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**SUBSTITUTE HOUSE BILL 1305**

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**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Hope, Moscoso, Klippert, Hayes, Takko, Pettigrew, Sells, Smith, Hurst, and Bergquist)

READ FIRST TIME 02/11/13.

1            AN ACT Relating to vehicle prowling; amending RCW 9A.52.100;  
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.52.100 and 2011 c 336 s 376 are each amended to  
5            read as follows:

6            (1) A person is guilty of vehicle prowling in the second degree if,  
7            with intent to commit a crime against a person or property therein, he  
8            or she enters or remains unlawfully in a vehicle other than a motor  
9            home, as defined in RCW 46.04.305, or a vessel equipped for propulsion  
10           by mechanical means or by sail which has a cabin equipped with  
11           permanently installed sleeping quarters or cooking facilities.

12           (2) Except as provided in subsection (3) of this section, vehicle  
13           prowling in the second degree is a gross misdemeanor.

14           (3) Vehicle prowling in the second degree is a class C felony upon  
15           a third or subsequent conviction of vehicle prowling in the second  
16           degree. A third or subsequent conviction means that a person has been  
17           previously convicted on at least two separate occasions of the crime of  
18           vehicle prowling in the second degree.

1           (4) Multiple counts of vehicle prowling (a) charged in the same  
2           charging document do not count as separate offenses for the purposes of  
3           charging as a felony based on previous convictions for vehicle prowling  
4           in the second degree and (b) based on the same date of occurrence do  
5           not count as separate offenses for the purposes of charging as a felony  
6           based on previous convictions for vehicle prowling in the second  
7           degree.

8           **Sec. 2.** RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are  
9           each reenacted and amended to read as follows:

11    TABLE 2

12    CRIMES INCLUDED WITHIN

13    EACH SERIOUSNESS LEVEL

- 14                                   XVI Aggravated Murder 1 (RCW  
15    10.95.020)
- 16                                   XV Homicide by abuse (RCW 9A.32.055)  
17    Malicious explosion 1 (RCW  
18    70.74.280(1))  
19    Murder 1 (RCW 9A.32.030)
- 20                                   XIV Murder 2 (RCW 9A.32.050)  
21    Trafficking 1 (RCW 9A.40.100(1))
- 22                                   XIII Malicious explosion 2 (RCW  
23    70.74.280(2))  
24    Malicious placement of an explosive 1  
25    (RCW 70.74.270(1))
- 26                                   XII Assault 1 (RCW 9A.36.011)  
27    Assault of a Child 1 (RCW 9A.36.120)  
28    Malicious placement of an imitation  
29    device 1 (RCW 70.74.272(1)(a))  
30    Promoting Commercial Sexual Abuse  
31    of a Minor (RCW 9.68A.101)  
32    Rape 1 (RCW 9A.44.040)  
33    Rape of a Child 1 (RCW 9A.44.073)  
34    Trafficking 2 (RCW 9A.40.100(2))
- 35                                   XI Manslaughter 1 (RCW 9A.32.060)

1 Rape 2 (RCW 9A.44.050)  
2 Rape of a Child 2 (RCW 9A.44.076)  
3 Vehicular Homicide, by being under  
4 the influence of intoxicating liquor  
5 or any drug (RCW 46.61.520)  
6 X Child Molestation 1 (RCW 9A.44.083)  
7 Criminal Mistreatment 1 (RCW  
8 9A.42.020)  
9 Indecent Liberties (with forcible  
10 compulsion) (RCW  
11 9A.44.100(1)(a))  
12 Kidnapping 1 (RCW 9A.40.020)  
13 Leading Organized Crime (RCW  
14 9A.82.060(1)(a))  
15 Malicious explosion 3 (RCW  
16 70.74.280(3))  
17 Sexually Violent Predator Escape  
18 (RCW 9A.76.115)  
19 IX Abandonment of Dependent Person 1  
20 (RCW 9A.42.060)  
21 Assault of a Child 2 (RCW 9A.36.130)  
22 Explosive devices prohibited (RCW  
23 70.74.180)  
24 Hit and Run--Death (RCW  
25 46.52.020(4)(a))  
26 Homicide by Watercraft, by being  
27 under the influence of intoxicating  
28 liquor or any drug (RCW  
29 79A.60.050)  
30 Inciting Criminal Profiteering (RCW  
31 9A.82.060(1)(b))  
32 Malicious placement of an explosive 2  
33 (RCW 70.74.270(2))  
34 Robbery 1 (RCW 9A.56.200)  
35 Sexual Exploitation (RCW 9.68A.040)  
36 VIII Arson 1 (RCW 9A.48.020)

1 Commercial Sexual Abuse of a Minor  
2 (RCW 9.68A.100)  
3 Homicide by Watercraft, by the  
4 operation of any vessel in a  
5 reckless manner (RCW  
6 79A.60.050)  
7 Manslaughter 2 (RCW 9A.32.070)  
8 Promoting Prostitution 1 (RCW  
9 9A.88.070)  
10 Theft of Ammonia (RCW 69.55.010)  
11 Vehicular Homicide, by the operation  
12 of any vehicle in a reckless manner  
13 (RCW 46.61.520)  
14 VII Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))  
21 Drive-by Shooting (RCW 9A.36.045)  
22 Homicide by Watercraft, by disregard  
23 for the safety of others (RCW  
24 79A.60.050)  
25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1)  
27 (b) and (c))  
28 Introducing Contraband 1 (RCW  
29 9A.76.140)  
30 Malicious placement of an explosive 3  
31 (RCW 70.74.270(3))  
32 Negligently Causing Death By Use of a  
33 Signal Preemption Device (RCW  
34 46.37.675)

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct 1 (RCW  
4 9.68A.060(1))  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW 9.41.040(1))  
7 Use of a Machine Gun in Commission  
8 of a Felony (RCW 9.41.225)  
9 Vehicular Homicide, by disregard for  
10 the safety of others (RCW  
11 46.61.520)  
12 VI Bail Jumping with Murder 1 (RCW  
13 9A.76.170(3)(a))  
14 Bribery (RCW 9A.68.010)  
15 Incest 1 (RCW 9A.64.020(1))  
16 Intimidating a Judge (RCW 9A.72.160)  
17 Intimidating a Juror/Witness (RCW  
18 9A.72.110, 9A.72.130)  
19 Malicious placement of an imitation  
20 device 2 (RCW 70.74.272(1)(b))  
21 Possession of Depictions of a Minor  
22 Engaged in Sexually Explicit  
23 Conduct 1 (RCW 9.68A.070(1))  
24 Rape of a Child 3 (RCW 9A.44.079)  
25 Theft of a Firearm (RCW 9A.56.300)  
26 Unlawful Storage of Ammonia (RCW  
27 69.55.020)  
28 V Abandonment of Dependent Person 2  
29 (RCW 9A.42.070)  
30 Advancing money or property for  
31 extortionate extension of credit  
32 (RCW 9A.82.030)  
33 Bail Jumping with class A Felony  
34 (RCW 9A.76.170(3)(b))  
35 Child Molestation 3 (RCW 9A.44.089)  
36 Criminal Mistreatment 2 (RCW  
37 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Dealing in Depictions of Minor  
4 Engaged in Sexually Explicit  
5 Conduct 2 (RCW 9.68A.050(2))  
6 Domestic Violence Court Order  
7 Violation (RCW 10.99.040,  
8 10.99.050, 26.09.300, 26.10.220,  
9 26.26.138, 26.50.110, 26.52.070,  
10 or 74.34.145)  
11 Driving While Under the Influence  
12 (RCW 46.61.502(6))  
13 Extortion 1 (RCW 9A.56.120)  
14 Extortionate Extension of Credit (RCW  
15 9A.82.020)  
16 Extortionate Means to Collect  
17 Extensions of Credit (RCW  
18 9A.82.040)  
19 Incest 2 (RCW 9A.64.020(2))  
20 Kidnapping 2 (RCW 9A.40.030)  
21 Perjury 1 (RCW 9A.72.020)  
22 Persistent prison misbehavior (RCW  
23 9.94.070)  
24 Physical Control of a Vehicle While  
25 Under the Influence (RCW  
26 46.61.504(6))  
27 Possession of a Stolen Firearm (RCW  
28 9A.56.310)  
29 Rape 3 (RCW 9A.44.060)  
30 Rendering Criminal Assistance 1  
31 (RCW 9A.76.070)  
32 Sending, Bringing into State Depictions  
33 of Minor Engaged in Sexually  
34 Explicit Conduct 2 (RCW  
35 9.68A.060(2))  
36 Sexual Misconduct with a Minor 1  
37 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault by Watercraft (RCW  
12 79A.60.060)  
13 Bribing a Witness/Bribe Received by  
14 Witness (RCW 9A.72.090,  
15 9A.72.100)  
16 Cheating 1 (RCW 9A.46.1961)  
17 Commercial Bribery (RCW 9A.68.060)  
18 Counterfeiting (RCW 9.16.035(4))  
19 Endangerment with a Controlled  
20 Substance (RCW 9A.42.100)  
21 Escape 1 (RCW 9A.76.110)  
22 Hit and Run--Injury (RCW  
23 46.52.020(4)(b))  
24 Hit and Run with Vessel--Injury  
25 Accident (RCW 79A.60.200(3))  
26 Identity Theft 1 (RCW 9.35.020(2))  
27 Indecent Exposure to Person Under  
28 Age Fourteen (subsequent sex  
29 offense) (RCW 9A.88.010)  
30 Influencing Outcome of Sporting Event  
31 (RCW 9A.82.070)  
32 Malicious Harassment (RCW  
33 9A.36.080)  
34 Possession of Depictions of a Minor  
35 Engaged in Sexually Explicit  
36 Conduct 2 (RCW 9.68A.070(2))

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(2))  
21 Use of Proceeds of Criminal  
22 Profiteering (RCW 9A.82.080 (1)  
23 and (2))  
24 Vehicle Prowling 2 (third or  
25 subsequent offense) (RCW  
26 9A.52.100(3))  
27 Vehicular Assault, by being under the  
28 influence of intoxicating liquor or  
29 any drug, or by the operation or  
30 driving of a vehicle in a reckless  
31 manner (RCW 46.61.522)  
32 Viewing of Depictions of a Minor  
33 Engaged in Sexually Explicit  
34 Conduct 1 (RCW 9.68A.075(1))  
35 Willful Failure to Return from  
36 Furlough (RCW 72.66.060)



1 III Animal Cruelty 1 (Sexual Conduct or  
2 Contact) (RCW 16.52.205(3))  
3 Assault 3 (Except Assault 3 of a Peace  
4 Officer With a Projectile Stun  
5 Gun) (RCW 9A.36.031 except  
6 subsection (1)(h))  
7 Assault of a Child 3 (RCW 9A.36.140)  
8 Bail Jumping with class B or C Felony  
9 (RCW 9A.76.170(3)(c))  
10 Burglary 2 (RCW 9A.52.030)  
11 Communication with a Minor for  
12 Immoral Purposes (RCW  
13 9.68A.090)  
14 Criminal Gang Intimidation (RCW  
15 9A.46.120)  
16 Custodial Assault (RCW 9A.36.100)  
17 Cyberstalking (subsequent conviction  
18 or threat of death) (RCW  
19 9.61.260(3))  
20 Escape 2 (RCW 9A.76.120)  
21 Extortion 2 (RCW 9A.56.130)  
22 Harassment (RCW 9A.46.020)  
23 Intimidating a Public Servant (RCW  
24 9A.76.180)  
25 Introducing Contraband 2 (RCW  
26 9A.76.150)  
27 Malicious Injury to Railroad Property  
28 (RCW 81.60.070)  
29 Mortgage Fraud (RCW 19.144.080)  
30 Negligently Causing Substantial Bodily  
31 Harm By Use of a Signal  
32 Preemption Device (RCW  
33 46.37.674)  
34 Organized Retail Theft 1 (RCW  
35 9A.56.350(2))  
36 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-  
4 Barreled Shotgun or Rifle (RCW  
5 9.41.190)  
6 Promoting Prostitution 2 (RCW  
7 9A.88.080)  
8 Retail Theft with Extenuating  
9 Circumstances 1 (RCW  
10 9A.56.360(2))  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Tampering with a Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment (subsequent  
16 conviction or threat of death)  
17 (RCW 9.61.230(2))  
18 Theft of Livestock 2 (RCW 9A.56.083)  
19 Theft with the Intent to Resell 1 (RCW  
20 9A.56.340(2))  
21 Trafficking in Stolen Property 2 (RCW  
22 9A.82.055)  
23 Unlawful Hunting of Big Game 1  
24 (RCW 77.15.410(3)(b))  
25 Unlawful Imprisonment (RCW  
26 9A.40.040)  
27 Unlawful possession of firearm in the  
28 second degree (RCW 9.41.040(2))  
29 Unlawful Taking of Endangered Fish  
30 or Wildlife 1 (RCW  
31 77.15.120(3)(b))  
32 Unlawful Trafficking in Fish, Shellfish,  
33 or Wildlife 1 (RCW  
34 77.15.260(3)(b))  
35 Unlawful Use of a Nondesignated  
36 Vessel (RCW 77.15.530(4))

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 Commercial Fishing Without a License  
8 1 (RCW 77.15.500(3)(b))  
9 Computer Trespass 1 (RCW  
10 9A.52.110)  
11 Counterfeiting (RCW 9.16.035(3))  
12 Engaging in Fish Dealing Activity  
13 Unlicensed 1 (RCW 77.15.620(3))  
14 Escape from Community Custody  
15 (RCW 72.09.310)  
16 Failure to Register as a Sex Offender  
17 (second or subsequent offense)  
18 (RCW 9A.44.132)  
19 Health Care False Claims (RCW  
20 48.80.030)  
21 Identity Theft 2 (RCW 9.35.020(3))  
22 Improperly Obtaining Financial  
23 Information (RCW 9.35.010)  
24 Malicious Mischief 1 (RCW  
25 9A.48.070)  
26 Organized Retail Theft 2 (RCW  
27 9A.56.350(3))  
28 Possession of Stolen Property 1 (RCW  
29 9A.56.150)  
30 Possession of a Stolen Vehicle (RCW  
31 9A.56.068)  
32 Retail Theft with Extenuating  
33 Circumstances 2 (RCW  
34 9A.56.360(3))  
35 Theft 1 (RCW 9A.56.030)  
36 Theft of a Motor Vehicle (RCW  
37 9A.56.065)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at one  
3 thousand five hundred dollars or  
4 more) (RCW 9A.56.096(5)(a))  
5 Theft with the Intent to Resell 2 (RCW  
6 9A.56.340(3))  
7 Trafficking in Insurance Claims (RCW  
8 48.30A.015)  
9 Unlawful factoring of a credit card or  
10 payment card transaction (RCW  
11 9A.56.290(4)(a))  
12 Unlawful Participation of Non-Indians  
13 in Indian Fishery (RCW  
14 77.15.570(2))  
15 Unlawful Practice of Law (RCW  
16 2.48.180)  
17 Unlicensed Practice of a Profession or  
18 Business (RCW 18.130.190(7))  
19 Unlawful Purchase or Use of a License  
20 (RCW 77.15.650(3)(b))  
21 Unlawful Trafficking in Fish, Shellfish,  
22 or Wildlife 2 (RCW  
23 77.15.260(3)(a))  
24 Voyeurism (RCW 9A.44.115)  
25 I Attempting to Elude a Pursuing Police  
26 Vehicle (RCW 46.61.024)  
27 False Verification for Welfare (RCW  
28 74.08.055)  
29 Forgery (RCW 9A.60.020)  
30 Fraudulent Creation or Revocation of a  
31 Mental Health Advance Directive  
32 (RCW 9A.60.060)  
33 Malicious Mischief 2 (RCW  
34 9A.48.080)  
35 Mineral Trespass (RCW 78.44.330)  
36 Possession of Stolen Property 2 (RCW  
37 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)  
2 Spotlighting Big Game 1 (RCW  
3 77.15.450(3)(b))  
4 Suspension of Department Privileges 1  
5 (RCW 77.15.670(3)(b))  
6 Taking Motor Vehicle Without  
7 Permission 2 (RCW 9A.56.075)  
8 Theft 2 (RCW 9A.56.040)  
9 Theft of Rental, Leased, or Lease-  
10 purchased Property (valued at two  
11 hundred fifty dollars or more but  
12 less than one thousand five  
13 hundred dollars) (RCW  
14 9A.56.096(5)(b))  
15 Transaction of insurance business  
16 beyond the scope of licensure  
17 (RCW 48.17.063)  
18 Unlawful Fish and Shellfish Catch  
19 Accounting (RCW  
20 77.15.630(3)(b))  
21 Unlawful Issuance of Checks or Drafts  
22 (RCW 9A.56.060)  
23 Unlawful Possession of Fictitious  
24 Identification (RCW 9A.56.320)  
25 Unlawful Possession of Instruments of  
26 Financial Fraud (RCW 9A.56.320)  
27 Unlawful Possession of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Possession of a Personal  
30 Identification Device (RCW  
31 9A.56.320)  
32 Unlawful Production of Payment  
33 Instruments (RCW 9A.56.320)  
34 Unlawful Release of Deleterious Exotic  
35 Wildlife (RCW 77.15.250(2)(b))  
36 Unlawful Trafficking in Food Stamps  
37 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW  
2 9.91.144)  
3 Unlawful Use of Net to Take Fish 1  
4 (RCW 77.15.580(3)(b))  
5 Unlawful Use of Prohibited Aquatic  
6 Animal Species (RCW  
7 77.15.253(3))  
8 Vehicle Prowl 1 (RCW 9A.52.095)  
9 Violating Commercial Fishing Area or  
10 Time 1 (RCW 77.15.550(3)(b))

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