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SENATE BILL 6451

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State of Washington      57th Legislature      2002 Regular Session

By Senators Kline, Sheahan, Costa, Horn, Swecker, Kastama and Jacobsen

Read first time 01/17/2002. Referred to Committee on Judiciary.

1            AN ACT Relating to training in furtherance of civil disorders;  
2 reenacting and amending RCW 9.94A.515; adding a new section to chapter  
3 9A.48 RCW; and prescribing penalties.

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

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

7            (1) A person is guilty of civil disorder training if he or she:

8            (a) Teaches or demonstrates to any other person the use,  
9 application, or making of any device or technique capable of causing  
10 injury or death to persons, knowing, or having reason to know or  
11 intending that same will be unlawfully employed for use in, or in  
12 furtherance of, a civil disorder; or

13            (b) Assembles with one or more persons for the purpose of training  
14 with, practicing with, or being instructed in the use of any device or  
15 technique capable of causing injury or death to persons, intending to  
16 employ unlawfully the same for use in, or furtherance of, a civil  
17 disorder.

18            (2) Civil disorder training is a class B felony.

1 (3) Nothing in this section makes unlawful any act of any law  
2 enforcement officer that is performed in the lawful performance of his  
3 or her official duties.

4 (4) Nothing in this section makes unlawful any act of firearms  
5 training, target shooting, or other firearms activity, so long as it is  
6 not done for the purpose of furthering a civil disorder.

7 (5) For the purposes of this section:

8 (a) "Civil disorder" means any public disturbance involving acts of  
9 violence by assemblages of three or more persons that causes an  
10 immediate danger of, or results in, damage or injury to the person of  
11 any other individual.

12 (b) "Law enforcement officer" means any law enforcement officer as  
13 defined in RCW 9A.76.020(2) including members of the Washington  
14 national guard, as defined in RCW 38.04.010.

15 **Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
16 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
17 read as follows:

18 TABLE 2

19 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

20	XVI	Aggravated Murder 1 (RCW 10.95.020)
21	XV	Homicide by abuse (RCW 9A.32.055)
22		Malicious explosion 1 (RCW 70.74.280(1))
23		Murder 1 (RCW 9A.32.030)
24	XIV	Murder 2 (RCW 9A.32.050)
25	XIII	Malicious explosion 2 (RCW 70.74.280(2))
26		Malicious placement of an explosive 1 (RCW
27		70.74.270(1))
28	XII	Assault 1 (RCW 9A.36.011)
29		Assault of a Child 1 (RCW 9A.36.120)
30		Malicious placement of an imitation device
31		1 (RCW 70.74.272(1)(a))
32		Rape 1 (RCW 9A.44.040)
33		Rape of a Child 1 (RCW 9A.44.073)
34	XI	Manslaughter 1 (RCW 9A.32.060)

1 Rape 2 (RCW 9A.44.050)  
2 Rape of a Child 2 (RCW 9A.44.076)  
3 X Child Molestation 1 (RCW 9A.44.083)  
4 Indecent Liberties (with forcible  
5 compulsion) (RCW 9A.44.100(1)(a))  
6 Kidnapping 1 (RCW 9A.40.020)  
7 Leading Organized Crime (RCW  
8 9A.82.060(1)(a))  
9 Malicious explosion 3 (RCW 70.74.280(3))  
10 Manufacture of methamphetamine (RCW  
11 69.50.401(a)(1)(ii))  
12 Over 18 and deliver heroin,  
13 methamphetamine, a narcotic from  
14 Schedule I or II, or flunitrazepam  
15 from Schedule IV to someone under 18  
16 (RCW 69.50.406)  
17 Sexually Violent Predator Escape (RCW  
18 9A.76.115)  
19 IX Assault of a Child 2 (RCW 9A.36.130)  
20 Controlled Substance Homicide (RCW  
21 69.50.415)  
22 Explosive devices prohibited (RCW  
23 70.74.180)  
24 Hit and Run--Death (RCW 46.52.020(4)(a))  
25 Homicide by Watercraft, by being under the  
26 influence of intoxicating liquor or  
27 any drug (RCW 79A.60.050)  
28 Inciting Criminal Profiteering (RCW  
29 9A.82.060(1)(b))  
30 Malicious placement of an explosive 2 (RCW  
31 70.74.270(2))  
32 Over 18 and deliver narcotic from Schedule  
33 III, IV, or V or a nonnarcotic, except  
34 flunitrazepam or methamphetamine, from  
35 Schedule I-V to someone under 18 and 3  
36 years junior (RCW 69.50.406)  
37 Robbery 1 (RCW 9A.56.200)  
38 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under the  
2 influence of intoxicating liquor or  
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)  
5 Deliver or possess with intent to deliver  
6 methamphetamine (RCW  
7 69.50.401(a)(1)(ii))  
8 Homicide by Watercraft, by the operation of  
9 any vessel in a reckless manner (RCW  
10 79A.60.050)  
11 Manslaughter 2 (RCW 9A.32.070)  
12 Manufacture, deliver, or possess with  
13 intent to deliver amphetamine (RCW  
14 69.50.401(a)(1)(ii))  
15 Manufacture, deliver, or possess with  
16 intent to deliver heroin or cocaine  
17 (RCW 69.50.401(a)(1)(i))  
18 Possession of Ephedrine, Pseudoephedrine,  
19 or Anhydrous Ammonia with intent to  
20 manufacture methamphetamine (RCW  
21 69.50.440)  
22 Promoting Prostitution 1 (RCW 9A.88.070)  
23 Selling for profit (controlled or  
24 counterfeit) any controlled substance  
25 (RCW 69.50.410)  
26 Theft of Anhydrous Ammonia (RCW 69.55.010)  
27 Vehicular Homicide, by the operation of any  
28 vehicle in a reckless manner (RCW  
29 46.61.520)

30 VII Burglary 1 (RCW 9A.52.020)  
31 Child Molestation 2 (RCW 9A.44.086)  
32 Civil Disorder Training (section 1 of this  
33 act)  
34 Dealing in depictions of minor engaged in  
35 sexually explicit conduct (RCW  
36 9.68A.050)  
37 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard for  
2 the safety of others (RCW 79A.60.050)  
3 Indecent Liberties (without forcible  
4 compulsion) (RCW 9A.44.100(1) (b) and  
5 (c))  
6 Introducing Contraband 1 (RCW 9A.76.140)  
7 Involving a minor in drug dealing (RCW  
8 69.50.401(f))  
9 Malicious placement of an explosive 3 (RCW  
10 70.74.270(3))  
11 Sending, bringing into state depictions of  
12 minor engaged in sexually explicit  
13 conduct (RCW 9.68A.060)  
14 Unlawful Possession of a Firearm in the  
15 first degree (RCW 9.41.040(1)(a))  
16 Use of a Machine Gun in Commission of a  
17 Felony (RCW 9.41.225)  
18 Vehicular Homicide, by disregard for the  
19 safety of others (RCW 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 device  
28 2 (RCW 70.74.272(1)(b))  
29 Manufacture, deliver, or possess with  
30 intent to deliver narcotics from  
31 Schedule I or II (except heroin or  
32 cocaine) or flunitrazepam from  
33 Schedule IV (RCW 69.50.401(a)(1)(i))  
34 Rape of a Child 3 (RCW 9A.44.079)  
35 Theft of a Firearm (RCW 9A.56.300)  
36 Unlawful Storage of Anhydrous Ammonia (RCW  
37 69.55.020)

1 V Abandonment of dependent person 1 (RCW  
2 9A.42.060)  
3 Advancing money or property for  
4 extortionate extension of credit (RCW  
5 9A.82.030)  
6 Bail Jumping with class A Felony (RCW  
7 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 1 (RCW 9A.42.020)  
10 Custodial Sexual Misconduct 1 (RCW  
11 9A.44.160)  
12 Delivery of imitation controlled substance  
13 by person eighteen or over to person  
14 under eighteen (RCW 69.52.030(2))  
15 Domestic Violence Court Order Violation  
16 (RCW 10.99.040, 10.99.050, 26.09.300,  
17 26.10.220, 26.26.138, 26.50.110,  
18 26.52.070, or 74.34.145)  
19 Extortion 1 (RCW 9A.56.120)  
20 Extortionate Extension of Credit (RCW  
21 9A.82.020)  
22 Extortionate Means to Collect Extensions of  
23 Credit (RCW 9A.82.040)  
24 Incest 2 (RCW 9A.64.020(2))  
25 Kidnapping 2 (RCW 9A.40.030)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1 (RCW  
33 9A.76.070)  
34 Sexual Misconduct with a Minor 1 (RCW  
35 9A.44.093)  
36 Sexually Violating Human Remains (RCW  
37 9A.44.105)  
38 Stalking (RCW 9A.46.110)  
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)  
2 Assault by Watercraft (RCW 79A.60.060)  
3 Bribing a Witness/Bribe Received by Witness  
4 (RCW 9A.72.090, 9A.72.100)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Escape 1 (RCW 9A.76.110)  
8 Hit and Run--Injury (RCW 46.52.020(4)(b))  
9 Hit and Run with Vessel--Injury Accident  
10 (RCW 79A.60.200(3))  
11 Identity Theft 1 (RCW 9.35.020(2)(a))  
12 Indecent Exposure to Person Under Age  
13 Fourteen (subsequent sex offense) (RCW  
14 9A.88.010)  
15 Influencing Outcome of Sporting Event (RCW  
16 9A.82.070)  
17 Knowingly Trafficking in Stolen Property  
18 (RCW 9A.82.050(2))  
19 Malicious Harassment (RCW 9A.36.080)  
20 Manufacture, deliver, or possess with  
21 intent to deliver narcotics from  
22 Schedule III, IV, or V or nonnarcotics  
23 from Schedule I-V (except marijuana,  
24 amphetamine, methamphetamines, or  
25 flunitrazepam) (RCW 69.50.401(a)(1)  
26 (iii) through (v))  
27 Residential Burglary (RCW 9A.52.025)  
28 Robbery 2 (RCW 9A.56.210)  
29 Theft of Livestock 1 (RCW 9A.56.080)  
30 Threats to Bomb (RCW 9.61.160)  
31 Use of Proceeds of Criminal Profiteering  
32 (RCW 9A.82.080 (1) and (2))  
33 Vehicular Assault, by being under the  
34 influence of intoxicating liquor or  
35 any drug, or by the operation or  
36 driving of a vehicle in a reckless  
37 manner (RCW 46.61.522)  
38 Willful Failure to Return from Furlough  
39 (RCW 72.66.060)

1     III           Abandonment of dependent person 2 (RCW  
2                   9A.42.070)  
3           Assault 3 (RCW 9A.36.031)  
4           Assault of a Child 3 (RCW 9A.36.140)  
5           Bail Jumping with class B or C Felony (RCW  
6                   9A.76.170(3)(c))  
7           Burglary 2 (RCW 9A.52.030)  
8           Communication with a Minor for Immoral  
9                   Purposes (RCW 9.68A.090)  
10          Criminal Gang Intimidation (RCW 9A.46.120)  
11          Criminal Mistreatment 2 (RCW 9A.42.030)  
12          Custodial Assault (RCW 9A.36.100)  
13          Delivery of a material in lieu of a  
14                   controlled substance (RCW  
15                   69.50.401(c))  
16          Escape 2 (RCW 9A.76.120)  
17          Extortion 2 (RCW 9A.56.130)  
18          Harassment (RCW 9A.46.020)  
19          Intimidating a Public Servant (RCW  
20                   9A.76.180)  
21          Introducing Contraband 2 (RCW 9A.76.150)  
22          Maintaining a Dwelling or Place for  
23                   Controlled Substances (RCW  
24                   69.50.402(a)(6))  
25          Malicious Injury to Railroad Property (RCW  
26                   81.60.070)  
27          Manufacture, deliver, or possess with  
28                   intent to deliver marijuana (RCW  
29                   69.50.401(a)(1)(iii))  
30          Manufacture, distribute, or possess with  
31                   intent to distribute an imitation  
32                   controlled substance (RCW  
33                   69.52.030(1))  
34          Patronizing a Juvenile Prostitute (RCW  
35                   9.68A.100)  
36          Perjury 2 (RCW 9A.72.030)  
37          Possession of Incendiary Device (RCW  
38                   9.40.120)

1 Possession of Machine Gun or Short-Barreled  
2 Shotgun or Rifle (RCW 9.41.190)  
3 Promoting Prostitution 2 (RCW 9A.88.080)  
4 Recklessly Trafficking in Stolen Property  
5 (RCW 9A.82.050(1))  
6 Securities Act violation (RCW 21.20.400)  
7 Tampering with a Witness (RCW 9A.72.120)  
8 Telephone Harassment (subsequent conviction  
9 or threat of death) (RCW 9.61.230)  
10 Theft of Livestock 2 (RCW 9A.56.080)  
11 Unlawful Imprisonment (RCW 9A.40.040)  
12 Unlawful possession of firearm in the  
13 second degree (RCW 9.41.040(1)(b))  
14 Unlawful Use of Building for Drug Purposes  
15 (RCW 69.53.010)  
16 Vehicular Assault, by the operation or  
17 driving of a vehicle with disregard  
18 for the safety of others (RCW  
19 46.61.522)  
20 Willful Failure to Return from Work Release  
21 (RCW 72.65.070)

22 II Computer Trespass 1 (RCW 9A.52.110)  
23 Counterfeiting (RCW 9.16.035(3))  
24 Create, deliver, or possess a counterfeit  
25 controlled substance (RCW  
26 69.50.401(b))  
27 Escape from Community Custody (RCW  
28 72.09.310)  
29 Health Care False Claims (RCW 48.80.030)  
30 Identity Theft 2 (RCW 9.35.020(2)(b))  
31 Improperly Obtaining Financial Information  
32 (RCW 9.35.010)  
33 Malicious Mischief 1 (RCW 9A.48.070)  
34 Possession of controlled substance that is  
35 either heroin or narcotics from  
36 Schedule I or II or flunitrazepam from  
37 Schedule IV (RCW 69.50.401(d))  
38 Possession of phencyclidine (PCP) (RCW  
39 69.50.401(d))

1 Possession of Stolen Property 1 (RCW  
2 9A.56.150)  
3 Theft 1 (RCW 9A.56.030)  
4 Theft of Rental, Leased, or Lease-purchased  
5 Property (valued at one thousand five  
6 hundred dollars or more) (RCW  
7 9A.56.096(4))  
8 Trafficking in Insurance Claims (RCW  
9 48.30A.015)  
10 Unlawful Practice of Law (RCW 2.48.180)  
11 Unlicensed Practice of a Profession or  
12 Business (RCW 18.130.190(7))  
13 I Attempting to Elude a Pursuing Police  
14 Vehicle (RCW 46.61.024)  
15 False Verification for Welfare (RCW  
16 74.08.055)  
17 Forged Prescription (RCW 69.41.020)  
18 Forged Prescription for a Controlled  
19 Substance (RCW 69.50.403)  
20 Forgery (RCW 9A.60.020)  
21 Malicious Mischief 2 (RCW 9A.48.080)  
22 Possess Controlled Substance that is a  
23 Narcotic from Schedule III, IV, or V  
24 or Non-narcotic from Schedule I-V  
25 (except phencyclidine or  
26 flunitrazepam) (RCW 69.50.401(d))  
27 Possession of Stolen Property 2 (RCW  
28 9A.56.160)  
29 Reckless Burning 1 (RCW 9A.48.040)  
30 Taking Motor Vehicle Without Permission  
31 (RCW 9A.56.070)  
32 Theft 2 (RCW 9A.56.040)  
33 Theft of Rental, Leased, or Lease-purchased  
34 Property (valued at two hundred fifty  
35 dollars or more but less than one  
36 thousand five hundred dollars) (RCW  
37 9A.56.096(4))  
38 Unlawful Issuance of Checks or Drafts (RCW  
39 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140  
2 (2) and (3))  
3 Vehicle Prowl 1 (RCW 9A.52.095)

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