
HOUSE BILL 1135

State of Washington

58th Legislature

2003 Regular Session

By Representatives Carrell, Cairnes, Hinkle, Roach, Newhouse, Talcott, McMahan, Sump, Simpson, Bush and Campbell

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1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.285, 46.20.311, 46.61.024, 46.61.520, and 46.61.522;
3 reenacting and amending RCW 9.94A.515 and 9.94A.515; prescribing
4 penalties; providing an effective date; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 46.20.285 and 2001 c 64 s 6 are each amended to read
8 as follows:

9 The department shall forthwith revoke the license of any driver for
10 the period of one calendar year unless otherwise provided in this
11 section, upon receiving a record of the driver's conviction of any of
12 the following offenses, when the conviction has become final:

13 (1) For vehicular homicide the period of revocation shall be two
14 years. The revocation period shall be tolled during any period of
15 total confinement for the offense;

16 (2) Vehicular assault. The revocation period shall be tolled
17 during any period of total confinement for the offense;

18 (3) Driving a motor vehicle while under the influence of

1 intoxicating liquor or a narcotic drug, or under the influence of any
2 other drug to a degree which renders the driver incapable of safely
3 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

4 (4) For attempting to elude a pursuing police vehicle the period of
5 revocation is two years;

6 (5) Any felony in the commission of which a motor vehicle is used;

7 ~~((+5))~~ (6) Failure to stop and give information or render aid as
8 required under the laws of this state in the event of a motor vehicle
9 accident resulting in the death or personal injury of another or
10 resulting in damage to a vehicle that is driven or attended by another;

11 ~~((+6))~~ (7) Perjury or the making of a false affidavit or statement
12 under oath to the department under Title 46 RCW or under any other law
13 relating to the ownership or operation of motor vehicles;

14 ~~((+7))~~ (8) Reckless driving upon a showing by the department's
15 records that the conviction is the third such conviction for the driver
16 within a period of two years.

17 **Sec. 2.** RCW 46.20.311 and 2001 c 325 s 2 are each amended to read
18 as follows:

19 (1)(a) The department shall not suspend a driver's license or
20 privilege to drive a motor vehicle on the public highways for a fixed
21 period of more than one year, except as specifically permitted under
22 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
23 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or
24 74.20A.320, whenever the license or driving privilege of any person is
25 suspended by reason of a conviction, a finding that a traffic
26 infraction has been committed, pursuant to chapter 46.29 RCW, or
27 pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in
28 effect until the person gives and thereafter maintains proof of
29 financial responsibility for the future as provided in chapter 46.29
30 RCW. If the suspension is the result of a violation of RCW 46.61.502
31 or 46.61.504, the department shall determine the person's eligibility
32 for licensing based upon the reports provided by the alcoholism agency
33 or probation department designated under RCW 46.61.5056 and shall deny
34 reinstatement until enrollment and participation in an approved program
35 has been established and the person is otherwise qualified. Whenever
36 the license or driving privilege of any person is suspended as a result
37 of certification of noncompliance with a child support order under

1 chapter 74.20A RCW or a residential or visitation order, the suspension
2 shall remain in effect until the person provides a release issued by
3 the department of social and health services stating that the person is
4 in compliance with the order.

5 (b)(i) The department shall not issue to the person a new,
6 duplicate, or renewal license until the person pays a reissue fee of
7 twenty dollars.

8 (ii) If the suspension is the result of a violation of RCW
9 46.61.502 or 46.61.504, or is the result of administrative action under
10 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

11 (2)(a) Any person whose license or privilege to drive a motor
12 vehicle on the public highways has been revoked, unless the revocation
13 was for a cause which has been removed, is not entitled to have the
14 license or privilege renewed or restored until: (i) After the
15 expiration of one year from the date the license or privilege to drive
16 was revoked; or (ii) after the expiration of the applicable revocation
17 period provided by RCW 46.20.265, 46.20.285, 46.20.3101, or
18 46.61.5055(~~;~~ ~~(iii) after the expiration of two years for persons~~
19 ~~convicted of vehicular homicide; or (iv) after the expiration of the~~
20 ~~applicable revocation period provided by RCW 46.20.265~~)).

21 (b)(i) After the expiration of the appropriate period, the person
22 may make application for a new license as provided by law together with
23 a reissue fee in the amount of twenty dollars.

24 (ii) If the revocation is the result of a violation of RCW
25 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
26 hundred fifty dollars. If the revocation is the result of a violation
27 of RCW 46.61.502 or 46.61.504, the department shall determine the
28 person's eligibility for licensing based upon the reports provided by
29 the alcoholism agency or probation department designated under RCW
30 46.61.5056 and shall deny reissuance of a license, permit, or privilege
31 to drive until enrollment and participation in an approved program has
32 been established and the person is otherwise qualified.

33 (c) Except for a revocation under RCW 46.20.265, the department
34 shall not then issue a new license unless it is satisfied after
35 investigation of the driving ability of the person that it will be safe
36 to grant the privilege of driving a motor vehicle on the public
37 highways, and until the person gives and thereafter maintains proof of
38 financial responsibility for the future as provided in chapter 46.29

1 RCW. For a revocation under RCW 46.20.265, the department shall not
2 issue a new license unless it is satisfied after investigation of the
3 driving ability of the person that it will be safe to grant that person
4 the privilege of driving a motor vehicle on the public highways.

5 (3)(a) Whenever the driver's license of any person is suspended
6 pursuant to Article IV of the nonresident violators compact or RCW
7 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
8 to the person any new or renewal license until the person pays a
9 reissue fee of twenty dollars.

10 (b) If the suspension is the result of a violation of the laws of
11 this or any other state, province, or other jurisdiction involving (i)
12 the operation or physical control of a motor vehicle upon the public
13 highways while under the influence of intoxicating liquor or drugs, or
14 (ii) the refusal to submit to a chemical test of the driver's blood
15 alcohol content, the reissue fee shall be one hundred fifty dollars.

16 **Sec. 3.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
17 as follows:

18 Any driver of a motor vehicle who willfully fails or refuses to
19 immediately bring his vehicle to a stop and who drives his vehicle in
20 a manner indicating a wanton or willful disregard for the lives or
21 property of others while attempting to elude a pursuing police vehicle,
22 after being given a visual or audible signal to bring the vehicle to a
23 stop, shall be guilty of a class ((C)) B felony. The signal given by
24 the police officer may be by hand, voice, emergency light, or siren.
25 The officer giving such a signal shall be in uniform and ((his
26 vehicle)) shall be ((appropriately marked showing it to be)) driving an
27 official police vehicle. An official police vehicle means any
28 municipal, county, or state police vehicle appropriately equipped with
29 emergency lights and siren.

30 The license or permit to drive or any nonresident driving privilege
31 of a person convicted of a violation of this section shall be revoked
32 for two years by the department of licensing.

33 **Sec. 4.** RCW 46.61.520 and 1998 c 211 s 2 are each amended to read
34 as follows:

35 (1) When the death of any person ensues within three years as a

1 proximate result of injury proximately caused by the driving of any
2 vehicle by any person, the driver is guilty of vehicular homicide if
3 the driver was operating a motor vehicle:

4 (a) While under the influence of intoxicating liquor or any drug,
5 as defined by RCW 46.61.502; or

6 (b) In a reckless manner; or

7 (c) With disregard for the safety of others; or

8 (d) While attempting to elude a pursuing police vehicle as defined
9 in RCW 46.61.024.

10 (2) Vehicular homicide is a class A felony punishable under chapter
11 9A.20 RCW, except that, for a conviction under subsection (1)(a) of
12 this section, an additional two years shall be added to the sentence
13 for each prior offense as defined in RCW 46.61.5055.

14 **Sec. 5.** RCW 46.61.522 and 2001 c 300 s 1 are each amended to read
15 as follows:

16 (1) A person is guilty of vehicular assault if he or she operates
17 or drives any vehicle:

18 (a) In a reckless manner and causes substantial bodily harm to
19 another; or

20 (b) While under the influence of intoxicating liquor or any drug,
21 as defined by RCW 46.61.502, and causes substantial bodily harm to
22 another; or

23 (c) With disregard for the safety of others and causes substantial
24 bodily harm to another; or

25 (d) While attempting to elude a pursuing police vehicle as defined
26 in RCW 46.61.024 and causes substantial bodily harm to another.

27 (2) Vehicular assault is a class B felony punishable under chapter
28 9A.20 RCW.

29 (3) As used in this section, "substantial bodily harm" has the same
30 meaning as in RCW 9A.04.110.

31 **Sec. 6.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
32 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
33 s 4 are each reenacted and amended to read as follows:

34 TABLE 2

1 CRIMES INCLUDED WITHIN

2 EACH SERIOUSNESS LEVEL

- 3 XVI Aggravated Murder 1 (RCW
4 10.95.020)
- 5 XV Homicide by abuse (RCW 9A.32.055)
6 Malicious explosion 1 (RCW
7 70.74.280(1))
8 Murder 1 (RCW 9A.32.030)
- 9 XIV Murder 2 (RCW 9A.32.050)
- 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 Rape 1 (RCW 9A.44.040)
19 Rape of a Child 1 (RCW 9A.44.073)
- 20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
- 23 X Child Molestation 1 (RCW 9A.44.083)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Manufacture of methamphetamine
33 (RCW 69.50.401(a)(1)(ii))

1 Over 18 and deliver heroin,
2 methamphetamine, a narcotic
3 from Schedule I or II, or
4 flunitrazepam from Schedule IV
5 to someone under 18 (RCW
6 69.50.406)
7 Sexually Violent Predator Escape
8 (RCW 9A.76.115)
9 Vehicular Homicide, by attempting to
10 elude a pursuing police vehicle
11 (RCW 46.61.520)
12 IX Assault of a Child 2 (RCW 9A.36.130)
13 Controlled Substance Homicide (RCW
14 69.50.415)
15 Explosive devices prohibited (RCW
16 70.74.180)
17 Hit and Run--Death (RCW
18 46.52.020(4)(a))
19 Homicide by Watercraft, by being
20 under the influence of intoxicating
21 liquor or any drug (RCW
22 79A.60.050)
23 Inciting Criminal Profiteering (RCW
24 9A.82.060(1)(b))
25 Malicious placement of an explosive 2
26 (RCW 70.74.270(2))
27 Over 18 and deliver narcotic from
28 Schedule III, IV, or V or a
29 nonnarcotic, except flunitrazepam
30 or methamphetamine, from
31 Schedule I-V to someone under 18
32 and 3 years junior (RCW
33 69.50.406)
34 Robbery 1 (RCW 9A.56.200)
35 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under
2 the influence of intoxicating
3 liquor or any drug (RCW
4 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)

6 Deliver or possess with intent to
7 deliver methamphetamine (RCW
8 69.50.401(a)(1)(ii))

9 Homicide by Watercraft, by the
10 operation of any vessel in a
11 reckless manner (RCW
12 79A.60.050)

13 Manslaughter 2 (RCW 9A.32.070)

14 Manufacture, deliver, or possess with
15 intent to deliver amphetamine
16 (RCW 69.50.401(a)(1)(ii))

17 Manufacture, deliver, or possess with
18 intent to deliver heroin or cocaine
19 (when the offender has a criminal
20 history in this state or any other
21 state that includes a sex offense or
22 serious violent offense or the
23 Washington equivalent) (RCW
24 69.50.401(a)(1)(i))

25 Possession of Ephedrine or any of its
26 Salts or Isomers or Salts of
27 Isomers, Pseudoephedrine or any
28 of its Salts or Isomers or Salts of
29 Isomers, Pressurized Ammonia
30 Gas, or Pressurized Ammonia Gas
31 Solution with intent to
32 manufacture methamphetamine
33 (RCW 69.50.440)

34 Promoting Prostitution 1 (RCW
35 9A.88.070)

1 Selling for profit (controlled or
2 counterfeit) any controlled
3 substance (RCW 69.50.410)
4 Theft of Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation
6 of any vehicle in a reckless
7 manner (RCW 46.61.520)
8 VII Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor
13 engaged in sexually explicit
14 conduct (RCW 9.68A.050)
15 Drive-by Shooting (RCW 9A.36.045)
16 Homicide by Watercraft, by disregard
17 for the safety of others (RCW
18 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1)
21 (b) and (c))
22 Introducing Contraband 1 (RCW
23 9A.76.140)
24 Involving a minor in drug dealing
25 (RCW 69.50.401(f))
26 Malicious placement of an explosive 3
27 (RCW 70.74.270(3))
28 Manufacture, deliver, or possess with
29 intent to deliver heroin or cocaine
30 (except when the offender has a
31 criminal history in this state or
32 any other state that includes a sex
33 offense or serious violent offense
34 or the Washington equivalent)
35 (RCW 69.50.401(a)(1)(i))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW
4 9.68A.060)
5 Unlawful Possession of a Firearm in
6 the first degree (RCW
7 9.41.040(1)(a))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Manufacture, deliver, or possess with
24 intent to deliver narcotics from
25 Schedule I or II (except heroin or
26 cocaine) or flunitrazepam from
27 Schedule IV (RCW
28 69.50.401(a)(1)(i))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Unlawful Storage of Ammonia (RCW
32 69.55.020)
33 V Abandonment of dependent person 1
34 (RCW 9A.42.060)
35 Advancing money or property for
36 extortionate extension of credit
37 (RCW 9A.82.030)

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

1 Taking Motor Vehicle Without
2 Permission 1 (RCW
3 9A.56.070(1))
4 Vehicular Assault, by attempting to
5 elude a pursuing police vehicle
6 (RCW 46.61.522)
7 IV Arson 2 (RCW 9A.48.030)
8 Assault 2 (RCW 9A.36.021)
9 Assault by Watercraft (RCW
10 79A.60.060)
11 Bribing a Witness/Bribe Received by
12 Witness (RCW 9A.72.090,
13 9A.72.100)
14 Cheating 1 (RCW 9A.46.1961)
15 Commercial Bribery (RCW
16 9A.68.060)
17 Counterfeiting (RCW 9.16.035(4))
18 Endangerment with a Controlled
19 Substance (RCW 9A.42.100)
20 Escape 1 (RCW 9A.76.110)
21 Hit and Run--Injury (RCW
22 46.52.020(4)(b))
23 Hit and Run with Vessel--Injury
24 Accident (RCW 79A.60.200(3))
25 Identity Theft 1 (RCW 9.35.020(2)(a))
26 Indecent Exposure to Person Under
27 Age Fourteen (subsequent sex
28 offense) (RCW 9A.88.010)
29 Influencing Outcome of Sporting
30 Event (RCW 9A.82.070)
31 Knowingly Trafficking in Stolen
32 Property (RCW 9A.82.050(2))
33 Malicious Harassment (RCW
34 9A.36.080)

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or
4 nonnarcotics from Schedule I-V
5 (except marijuana, amphetamine,
6 methamphetamines, or
7 flunitrazepam) (RCW
8 69.50.401(a)(1) (iii) through (v))
9 Residential Burglary (RCW
10 9A.52.025)
11 Robbery 2 (RCW 9A.56.210)
12 Theft of Livestock 1 (RCW 9A.56.080)
13 Threats to Bomb (RCW 9.61.160)
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Abandonment of dependent person 2
25 (RCW 9A.42.070)
26 Assault 3 (RCW 9A.36.031)
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Criminal Mistreatment 2 (RCW
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Delivery of a material in lieu of a
3 controlled substance (RCW
4 69.50.401(c))
5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Maintaining a Dwelling or Place for
13 Controlled Substances (RCW
14 69.50.402(a)(6))
15 Malicious Injury to Railroad Property
16 (RCW 81.60.070)
17 Manufacture, deliver, or possess with
18 intent to deliver marijuana (RCW
19 69.50.401(a)(1)(iii))
20 Manufacture, distribute, or possess
21 with intent to distribute an
22 imitation controlled substance
23 (RCW 69.52.030(1))
24 Patronizing a Juvenile Prostitute
25 (RCW 9.68A.100)
26 Perjury 2 (RCW 9A.72.030)
27 Possession of Incendiary Device (RCW
28 9.40.120)
29 Possession of Machine Gun or Short-
30 Barreled Shotgun or Rifle (RCW
31 9.41.190)
32 Promoting Prostitution 2 (RCW
33 9A.88.080)
34 Recklessly Trafficking in Stolen
35 Property (RCW 9A.82.050(1))
36 Securities Act violation (RCW
37 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death)
5 (RCW 9.61.230)
6 Theft of Livestock 2 (RCW 9A.56.080)
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful possession of firearm in the
10 second degree (RCW
11 9.41.040(1)(b))
12 Unlawful Use of Building for Drug
13 Purposes (RCW 69.53.010)
14 Vehicular Assault, by the operation or
15 driving of a vehicle with disregard
16 for the safety of others (RCW
17 46.61.522)
18 Willful Failure to Return from Work
19 Release (RCW 72.65.070)
20 II Attempting to Elude a Pursuing Police
21 Vehicle (RCW 46.61.024)
22 Computer Trespass 1 (RCW
23 9A.52.110)
24 Counterfeiting (RCW 9.16.035(3))
25 Create, deliver, or possess a counterfeit
26 controlled substance (RCW
27 69.50.401(b))
28 Escape from Community Custody
29 (RCW 72.09.310)
30 Health Care False Claims (RCW
31 48.80.030)
32 Identity Theft 2 (RCW 9.35.020(2)(b))
33 Improperly Obtaining Financial
34 Information (RCW 9.35.010)
35 Malicious Mischief 1 (RCW
36 9A.48.070)

1 Possession of controlled substance that
2 is either heroin or narcotics from
3 Schedule I or II or flunitrazepam
4 from Schedule IV (RCW
5 69.50.401(d))
6 Possession of phencyclidine (PCP)
7 (RCW 69.50.401(d))
8 Possession of Stolen Property 1 (RCW
9 9A.56.150)
10 Theft 1 (RCW 9A.56.030)
11 Theft of Rental, Leased, or Lease-
12 purchased Property (valued at one
13 thousand five hundred dollars or
14 more) (RCW 9A.56.096(4))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlicensed Practice of a Profession or
20 Business (RCW 18.130.190(7))
21 I ((~~Attempting to Elude a Pursuing~~
22 ~~Police Vehicle (RCW 46.61.024))~~)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forged Prescription (RCW 69.41.020)
26 Forged Prescription for a Controlled
27 Substance (RCW 69.50.403)
28 Forgery (RCW 9A.60.020)
29 Malicious Mischief 2 (RCW
30 9A.48.080)
31 Possess Controlled Substance that is a
32 Narcotic from Schedule III, IV, or
33 V or Non-narcotic from Schedule
34 I-V (except phencyclidine or
35 flunitrazepam) (RCW
36 69.50.401(d))

1 Possession of Stolen Property 2 (RCW
 2 9A.56.160)
 3 Reckless Burning 1 (RCW 9A.48.040)
 4 Taking Motor Vehicle Without
 5 Permission 2 (RCW
 6 9A.56.070(2))
 7 Theft 2 (RCW 9A.56.040)
 8 Theft of Rental, Leased, or Lease-
 9 purchased Property (valued at two
 10 hundred fifty dollars or more but
 11 less than one thousand five
 12 hundred dollars) (RCW
 13 9A.56.096(4))
 14 Unlawful Issuance of Checks or Drafts
 15 (RCW 9A.56.060)
 16 Unlawful Use of Food Stamps (RCW
 17 9.91.140 (2) and (3))
 18 Vehicle Prowl 1 (RCW 9A.52.095)

19 **Sec. 7.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
 20 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
 21 s 4 are each reenacted and amended to read as follows:

22 TABLE 2
 23 CRIMES INCLUDED WITHIN
 24 EACH SERIOUSNESS LEVEL

25	XVI	Aggravated Murder 1 (RCW
26		10.95.020)
27	XV	Homicide by abuse (RCW 9A.32.055)
28		Malicious explosion 1 (RCW
29		70.74.280(1))
30		Murder 1 (RCW 9A.32.030)
31	XIV	Murder 2 (RCW 9A.32.050)
32	XIII	Malicious explosion 2 (RCW
33		70.74.280(2))
34		Malicious placement of an explosive 1
35		(RCW 70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation
4 device 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 XI Manslaughter 1 (RCW 9A.32.060)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)
10 X Child Molestation 1 (RCW 9A.44.083)
11 Indecent Liberties (with forcible
12 compulsion) (RCW
13 9A.44.100(1)(a))
14 Kidnapping 1 (RCW 9A.40.020)
15 Leading Organized Crime (RCW
16 9A.82.060(1)(a))
17 Malicious explosion 3 (RCW
18 70.74.280(3))
19 Sexually Violent Predator Escape
20 (RCW 9A.76.115)
21 Vehicular Homicide, by attempting to
22 elude a pursuing police vehicle
23 (RCW 46.61.520)
24 IX Assault of a Child 2 (RCW 9A.36.130)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Hit and Run--Death (RCW
28 46.52.020(4)(a))
29 Homicide by Watercraft, by being
30 under the influence of intoxicating
31 liquor or any drug (RCW
32 79A.60.050)
33 Inciting Criminal Profiteering (RCW
34 9A.82.060(1)(b))
35 Malicious placement of an explosive 2
36 (RCW 70.74.270(2))
37 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 Vehicular Homicide, by being under
3 the influence of intoxicating
4 liquor or any drug (RCW
5 46.61.520)
6 VIII Arson 1 (RCW 9A.48.020)
7 Homicide by Watercraft, by the
8 operation of any vessel in a
9 reckless manner (RCW
10 79A.60.050)
11 Manslaughter 2 (RCW 9A.32.070)
12 Promoting Prostitution 1 (RCW
13 9A.88.070)
14 Theft of Ammonia (RCW 69.55.010)
15 Vehicular Homicide, by the operation
16 of any vehicle in a reckless
17 manner (RCW 46.61.520)
18 VII Burglary 1 (RCW 9A.52.020)
19 Child Molestation 2 (RCW 9A.44.086)
20 Civil Disorder Training (RCW
21 9A.48.120)
22 Dealing in depictions of minor
23 engaged in sexually explicit
24 conduct (RCW 9.68A.050)
25 Drive-by Shooting (RCW 9A.36.045)
26 Homicide by Watercraft, by disregard
27 for the safety of others (RCW
28 79A.60.050)
29 Indecent Liberties (without forcible
30 compulsion) (RCW 9A.44.100(1)
31 (b) and (c))
32 Introducing Contraband 1 (RCW
33 9A.76.140)
34 Malicious placement of an explosive 3
35 (RCW 70.74.270(3))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW
4 9.68A.060)
5 Unlawful Possession of a Firearm in
6 the first degree (RCW
7 9.41.040(1)(a))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Rape of a Child 3 (RCW 9A.44.079)
24 Theft of a Firearm (RCW 9A.56.300)
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of dependent person 1
28 (RCW 9A.42.060)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 1 (RCW
36 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Domestic Violence Court Order
4 Violation (RCW 10.99.040,
5 10.99.050, 26.09.300, 26.10.220,
6 26.26.138, 26.50.110, 26.52.070,
7 or 74.34.145)
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit
10 (RCW 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Possession of a Stolen Firearm (RCW
20 9A.56.310)
21 Rape 3 (RCW 9A.44.060)
22 Rendering Criminal Assistance 1
23 (RCW 9A.76.070)
24 Sexual Misconduct with a Minor 1
25 (RCW 9A.44.093)
26 Sexually Violating Human Remains
27 (RCW 9A.44.105)
28 Stalking (RCW 9A.46.110)
29 Taking Motor Vehicle Without
30 Permission 1 (RCW
31 9A.56.070(1))
32 Vehicular Assault, by attempting to
33 elude a pursuing police vehicle
34 (RCW 46.61.522)
35 IV Arson 2 (RCW 9A.48.030)
36 Assault 2 (RCW 9A.36.021)

1 Assault by Watercraft (RCW
2 79A.60.060)
3 Bribing a Witness/Bribe Received by
4 Witness (RCW 9A.72.090,
5 9A.72.100)
6 Cheating 1 (RCW 9.46.1961)
7 Commercial Bribery (RCW
8 9A.68.060)
9 Counterfeiting (RCW 9.16.035(4))
10 Endangerment with a Controlled
11 Substance (RCW 9A.42.100)
12 Escape 1 (RCW 9A.76.110)
13 Hit and Run--Injury (RCW
14 46.52.020(4)(b))
15 Hit and Run with Vessel--Injury
16 Accident (RCW 79A.60.200(3))
17 Identity Theft 1 (RCW 9.35.020(2)(a))
18 Indecent Exposure to Person Under
19 Age Fourteen (subsequent sex
20 offense) (RCW 9A.88.010)
21 Influencing Outcome of Sporting
22 Event (RCW 9A.82.070)
23 Knowingly Trafficking in Stolen
24 Property (RCW 9A.82.050(2))
25 Malicious Harassment (RCW
26 9A.36.080)
27 Residential Burglary (RCW
28 9A.52.025)
29 Robbery 2 (RCW 9A.56.210)
30 Theft of Livestock 1 (RCW 9A.56.080)
31 Threats to Bomb (RCW 9.61.160)
32 Use of Proceeds of Criminal
33 Profiteering (RCW 9A.82.080 (1)
34 and (2))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)
6 Willful Failure to Return from
7 Furlough (RCW 72.66.060)
8 III Abandonment of dependent person 2
9 (RCW 9A.42.070)
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Bail Jumping with class B or C Felony
13 (RCW 9A.76.170(3)(c))
14 Burglary 2 (RCW 9A.52.030)
15 Communication with a Minor for
16 Immoral Purposes (RCW
17 9.68A.090)
18 Criminal Gang Intimidation (RCW
19 9A.46.120)
20 Criminal Mistreatment 2 (RCW
21 9A.42.030)
22 Custodial Assault (RCW 9A.36.100)
23 Escape 2 (RCW 9A.76.120)
24 Extortion 2 (RCW 9A.56.130)
25 Harassment (RCW 9A.46.020)
26 Intimidating a Public Servant (RCW
27 9A.76.180)
28 Introducing Contraband 2 (RCW
29 9A.76.150)
30 Malicious Injury to Railroad Property
31 (RCW 81.60.070)
32 Patronizing a Juvenile Prostitute
33 (RCW 9.68A.100)
34 Perjury 2 (RCW 9A.72.030)
35 Possession of Incendiary Device (RCW
36 9.40.120)

1 Possession of Machine Gun or Short-
2 Barreled Shotgun or Rifle (RCW
3 9.41.190)
4 Promoting Prostitution 2 (RCW
5 9A.88.080)
6 Recklessly Trafficking in Stolen
7 Property (RCW 9A.82.050(1))
8 Securities Act violation (RCW
9 21.20.400)
10 Tampering with a Witness (RCW
11 9A.72.120)
12 Telephone Harassment (subsequent
13 conviction or threat of death)
14 (RCW 9.61.230)
15 Theft of Livestock 2 (RCW 9A.56.080)
16 Unlawful Imprisonment (RCW
17 9A.40.040)
18 Unlawful possession of firearm in the
19 second degree (RCW
20 9.41.040(1)(b))
21 Vehicular Assault, by the operation or
22 driving of a vehicle with disregard
23 for the safety of others (RCW
24 46.61.522)
25 Willful Failure to Return from Work
26 Release (RCW 72.65.070)
27 II Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 Computer Trespass 1 (RCW
30 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Escape from Community Custody
33 (RCW 72.09.310)
34 Health Care False Claims (RCW
35 48.80.030)
36 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial
2 Information (RCW 9.35.010)
3 Malicious Mischief 1 (RCW
4 9A.48.070)
5 Possession of Stolen Property 1 (RCW
6 9A.56.150)
7 Theft 1 (RCW 9A.56.030)
8 Theft of Rental, Leased, or Lease-
9 purchased Property (valued at one
10 thousand five hundred dollars or
11 more) (RCW 9A.56.096(4))
12 Trafficking in Insurance Claims (RCW
13 48.30A.015)
14 Unlawful Practice of Law (RCW
15 2.48.180)
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 I (~~(Attempting to Elude a Pursuing~~
19 ~~Police Vehicle (RCW 46.61.024)))~~
20 False Verification for Welfare (RCW
21 74.08.055)
22 Forgery (RCW 9A.60.020)
23 Malicious Mischief 2 (RCW
24 9A.48.080)
25 Possession of Stolen Property 2 (RCW
26 9A.56.160)
27 Reckless Burning 1 (RCW 9A.48.040)
28 Taking Motor Vehicle Without
29 Permission 2 (RCW
30 9A.56.070(2))
31 Theft 2 (RCW 9A.56.040)
32 Theft of Rental, Leased, or Lease-
33 purchased Property (valued at two
34 hundred fifty dollars or more but
35 less than one thousand five
36 hundred dollars) (RCW
37 9A.56.096(4))

1 Unlawful Issuance of Checks or Drafts
2 (RCW 9A.56.060)
3 Unlawful Use of Food Stamps (RCW
4 9.91.140 (2) and (3))
5 Vehicle Prowl 1 (RCW 9A.52.095)

6 NEW SECTION. **Sec. 8.** Section 6 of this act expires July 1, 2004.

7 NEW SECTION. **Sec. 9.** Section 7 of this act takes effect July 1,
8 2004.

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