
HOUSE BILL 1751

State of Washington

60th Legislature

2007 Regular Session

By Representatives Eddy, McDonald, O'Brien, Pearson, Green, Simpson and Ormsby

Read first time 01/26/2007. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to indecent exposure; amending RCW 9A.88.010;
2 reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.88.010 and 2003 c 53 s 92 are each amended to read
5 as follows:

6 (1) A person is guilty of indecent exposure if he or she
7 intentionally makes any open and obscene exposure of his or her person
8 or the person of another knowing that such conduct is likely to cause
9 reasonable affront or alarm. The act of breastfeeding or expressing
10 breast milk is not indecent exposure.

11 (2)(a) Except as provided in (b) and (c) of this subsection,
12 indecent exposure is a misdemeanor.

13 (b) Indecent exposure is a gross misdemeanor on the first offense
14 if the person exposes himself or herself to a person under the age of
15 fourteen years and there was no finding of sexual motivation under RCW
16 9.94A.835 or 13.40.135.

17 (c) Indecent exposure is a class C felony if:

18 (i) The person exposes himself or herself to a person under the age

1 of fourteen years and there was a finding of sexual motivation under
2 RCW 9.94A.835 or 13.40.135; or

3 (ii) The person has previously been convicted under this section or
4 of a sex offense as defined in RCW 9.94A.030.

5 **Sec. 2.** 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)
- 17 XIV Murder 2 (RCW 9A.32.050)
18 Trafficking 1 (RCW 9A.40.100(1))
- 19 XIII Malicious explosion 2 (RCW
20 70.74.280(2))
21 Malicious placement of an explosive 1
22 (RCW 70.74.270(1))
- 23 XII Assault 1 (RCW 9A.36.011)
24 Assault of a Child 1 (RCW 9A.36.120)
25 Malicious placement of an imitation
26 device 1 (RCW 70.74.272(1)(a))
27 Rape 1 (RCW 9A.44.040)
28 Rape of a Child 1 (RCW 9A.44.073)
29 Trafficking 2 (RCW 9A.40.100(2))
- 30 XI Manslaughter 1 (RCW 9A.32.060)
31 Rape 2 (RCW 9A.44.050)
32 Rape of a Child 2 (RCW 9A.44.076)
- 33 X Child Molestation 1 (RCW 9A.44.083)

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
10 (RCW 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 Criminal Mistreatment 1 (RCW
15 9A.42.020)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run--Death (RCW
19 46.52.020(4)(a))
20 Homicide by Watercraft, by being
21 under the influence of intoxicating
22 liquor or any drug (RCW
23 79A.60.050)
24 Inciting Criminal Profiteering (RCW
25 9A.82.060(1)(b))
26 Malicious placement of an explosive 2
27 (RCW 70.74.270(2))
28 Robbery 1 (RCW 9A.56.200)
29 Sexual Exploitation (RCW 9.68A.040)
30 Vehicular Homicide, by being under
31 the influence of intoxicating liquor
32 or any drug (RCW 46.61.520)
33 VIII Arson 1 (RCW 9A.48.020)
34 Homicide by Watercraft, by the
35 operation of any vessel in a
36 reckless manner (RCW
37 79A.60.050)

1 Manslaughter 2 (RCW 9A.32.070)
2 Promoting Prostitution 1 (RCW
3 9A.88.070)
4 Theft of Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation
6 of any vehicle in a reckless manner
7 (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 engaged
13 in sexually explicit conduct (RCW
14 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 Malicious placement of an explosive 3
25 (RCW 70.74.270(3))
26 Negligently Causing Death By Use of a
27 Signal Preemption Device (RCW
28 46.37.675)
29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct (RCW 9.68A.060)
32 Unlawful Possession of a Firearm in
33 the first degree (RCW 9.41.040(1))
34 Use of a Machine Gun in Commission
35 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)
4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Indecent Exposure to Person Under
8 Age Fourteen (with sexual
9 motivation) (RCW
10 9A.88.010(2)(c)(i))
11 Incest 1 (RCW 9A.64.020(1))
12 Intimidating a Judge (RCW 9A.72.160)
13 Intimidating a Juror/Witness (RCW
14 9A.72.110, 9A.72.130)
15 Malicious placement of an imitation
16 device 2 (RCW 70.74.272(1)(b))
17 Possession of Depictions of a Minor
18 Engaged in Sexually Explicit
19 Conduct (RCW 9.68A.070)
20 Rape of a Child 3 (RCW 9A.44.079)
21 Theft of a Firearm (RCW 9A.56.300)
22 Unlawful Storage of Ammonia (RCW
23 69.55.020)
24 V Abandonment of Dependent Person 2
25 (RCW 9A.42.070)
26 Advancing money or property for
27 extortionate extension of credit
28 (RCW 9A.82.030)
29 Bail Jumping with class A Felony
30 (RCW 9A.76.170(3)(b))
31 Child Molestation 3 (RCW 9A.44.089)
32 Criminal Mistreatment 2 (RCW
33 9A.42.030)
34 Custodial Sexual Misconduct 1 (RCW
35 9A.44.160)

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Driving While Under the Influence
7 (RCW 46.61.502(6))
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 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 Physical Control of a Vehicle While
20 Under the Influence (RCW
21 46.61.504(6))
22 Possession of a Stolen Firearm (RCW
23 9A.56.310)
24 Rape 3 (RCW 9A.44.060)
25 Rendering Criminal Assistance 1
26 (RCW 9A.76.070)
27 Sexual Misconduct with a Minor 1
28 (RCW 9A.44.093)
29 Sexually Violating Human Remains
30 (RCW 9A.44.105)
31 Stalking (RCW 9A.46.110)
32 Taking Motor Vehicle Without
33 Permission 1 (RCW 9A.56.070)
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW 9A.68.060)
11 Counterfeiting (RCW 9.16.035(4))
12 Endangerment with a Controlled
13 Substance (RCW 9A.42.100)
14 Escape 1 (RCW 9A.76.110)
15 Hit and Run--Injury (RCW
16 46.52.020(4)(b))
17 Hit and Run with Vessel--Injury
18 Accident (RCW 79A.60.200(3))
19 Identity Theft 1 (RCW 9.35.020(2))
20 Indecent Exposure to Person Under
21 Age Fourteen (subsequent sex
22 offense) (RCW
23 9A.88.010(2)(c)(ii))
24 Influencing Outcome of Sporting Event
25 (RCW 9A.82.070)
26 Malicious Harassment (RCW
27 9A.36.080)
28 Residential Burglary (RCW
29 9A.52.025)
30 Robbery 2 (RCW 9A.56.210)
31 Theft of Livestock 1 (RCW 9A.56.080)
32 Threats to Bomb (RCW 9.61.160)
33 Trafficking in Stolen Property 1 (RCW
34 9A.82.050)
35 Unlawful factoring of a credit card or
36 payment card transaction (RCW
37 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(3))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, by being under the
15 influence of intoxicating liquor or
16 any drug, or by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Willful Failure to Return from
20 Furlough (RCW 72.66.060)
21 III Animal Cruelty 1 (Sexual Conduct or
22 Contact) (RCW 16.52.205(3))
23 Assault 3 (Except Assault 3 of a Peace
24 Officer With a Projectile Stun
25 Gun) (RCW 9A.36.031 except
26 subsection (1)(h))
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 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Organized Retail Theft 1 (RCW
18 9A.56.350(2))
19 Patronizing a Juvenile Prostitute (RCW
20 9.68A.100)
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun or Short-
25 Barreled Shotgun or Rifle (RCW
26 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 (~~[[Retail]]~~) Retail Theft with
30 Extenuating Circumstances 1
31 (RCW 9A.56.360(2))
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Failure to Register as a Sex Offender
25 (second or subsequent offense)
26 (RCW 9A.44.130(10)(a))
27 Health Care False Claims (RCW
28 48.80.030)
29 Identity Theft 2 (RCW 9.35.020(3))
30 Improperly Obtaining Financial
31 Information (RCW 9.35.010)
32 Malicious Mischief 1 (RCW
33 9A.48.070)
34 Organized Retail Theft 2 (RCW
35 9A.56.350(3))
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)

1 ((Retail)) Retail Theft with
2 Extenuating Circumstances 2
3 (RCW 9A.56.360(3))
4 Theft 1 (RCW 9A.56.030)
5 Theft of Rental, Leased, or Lease-
6 purchased Property (valued at one
7 thousand five hundred dollars or
8 more) (RCW 9A.56.096(5)(a))
9 Theft with the Intent to Resell 2 (RCW
10 9A.56.340(3))
11 Trafficking in Insurance Claims (RCW
12 48.30A.015)
13 Unlawful factoring of a credit card or
14 payment card transaction (RCW
15 9A.56.290(4)(a))
16 Unlawful Practice of Law (RCW
17 2.48.180)
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Voyeurism (RCW 9A.44.115)
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW
30 9A.48.080)
31 Mineral Trespass (RCW 78.44.330)
32 Possession of Stolen Property 2 (RCW
33 9A.56.160)
34 Reckless Burning 1 (RCW 9A.48.040)
35 Taking Motor Vehicle Without
36 Permission 2 (RCW 9A.56.075)
37 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(4))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW 9A.56.320)
16 Unlawful Possession of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Possession of a Personal
19 Identification Device (RCW
20 9A.56.320)
21 Unlawful Production of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Vehicle Prowl 1 (RCW 9A.52.095)

--- END ---