

---

HOUSE BILL 2860

---

State of Washington

61st Legislature

2010 Regular Session

By Representatives Halder, Pearson, Klippert, Hurst, Kelley, Wallace, and Smith

Read first time 01/15/10. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to intimidating a peace officer; reenacting and  
2 amending RCW 9.94A.515; adding a new section to chapter 9A.76 RCW; and  
3 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.76 RCW  
6 to read as follows:

7 (1) A person is guilty of intimidating a peace officer if the  
8 person directs a threat to a peace officer because of an official  
9 action taken by the peace officer, or if by use of a threat directed to  
10 a peace officer, the person attempts to influence the action taken by  
11 the peace officer.

12 (2) "Threat" as used in this section means:

13 (a) To communicate, directly or indirectly, the intent immediately  
14 to use force against any person who is present at the time; or

15 (b) Threats as defined in RCW 9A.04.110.

16 (3) Intimidating a peace officer is a class B felony.

17 **Sec. 2.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are  
18 each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3))

1 Sexually Violent Predator Escape  
2 (RCW 9A.76.115)  
3 IX Abandonment of Dependent Person 1  
4 (RCW 9A.42.060)  
5 Assault of a Child 2 (RCW 9A.36.130)  
6 Explosive devices prohibited (RCW  
7 70.74.180)  
8 Hit and Run--Death (RCW  
9 46.52.020(4)(a))  
10 Homicide by Watercraft, by being  
11 under the influence of intoxicating  
12 liquor or any drug (RCW  
13 79A.60.050)  
14 Inciting Criminal Profiteering (RCW  
15 9A.82.060(1)(b))  
16 Malicious placement of an explosive 2  
17 (RCW 70.74.270(2))  
18 Robbery 1 (RCW 9A.56.200)  
19 Sexual Exploitation (RCW 9.68A.040)  
20 Vehicular Homicide, by being under  
21 the influence of intoxicating liquor  
22 or any drug (RCW 46.61.520)  
23 VIII Arson 1 (RCW 9A.48.020)  
24 Homicide by Watercraft, by the  
25 operation of any vessel in a  
26 reckless manner (RCW  
27 79A.60.050)  
28 Manslaughter 2 (RCW 9A.32.070)  
29 Promoting Commercial Sexual Abuse  
30 of a Minor (RCW 9.68A.101)  
31 Promoting Prostitution 1 (RCW  
32 9A.88.070)  
33 Theft of Ammonia (RCW 69.55.010)  
34 Vehicular Homicide, by the operation  
35 of any vehicle in a reckless manner  
36 (RCW 46.61.520)  
37 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)  
2 Civil Disorder Training (RCW  
3 9A.48.120)  
4 Dealing in depictions of minor engaged  
5 in sexually explicit conduct (RCW  
6 9.68A.050)  
7 Drive-by Shooting (RCW 9A.36.045)  
8 Homicide by Watercraft, by disregard  
9 for the safety of others (RCW  
10 79A.60.050)  
11 Indecent Liberties (without forcible  
12 compulsion) (RCW 9A.44.100(1)  
13 (b) and (c))  
14 Introducing Contraband 1 (RCW  
15 9A.76.140)  
16 Malicious placement of an explosive 3  
17 (RCW 70.74.270(3))  
18 Negligently Causing Death By Use of a  
19 Signal Preemption Device (RCW  
20 46.37.675)  
21 Sending, bringing into state depictions  
22 of minor engaged in sexually  
23 explicit conduct (RCW 9.68A.060)  
24 Unlawful Possession of a Firearm in  
25 the first degree (RCW 9.41.040(1))  
26 Use of a Machine Gun in Commission  
27 of a Felony (RCW 9.41.225)  
28 Vehicular Homicide, by disregard for  
29 the safety of others (RCW  
30 46.61.520)  
31 VI Bail Jumping with Murder 1 (RCW  
32 9A.76.170(3)(a))  
33 Bribery (RCW 9A.68.010)  
34 Incest 1 (RCW 9A.64.020(1))  
35 Intimidating a Judge (RCW 9A.72.160)  
36 Intimidating a Juror/Witness (RCW  
37 9A.72.110, 9A.72.130)

1 Intimidating a Peace Officer (section 1  
2 of this act)  
3 Malicious placement of an imitation  
4 device 2 (RCW 70.74.272(1)(b))  
5 Possession of Depictions of a Minor  
6 Engaged in Sexually Explicit  
7 Conduct (RCW 9.68A.070)  
8 Rape of a Child 3 (RCW 9A.44.079)  
9 Theft of a Firearm (RCW 9A.56.300)  
10 Unlawful Storage of Ammonia (RCW  
11 69.55.020)  
12 V Abandonment of Dependent Person 2  
13 (RCW 9A.42.070)  
14 Advancing money or property for  
15 extortionate extension of credit  
16 (RCW 9A.82.030)  
17 Bail Jumping with class A Felony  
18 (RCW 9A.76.170(3)(b))  
19 Child Molestation 3 (RCW 9A.44.089)  
20 Criminal Mistreatment 2 (RCW  
21 9A.42.030)  
22 Custodial Sexual Misconduct 1 (RCW  
23 9A.44.160)  
24 Domestic Violence Court Order  
25 Violation (RCW 10.99.040,  
26 10.99.050, 26.09.300, 26.10.220,  
27 26.26.138, 26.50.110, 26.52.070,  
28 or 74.34.145)  
29 Driving While Under the Influence  
30 (RCW 46.61.502(6))  
31 Extortion 1 (RCW 9A.56.120)  
32 Extortionate Extension of Credit (RCW  
33 9A.82.020)  
34 Extortionate Means to Collect  
35 Extensions of Credit (RCW  
36 9A.82.040)  
37 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)  
2 Perjury 1 (RCW 9A.72.020)  
3 Persistent prison misbehavior (RCW  
4 9.94.070)  
5 Physical Control of a Vehicle While  
6 Under the Influence (RCW  
7 46.61.504(6))  
8 Possession of a Stolen Firearm (RCW  
9 9A.56.310)  
10 Rape 3 (RCW 9A.44.060)  
11 Rendering Criminal Assistance 1  
12 (RCW 9A.76.070)  
13 Sexual Misconduct with a Minor 1  
14 (RCW 9A.44.093)  
15 Sexually Violating Human Remains  
16 (RCW 9A.44.105)  
17 Stalking (RCW 9A.46.110)  
18 Taking Motor Vehicle Without  
19 Permission 1 (RCW 9A.56.070)  
20 IV Arson 2 (RCW 9A.48.030)  
21 Assault 2 (RCW 9A.36.021)  
22 Assault 3 (of a Peace Officer with a  
23 Projectile Stun Gun) (RCW  
24 9A.36.031(1)(h))  
25 Assault by Watercraft (RCW  
26 79A.60.060)  
27 Bribing a Witness/Bribe Received by  
28 Witness (RCW 9A.72.090,  
29 9A.72.100)  
30 Cheating 1 (RCW 9.46.1961)  
31 Commercial Bribery (RCW 9A.68.060)  
32 Counterfeiting (RCW 9.16.035(4))  
33 Endangerment with a Controlled  
34 Substance (RCW 9A.42.100)  
35 Escape 1 (RCW 9A.76.110)  
36 Hit and Run--Injury (RCW  
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury  
2 Accident (RCW 79A.60.200(3))  
3 Identity Theft 1 (RCW 9.35.020(2))  
4 Indecent Exposure to Person Under  
5 Age Fourteen (subsequent sex  
6 offense) (RCW 9A.88.010)  
7 Influencing Outcome of Sporting Event  
8 (RCW 9A.82.070)  
9 Malicious Harassment (RCW  
10 9A.36.080)  
11 Residential Burglary (RCW  
12 9A.52.025)  
13 Robbery 2 (RCW 9A.56.210)  
14 Theft of Livestock 1 (RCW 9A.56.080)  
15 Threats to Bomb (RCW 9.61.160)  
16 Trafficking in Stolen Property 1 (RCW  
17 9A.82.050)  
18 Unlawful factoring of a credit card or  
19 payment card transaction (RCW  
20 9A.56.290(4)(b))  
21 Unlawful transaction of health  
22 coverage as a health care service  
23 contractor (RCW 48.44.016(3))  
24 Unlawful transaction of health  
25 coverage as a health maintenance  
26 organization (RCW 48.46.033(3))  
27 Unlawful transaction of insurance  
28 business (RCW 48.15.023(3))  
29 Unlicensed practice as an insurance  
30 professional (RCW  
31 48.17.063(~~(3)~~)(2))  
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 Animal Cruelty 1 (Sexual Conduct or  
9 Contact) (RCW 16.52.205(3))  
10 Assault 3 (Except Assault 3 of a Peace  
11 Officer With a Projectile Stun  
12 Gun) (RCW 9A.36.031 except  
13 subsection (1)(h))  
14 Assault of a Child 3 (RCW 9A.36.140)  
15 Bail Jumping with class B or C Felony  
16 (RCW 9A.76.170(3)(c))  
17 Burglary 2 (RCW 9A.52.030)  
18 Commercial Sexual Abuse of a Minor  
19 (RCW 9.68A.100)  
20 Communication with a Minor for  
21 Immoral Purposes (RCW  
22 9.68A.090)  
23 Criminal Gang Intimidation (RCW  
24 9A.46.120)  
25 Custodial Assault (RCW 9A.36.100)  
26 Cyberstalking (subsequent conviction  
27 or threat of death) (RCW  
28 9.61.260(3))  
29 Escape 2 (RCW 9A.76.120)  
30 Extortion 2 (RCW 9A.56.130)  
31 Harassment (RCW 9A.46.020)  
32 Intimidating a Public Servant (RCW  
33 9A.76.180)  
34 Introducing Contraband 2 (RCW  
35 9A.76.150)  
36 Malicious Injury to Railroad Property  
37 (RCW 81.60.070)



1 Mortgage Fraud (RCW 19.144.080)  
2 Negligently Causing Substantial Bodily  
3 Harm By Use of a Signal  
4 Preemption Device (RCW  
5 46.37.674)  
6 Organized Retail Theft 1 (RCW  
7 9A.56.350(2))  
8 Perjury 2 (RCW 9A.72.030)  
9 Possession of Incendiary Device (RCW  
10 9.40.120)  
11 Possession of Machine Gun or Short-  
12 Barreled Shotgun or Rifle (RCW  
13 9.41.190)  
14 Promoting Prostitution 2 (RCW  
15 9A.88.080)  
16 Retail Theft with Extenuating  
17 Circumstances 1 (RCW  
18 9A.56.360(2))  
19 Securities Act violation (RCW  
20 21.20.400)  
21 Tampering with a Witness (RCW  
22 9A.72.120)  
23 Telephone Harassment (subsequent  
24 conviction or threat of death)  
25 (RCW 9.61.230(2))  
26 Theft of Livestock 2 (RCW 9A.56.083)  
27 Theft with the Intent to Resell 1 (RCW  
28 9A.56.340(2))  
29 Trafficking in Stolen Property 2 (RCW  
30 9A.82.055)  
31 Unlawful Imprisonment (RCW  
32 9A.40.040)  
33 Unlawful possession of firearm in the  
34 second degree (RCW 9.41.040(2))

1 Vehicular Assault, by the operation or  
2 driving of a vehicle with disregard  
3 for the safety of others (RCW  
4 46.61.522)  
5 Willful Failure to Return from Work  
6 Release (RCW 72.65.070)  
7 II Computer Trespass 1 (RCW  
8 9A.52.110)  
9 Counterfeiting (RCW 9.16.035(3))  
10 Escape from Community Custody  
11 (RCW 72.09.310)  
12 Failure to Register as a Sex Offender  
13 (second or subsequent offense)  
14 (RCW 9A.44.130(11)(a))  
15 Health Care False Claims (RCW  
16 48.80.030)  
17 Identity Theft 2 (RCW 9.35.020(3))  
18 Improperly Obtaining Financial  
19 Information (RCW 9.35.010)  
20 Malicious Mischief 1 (RCW  
21 9A.48.070)  
22 Organized Retail Theft 2 (RCW  
23 9A.56.350(3))  
24 Possession of Stolen Property 1 (RCW  
25 9A.56.150)  
26 Possession of a Stolen Vehicle (RCW  
27 9A.56.068)  
28 Retail Theft with Extenuating  
29 Circumstances 2 (RCW  
30 9A.56.360(3))  
31 Theft 1 (RCW 9A.56.030)  
32 Theft of a Motor Vehicle (RCW  
33 9A.56.065)  
34 Theft of Rental, Leased, or Lease-  
35 purchased Property (valued at one  
36 thousand five hundred dollars or  
37 more) (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW  
2 9A.56.340(3))  
3 Trafficking in Insurance Claims (RCW  
4 48.30A.015)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(a))  
8 Unlawful Practice of Law (RCW  
9 2.48.180)  
10 Unlicensed Practice of a Profession or  
11 Business (RCW 18.130.190(7))  
12 Voyeurism (RCW 9A.44.115)  
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 Forgery (RCW 9A.60.020)  
18 Fraudulent Creation or Revocation of a  
19 Mental Health Advance Directive  
20 (RCW 9A.60.060)  
21 Malicious Mischief 2 (RCW  
22 9A.48.080)  
23 Mineral Trespass (RCW 78.44.330)  
24 Possession of Stolen Property 2 (RCW  
25 9A.56.160)  
26 Reckless Burning 1 (RCW 9A.48.040)  
27 Taking Motor Vehicle Without  
28 Permission 2 (RCW 9A.56.075)  
29 Theft 2 (RCW 9A.56.040)  
30 Theft of Rental, Leased, or Lease-  
31 purchased Property (valued at two  
32 hundred fifty dollars or more but  
33 less than one thousand five  
34 hundred dollars) (RCW  
35 9A.56.096(5)(b))

1 Transaction of insurance business  
2 beyond the scope of licensure  
3 (RCW 48.17.063(((4))))  
4 Unlawful Issuance of Checks or Drafts  
5 (RCW 9A.56.060)  
6 Unlawful Possession of Fictitious  
7 Identification (RCW 9A.56.320)  
8 Unlawful Possession of Instruments of  
9 Financial Fraud (RCW 9A.56.320)  
10 Unlawful Possession of Payment  
11 Instruments (RCW 9A.56.320)  
12 Unlawful Possession of a Personal  
13 Identification Device (RCW  
14 9A.56.320)  
15 Unlawful Production of Payment  
16 Instruments (RCW 9A.56.320)  
17 Unlawful Trafficking in Food Stamps  
18 (RCW 9.91.142)  
19 Unlawful Use of Food Stamps (RCW  
20 9.91.144)  
21 Vehicle Prowl 1 (RCW 9A.52.095)

--- END ---