

SUBSTITUTE SENATE BILL 5060

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Schoesler and Sheldon)

READ FIRST TIME 02/13/07.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 reenacting and amending RCW 9.94A.515; prescribing penalties; providing
3 an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c
6 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each
7 reenacted and amended to read as follows:

8	TABLE 2
9	CRIMES INCLUDED WITHIN
10	EACH SERIOUSNESS LEVEL
11	XVI Aggravated Murder 1 (RCW
12	10.95.020)
13	XV Homicide by abuse (RCW 9A.32.055)
14	Malicious explosion 1 (RCW
15	70.74.280(1))
16	Murder 1 (RCW 9A.32.030)

1 XIV Murder 2 (RCW 9A.32.050)
2 Trafficking 1 (RCW 9A.40.100(1))
3 XIII Malicious explosion 2 (RCW
4 70.74.280(2))
5 Malicious placement of an explosive 1
6 (RCW 70.74.270(1))
7 XII Assault 1 (RCW 9A.36.011)
8 Assault of a Child 1 (RCW 9A.36.120)
9 Malicious placement of an imitation
10 device 1 (RCW 70.74.272(1)(a))
11 Rape 1 (RCW 9A.44.040)
12 Rape of a Child 1 (RCW 9A.44.073)
13 Trafficking 2 (RCW 9A.40.100(2))
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 X Child Molestation 1 (RCW 9A.44.083)
18 Indecent Liberties (with forcible
19 compulsion) (RCW
20 9A.44.100(1)(a))
21 Kidnapping 1 (RCW 9A.40.020)
22 Leading Organized Crime (RCW
23 9A.82.060(1)(a))
24 Malicious explosion 3 (RCW
25 70.74.280(3))
26 Sexually Violent Predator Escape
27 (RCW 9A.76.115)
28 IX Abandonment of Dependent Person 1
29 (RCW 9A.42.060)
30 Assault of a Child 2 (RCW 9A.36.130)
31 Criminal Mistreatment 1 (RCW
32 9A.42.020)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating liquor
13 or any drug (RCW 46.61.520)
14 VIII Arson 1 (RCW 9A.48.020)
15 Homicide by Watercraft, by the
16 operation of any vessel in a
17 reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Promoting Prostitution 1 (RCW
21 9A.88.070)
22 Theft of Ammonia (RCW 69.55.010)
23 Vehicular Homicide, by the operation
24 of any vehicle in a reckless manner
25 (RCW 46.61.520)
26 VII Burglary 1 (RCW 9A.52.020)
27 Child Molestation 2 (RCW 9A.44.086)
28 Civil Disorder Training (RCW
29 9A.48.120)
30 Dealing in depictions of minor engaged
31 in sexually explicit conduct (RCW
32 9.68A.050)
33 Drive-by Shooting (RCW 9A.36.045)
34 Homicide by Watercraft, by disregard
35 for the safety of others (RCW
36 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Negligently Causing Death By Use of a
9 Signal Preemption Device (RCW
10 46.37.675)
11 Sending, bringing into state depictions
12 of minor engaged in sexually
13 explicit conduct (RCW 9.68A.060)
14 Unlawful Possession of a Firearm in
15 the first degree (RCW 9.41.040(1))
16 Use of a Machine Gun in Commission
17 of a Felony (RCW 9.41.225)
18 Vehicular Homicide, by disregard for
19 the safety of others (RCW
20 46.61.520)
21 VI Bail Jumping with Murder 1 (RCW
22 9A.76.170(3)(a))
23 Bribery (RCW 9A.68.010)
24 Incest 1 (RCW 9A.64.020(1))
25 Intimidating a Judge (RCW 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Possession of Depictions of a Minor
31 Engaged in Sexually Explicit
32 Conduct (RCW 9.68A.070)
33 Rape of a Child 3 (RCW 9A.44.079)
34 Theft of a Firearm (RCW 9A.56.300)
35 Unlawful Storage of Ammonia (RCW
36 69.55.020)

1 V Abandonment of Dependent Person 2
2 (RCW 9A.42.070)
3 Advancing money or property for
4 extortionate extension of credit
5 (RCW 9A.82.030)
6 Bail Jumping with class A Felony
7 (RCW 9A.76.170(3)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 2 (RCW
10 9A.42.030)
11 Custodial Sexual Misconduct 1 (RCW
12 9A.44.160)
13 Domestic Violence Court Order
14 Violation (RCW 10.99.040,
15 10.99.050, 26.09.300, 26.10.220,
16 26.26.138, 26.50.110, 26.52.070,
17 or 74.34.145)
18 Driving While Under the Influence
19 (RCW 46.61.502(6))
20 Extortion 1 (RCW 9A.56.120)
21 Extortionate Extension of Credit (RCW
22 9A.82.020)
23 Extortionate Means to Collect
24 Extensions of Credit (RCW
25 9A.82.040)
26 Incest 2 (RCW 9A.64.020(2))
27 Kidnapping 2 (RCW 9A.40.030)
28 Perjury 1 (RCW 9A.72.020)
29 Persistent prison misbehavior (RCW
30 9.94.070)
31 Physical Control of a Vehicle While
32 Under the Influence (RCW
33 46.61.504(6))
34 Possession of a Stolen Firearm (RCW
35 9A.56.310)
36 Rape 3 (RCW 9A.44.060)

1 Rendering Criminal Assistance 1
2 (RCW 9A.76.070)
3 Sexual Misconduct with a Minor 1
4 (RCW 9A.44.093)
5 Sexually Violating Human Remains
6 (RCW 9A.44.105)
7 Stalking (RCW 9A.46.110)
8 Taking Motor Vehicle Without
9 Permission 1 (RCW 9A.56.070)
10 IV Arson 2 (RCW 9A.48.030)
11 Assault 2 (RCW 9A.36.021)
12 Assault 3 (of a Peace Officer with a
13 Projectile Stun Gun) (RCW
14 9A.36.031(1)(h))
15 Assault by Watercraft (RCW
16 79A.60.060)
17 Bribing a Witness/Bribe Received by
18 Witness (RCW 9A.72.090,
19 9A.72.100)
20 Cheating 1 (RCW 9.46.1961)
21 Commercial Bribery (RCW 9A.68.060)
22 Counterfeiting (RCW 9.16.035(4))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hit and Run--Injury (RCW
27 46.52.020(4)(b))
28 Hit and Run with Vessel--Injury
29 Accident (RCW 79A.60.200(3))
30 Identity Theft 1 (RCW 9.35.020(2))
31 Indecent Exposure to Person Under
32 Age Fourteen (subsequent sex
33 offense) (RCW 9A.88.010)
34 Influencing Outcome of Sporting Event
35 (RCW 9A.82.070)
36 Malicious Harassment (RCW
37 9A.36.080)

1 Residential Burglary (RCW
2 9A.52.025)
3 Robbery 2 (RCW 9A.56.210)
4 Theft of Livestock 1 (RCW 9A.56.080)
5 Threats to Bomb (RCW 9.61.160)
6 Trafficking in Stolen Property 1 (RCW
7 9A.82.050)
8 Unlawful factoring of a credit card or
9 payment card transaction (RCW
10 9A.56.290(4)(b))
11 Unlawful transaction of health
12 coverage as a health care service
13 contractor (RCW 48.44.016(3))
14 Unlawful transaction of health
15 coverage as a health maintenance
16 organization (RCW 48.46.033(3))
17 Unlawful transaction of insurance
18 business (RCW 48.15.023(3))
19 Unlicensed practice as an insurance
20 professional (RCW 48.17.063(3))
21 Use of Proceeds of Criminal
22 Profiteering (RCW 9A.82.080 (1)
23 and (2))
24 Vehicular Assault, by being under the
25 influence of intoxicating liquor or
26 any drug, or by the operation or
27 driving of a vehicle in a reckless
28 manner (RCW 46.61.522)
29 Willful Failure to Return from
30 Furlough (RCW 72.66.060)
31 III Animal Cruelty 1 (Sexual Conduct or
32 Contact) (RCW 16.52.205(3))
33 Assault 3 (Except Assault 3 of a Peace
34 Officer With a Projectile Stun
35 Gun) (RCW 9A.36.031 except
36 subsection (1)(h))
37 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 Cyberstalking (subsequent conviction
11 or threat of death) (RCW
12 9.61.260(3))
13 Escape 2 (RCW 9A.76.120)
14 Extortion 2 (RCW 9A.56.130)
15 Harassment (RCW 9A.46.020)
16 Intimidating a Public Servant (RCW
17 9A.76.180)
18 Introducing Contraband 2 (RCW
19 9A.76.150)
20 Malicious Injury to Railroad Property
21 (RCW 81.60.070)
22 Negligently Causing Substantial Bodily
23 Harm By Use of a Signal
24 Preemption Device (RCW
25 46.37.674)
26 Organized Retail Theft 1 (RCW
27 9A.56.350(2))
28 Patronizing a Juvenile Prostitute (RCW
29 9.68A.100)
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)
36 Promoting Prostitution 2 (RCW
37 9A.88.080)

1 ((Retail)) Retail Theft with
2 Extenuating Circumstances 1
3 (RCW 9A.56.360(2))
4 Securities Act violation (RCW
5 21.20.400)
6 Tampering with a Witness (RCW
7 9A.72.120)
8 Telephone Harassment (subsequent
9 conviction or threat of death)
10 (RCW 9.61.230(2))
11 Theft of Livestock 2 (RCW 9A.56.083)
12 Theft with the Intent to Resell 1 (RCW
13 9A.56.340(2))
14 Trafficking in Stolen Property 2 (RCW
15 9A.82.055)
16 Unlawful Imprisonment (RCW
17 9A.40.040)
18 Unlawful possession of firearm in the
19 second degree (RCW 9.41.040(2))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 II Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 Computer Trespass 1 (RCW
29 9A.52.110)
30 Counterfeiting (RCW 9.16.035(3))
31 Escape from Community Custody
32 (RCW 72.09.310)
33 Failure to Register as a Sex Offender
34 (second or subsequent offense)
35 (RCW 9A.44.130(10)(a))
36 Health Care False Claims (RCW
37 48.80.030)

1 Identity Theft 2 (RCW 9.35.020(3))
2 Improperly Obtaining Financial
3 Information (RCW 9.35.010)
4 Malicious Mischief 1 (RCW
5 9A.48.070)
6 Organized Retail Theft 2 (RCW
7 9A.56.350(3))
8 Possession of Stolen Property 1 (RCW
9 9A.56.150)
10 ~~((Retail))~~ Retail Theft with
11 Extenuating Circumstances 2
12 (RCW 9A.56.360(3))
13 Theft 1 (RCW 9A.56.030)
14 Theft of Rental, Leased, or Lease-
15 purchased Property (valued at one
16 thousand five hundred dollars or
17 more) (RCW 9A.56.096(5)(a))
18 Theft with the Intent to Resell 2 (RCW
19 9A.56.340(3))
20 Trafficking in Insurance Claims (RCW
21 48.30A.015)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(a))
25 Unlawful Practice of Law (RCW
26 2.48.180)
27 Unlicensed Practice of a Profession or
28 Business (RCW 18.130.190(7))
29 Voyeurism (RCW 9A.44.115)
30 I ~~((Attempting to Elude a Pursuing~~
31 ~~Police Vehicle (RCW 46.61.024))~~
32 False Verification for Welfare (RCW
33 74.08.055)
34 Forgery (RCW 9A.60.020)
35 Fraudulent Creation or Revocation of a
36 Mental Health Advance Directive
37 (RCW 9A.60.060)

1 Malicious Mischief 2 (RCW
2 9A.48.080)
3 Mineral Trespass (RCW 78.44.330)
4 Possession of Stolen Property 2 (RCW
5 9A.56.160)
6 Reckless Burning 1 (RCW 9A.48.040)
7 Taking Motor Vehicle Without
8 Permission 2 (RCW 9A.56.075)
9 Theft 2 (RCW 9A.56.040)
10 Theft of Rental, Leased, or Lease-
11 purchased Property (valued at two
12 hundred fifty dollars or more but
13 less than one thousand five
14 hundred dollars) (RCW
15 9A.56.096(5)(b))
16 Transaction of insurance business
17 beyond the scope of licensure
18 (RCW 48.17.063(4))
19 Unlawful Issuance of Checks or Drafts
20 (RCW 9A.56.060)
21 Unlawful Possession of Fictitious
22 Identification (RCW 9A.56.320)
23 Unlawful Possession of Instruments of
24 Financial Fraud (RCW 9A.56.320)
25 Unlawful Possession of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Possession of a Personal
28 Identification Device (RCW
29 9A.56.320)
30 Unlawful Production of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Trafficking in Food Stamps
33 (RCW 9.91.142)
34 Unlawful Use of Food Stamps (RCW
35 9.91.144)
36 Vehicle Prowl 1 (RCW 9A.52.095)

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2007.

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