.82.020)

29 Extortionate Means to Collect  
30 Extensions of Credit (RCW  
31 9A.82.040)

32 Incest 2 (RCW 9A.64.020(2))

33 Kidnapping 2 (RCW 9A.40.030)

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

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Criminal Street Gang Tagging and  
8 Graffiti (second or subsequent  
9 offense) (RCW 9A.48.105(2)(b))  
10 Driving While Under the Influence  
11 (RCW 46.61.502(6))  
12 Endangerment with a Controlled  
13 Substance (RCW 9A.42.100)  
14 Escape 1 (RCW 9A.76.110)  
15 Hate Crime (RCW 9A.36.080)  
16 Hit and Run—Injury (RCW  
17 46.52.020(4)(b))  
18 Hit and Run with Vessel—Injury  
19 Accident (RCW 79A.60.200(3))  
20 Identity Theft 1 (RCW 9.35.020(2))  
21 Indecent Exposure to Person Under Age  
22 14 (subsequent sex offense) (RCW  
23 9A.88.010)  
24 Influencing Outcome of Sporting Event  
25 (RCW 9A.82.070)  
26 Physical Control of a Vehicle While  
27 Under the Influence (RCW  
28 46.61.504(6))  
29 Possession of Depictions of a Minor  
30 Engaged in Sexually Explicit  
31 Conduct 2 (RCW 9.68A.070(2))  
32 Residential Burglary (RCW 9A.52.025)  
33 Robbery 2 (RCW 9A.56.210)  
34 Theft of Livestock 1 (RCW 9A.56.080)  
35 Threats to Bomb (RCW 9.61.160)



1 Trafficking in Catalytic Converters 1  
2 (RCW 9A.82.190)  
3 Trafficking in Stolen Property 1 (RCW  
4 9A.82.050)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(b))  
8 Unlawful transaction of health coverage  
9 as a health care service contractor  
10 (RCW 48.44.016(3))  
11 Unlawful transaction of health coverage  
12 as a health maintenance  
13 organization (RCW 48.46.033(3))  
14 Unlawful transaction of insurance  
15 business (RCW 48.15.023(3))  
16 Unlicensed practice as an insurance  
17 professional (RCW 48.17.063(2))  
18 Use of Proceeds of Criminal  
19 Profiteering (RCW 9A.82.080 (1)  
20 and (2))  
21 Vehicle Prowling 2 (third or subsequent  
22 offense) (RCW 9A.52.100(3))  
23 Vehicular Assault, by being under the  
24 influence of intoxicating liquor or  
25 any drug, or by the operation or  
26 driving of a vehicle in a reckless  
27 manner (RCW 46.61.522)  
28 Viewing of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 1 (RCW 9.68A.075(1))  
31 III Animal Cruelty 1 (RCW 16.52.205)  
32 Assault 3 (Except Assault 3 of a Peace  
33 Officer With a Projectile Stun Gun)  
34 (RCW 9A.36.031 except subsection  
35 (1)(h))  
36 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony  
2 (RCW 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for  
5 Immoral Purposes (RCW  
6 9.68A.090)  
7 Criminal Gang Intimidation (RCW  
8 9A.46.120)  
9 Custodial Assault (RCW 9A.36.100)  
10 Cyber Harassment (RCW  
11 9A.90.120(2)(b))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 False Reporting 2 (RCW  
15 9A.84.040(2)(b))  
16 Harassment (RCW 9A.46.020)  
17 Hazing (RCW 28B.10.901(2)(b))  
18 Intimidating a Public Servant (RCW  
19 9A.76.180)  
20 Introducing Contraband 2 (RCW  
21 9A.76.150)  
22 Malicious Injury to Railroad Property  
23 (RCW 81.60.070)  
24 Manufacture of Untraceable Firearm  
25 with Intent to Sell (RCW 9.41.190)  
26 Manufacture or Assembly of an  
27 Undetectable Firearm or  
28 Untraceable Firearm (RCW  
29 9.41.325)  
30 Mortgage Fraud (RCW 19.144.080)  
31 Negligently Causing Substantial Bodily  
32 Harm By Use of a Signal  
33 Preemption Device (RCW  
34 46.37.674)

1 Organized Retail Theft 1 (RCW  
2 9A.56.350(2))  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun, Bump-Fire  
7 Stock, Undetectable Firearm, or  
8 Short-Barreled Shotgun or Rifle  
9 (RCW 9.41.190)  
10 Promoting Prostitution 2 (RCW  
11 9A.88.080)  
12 Retail Theft with Special Circumstances  
13 1 (RCW 9A.56.360(2))  
14 Securities Act violation (RCW  
15 21.20.400)  
16 Tampering with a Witness (RCW  
17 9A.72.120)  
18 Telephone Harassment (subsequent  
19 conviction or threat of death)  
20 (RCW 9.61.230(2))  
21 Theft of Livestock 2 (RCW 9A.56.083)  
22 Theft with the Intent to Resell 1 (RCW  
23 9A.56.340(2))  
24 Trafficking in Catalytic Converters 2  
25 (RCW 9A.82.200)  
26 Trafficking in Stolen Property 2 (RCW  
27 9A.82.055)  
28 Unlawful Hunting of Big Game 1  
29 (RCW 77.15.410(3)(b))  
30 Unlawful Imprisonment (RCW  
31 9A.40.040)  
32 Unlawful Misbranding of Fish or  
33 Shellfish 1 (RCW 77.140.060(3))  
34 Unlawful possession of firearm in the  
35 second degree (RCW 9.41.040(2))

1 Unlawful Taking of Endangered Fish or  
2 Wildlife 1 (RCW 77.15.120(3)(b))  
3 Unlawful Trafficking in Fish, Shellfish,  
4 or Wildlife 1 (RCW  
5 77.15.260(3)(b))  
6 Unlawful Use of a Nondesignated  
7 Vessel (RCW 77.15.530(4))  
8 Vehicular Assault, by the operation or  
9 driving of a vehicle with disregard  
10 for the safety of others (RCW  
11 46.61.522)  
12 II Commercial Fishing Without a License  
13 1 (RCW 77.15.500(3)(b))  
14 Computer Trespass 1 (RCW 9A.90.040)  
15 Counterfeiting (RCW 9.16.035(3))  
16 Electronic Data Service Interference  
17 (RCW 9A.90.060)  
18 Electronic Data Tampering 1 (RCW  
19 9A.90.080)  
20 Electronic Data Theft (RCW  
21 9A.90.100)  
22 Engaging in Fish Dealing Activity  
23 Unlicensed 1 (RCW 77.15.620(3))  
24 Escape from Community Custody  
25 (RCW 72.09.310)  
26 Failure to Register as a Sex Offender  
27 (second or subsequent offense)  
28 (RCW 9A.44.130 prior to June 10,  
29 2010, and RCW 9A.44.132)  
30 Health Care False Claims (RCW  
31 48.80.030)  
32 Identity Theft 2 (RCW 9.35.020(3))  
33 Improperly Obtaining Financial  
34 Information (RCW 9.35.010)  
35 Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW  
2 9A.56.350(3))  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Possession of a Stolen Vehicle (RCW  
6 9A.56.068)  
7 Possession, sale, or offering for sale of  
8 seven or more unmarked catalytic  
9 converters (RCW 9A.82.180(5))  
10 Retail Theft with Special Circumstances  
11 2 (RCW 9A.56.360(3))  
12 Scrap Processing, Recycling, or  
13 Supplying Without a License  
14 (second or subsequent offense)  
15 (RCW 19.290.100)  
16 Theft 1 (RCW 9A.56.030)  
17 Theft of a Motor Vehicle (RCW  
18 9A.56.065)  
19 Theft of Rental, Leased, Lease-  
20 purchased, or Loaned Property  
21 (valued at \$5,000 or more) (RCW  
22 9A.56.096(5)(a))  
23 Theft with the Intent to Resell 2 (RCW  
24 9A.56.340(3))  
25 Trafficking in Insurance Claims (RCW  
26 48.30A.015)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(a))  
30 Unlawful Participation of Non-Indians  
31 in Indian Fishery (RCW  
32 77.15.570(2))  
33 Unlawful Practice of Law (RCW  
34 2.48.180)  
35 Unlawful Purchase or Use of a License  
36 (RCW 77.15.650(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,  
2 or Wildlife 2 (RCW  
3 77.15.260(3)(a))  
4 Unlicensed Practice of a Profession or  
5 Business (RCW 18.130.190(7))  
6 Voyeurism 1 (RCW 9A.44.115)  
7 I Attempting to Elude a Pursuing Police  
8 Vehicle (RCW 46.61.024)  
9 False Verification for Welfare (RCW  
10 74.08.055)  
11 Forgery (RCW 9A.60.020)  
12 Fraudulent Creation or Revocation of a  
13 Mental Health Advance Directive  
14 (RCW 9A.60.060)  
15 Malicious Mischief 2 (RCW 9A.48.080)  
16 Mineral Trespass (RCW 78.44.330)  
17 Possession of Stolen Property 2 (RCW  
18 9A.56.160)  
19 Reckless Burning 1 (RCW 9A.48.040)  
20 Spotlighting Big Game 1 (RCW  
21 77.15.450(3)(b))  
22 Suspension of Department Privileges 1  
23 (RCW 77.15.670(3)(b))  
24 Taking Motor Vehicle Without  
25 Permission 2 (RCW 9A.56.075)  
26 Theft 2 (RCW 9A.56.040)  
27 Theft from a Vulnerable Adult 2 (RCW  
28 9A.56.400(2))  
29 Theft of Rental, Leased, Lease-  
30 purchased, or Loaned Property  
31 (valued at \$750 or more but less  
32 than \$5,000) (RCW  
33 9A.56.096(5)(b))  
34 Transaction of insurance business  
35 beyond the scope of licensure  
36 (RCW 48.17.063)

1 Unlawful Fish and Shellfish Catch  
2 Accounting (RCW 77.15.630(3)(b))  
3 Unlawful Issuance of Checks or Drafts  
4 (RCW 9A.56.060)  
5 Unlawful Possession of Fictitious  
6 Identification (RCW 9A.56.320)  
7 Unlawful Possession of Instruments of  
8 Financial Fraud (RCW 9A.56.320)  
9 Unlawful Possession of Payment  
10 Instruments (RCW 9A.56.320)  
11 Unlawful Possession of a Personal  
12 Identification Device (RCW  
13 9A.56.320)  
14 Unlawful Production of Payment  
15 Instruments (RCW 9A.56.320)  
16 Unlawful Releasing, Planting,  
17 Possessing, or Placing Deleterious  
18 Exotic Wildlife (RCW  
19 77.15.250(2)(b))  
20 Unlawful Trafficking in Food Stamps  
21 (RCW 9.91.142)  
22 Unlawful Use of Food Stamps (RCW  
23 9.91.144)  
24 Unlawful Use of Net to Take Fish 1  
25 (RCW 77.15.580(3)(b))  
26 Vehicle Prowl 1 (RCW 9A.52.095)  
27 Violating Commercial Fishing Area or  
28 Time 1 (RCW 77.15.550(3)(b))

29 NEW SECTION. **Sec. 11.** If any provision of this act or its  
30 application to any person or circumstance is held invalid, the  
31 remainder of the act or the application of the provision to other  
32 persons or circumstances is not affected.

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