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HOUSE BILL 2291

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Kenney, Dickerson, Flannigan, Schual-Berke, Hasegawa, O'Brien, Ormsby and Simpson

Read first time 02/19/2007. Referred to Committee on Public Safety & Emergency Preparedness.

1            AN ACT Relating to penalties for engaging in the commercial sexual  
2 abuse of minors; amending RCW 9.68A.001, 9.68A.100, 19.138.340,  
3 9A.88.140, 9.68A.105, 9A.88.120, and 9A.88.070; reenacting and amending  
4 RCW 9.94A.533 and 9.94A.515; adding new sections to chapter 9.68A RCW;  
5 creating new sections; and prescribing penalties.

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

7            **Sec. 1.** RCW 9.68A.001 and 1984 c 262 s 1 are each amended to read  
8 as follows:

9            The legislature finds that the prevention of sexual exploitation  
10 and abuse of children constitutes a government objective of surpassing  
11 importance. The care of children is a sacred trust and should not be  
12 abused by those who seek commercial gain or personal gratification  
13 based on the exploitation of children.

14            The legislature further finds that the protection of children from  
15 sexual exploitation can be accomplished without infringing on a  
16 constitutionally protected activity. The definition of "sexually  
17 explicit conduct" and other operative definitions demarcate a line  
18 between protected and prohibited conduct and should not inhibit  
19 legitimate scientific, medical, or educational activities.

1 The legislature further finds that children engaged in sexual  
2 conduct for financial compensation are frequently the victims of sexual  
3 abuse. Approximately eighty to ninety percent of children engaged in  
4 sexual activity for financial compensation have a history of sexual  
5 abuse victimization. It is the intent of the legislature to encourage  
6 these children to engage in prevention and intervention services and to  
7 hold those who pay to engage in the sexual abuse of children  
8 accountable for the trauma they inflict on children.

9 **Sec. 2.** RCW 9.68A.100 and 1999 c 327 s 4 are each amended to read  
10 as follows:

11 (1) A person is guilty of (~~patronizing a juvenile prostitute~~)  
12 commercial sexual abuse of a minor if (~~that person engages or agrees~~  
13 ~~or offers~~):

14 (a) He or she pays a fee to a minor or a third person as  
15 compensation for a minor having engaged in sexual conduct with him or  
16 her;

17 (b) He or she pays or agrees to pay a fee to a minor or a third  
18 person pursuant to an understanding that in return therefore such minor  
19 will engage in sexual conduct with him or her; or

20 (c) He or she solicits, offers, or requests to engage in sexual  
21 conduct with a minor in return for a fee(~~, and is guilty of~~).

22 (2) Commercial sexual abuse of a minor is a class C felony  
23 punishable under chapter 9A.20 RCW.

24 (3) In addition to any other penalty provided under chapter 9A.20  
25 RCW, a person guilty of (~~patronizing a juvenile prostitute~~)  
26 commercial sexual abuse of a minor is subject to the provisions under  
27 RCW 9A.88.130 and 9A.88.140.

28 (4) For purposes of this section, "sexual conduct" means sexual  
29 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.68A RCW  
31 to read as follows:

32 (1) A person is guilty of promoting commercial sexual abuse of a  
33 minor if he or she knowingly advances commercial sexual abuse of a  
34 minor or profits from a minor engaged in sexual conduct.

35 (2) Promoting commercial sexual abuse of a minor is a class B  
36 felony.

1 (3) For the purposes of this section:

2 (a) A person "advances commercial sexual abuse of a minor" if,  
3 acting other than as a minor or as a person engaged in commercial  
4 sexual abuse of a minor, he or she causes or aids a person to commit or  
5 engage in commercial sexual abuse of a minor, procures or solicits  
6 customers for commercial sexual abuse of a minor, provides persons or  
7 premises for the purposes of engaging in commercial sexual abuse of a  
8 minor, operates or assists in the operation of a house or enterprise  
9 for the purposes of engaging in commercial sexual abuse of a minor, or  
10 engages in any other conduct designed to institute, aid, cause, assist,  
11 or facilitate an act or enterprise of commercial sexual abuse of a  
12 minor.

13 (b) A person "profits from commercial sexual abuse of a minor" if,  
14 acting other than as a minor receiving compensation for personally  
15 rendered sexual conduct, he or she accepts or receives money or other  
16 property pursuant to an agreement or understanding with any person  
17 whereby he or she participates or will participate in the proceeds of  
18 the sexual conduct of a minor.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.68A RCW  
20 to read as follows:

21 (1) A person commits the offense of promoting travel for commercial  
22 sexual abuse of a minor if he or she knowingly sells or offers to sell  
23 travel services that include or facilitate travel for the purpose of  
24 engaging in what would be commercial sexual abuse of a minor or  
25 promoting commercial sexual abuse of a minor, if occurring in this  
26 state.

27 (2) Promoting travel for commercial sexual abuse of a minor is a  
28 class C felony.

29 (3) For purposes of this section, "travel services" has the same  
30 meaning as defined in RCW 19.138.021.

31 **Sec. 5.** RCW 19.138.340 and 2006 c 250 s 3 are each amended to read  
32 as follows:

33 (1) No seller of travel shall engage in any of the following:

34 (a) Promoting travel for prostitution or promoting travel for  
35 commercial sexual abuse of a minor;

1 (b) Selling, advertising, or otherwise offering to sell travel  
2 services or facilitate travel:

3 (i) For the purposes of engaging in a commercial sex act;

4 (ii) That consists of tourism packages or activities using and  
5 offering sexual acts as an enticement for tourism; or

6 (iii) That provides, purports to provide access to, or facilitates  
7 the availability of sex escorts or sexual services.

8 (2) For the purposes of this section:

9 (a) "Commercial sex act" means any sexual contact, as defined in  
10 chapter 9A.44 RCW, for which anything of value is given to or received  
11 by any person.

12 (b) "Sexual act" means any sexual contact as defined in chapter  
13 9A.44 RCW.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.68A RCW  
15 to read as follows:

16 (1) A person is guilty of permitting commercial sexual abuse of a  
17 minor if, having possession or control of premises which he or she  
18 knows are being used for the purpose of commercial sexual abuse of a  
19 minor, he or she fails without lawful excuse to make reasonable effort  
20 to halt or abate such use, or to make a reasonable effort to notify law  
21 enforcement of such use.

22 (2) Permitting commercial sexual abuse of a minor is a gross  
23 misdemeanor.

24 **Sec. 7.** RCW 9A.88.140 and 1999 c 327 s 3 are each amended to read  
25 as follows:

26 (1) Upon an arrest for a suspected violation of patronizing a  
27 prostitute or (~~patronizing a juvenile prostitute~~) commercial sexual  
28 abuse of a minor, the arresting law enforcement officer may impound the  
29 person's vehicle if (a) the motor vehicle was used in the commission of  
30 the crime; (b) the person arrested is the owner of the vehicle; and (c)  
31 the person arrested has previously been convicted of patronizing a  
32 prostitute, under RCW 9A.88.110, or (~~patronizing a juvenile~~  
33 ~~prostitute~~) commercial sexual abuse of a minor, under RCW 9.68A.100.

34 (2) Impoundments performed under this section shall be in  
35 accordance with chapter 46.55 RCW.

1       **Sec. 8.** RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are  
2 each reenacted and amended to read as follows:

3       (1) The provisions of this section apply to the standard sentence  
4 ranges determined by RCW 9.94A.510 or 9.94A.517.

5       (2) For persons convicted of the anticipatory offenses of criminal  
6 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
7 standard sentence range is determined by locating the sentencing grid  
8 sentence range defined by the appropriate offender score and the  
9 seriousness level of the completed crime, and multiplying the range by  
10 seventy-five percent.

11       (3) The following additional times shall be added to the standard  
12 sentence range for felony crimes committed after July 23, 1995, if the  
13 offender or an accomplice was armed with a firearm as defined in RCW  
14 9.41.010 and the offender is being sentenced for one of the crimes  
15 listed in this subsection as eligible for any firearm enhancements  
16 based on the classification of the completed felony crime. If the  
17 offender is being sentenced for more than one offense, the firearm  
18 enhancement or enhancements must be added to the total period of  
19 confinement for all offenses, regardless of which underlying offense is  
20 subject to a firearm enhancement. If the offender or an accomplice was  
21 armed with a firearm as defined in RCW 9.41.010 and the offender is  
22 being sentenced for an anticipatory offense under chapter 9A.28 RCW to  
23 commit one of the crimes listed in this subsection as eligible for any  
24 firearm enhancements, the following additional times shall be added to  
25 the standard sentence range determined under subsection (2) of this  
26 section based on the felony crime of conviction as classified under RCW  
27 9A.28.020:

28       (a) Five years for any felony defined under any law as a class A  
29 felony or with a statutory maximum sentence of at least twenty years,  
30 or both, and not covered under (f) of this subsection;

31       (b) Three years for any felony defined under any law as a class B  
32 felony or with a statutory maximum sentence of ten years, or both, and  
33 not covered under (f) of this subsection;

34       (c) Eighteen months for any felony defined under any law as a class  
35 C felony or with a statutory maximum sentence of five years, or both,  
36 and not covered under (f) of this subsection;

37       (d) If the offender is being sentenced for any firearm enhancements  
38 under (a), (b), and/or (c) of this subsection and the offender has

1 previously been sentenced for any deadly weapon enhancements after July  
2 23, 1995, under (a), (b), and/or (c) of this subsection or subsection  
3 (4)(a), (b), and/or (c) of this section, or both, all firearm  
4 enhancements under this subsection shall be twice the amount of the  
5 enhancement listed;

6 (e) Notwithstanding any other provision of law, all firearm  
7 enhancements under this section are mandatory, shall be served in total  
8 confinement, and shall run consecutively to all other sentencing  
9 provisions, including other firearm or deadly weapon enhancements, for  
10 all offenses sentenced under this chapter. However, whether or not a  
11 mandatory minimum term has expired, an offender serving a sentence  
12 under this subsection may be granted an extraordinary medical placement  
13 when authorized under RCW 9.94A.728(4);

14 (f) The firearm enhancements in this section shall apply to all  
15 felony crimes except the following: Possession of a machine gun,  
16 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
17 unlawful possession of a firearm in the first and second degree, and  
18 use of a machine gun in a felony;

19 (g) If the standard sentence range under this section exceeds the  
20 statutory maximum sentence for the offense, the statutory maximum  
21 sentence shall be the presumptive sentence unless the offender is a  
22 persistent offender. If the addition of a firearm enhancement  
23 increases the sentence so that it would exceed the statutory maximum  
24 for the offense, the portion of the sentence representing the  
25 enhancement may not be reduced.

26 (4) The following additional times shall be added to the standard  
27 sentence range for felony crimes committed after July 23, 1995, if the  
28 offender or an accomplice was armed with a deadly weapon other than a  
29 firearm as defined in RCW 9.41.010 and the offender is being sentenced  
30 for one of the crimes listed in this subsection as eligible for any  
31 deadly weapon enhancements based on the classification of the completed  
32 felony crime. If the offender is being sentenced for more than one  
33 offense, the deadly weapon enhancement or enhancements must be added to  
34 the total period of confinement for all offenses, regardless of which  
35 underlying offense is subject to a deadly weapon enhancement. If the  
36 offender or an accomplice was armed with a deadly weapon other than a  
37 firearm as defined in RCW 9.41.010 and the offender is being sentenced  
38 for an anticipatory offense under chapter 9A.28 RCW to commit one of

1 the crimes listed in this subsection as eligible for any deadly weapon  
2 enhancements, the following additional times shall be added to the  
3 standard sentence range determined under subsection (2) of this section  
4 based on the felony crime of conviction as classified under RCW  
5 9A.28.020:

6 (a) Two years for any felony defined under any law as a class A  
7 felony or with a statutory maximum sentence of at least twenty years,  
8 or both, and not covered under (f) of this subsection;

9 (b) One year for any felony defined under any law as a class B  
10 felony or with a statutory maximum sentence of ten years, or both, and  
11 not covered under (f) of this subsection;

12 (c) Six months for any felony defined under any law as a class C  
13 felony or with a statutory maximum sentence of five years, or both, and  
14 not covered under (f) of this subsection;

15 (d) If the offender is being sentenced under (a), (b), and/or (c)  
16 of this subsection for any deadly weapon enhancements and the offender  
17 has previously been sentenced for any deadly weapon enhancements after  
18 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
19 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly  
20 weapon enhancements under this subsection shall be twice the amount of  
21 the enhancement listed;

22 (e) Notwithstanding any other provision of law, all deadly weapon  
23 enhancements under this section are mandatory, shall be served in total  
24 confinement, and shall run consecutively to all other sentencing  
25 provisions, including other firearm or deadly weapon enhancements, for  
26 all offenses sentenced under this chapter. However, whether or not a  
27 mandatory minimum term has expired, an offender serving a sentence  
28 under this subsection may be granted an extraordinary medical placement  
29 when authorized under RCW 9.94A.728(4);

30 (f) The deadly weapon enhancements in this section shall apply to  
31 all felony crimes except the following: Possession of a machine gun,  
32 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
33 unlawful possession of a firearm in the first and second degree, and  
34 use of a machine gun in a felony;

35 (g) If the standard sentence range under this section exceeds the  
36 statutory maximum sentence for the offense, the statutory maximum  
37 sentence shall be the presumptive sentence unless the offender is a  
38 persistent offender. If the addition of a deadly weapon enhancement

1 increases the sentence so that it would exceed the statutory maximum  
2 for the offense, the portion of the sentence representing the  
3 enhancement may not be reduced.

4 (5) The following additional times shall be added to the standard  
5 sentence range if the offender or an accomplice committed the offense  
6 while in a county jail or state correctional facility and the offender  
7 is being sentenced for one of the crimes listed in this subsection. If  
8 the offender or an accomplice committed one of the crimes listed in  
9 this subsection while in a county jail or state correctional facility,  
10 and the offender is being sentenced for an anticipatory offense under  
11 chapter 9A.28 RCW to commit one of the crimes listed in this  
12 subsection, the following additional times shall be added to the  
13 standard sentence range determined under subsection (2) of this  
14 section:

15 (a) Eighteen months for offenses committed under RCW 69.50.401(2)  
16 (a) or (b) or 69.50.410;

17 (b) Fifteen months for offenses committed under RCW 69.50.401(2)  
18 (c), (d), or (e);

19 (c) Twelve months for offenses committed under RCW 69.50.4013.

20 For the purposes of this subsection, all of the real property of a  
21 state correctional facility or county jail shall be deemed to be part  
22 of that facility or county jail.

23 (6) An additional twenty-four months shall be added to the standard  
24 sentence range for any ranked offense involving a violation of chapter  
25 69.50 RCW if the offense was also a violation of RCW 69.50.435 or  
26 9.94A.605. All enhancements under this subsection shall run  
27 consecutively to all other sentencing provisions, for all offenses  
28 sentenced under this chapter.

29 (7) An additional two years shall be added to the standard sentence  
30 range for vehicular homicide committed while under the influence of  
31 intoxicating liquor or any drug as defined by RCW 46.61.502 for each  
32 prior offense as defined in RCW 46.61.5055.

33 (8)(a) The following additional times shall be added to the  
34 standard sentence range for felony crimes committed on or after July 1,  
35 2006, if the offense was committed with sexual motivation, as that term  
36 is defined in RCW 9.94A.030. If the offender is being sentenced for  
37 more than one offense, the sexual motivation enhancement must be added  
38 to the total period of total confinement for all offenses, regardless



1 of which underlying offense is subject to a sexual motivation  
2 enhancement. If the offender committed the offense with sexual  
3 motivation and the offender is being sentenced for an anticipatory  
4 offense under chapter 9A.28 RCW, the following additional times shall  
5 be added to the standard sentence range determined under subsection (2)  
6 of this section based on the felony crime of conviction as classified  
7 under RCW 9A.28.020:

8 (i) Two years for any felony defined under the law as a class A  
9 felony or with a statutory maximum sentence of at least twenty years,  
10 or both;

11 (ii) Eighteen months for any felony defined under any law as a  
12 class B felony or with a statutory maximum sentence of ten years, or  
13 both;

14 (iii) One year for any felony defined under any law as a class C  
15 felony or with a statutory maximum sentence of five years, or both;

16 (iv) If the offender is being sentenced for any sexual motivation  
17 enhancements under (i), (ii), and/or (iii) of this subsection and the  
18 offender has previously been sentenced for any sexual motivation  
19 enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of  
20 this subsection, all sexual motivation enhancements under this  
21 subsection shall be twice the amount of the enhancement listed;

22 (b) Notwithstanding any other provision of law, all sexual  
23 motivation enhancements under this subsection are mandatory, shall be  
24 served in total confinement, and shall run consecutively to all other  
25 sentencing provisions, including other sexual motivation enhancements,  
26 for all offenses sentenced under this chapter. However, whether or not  
27 a mandatory minimum term has expired, an offender serving a sentence  
28 under this subsection may be granted an extraordinary medical placement  
29 when authorized under RCW 9.94A.728(4);

30 (c) The sexual motivation enhancements in this subsection apply to  
31 all felony crimes;

32 (d) If the standard sentence range under this subsection exceeds  
33 the statutory maximum sentence for the offense, the statutory maximum  
34 sentence shall be the presumptive sentence unless the offender is a  
35 persistent offender. If the addition of a sexual motivation  
36 enhancement increases the sentence so that it would exceed the  
37 statutory maximum for the offense, the portion of the sentence  
38 representing the enhancement may not be reduced;

1 (e) The portion of the total confinement sentence which the  
2 offender must serve under this subsection shall be calculated before  
3 any earned early release time is credited to the offender;

4 (f) Nothing in this subsection prevents a sentencing court from  
5 imposing a sentence outside the standard sentence range pursuant to RCW  
6 9.94A.535.

7 (9) An additional one-year enhancement shall be added to the  
8 standard sentence range for the felony crimes of RCW 9A.44.073,  
9 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
10 or after July 1, 2007, if the offender engaged, agreed, or offered to  
11 engage the victim in the sexual conduct in return for a fee. If the  
12 offender is being sentenced for more than one offense, the one-year  
13 enhancement must be added to the total period of total confinement for  
14 all offenses, regardless of which underlying offense is subject to the  
15 enhancement. If the offender is being sentenced for an anticipatory  
16 offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079,  
17 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted to  
18 engage, agree, or offer to engage the victim in sexual conduct in  
19 return for a fee, an additional one-year enhancement shall be added to  
20 the standard sentence range determined under subsection (2) of this  
21 section based on the felony crime of conviction as classified under RCW  
22 9A.28.020. For purposes of this subsection, "sexual conduct" means  
23 sexual intercourse or sexual contact, both as defined in chapter 9A.44  
24 RCW.

25 **Sec. 9.** RCW 9.68A.105 and 1995 c 353 s 12 are each amended to read  
26 as follows:

27 (1)(a) In addition to penalties set forth in RCW 9.68A.100, a  
28 person who is either convicted or given a deferred sentence or a  
29 deferred prosecution or who has entered into a statutory or  
30 nonstatutory diversion agreement as a result of an arrest for violating  
31 RCW 9.68A.100 or a comparable county or municipal ordinance shall be  
32 assessed a (~~two~~) five hundred fifty dollar fee.

33 (b) The court may not suspend payment of all or part of the fee  
34 unless it finds that the person does not have the ability to pay.

35 (c) When a minor has been adjudicated a juvenile offender or has  
36 entered into a statutory or nonstatutory diversion agreement for an  
37 offense which, if committed by an adult, would constitute a violation

1 of RCW 9.68A.100 or a comparable county or municipal ordinance, the  
2 court shall assess the fee under (a) of this subsection. The court may  
3 not suspend payment of all or part of the fee unless it finds that the  
4 minor does not have the ability to pay the fee.

5 (2) The fee assessed under subsection (1) of this section shall be  
6 collected by the clerk of the court and distributed each month to the  
7 state treasurer for deposit in the prostitution prevention and  
8 intervention account under RCW 43.63A.740 for the purpose of funding  
9 prostitution prevention and intervention activities.

10 (3) For the purposes of this section:

11 (a) "Statutory or nonstatutory diversion agreement" means an  
12 agreement under RCW 13.40.080 or any written agreement between a person  
13 accused of an offense listed in subsection (1) of this section and a  
14 court, county or city prosecutor, or designee thereof, whereby the  
15 person agrees to fulfill certain conditions in lieu of prosecution.

16 (b) "Deferred sentence" means a sentence that will not be carried  
17 out if the defendant meets certain requirements, such as complying with  
18 the conditions of probation.

19 **Sec. 10.** RCW 9A.88.120 and 1995 c 353 s 13 are each amended to  
20 read as follows:

21 (1)(a) In addition to penalties set forth in RCW 9A.88.010,  
22 9A.88.030, and 9A.88.090, a person who is either convicted or given a  
23 deferred sentence or a deferred prosecution or who has entered into a  
24 statutory or nonstatutory diversion agreement as a result of an arrest  
25 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county  
26 or municipal ordinances shall be assessed a fifty dollar fee.

27 (b) In addition to penalties set forth in RCW 9A.88.110, a person  
28 who is either convicted or given a deferred sentence or a deferred  
29 prosecution or who has entered into a statutory or nonstatutory  
30 diversion agreement as a result of an arrest for violating RCW  
31 9A.88.110 or a comparable county or municipal ordinance shall be  
32 assessed a one hundred fifty dollar fee.

33 (c) In addition to penalties set forth in RCW 9A.88.070 and  
34 9A.88.080, a person who is either convicted or given a deferred  
35 sentence or a deferred prosecution or who has entered into a statutory  
36 or nonstatutory diversion agreement as a result of an arrest for

1 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal  
2 ordinances shall be assessed a three hundred dollar fee.

3 (2) The court may not suspend payment of all or part of the fee  
4 unless it finds that the person does not have the ability to pay.

5 (3) When a minor has been adjudicated a juvenile offender or has  
6 entered into a statutory or nonstatutory diversion agreement for an  
7 offense which, if committed by an adult, would constitute a violation  
8 under this chapter or comparable county or municipal ordinances, the  
9 court shall assess the fee as specified under subsection (1) of this  
10 section. The court may not suspend payment of all or part of the fee  
11 unless it finds that the minor does not have the ability to pay the  
12 fee.

13 (4) Any fee assessed under this section shall be collected by the  
14 clerk of the court and distributed each month to the state treasurer  
15 for deposit in the prostitution prevention and intervention account  
16 under RCW 43.63A.740 for the purpose of funding prostitution prevention  
17 and intervention activities.

18 (5) As used in this section, "statutory or nonstatutory diversion  
19 agreement" and "deferred sentence" have the same meaning as defined in  
20 RCW 9.68A.105.

21 **Sec. 11.** RCW 9A.88.070 and 1975 1st ex.s. c 260 s 9A.88.070 are  
22 each amended to read as follows:

23 (1) A person is guilty of promoting prostitution in the first  
24 degree if he or she knowingly((+

25 ~~(a))~~ advances prostitution by compelling a person by threat or  
26 force to engage in prostitution or profits from prostitution which  
27 results from such threat or force(~~(+or~~

28 ~~(b) Advances or profits from prostitution of a person less than~~  
29 ~~eighteen years old)).~~

30 (2) Promoting prostitution in the first degree is a class B felony.

31 **Sec. 12.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c  
32 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each  
33 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) 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)) Sexually Violent Predator Escape (RCW 9A.76.115)

1 IX Abandonment of Dependent Person 1  
2 (RCW 9A.42.060)  
3 Assault of a Child 2 (RCW 9A.36.130)  
4 Criminal Mistreatment 1 (RCW  
5 9A.42.020)  
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 (section 3 of this act)  
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 Malicious placement of an imitation  
2 device 2 (RCW 70.74.272(1)(b))  
3 Possession of Depictions of a Minor  
4 Engaged in Sexually Explicit  
5 Conduct (RCW 9.68A.070)  
6 Rape of a Child 3 (RCW 9A.44.079)  
7 Theft of a Firearm (RCW 9A.56.300)  
8 Unlawful Storage of Ammonia (RCW  
9 69.55.020)  
10 V Abandonment of Dependent Person 2  
11 (RCW 9A.42.070)  
12 Advancing money or property for  
13 extortionate extension of credit  
14 (RCW 9A.82.030)  
15 Bail Jumping with class A Felony  
16 (RCW 9A.76.170(3)(b))  
17 Child Molestation 3 (RCW 9A.44.089)  
18 Criminal Mistreatment 2 (RCW  
19 9A.42.030)  
20 Custodial Sexual Misconduct 1 (RCW  
21 9A.44.160)  
22 Domestic Violence Court Order  
23 Violation (RCW 10.99.040,  
24 10.99.050, 26.09.300, 26.10.220,  
25 26.26.138, 26.50.110, 26.52.070,  
26 or 74.34.145)  
27 Driving While Under the Influence  
28 (RCW 46.61.502(6))  
29 Extortion 1 (RCW 9A.56.120)  
30 Extortionate Extension of Credit (RCW  
31 9A.82.020)  
32 Extortionate Means to Collect  
33 Extensions of Credit (RCW  
34 9A.82.040)  
35 Incest 2 (RCW 9A.64.020(2))  
36 Kidnapping 2 (RCW 9A.40.030)  
37 Perjury 1 (RCW 9A.72.020)



1 Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Physical Control of a Vehicle While  
4 Under the Influence (RCW  
5 46.61.504(6))  
6 Possession of a Stolen Firearm (RCW  
7 9A.56.310)  
8 Rape 3 (RCW 9A.44.060)  
9 Rendering Criminal Assistance 1  
10 (RCW 9A.76.070)  
11 Sexual Misconduct with a Minor 1  
12 (RCW 9A.44.093)  
13 Sexually Violating Human Remains  
14 (RCW 9A.44.105)  
15 Stalking (RCW 9A.46.110)  
16 Taking Motor Vehicle Without  
17 Permission 1 (RCW 9A.56.070)  
18 IV Arson 2 (RCW 9A.48.030)  
19 Assault 2 (RCW 9A.36.021)  
20 Assault 3 (of a Peace Officer with a  
21 Projectile Stun Gun) (RCW  
22 9A.36.031(1)(h))  
23 Assault by Watercraft (RCW  
24 79A.60.060)  
25 Bribing a Witness/Bribe Received by  
26 Witness (RCW 9A.72.090,  
27 9A.72.100)  
28 Cheating 1 (RCW 9.46.1961)  
29 Commercial Bribery (RCW 9A.68.060)  
30 Counterfeiting (RCW 9.16.035(4))  
31 Endangerment with a Controlled  
32 Substance (RCW 9A.42.100)  
33 Escape 1 (RCW 9A.76.110)  
34 Hit and Run--Injury (RCW  
35 46.52.020(4)(b))  
36 Hit and Run with Vessel--Injury  
37 Accident (RCW 79A.60.200(3))

1 Identity Theft 1 (RCW 9.35.020(2))  
2 Indecent Exposure to Person Under  
3 Age Fourteen (subsequent sex  
4 offense) (RCW 9A.88.010)  
5 Influencing Outcome of Sporting Event  
6 (RCW 9A.82.070)  
7 Malicious Harassment (RCW  
8 9A.36.080)  
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 Trafficking in Stolen Property 1 (RCW  
15 9A.82.050)  
16 Unlawful factoring of a credit card or  
17 payment card transaction (RCW  
18 9A.56.290(4)(b))  
19 Unlawful transaction of health  
20 coverage as a health care service  
21 contractor (RCW 48.44.016(3))  
22 Unlawful transaction of health  
23 coverage as a health maintenance  
24 organization (RCW 48.46.033(3))  
25 Unlawful transaction of insurance  
26 business (RCW 48.15.023(3))  
27 Unlicensed practice as an insurance  
28 professional (RCW 48.17.063(3))  
29 Use of Proceeds of Criminal  
30 Profiteering (RCW 9A.82.080 (1)  
31 and (2))  
32 Vehicular Assault, by being under the  
33 influence of intoxicating liquor or  
34 any drug, or by the operation or  
35 driving of a vehicle in a reckless  
36 manner (RCW 46.61.522)

1 Willful Failure to Return from  
2 Furlough (RCW 72.66.060)  
3 III Animal Cruelty 1 (Sexual Conduct or  
4 Contact) (RCW 16.52.205(3))  
5 Assault 3 (Except Assault 3 of a Peace  
6 Officer With a Projectile Stun  
7 Gun) (RCW 9A.36.031 except  
8 subsection (1)(h))  
9 Assault of a Child 3 (RCW 9A.36.140)  
10 Bail Jumping with class B or C Felony  
11 (RCW 9A.76.170(3)(c))  
12 Burglary 2 (RCW 9A.52.030)  
13 Commercial Sexual Abuse of a Minor  
14 (RCW 9.68A.100)  
15 Communication with a Minor for  
16 Immoral Purposes (RCW  
17 9.68A.090)  
18 Criminal Gang Intimidation (RCW  
19 9A.46.120)  
20 Custodial Assault (RCW 9A.36.100)  
21 Cyberstalking (subsequent conviction  
22 or threat of death) (RCW  
23 9.61.260(3))  
24 Escape 2 (RCW 9A.76.120)  
25 Extortion 2 (RCW 9A.56.130)  
26 Harassment (RCW 9A.46.020)  
27 Intimidating a Public Servant (RCW  
28 9A.76.180)  
29 Introducing Contraband 2 (RCW  
30 9A.76.150)  
31 Malicious Injury to Railroad Property  
32 (RCW 81.60.070)  
33 Negligently Causing Substantial Bodily  
34 Harm By Use of a Signal  
35 Preemption Device (RCW  
36 46.37.674)

1 Organized Retail Theft 1 (RCW  
2 9A.56.350(2))  
3 (~~(Patronizing a Juvenile Prostitute~~  
4 ~~(RCW 9.68A.100))~~)  
5 Perjury 2 (RCW 9A.72.030)  
6 Possession of Incendiary Device (RCW  
7 9.40.120)  
8 Possession of Machine Gun or Short-  
9 Barreled Shotgun or Rifle (RCW  
10 9.41.190)  
11 Promoting Prostitution 2 (RCW  
12 9A.88.080)  
13 (~~(Retail)~~) Retail Theft with  
14 Extenuating Circumstances 1  
15 (RCW 9A.56.360(2))  
16 Securities Act violation (RCW  
17 21.20.400)  
18 Tampering with a Witness (RCW  
19 9A.72.120)  
20 Telephone Harassment (subsequent  
21 conviction or threat of death)  
22 (RCW 9.61.230(2))  
23 Theft of Livestock 2 (RCW 9A.56.083)  
24 Theft with the Intent to Resell 1 (RCW  
25 9A.56.340(2))  
26 Trafficking in Stolen Property 2 (RCW  
27 9A.82.055)  
28 Unlawful Imprisonment (RCW  
29 9A.40.040)  
30 Unlawful possession of firearm in the  
31 second degree (RCW 9.41.040(2))  
32 Vehicular Assault, by the operation or  
33 driving of a vehicle with disregard  
34 for the safety of others (RCW  
35 46.61.522)  
36 Willful Failure to Return from Work  
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW  
2 9A.52.110)  
3 Counterfeiting (RCW 9.16.035(3))  
4 Escape from Community Custody  
5 (RCW 72.09.310)  
6 Failure to Register as a Sex Offender  
7 (second or subsequent offense)  
8 (RCW 9A.44.130(10)(a))  
9 Health Care False Claims (RCW  
10 48.80.030)  
11 Identity Theft 2 (RCW 9.35.020(3))  
12 Improperly Obtaining Financial  
13 Information (RCW 9.35.010)  
14 Malicious Mischief 1 (RCW  
15 9A.48.070)  
16 Organized Retail Theft 2 (RCW  
17 9A.56.350(3))  
18 Possession of Stolen Property 1 (RCW  
19 9A.56.150)  
20 (~~(Retail)~~) Retail Theft with  
21 Extenuating Circumstances 2  
22 (RCW 9A.56.360(3))  
23 Theft 1 (RCW 9A.56.030)  
24 Theft of Rental, Leased, or Lease-  
25 purchased Property (valued at one  
26 thousand five hundred dollars or  
27 more) (RCW 9A.56.096(5)(a))  
28 Theft with the Intent to Resell 2 (RCW  
29 9A.56.340(3))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))  
35 Unlawful Practice of Law (RCW  
36 2.48.180)

1 Unlicensed Practice of a Profession or  
2 Business (RCW 18.130.190(7))  
3 Voyeurism (RCW 9A.44.115)  
4 I Attempting to Elude a Pursuing Police  
5 Vehicle (RCW 46.61.024)  
6 False Verification for Welfare (RCW  
7 74.08.055)  
8 Forgery (RCW 9A.60.020)  
9 Fraudulent Creation or Revocation of a  
10 Mental Health Advance Directive  
11 (RCW 9A.60.060)  
12 Malicious Mischief 2 (RCW  
13 9A.48.080)  
14 Mineral Trespass (RCW 78.44.330)  
15 Possession of Stolen Property 2 (RCW  
16 9A.56.160)  
17 Reckless Burning 1 (RCW 9A.48.040)  
18 Taking Motor Vehicle Without  
19 Permission 2 (RCW 9A.56.075)  
20 Theft 2 (RCW 9A.56.040)  
21 Theft of Rental, Leased, or Lease-  
22 purchased Property (valued at two  
23 hundred fifty dollars or more but  
24 less than one thousand five  
25 hundred dollars) (RCW  
26 9A.56.096(5)(b))  
27 Transaction of insurance business  
28 beyond the scope of licensure  
29 (RCW 48.17.063(4))  
30 Unlawful Issuance of Checks or Drafts  
31 (RCW 9A.56.060)  
32 Unlawful Possession of Fictitious  
33 Identification (RCW 9A.56.320)  
34 Unlawful Possession of Instruments of  
35 Financial Fraud (RCW 9A.56.320)  
36 Unlawful Possession of Payment  
37 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal  
2 Identification Device (RCW  
3 9A.56.320)  
4 Unlawful Production of Payment  
5 Instruments (RCW 9A.56.320)  
6 Unlawful Trafficking in Food Stamps  
7 (RCW 9.91.142)  
8 Unlawful Use of Food Stamps (RCW  
9 9.91.144)  
10 Vehicle Prowl 1 (RCW 9A.52.095)

11 NEW SECTION. **Sec. 13.** If funds are specifically appropriated to  
12 the prostitution prevention and intervention account as provided in RCW  
13 43.63A.720 for the purposes provided in this section, the department of  
14 community, trade, and economic development shall prioritize such funds  
15 to provide minors who have a history of engaging in sexual conduct for  
16 a fee or are the victims of commercial sexual abuse of a minor with (1)  
17 residential treatment and services; (2) counseling services including  
18 mental health and substance abuse services and intensive case  
19 management; (3) services to engage the minors in school or vocational  
20 training; and (4) health care services.

21 NEW SECTION. **Sec. 14.** If funds are specifically appropriated to  
22 the prostitution prevention and intervention account as provided in RCW  
23 43.63A.720 for the purposes provided in this section, the department of  
24 community, trade, and economic development shall prioritize such funds  
25 for training of law enforcement and community outreach and education on  
26 minors who have a history of engaging in sexual conduct for a fee or  
27 are the victims of commercial sexual abuse of a minor.

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