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**SUBSTITUTE HOUSE BILL 1758**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Leavitt, Senn, and Berry)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to increasing the penalty for hazing; amending  
2 RCW 28B.10.901, 9.94A.411, 9.94A.411, 9.94A.515, 9.94A.515,  
3 9A.46.060, and 9A.46.060; creating a new section; prescribing  
4 penalties; providing an effective date; and providing an expiration  
5 date.

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

7 **Sec. 1.** RCW 28B.10.901 and 1993 c 514 s 2 are each amended to  
8 read as follows:

9 (1) No student, or other person in attendance at any public or  
10 private institution of higher education, or any other postsecondary  
11 educational institution, may conspire to engage in hazing or  
12 participate in hazing of another.

13 (2) ((A)) (a) Except as provided in (b) of this subsection, a  
14 violation of this section is a gross misdemeanor, punishable as  
15 provided under RCW 9A.20.021.

16 (b) Hazing that causes substantial bodily harm, as defined in RCW  
17 9A.04.110, to another person is a class C felony.

18 (3) Any person who in the commission of a hazing offense commits  
19 any other crime may be punished for that other crime as well as for  
20 the hazing offense, and may be prosecuted for each crime separately.

1       (4) Any organization, association, or student living group that  
2 knowingly permits hazing is strictly liable for harm caused to  
3 persons or property resulting from hazing. If the organization,  
4 association, or student living group is a corporation whether for  
5 profit or nonprofit, the individual directors of the corporation may  
6 be held individually liable for damages.

7       **Sec. 2.** RCW 9.94A.411 and 2019 c 46 s 5008 are each amended to  
8 read as follows:

9       (1) Decision not to prosecute.

10       STANDARD: A prosecuting attorney may decline to prosecute, even  
11 though technically sufficient evidence to prosecute exists, in  
12 situations where prosecution would serve no public purpose, would  
13 defeat the underlying purpose of the law in question or would result  
14 in decreased respect for the law.

15       GUIDELINE/COMMENTARY:

16       Examples

17       The following are examples of reasons not to prosecute which  
18 could satisfy the standard.

19       (a) Contrary to Legislative Intent - It may be proper to decline  
20 to charge where the application of criminal sanctions would be  
21 clearly contrary to the intent of the legislature in enacting the  
22 particular statute.

23       (b) Antiquated Statute - It may be proper to decline to charge  
24 where the statute in question is antiquated in that:

25       (i) It has not been enforced for many years; and

26       (ii) Most members of society act as if it were no longer in  
27 existence; and

28       (iii) It serves no deterrent or protective purpose in today's  
29 society; and

30       (iv) The statute has not been recently reconsidered by the  
31 legislature.

32       This reason is not to be construed as the basis for declining  
33 cases because the law in question is unpopular or because it is  
34 difficult to enforce.

35       (c) De Minimis Violation - It may be proper to decline to charge  
36 where the violation of law is only technical or insubstantial and  
37 where no public interest or deterrent purpose would be served by  
38 prosecution.

1 (d) Confinement on Other Charges - It may be proper to decline to  
2 charge because the accused has been sentenced on another charge to a  
3 lengthy period of confinement; and

4 (i) Conviction of the new offense would not merit any additional  
5 direct or collateral punishment;

6 (ii) The new offense is either a misdemeanor or a felony which is  
7 not particularly aggravated; and

8 (iii) Conviction of the new offense would not serve any  
9 significant deterrent purpose.

10 (e) Pending Conviction on Another Charge - It may be proper to  
11 decline to charge because the accused is facing a pending prosecution  
12 in the same or another county; and

13 (i) Conviction of the new offense would not merit any additional  
14 direct or collateral punishment;

15 (ii) Conviction in the pending prosecution is imminent;

16 (iii) The new offense is either a misdemeanor or a felony which  
17 is not particularly aggravated; and

18 (iv) Conviction of the new offense would not serve any  
19 significant deterrent purpose.

20 (f) High Disproportionate Cost of Prosecution - It may be proper  
21 to decline to charge where the cost of locating or transporting, or  
22 the burden on, prosecution witnesses is highly disproportionate to  
23 the importance of prosecuting the offense in question. This reason  
24 should be limited to minor cases and should not be relied upon in  
25 serious cases.

26 (g) Improper Motives of Complainant - It may be proper to decline  
27 charges because the motives of the complainant are improper and  
28 prosecution would serve no public purpose, would defeat the  
29 underlying purpose of the law in question or would result in  
30 decreased respect for the law.

31 (h) Immunity - It may be proper to decline to charge where  
32 immunity is to be given to an accused in order to prosecute another  
33 where the accused's information or testimony will reasonably lead to  
34 the conviction of others who are responsible for more serious  
35 criminal conduct or who represent a greater danger to the public  
36 interest.

37 (i) Victim Request - It may be proper to decline to charge  
38 because the victim requests that no criminal charges be filed and the  
39 case involves the following crimes or situations:

1 (i) Assault cases where the victim has suffered little or no  
2 injury;

3 (ii) Crimes against property, not involving violence, where no  
4 major loss was suffered;

5 (iii) Where doing so would not jeopardize the safety of society.

6 Care should be taken to insure that the victim's request is  
7 freely made and is not the product of threats or pressure by the  
8 accused.

9 The presence of these factors may also justify the decision to  
10 dismiss a prosecution which has been commenced.

11 Notification

12 The prosecutor is encouraged to notify the victim, when  
13 practical, and the law enforcement personnel, of the decision not to  
14 prosecute.

15 (2) Decision to prosecute.

16 (a) STANDARD:

17 Crimes against persons will be filed if sufficient admissible  
18 evidence exists, which, when considered with the most plausible,  
19 reasonably foreseeable defense that could be raised under the  
20 evidence, would justify conviction by a reasonable and objective fact  
21 finder. With regard to offenses prohibited by RCW 9A.44.040,  
22 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,  
23 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing  
24 agreements or diversions intended to place the accused in a program  
25 of treatment or counseling, so that treatment, if determined to be  
26 beneficial, can be provided pursuant to RCW 9.94A.670.

27 Crimes against property/other crimes will be filed if the  
28 admissible evidence is of such convincing force as to make it  
29 probable that a reasonable and objective fact finder would convict  
30 after hearing all the admissible evidence and the most plausible  
31 defense that could be raised.

32 See table below for the crimes within these categories.

33 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

34 CRIMES AGAINST PERSONS

35 Aggravated Murder (RCW 10.95.020)

36 1st Degree Murder (RCW 9A.32.030)

37 2nd Degree Murder (RCW 9A.32.050)

38 1st Degree Manslaughter (RCW 9A.32.060)

39 2nd Degree Manslaughter (RCW 9A.32.070)

1 1st Degree Kidnapping (RCW 9A.40.020)  
2 2nd Degree Kidnapping (RCW 9A.40.030)  
3 1st Degree Assault (RCW 9A.36.011)  
4 2nd Degree Assault (RCW 9A.36.021)  
5 3rd Degree Assault (RCW 9A.36.031)  
6 4th Degree Assault (if a violation of RCW 9A.36.041(3))  
7 1st Degree Assault of a Child (RCW 9A.36.120)  
8 2nd Degree Assault of a Child (RCW 9A.36.130)  
9 3rd Degree Assault of a Child (RCW 9A.36.140)  
10 1st Degree Rape (RCW 9A.44.040)  
11 2nd Degree Rape (RCW 9A.44.050)  
12 3rd Degree Rape (RCW 9A.44.060)  
13 1st Degree Rape of a Child (RCW 9A.44.073)  
14 2nd Degree Rape of a Child (RCW 9A.44.076)  
15 3rd Degree Rape of a Child (RCW 9A.44.079)  
16 1st Degree Robbery (RCW 9A.56.200)  
17 2nd Degree Robbery (RCW 9A.56.210)  
18 1st Degree Arson (RCW 9A.48.020)  
19 1st Degree Burglary (RCW 9A.52.020)  
20 1st Degree Identity Theft (RCW 9.35.020(2))  
21 2nd Degree Identity Theft (RCW 9.35.020(3))  
22 1st Degree Extortion (RCW 9A.56.120)  
23 2nd Degree Extortion (RCW 9A.56.130)  
24 1st Degree Criminal Mistreatment (RCW 9A.42.020)  
25 2nd Degree Criminal Mistreatment (RCW 9A.42.030)  
26 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))  
27 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))  
28 Indecent Liberties (RCW 9A.44.100)  
29 Incest (RCW 9A.64.020)  
30 Vehicular Homicide (RCW 46.61.520)  
31 Vehicular Assault (RCW 46.61.522)  
32 1st Degree Child Molestation (RCW 9A.44.083)  
33 2nd Degree Child Molestation (RCW 9A.44.086)  
34 3rd Degree Child Molestation (RCW 9A.44.089)  
35 1st Degree Promoting Prostitution (RCW 9A.88.070)  
36 Intimidating a Juror (RCW 9A.72.130)  
37 Communication with a Minor (RCW 9.68A.090)  
38 Intimidating a Witness (RCW 9A.72.110)  
39 Intimidating a Public Servant (RCW 9A.76.180)  
40 Bomb Threat (if against person) (RCW 9.61.160)

1 Unlawful Imprisonment (RCW 9A.40.040)  
2 Promoting a Suicide Attempt (RCW 9A.36.060)  
3 Criminal Mischief (if against person) (RCW 9A.84.010)  
4 Stalking (RCW 9A.46.110)  
5 Custodial Assault (RCW 9A.36.100)  
6 Domestic Violence Court Order Violation (RCW 10.99.040,  
7 10.99.050, 26.09.300, (~~26.10.220,7~~) 26.26B.050, 26.50.110,  
8 26.52.070, or 74.34.145)  
9 Counterfeiting (if a violation of RCW 9.16.035(4))  
10 Felony Driving a Motor Vehicle While Under the Influence of  
11 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))  
12 Felony Physical Control of a Motor Vehicle While Under the  
13 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))  
14 Felony Hazing (RCW 28B.10.901(2)(b))  
15 CRIMES AGAINST PROPERTY/OTHER CRIMES  
16 2nd Degree Arson (RCW 9A.48.030)  
17 1st Degree Escape (RCW 9A.76.110)  
18 2nd Degree Escape (RCW 9A.76.120)  
19 2nd Degree Burglary (RCW 9A.52.030)  
20 1st Degree Theft (RCW 9A.56.030)  
21 2nd Degree Theft (RCW 9A.56.040)  
22 1st Degree Perjury (RCW 9A.72.020)  
23 2nd Degree Perjury (RCW 9A.72.030)  
24 1st Degree Introducing Contraband (RCW 9A.76.140)  
25 2nd Degree Introducing Contraband (RCW 9A.76.150)  
26 1st Degree Possession of Stolen Property (RCW 9A.56.150)  
27 2nd Degree Possession of Stolen Property (RCW 9A.56.160)  
28 Bribery (RCW 9A.68.010)  
29 Bribing a Witness (RCW 9A.72.090)  
30 Bribe received by a Witness (RCW 9A.72.100)  
31 Bomb Threat (if against property) (RCW 9.61.160)  
32 1st Degree Malicious Mischief (RCW 9A.48.070)  
33 2nd Degree Malicious Mischief (RCW 9A.48.080)  
34 1st Degree Reckless Burning (RCW 9A.48.040)  
35 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and  
36 9A.56.075)  
37 Forgery (RCW 9A.60.020)  
38 2nd Degree Promoting Prostitution (RCW 9A.88.080)  
39 Tampering with a Witness (RCW 9A.72.120)

1 Trading in Public Office (RCW 9A.68.040)  
2 Trading in Special Influence (RCW 9A.68.050)  
3 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)  
4 Bigamy (RCW 9A.64.010)  
5 Eluding a Pursuing Police Vehicle (RCW 46.61.024)  
6 Willful Failure to Return from Furlough  
7 Escape from Community Custody  
8 Criminal Mischief (if against property) (RCW 9A.84.010)  
9 1st Degree Theft of Livestock (RCW 9A.56.080)  
10 2nd Degree Theft of Livestock (RCW 9A.56.083)

11 ALL OTHER UNCLASSIFIED FELONIES

12 Selection of Charges/Degree of Charge

13 (i) The prosecutor should file charges which adequately describe  
14 the nature of defendant's conduct. Other offenses may be charged only  
15 if they are necessary to ensure that the charges:

16 (A) Will significantly enhance the strength of the state's case  
17 at trial; or

18 (B) Will result in restitution to all victims.

19 (ii) The prosecutor should not overcharge to obtain a guilty  
20 plea. Overcharging includes:

21 (A) Charging a higher degree;

22 (B) Charging additional counts.

23 This standard is intended to direct prosecutors to charge those  
24 crimes which demonstrate the nature and seriousness of a defendant's  
25 criminal conduct, but to decline to charge crimes which are not  
26 necessary to such an indication. Crimes which do not merge as a  
27 matter of law, but which arise from the same course of conduct, do  
28 not all have to be charged.

29 (b) GUIDELINES/COMMENTARY:

30 (i) Police Investigation

31 A prosecuting attorney is dependent upon law enforcement agencies  
32 to conduct the necessary factual investigation which must precede the  
33 decision to prosecute. The prosecuting attorney shall ensure that a  
34 thorough factual investigation has been conducted before a decision  
35 to prosecute is made. In ordinary circumstances the investigation  
36 should include the following:

37 (A) The interviewing of all material witnesses, together with the  
38 obtaining of written statements whenever possible;

39 (B) The completion of necessary laboratory tests; and

1 (C) The obtaining, in accordance with constitutional  
2 requirements, of the suspect's version of the events.

3 If the initial investigation is incomplete, a prosecuting  
4 attorney should insist upon further investigation before a decision  
5 to prosecute is made, and specify what the investigation needs to  
6 include.

7 (ii) Exceptions

8 In certain situations, a prosecuting attorney may authorize  
9 filing of a criminal complaint before the investigation is complete  
10 if:

11 (A) Probable cause exists to believe the suspect is guilty; and

12 (B) The suspect presents a danger to the community or is likely  
13 to flee if not apprehended; or

14 (C) The arrest of the suspect is necessary to complete the  
15 investigation of the crime.

16 In the event that the exception to the standard is applied, the  
17 prosecuting attorney shall obtain a commitment from the law  
18 enforcement agency involved to complete the investigation in a timely  
19 manner. If the subsequent investigation does not produce sufficient  
20 evidence to meet the normal charging standard, the complaint should  
21 be dismissed.

22 (iii) Investigation Techniques

23 The prosecutor should be fully advised of the investigatory  
24 techniques that were used in the case investigation including:

25 (A) Polygraph testing;

26 (B) Hypnosis;

27 (C) Electronic surveillance;

28 (D) Use of informants.

29 (iv) Prefiling Discussions with Defendant

30 Discussions with the defendant or his/her representative  
31 regarding the selection or disposition of charges may occur prior to  
32 the filing of charges, and potential agreements can be reached.

33 (v) Prefiling Discussions with Victim(s)

34 Discussions with the victim(s) or victims' representatives  
35 regarding the selection or disposition of charges may occur before  
36 the filing of charges. The discussions may be considered by the  
37 prosecutor in charging and disposition decisions, and should be  
38 considered before reaching any agreement with the defendant regarding  
39 these decisions.



1       **Sec. 3.** RCW 9.94A.411 and 2021 c 215 s 98 are each amended to  
2 read as follows:

3       (1) Decision not to prosecute.

4       **STANDARD:** A prosecuting attorney may decline to prosecute, even  
5 though technically sufficient evidence to prosecute exists, in  
6 situations where prosecution would serve no public purpose, would  
7 defeat the underlying purpose of the law in question or would result  
8 in decreased respect for the law.

9       **GUIDELINE/COMMENTARY:**

10       Examples

11       The following are examples of reasons not to prosecute which  
12 could satisfy the standard.

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21 existence; and

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25 legislature.

26       This reason is not to be construed as the basis for declining  
27 cases because the law in question is unpopular or because it is  
28 difficult to enforce.

29       (c) De Minimis Violation - It may be proper to decline to charge  
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27 the conviction of others who are responsible for more serious  
28 criminal conduct or who represent a greater danger to the public  
29 interest.

30 (i) Victim Request - It may be proper to decline to charge  
31 because the victim requests that no criminal charges be filed and the  
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34 injury;

35 (ii) Crimes against property, not involving violence, where no  
36 major loss was suffered;

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38 Care should be taken to insure that the victim's request is  
39 freely made and is not the product of threats or pressure by the  
40 accused.

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2 dismiss a prosecution which has been commenced.

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4 The prosecutor is encouraged to notify the victim, when  
5 practical, and the law enforcement personnel, of the decision not to  
6 prosecute.

7 (2) Decision to prosecute.

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10 evidence exists, which, when considered with the most plausible,  
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14 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,  
15 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing  
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18 beneficial, can be provided pursuant to RCW 9.94A.670.

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23 defense that could be raised.

24 See table below for the crimes within these categories.

25 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

26 CRIMES AGAINST PERSONS

27 Aggravated Murder (RCW 10.95.020)

28 1st Degree Murder (RCW 9A.32.030)

29 2nd Degree Murder (RCW 9A.32.050)

30 1st Degree Manslaughter (RCW 9A.32.060)

31 2nd Degree Manslaughter (RCW 9A.32.070)

32 1st Degree Kidnapping (RCW 9A.40.020)

33 2nd Degree Kidnapping (RCW 9A.40.030)

34 1st Degree Assault (RCW 9A.36.011)

35 2nd Degree Assault (RCW 9A.36.021)

36 3rd Degree Assault (RCW 9A.36.031)

37 4th Degree Assault (if a violation of RCW 9A.36.041(3))

38 1st Degree Assault of a Child (RCW 9A.36.120)

39 2nd Degree Assault of a Child (RCW 9A.36.130)

1 3rd Degree Assault of a Child (RCW 9A.36.140)  
2 1st Degree Rape (RCW 9A.44.040)  
3 2nd Degree Rape (RCW 9A.44.050)  
4 3rd Degree Rape (RCW 9A.44.060)  
5 1st Degree Rape of a Child (RCW 9A.44.073)  
6 2nd Degree Rape of a Child (RCW 9A.44.076)  
7 3rd Degree Rape of a Child (RCW 9A.44.079)  
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9 2nd Degree Robbery (RCW 9A.56.210)  
10 1st Degree Arson (RCW 9A.48.020)  
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12 1st Degree Identity Theft (RCW 9.35.020(2))  
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16 1st Degree Criminal Mistreatment (RCW 9A.42.020)  
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25 2nd Degree Child Molestation (RCW 9A.44.086)  
26 3rd Degree Child Molestation (RCW 9A.44.089)  
27 1st Degree Promoting Prostitution (RCW 9A.88.070)  
28 Intimidating a Juror (RCW 9A.72.130)  
29 Communication with a Minor (RCW 9.68A.090)  
30 Intimidating a Witness (RCW 9A.72.110)  
31 Intimidating a Public Servant (RCW 9A.76.180)  
32 Bomb Threat (if against person) (RCW 9.61.160)  
33 Unlawful Imprisonment (RCW 9A.40.040)  
34 Promoting a Suicide Attempt (RCW 9A.36.060)  
35 Criminal Mischief (if against person) (RCW 9A.84.010)  
36 Stalking (RCW 9A.46.110)  
37 Custodial Assault (RCW 9A.36.100)  
38 Domestic Violence Court Order Violation (RCW 7.105.450,  
39 10.99.040, 10.99.050, 26.09.300, (~~26.10.220~~)) 26.26B.050, or  
40 26.52.070, or any of the former RCW 26.50.110 and 74.34.145)

1 Counterfeiting (if a violation of RCW 9.16.035(4))  
2 Felony Driving a Motor Vehicle While Under the Influence of  
3 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))  
4 Felony Physical Control of a Motor Vehicle While Under the  
5 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))  
6 Felony Hazing (RCW 28B.10.901(2)(b))

7 CRIMES AGAINST PROPERTY/OTHER CRIMES  
8 2nd Degree Arson (RCW 9A.48.030)  
9 1st Degree Escape (RCW 9A.76.110)  
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32 Trading in Public Office (RCW 9A.68.040)  
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34 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)  
35 Bigamy (RCW 9A.64.010)  
36 Eluding a Pursuing Police Vehicle (RCW 46.61.024)  
37 Willful Failure to Return from Furlough  
38 Escape from Community Custody  
39 Criminal Mischief (if against property) (RCW 9A.84.010)

1 1st Degree Theft of Livestock (RCW 9A.56.080)

2 2nd Degree Theft of Livestock (RCW 9A.56.083)

3 ALL OTHER UNCLASSIFIED FELONIES

4 Selection of Charges/Degree of Charge

5 (i) The prosecutor should file charges which adequately describe  
6 the nature of defendant's conduct. Other offenses may be charged only  
7 if they are necessary to ensure that the charges:

8 (A) Will significantly enhance the strength of the state's case  
9 at trial; or

10 (B) Will result in restitution to all victims.

11 (ii) The prosecutor should not overcharge to obtain a guilty  
12 plea. Overcharging includes:

13 (A) Charging a higher degree;

14 (B) Charging additional counts.

15 This standard is intended to direct prosecutors to charge those  
16 crimes which demonstrate the nature and seriousness of a defendant's  
17 criminal conduct, but to decline to charge crimes which are not  
18 necessary to such an indication. Crimes which do not merge as a  
19 matter of law, but which arise from the same course of conduct, do  
20 not all have to be charged.

21 (b) GUIDELINES/COMMENTARY:

22 (i) Police Investigation

23 A prosecuting attorney is dependent upon law enforcement agencies  
24 to conduct the necessary factual investigation which must precede the  
25 decision to prosecute. The prosecuting attorney shall ensure that a  
26 thorough factual investigation has been conducted before a decision  
27 to prosecute is made. In ordinary circumstances the investigation  
28 should include the following:

29 (A) The interviewing of all material witnesses, together with the  
30 obtaining of written statements whenever possible;

31 (B) The completion of necessary laboratory tests; and

32 (C) The obtaining, in accordance with constitutional  
33 requirements, of the suspect's version of the events.

34 If the initial investigation is incomplete, a prosecuting  
35 attorney should insist upon further investigation before a decision  
36 to prosecute is made, and specify what the investigation needs to  
37 include.

38 (ii) Exceptions

1 In certain situations, a prosecuting attorney may authorize  
2 filing of a criminal complaint before the investigation is complete  
3 if:

- 4 (A) Probable cause exists to believe the suspect is guilty; and
- 5 (B) The suspect presents a danger to the community or is likely  
6 to flee if not apprehended; or
- 7 (C) The arrest of the suspect is necessary to complete the  
8 investigation of the crime.

9 In the event that the exception to the standard is applied, the  
10 prosecuting attorney shall obtain a commitment from the law  
11 enforcement agency involved to complete the investigation in a timely  
12 manner. If the subsequent investigation does not produce sufficient  
13 evidence to meet the normal charging standard, the complaint should  
14 be dismissed.

15 (iii) Investigation Techniques

16 The prosecutor should be fully advised of the investigatory  
17 techniques that were used in the case investigation including:

- 18 (A) Polygraph testing;
- 19 (B) Hypnosis;
- 20 (C) Electronic surveillance;
- 21 (D) Use of informants.

22 (iv) Prefiling Discussions with Defendant

23 Discussions with the defendant or his/her representative  
24 regarding the selection or disposition of charges may occur prior to  
25 the filing of charges, and potential agreements can be reached.

26 (v) Prefiling Discussions with Victim(s)

27 Discussions with the victim(s) or victims' representatives  
28 regarding the selection or disposition of charges may occur before  
29 the filing of charges. The discussions may be considered by the  
30 prosecutor in charging and disposition decisions, and should be  
31 considered before reaching any agreement with the defendant regarding  
32 these decisions.

33 **Sec. 4.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
34 read as follows:

35 TABLE 2

36 CRIMES INCLUDED WITHIN EACH  
37 SERIOUSNESS LEVEL

38 XVI Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)  
2 Malicious explosion 1 (RCW  
3 70.74.280(1))  
4 Murder 1 (RCW 9A.32.030)  
5 XIV Murder 2 (RCW 9A.32.050)  
6 Trafficking 1 (RCW 9A.40.100(1))  
7 XIII Malicious explosion 2 (RCW  
8 70.74.280(2))  
9 Malicious placement of an explosive 1  
10 (RCW 70.74.270(1))  
11 XII Assault 1 (RCW 9A.36.011)  
12 Assault of a Child 1 (RCW 9A.36.120)  
13 Malicious placement of an imitation  
14 device 1 (RCW 70.74.272(1)(a))  
15 Promoting Commercial Sexual Abuse of  
16 a Minor (RCW 9.68A.101)  
17 Rape 1 (RCW 9A.44.040)  
18 Rape of a Child 1 (RCW 9A.44.073)  
19 Trafficking 2 (RCW 9A.40.100(3))  
20 XI Manslaughter 1 (RCW 9A.32.060)  
21 Rape 2 (RCW 9A.44.050)  
22 Rape of a Child 2 (RCW 9A.44.076)  
23 Vehicular Homicide, by being under the  
24 influence of intoxicating liquor or  
25 any drug (RCW 46.61.520)  
26 Vehicular Homicide, by the operation of  
27 any vehicle in a reckless manner  
28 (RCW 46.61.520)  
29 X Child Molestation 1 (RCW 9A.44.083)  
30 Criminal Mistreatment 1 (RCW  
31 9A.42.020)  
32 Indecent Liberties (with forcible  
33 compulsion) (RCW  
34 9A.44.100(1)(a))  
35 Kidnapping 1 (RCW 9A.40.020)



1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape (RCW  
6 9A.76.115)  
7 IX Abandonment of Dependent Person 1  
8 (RCW 9A.42.060)  
9 Assault of a Child 2 (RCW 9A.36.130)  
10 Explosive devices prohibited (RCW  
11 70.74.180)  
12 Hit and Run—Death (RCW  
13 46.52.020(4)(a))  
14 Homicide by Watercraft, by being under  
15 the influence of intoxicating liquor  
16 or any drug (RCW 79A.60.050)  
17 Inciting Criminal Profiteering (RCW  
18 9A.82.060(1)(b))  
19 Malicious placement of an explosive 2  
20 (RCW 70.74.270(2))  
21 Robbery 1 (RCW 9A.56.200)  
22 Sexual Exploitation (RCW 9.68A.040)  
23 VIII Arson 1 (RCW 9A.48.020)  
24 Commercial Sexual Abuse of a Minor  
25 (RCW 9.68A.100)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a reckless  
28 manner (RCW 79A.60.050)  
29 Manslaughter 2 (RCW 9A.32.070)  
30 Promoting Prostitution 1 (RCW  
31 9A.88.070)  
32 Theft of Ammonia (RCW 69.55.010)  
33 VII Air bag diagnostic systems (causing  
34 bodily injury or death) (RCW  
35 46.37.660(2)(b))

1 Air bag replacement requirements  
2 (causing bodily injury or death)  
3 (RCW 46.37.660(1)(b))  
4 Burglary 1 (RCW 9A.52.020)  
5 Child Molestation 2 (RCW 9A.44.086)  
6 Civil Disorder Training (RCW  
7 9A.48.120)  
8 Dealing in depictions of minor engaged  
9 in sexually explicit conduct 1  
10 (RCW 9.68A.050(1))  
11 Drive-by Shooting (RCW 9A.36.045)  
12 False Reporting 1 (RCW  
13 9A.84.040(2)(a))  
14 Homicide by Watercraft, by disregard  
15 for the safety of others (RCW  
16 79A.60.050)  
17 Indecent Liberties (without forcible  
18 compulsion) (RCW 9A.44.100(1)  
19 (b) and (c))  
20 Introducing Contraband 1 (RCW  
21 9A.76.140)  
22 Malicious placement of an explosive 3  
23 (RCW 70.74.270(3))  
24 Manufacture or import counterfeit,  
25 nonfunctional, damaged, or  
26 previously deployed air bag  
27 (causing bodily injury or death)  
28 (RCW 46.37.650(1)(b))  
29 Negligently Causing Death By Use of a  
30 Signal Preemption Device (RCW  
31 46.37.675)  
32 Sell, install, or reinstall counterfeit,  
33 nonfunctional, damaged, or  
34 previously deployed airbag (RCW  
35 46.37.650(2)(b))

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 the  
6 first degree (RCW 9.41.040(1))  
7 Use of a Machine Gun or Bump-fire  
8 Stock in Commission of a Felony  
9 (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Theft from a Vulnerable Adult 1 (RCW  
28 9A.56.400(1))  
29 Unlawful Storage of Ammonia (RCW  
30 69.55.020)  
31 V Abandonment of Dependent Person 2  
32 (RCW 9A.42.070)  
33 Advancing money or property for  
34 extortionate extension of credit  
35 (RCW 9A.82.030)

1 Air bag diagnostic systems (RCW  
2 46.37.660(2)(c))  
3 Air bag replacement requirements  
4 (RCW 46.37.660(1)(c))  
5 Bail Jumping with class A Felony  
6 (RCW 9A.76.170(3)(b))  
7 Child Molestation 3 (RCW 9A.44.089)  
8 Criminal Mistreatment 2 (RCW  
9 9A.42.030)  
10 Custodial Sexual Misconduct 1 (RCW  
11 9A.44.160)  
12 Dealing in Depictions of Minor  
13 Engaged in Sexually Explicit  
14 Conduct 2 (RCW 9.68A.050(2))  
15 Domestic Violence Court Order  
16 Violation (RCW 10.99.040,  
17 10.99.050, 26.09.300,  
18 ((~~26.10.220~~;) 26.26B.050,  
19 26.50.110, 26.52.070, or 74.34.145)  
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 Manufacture or import counterfeit,  
29 nonfunctional, damaged, or  
30 previously deployed air bag (RCW  
31 46.37.650(1)(c))  
32 Perjury 1 (RCW 9A.72.020)  
33 Persistent prison misbehavior (RCW  
34 9.94.070)  
35 Possession of a Stolen Firearm (RCW  
36 9A.56.310)

1 Rape 3 (RCW 9A.44.060)  
2 Rendering Criminal Assistance 1 (RCW  
3 9A.76.070)  
4 Sell, install, or reinstall counterfeit,  
5 nonfunctional, damaged, or  
6 previously deployed airbag (RCW  
7 46.37.650(2)(c))  
8 Sending, Bringing into State Depictions  
9 of Minor Engaged in Sexually  
10 Explicit Conduct 2 (RCW  
11 9.68A.060(2))  
12 Sexual Misconduct with a Minor 1  
13 (RCW 9A.44.093)  
14 Sexually Violating Human Remains  
15 (RCW 9A.44.105)  
16 Stalking (RCW 9A.46.110)  
17 Taking Motor Vehicle Without  
18 Permission 1 (RCW 9A.56.070)  
19 IV Arson 2 (RCW 9A.48.030)  
20 Assault 2 (RCW 9A.36.021)  
21 Assault 3 (of a Peace Officer with a  
22 Projectile Stun Gun) (RCW  
23 9A.36.031(1)(h))  
24 Assault 4 (third domestic violence  
25 offense) (RCW 9A.36.041(3))  
26 Assault by Watercraft (RCW  
27 79A.60.060)  
28 Bribing a Witness/Bribe Received by  
29 Witness (RCW 9A.72.090,  
30 9A.72.100)  
31 Cheating 1 (RCW 9.46.1961)  
32 Commercial Bribery (RCW 9A.68.060)  
33 Counterfeiting (RCW 9.16.035(4))  
34 Driving While Under the Influence  
35 (RCW 46.61.502(6))

1 Endangerment with a Controlled  
2 Substance (RCW 9A.42.100)  
3 Escape 1 (RCW 9A.76.110)  
4 Hate Crime (RCW 9A.36.080)  
5 Hit and Run—Injury (RCW  
6 46.52.020(4)(b))  
7 Hit and Run with Vessel—Injury  
8 Accident (RCW 79A.60.200(3))  
9 Identity Theft 1 (RCW 9.35.020(2))  
10 Indecent Exposure to Person Under Age  
11 Fourteen (subsequent sex offense)  
12 (RCW 9A.88.010)  
13 Influencing Outcome of Sporting Event  
14 (RCW 9A.82.070)  
15 Physical Control of a Vehicle While  
16 Under the Influence (RCW  
17 46.61.504(6))  
18 Possession of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 2 (RCW 9.68A.070(2))  
21 Residential Burglary (RCW 9A.52.025)  
22 Robbery 2 (RCW 9A.56.210)  
23 Theft of Livestock 1 (RCW 9A.56.080)  
24 Threats to Bomb (RCW 9.61.160)  
25 Trafficking in Stolen Property 1 (RCW  
26 9A.82.050)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(b))  
30 Unlawful transaction of health coverage  
31 as a health care service contractor  
32 (RCW 48.44.016(3))  
33 Unlawful transaction of health coverage  
34 as a health maintenance  
35 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance  
2 business (RCW 48.15.023(3))  
3 Unlicensed practice as an insurance  
4 professional (RCW 48.17.063(2))  
5 Use of Proceeds of Criminal  
6 Profiteering (RCW 9A.82.080 (1)  
7 and (2))  
8 Vehicle Prowling 2 (third or subsequent  
9 offense) (RCW 9A.52.100(3))  
10 Vehicular Assault, by being under the  
11 influence of intoxicating liquor or  
12 any drug, or by the operation or  
13 driving of a vehicle in a reckless  
14 manner (RCW 46.61.522)  
15 Viewing of Depictions of a Minor  
16 Engaged in Sexually Explicit  
17 Conduct 1 (RCW 9.68A.075(1))  
18 ~~((Willful Failure to Return from~~  
19 ~~Furlough (RCW 72.66.060))~~  
20 III Animal Cruelty 1 (Sexual Conduct or  
21 Contact) (RCW 16.52.205(3))  
22 Assault 3 (Except Assault 3 of a Peace  
23 Officer With a Projectile Stun Gun)  
24 (RCW 9A.36.031 except subsection  
25 (1)(h))  
26 Assault of a Child 3 (RCW 9A.36.140)  
27 Bail Jumping with class B or C Felony  
28 (RCW 9A.76.170(3)(c))  
29 Burglary 2 (RCW 9A.52.030)  
30 Communication with a Minor for  
31 Immoral Purposes (RCW  
32 9.68A.090)  
33 Criminal Gang Intimidation (RCW  
34 9A.46.120)  
35 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction or  
2 threat of death) (RCW 9.61.260(3))  
3 Escape 2 (RCW 9A.76.120)  
4 Extortion 2 (RCW 9A.56.130)  
5 False Reporting 2 (RCW  
6 9A.84.040(2)(b))  
7 Harassment (RCW 9A.46.020)  
8 Hazing (RCW 28B.10.901(2)(b))  
9 Intimidating a Public Servant (RCW  
10 9A.76.180)  
11 Introducing Contraband 2 (RCW  
12 9A.76.150)  
13 Malicious Injury to Railroad Property  
14 (RCW 81.60.070)  
15 Manufacture of Untraceable Firearm  
16 with Intent to Sell (RCW 9.41.190)  
17 Manufacture or Assembly of an  
18 Undetectable Firearm or  
19 Untraceable Firearm (RCW  
20 9.41.325)  
21 Mortgage Fraud (RCW 19.144.080)  
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 Perjury 2 (RCW 9A.72.030)  
29 Possession of Incendiary Device (RCW  
30 9.40.120)  
31 Possession of Machine Gun, Bump-Fire  
32 Stock, Undetectable Firearm, or  
33 Short-Barreled Shotgun or Rifle  
34 (RCW 9.41.190)  
35 Promoting Prostitution 2 (RCW  
36 9A.88.080)



1 Retail Theft with Special Circumstances  
2 1 (RCW 9A.56.360(2))  
3 Securities Act violation (RCW  
4 21.20.400)  
5 Tampering with a Witness (RCW  
6 9A.72.120)  
7 Telephone Harassment (subsequent  
8 conviction or threat of death) (RCW  
9 9.61.230(2))  
10 Theft of Livestock 2 (RCW 9A.56.083)  
11 Theft with the Intent to Resell 1 (RCW  
12 9A.56.340(2))  
13 Trafficking in Stolen Property 2 (RCW  
14 9A.82.055)  
15 Unlawful Hunting of Big Game 1 (RCW  
16 77.15.410(3)(b))  
17 Unlawful Imprisonment (RCW  
18 9A.40.040)  
19 Unlawful Misbranding of Fish or  
20 Shellfish 1 (RCW 77.140.060(3))  
21 Unlawful possession of firearm in the  
22 second degree (RCW 9.41.040(2))  
23 Unlawful Taking of Endangered Fish or  
24 Wildlife 1 (RCW 77.15.120(3)(b))  
25 Unlawful Trafficking in Fish, Shellfish,  
26 or Wildlife 1 (RCW  
27 77.15.260(3)(b))  
28 Unlawful Use of a Nondesignated  
29 Vessel (RCW 77.15.530(4))  
30 Vehicular Assault, by the operation or  
31 driving of a vehicle with disregard  
32 for the safety of others (RCW  
33 46.61.522)  
34 ~~((Willful Failure to Return from Work  
35 Release (RCW 72.65.070))~~

1 II Commercial Fishing Without a License  
2 1 (RCW 77.15.500(3)(b))  
3 Computer Trespass 1 (RCW 9A.90.040)  
4 Counterfeiting (RCW 9.16.035(3))  
5 Electronic Data Service Interference  
6 (RCW 9A.90.060)  
7 Electronic Data Tampering 1 (RCW  
8 9A.90.080)  
9 Electronic Data Theft (RCW 9A.90.100)  
10 Engaging in Fish Dealing Activity  
11 Unlicensed 1 (RCW 77.15.620(3))  
12 Escape from Community Custody  
13 (RCW 72.09.310)  
14 Failure to Register as a Sex Offender  
15 (second or subsequent offense)  
16 (RCW 9A.44.130 prior to June 10,  
17 2010, and RCW 9A.44.132)  
18 Health Care False Claims (RCW  
19 48.80.030)  
20 Identity Theft 2 (RCW 9.35.020(3))  
21 Improperly Obtaining Financial  
22 Information (RCW 9.35.010)  
23 Malicious Mischief 1 (RCW 9A.48.070)  
24 Organized Retail Theft 2 (RCW  
25 9A.56.350(3))  
26 Possession of Stolen Property 1 (RCW  
27 9A.56.150)  
28 Possession of a Stolen Vehicle (RCW  
29 9A.56.068)  
30 Retail Theft with Special Circumstances  
31 2 (RCW 9A.56.360(3))  
32 Scrap Processing, Recycling, or  
33 Supplying Without a License  
34 (second or subsequent offense)  
35 (RCW 19.290.100)

1 Theft 1 (RCW 9A.56.030)  
2 Theft of a Motor Vehicle (RCW  
3 9A.56.065)  
4 Theft of Rental, Leased, Lease-  
5 purchased, or Loaned Property  
6 (valued at five thousand dollars or  
7 more) (RCW 9A.56.096(5)(a))  
8 Theft with the Intent to Resell 2 (RCW  
9 9A.56.340(3))  
10 Trafficking in Insurance Claims (RCW  
11 48.30A.015)  
12 Unlawful factoring of a credit card or  
13 payment card transaction (RCW  
14 9A.56.290(4)(a))  
15 Unlawful Participation of Non-Indians  
16 in Indian Fishery (RCW  
17 77.15.570(2))  
18 Unlawful Practice of Law (RCW  
19 2.48.180)  
20 Unlawful Purchase or Use of a License  
21 (RCW 77.15.650(3)(b))  
22 Unlawful Trafficking in Fish, Shellfish,  
23 or Wildlife 2 (RCW  
24 77.15.260(3)(a))  
25 Unlicensed Practice of a Profession or  
26 Business (RCW 18.130.190(7))  
27 Voyeurism 1 (RCW 9A.44.115)  
28 I Attempting to Elude a Pursuing Police  
29 Vehicle (RCW 46.61.024)  
30 False Verification for Welfare (RCW  
31 74.08.055)  
32 Forgery (RCW 9A.60.020)  
33 Fraudulent Creation or Revocation of a  
34 Mental Health Advance Directive  
35 (RCW 9A.60.060)  
36 Malicious Mischief 2 (RCW 9A.48.080)

1 Mineral Trespass (RCW 78.44.330)  
2 Possession of Stolen Property 2 (RCW  
3 9A.56.160)  
4 Reckless Burning 1 (RCW 9A.48.040)  
5 Spotlighting Big Game 1 (RCW  
6 77.15.450(3)(b))  
7 Suspension of Department Privileges 1  
8 (RCW 77.15.670(3)(b))  
9 Taking Motor Vehicle Without  
10 Permission 2 (RCW 9A.56.075)  
11 Theft 2 (RCW 9A.56.040)  
12 Theft from a Vulnerable Adult 2 (RCW  
13 9A.56.400(2))  
14 Theft of Rental, Leased, Lease-  
15 purchased, or Loaned Property  
16 (valued at seven hundred fifty  
17 dollars or more but less than five  
18 thousand dollars) (RCW  
19 9A.56.096(5)(b))  
20 Transaction of insurance business  
21 beyond the scope of licensure  
22 (RCW 48.17.063)  
23 Unlawful Fish and Shellfish Catch  
24 Accounting (RCW 77.15.630(3)(b))  
25 Unlawful Issuance of Checks or Drafts  
26 (RCW 9A.56.060)  
27 Unlawful Possession of Fictitious  
28 Identification (RCW 9A.56.320)  
29 Unlawful Possession of Instruments of  
30 Financial Fraud (RCW 9A.56.320)  
31 Unlawful Possession of Payment  
32 Instruments (RCW 9A.56.320)  
33 Unlawful Possession of a Personal  
34 Identification Device (RCW  
35 9A.56.320)

1 Unlawful Production of Payment  
 2 Instruments (RCW 9A.56.320)  
 3 Unlawful Releasing, Planting,  
 4 Possessing, or Placing Deleterious  
 5 Exotic Wildlife (RCW  
 6 77.15.250(2)(b))  
 7 Unlawful Trafficking in Food Stamps  
 8 (RCW 9.91.142)  
 9 Unlawful Use of Food Stamps (RCW  
 10 9.91.144)  
 11 Unlawful Use of Net to Take Fish 1  
 12 (RCW 77.15.580(3)(b))  
 13 ~~((Unlawful Use of Prohibited Aquatic~~  
 14 ~~Animal Species (RCW~~  
 15 ~~77.15.253(3))))~~  
 16 Vehicle Prowl 1 (RCW 9A.52.095)  
 17 Violating Commercial Fishing Area or  
 18 Time 1 (RCW 77.15.550(3)(b))

19 **Sec. 5.** RCW 9.94A.515 and 2021 c 215 s 99 are each amended to  
 20 read as follows:

21 TABLE 2  
 22 CRIMES INCLUDED WITHIN EACH  
 23 SERIOUSNESS LEVEL  
 24 XVI Aggravated Murder 1 (RCW 10.95.020)  
 25 XV Homicide by abuse (RCW 9A.32.055)  
 26 Malicious explosion 1 (RCW  
 27 70.74.280(1))  
 28 Murder 1 (RCW 9A.32.030)  
 29 XIV Murder 2 (RCW 9A.32.050)  
 30 Trafficking 1 (RCW 9A.40.100(1))  
 31 XIII Malicious explosion 2 (RCW  
 32 70.74.280(2))  
 33 Malicious placement of an explosive 1  
 34 (RCW 70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)  
2 Assault of a Child 1 (RCW 9A.36.120)  
3 Malicious placement of an imitation  
4 device 1 (RCW 70.74.272(1)(a))  
5 Promoting Commercial Sexual Abuse of  
6 a Minor (RCW 9.68A.101)  
7 Rape 1 (RCW 9A.44.040)  
8 Rape of a Child 1 (RCW 9A.44.073)  
9 Trafficking 2 (RCW 9A.40.100(3))  
10 XI Manslaughter 1 (RCW 9A.32.060)  
11 Rape 2 (RCW 9A.44.050)  
12 Rape of a Child 2 (RCW 9A.44.076)  
13 Vehicular Homicide, by being under the  
14 influence of intoxicating liquor or  
15 any drug (RCW 46.61.520)  
16 Vehicular Homicide, by the operation of  
17 any vehicle in a reckless manner  
18 (RCW 46.61.520)  
19 X Child Molestation 1 (RCW 9A.44.083)  
20 Criminal Mistreatment 1 (RCW  
21 9A.42.020)  
22 Indecent Liberties (with forcible  
23 compulsion) (RCW  
24 9A.44.100(1)(a))  
25 Kidnapping 1 (RCW 9A.40.020)  
26 Leading Organized Crime (RCW  
27 9A.82.060(1)(a))  
28 Malicious explosion 3 (RCW  
29 70.74.280(3))  
30 Sexually Violent Predator Escape (RCW  
31 9A.76.115)  
32 IX Abandonment of Dependent Person 1  
33 (RCW 9A.42.060)  
34 Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW  
2 70.74.180)  
3 Hit and Run—Death (RCW  
4 46.52.020(4)(a))  
5 Homicide by Watercraft, by being under  
6 the influence of intoxicating liquor  
7 or any drug (RCW 79A.60.050)  
8 Inciting Criminal Profiteering (RCW  
9 9A.82.060(1)(b))  
10 Malicious placement of an explosive 2  
11 (RCW 70.74.270(2))  
12 Robbery 1 (RCW 9A.56.200)  
13 Sexual Exploitation (RCW 9.68A.040)  
14 VIII Arson 1 (RCW 9A.48.020)  
15 Commercial Sexual Abuse of a Minor  
16 (RCW 9.68A.100)  
17 Homicide by Watercraft, by the  
18 operation of any vessel in a reckless  
19 manner (RCW 79A.60.050)  
20 Manslaughter 2 (RCW 9A.32.070)  
21 Promoting Prostitution 1 (RCW  
22 9A.88.070)  
23 Theft of Ammonia (RCW 69.55.010)  
24 VII Air bag diagnostic systems (causing  
25 bodily injury or death) (RCW  
26 46.37.660(2)(b))  
27 Air bag replacement requirements  
28 (causing bodily injury or death)  
29 (RCW 46.37.660(1)(b))  
30 Burglary 1 (RCW 9A.52.020)  
31 Child Molestation 2 (RCW 9A.44.086)  
32 Civil Disorder Training (RCW  
33 9A.48.120)

1 Dealing in depictions of minor engaged  
2 in sexually explicit conduct 1  
3 (RCW 9.68A.050(1))  
4 Drive-by Shooting (RCW 9A.36.045)  
5 False Reporting 1 (RCW  
6 9A.84.040(2)(a))  
7 Homicide by Watercraft, by disregard  
8 for the safety of others (RCW  
9 79A.60.050)  
10 Indecent Liberties (without forcible  
11 compulsion) (RCW 9A.44.100(1)  
12 (b) and (c))  
13 Introducing Contraband 1 (RCW  
14 9A.76.140)  
15 Malicious placement of an explosive 3  
16 (RCW 70.74.270(3))  
17 Manufacture or import counterfeit,  
18 nonfunctional, damaged, or  
19 previously deployed air bag  
20 (causing bodily injury or death)  
21 (RCW 46.37.650(1)(b))  
22 Negligently Causing Death By Use of a  
23 Signal Preemption Device (RCW  
24 46.37.675)  
25 Sell, install, or reinstall counterfeit,  
26 nonfunctional, damaged, or  
27 previously deployed airbag (RCW  
28 46.37.650(2)(b))  
29 Sending, bringing into state depictions  
30 of minor engaged in sexually  
31 explicit conduct 1 (RCW  
32 9.68A.060(1))  
33 Unlawful Possession of a Firearm in the  
34 first degree (RCW 9.41.040(1))  
35 Use of a Machine Gun or Bump-fire  
36 Stock in Commission of a Felony  
37 (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 Incest 1 (RCW 9A.64.020(1))  
8 Intimidating a Judge (RCW 9A.72.160)  
9 Intimidating a Juror/Witness (RCW  
10 9A.72.110, 9A.72.130)  
11 Malicious placement of an imitation  
12 device 2 (RCW 70.74.272(1)(b))  
13 Possession of Depictions of a Minor  
14 Engaged in Sexually Explicit  
15 Conduct 1 (RCW 9.68A.070(1))  
16 Rape of a Child 3 (RCW 9A.44.079)  
17 Theft of a Firearm (RCW 9A.56.300)  
18 Theft from a Vulnerable Adult 1 (RCW  
19 9A.56.400(1))  
20 Unlawful Storage of Ammonia (RCW  
21 69.55.020)

22 V Abandonment of Dependent Person 2  
23 (RCW 9A.42.070)  
24 Advancing money or property for  
25 extortionate extension of credit  
26 (RCW 9A.82.030)  
27 Air bag diagnostic systems (RCW  
28 46.37.660(2)(c))  
29 Air bag replacement requirements  
30 (RCW 46.37.660(1)(c))  
31 Bail Jumping with class A Felony  
32 (RCW 9A.76.170(3)(b))  
33 Child Molestation 3 (RCW 9A.44.089)  
34 Criminal Mistreatment 2 (RCW  
35 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 7.105.450,  
8 10.99.040, 10.99.050, 26.09.300,  
9 ~~((26.10.220;))~~ 26.26B.050,  
10 ~~((26.50.110;))~~ or 26.52.070(~~(,~~ or  
11 74.34.145)))  
12 Extortion 1 (RCW 9A.56.120)  
13 Extortionate Extension of Credit (RCW  
14 9A.82.020)  
15 Extortionate Means to Collect  
16 Extensions of Credit (RCW  
17 9A.82.040)  
18 Incest 2 (RCW 9A.64.020(2))  
19 Kidnapping 2 (RCW 9A.40.030)  
20 Manufacture or import counterfeit,  
21 nonfunctional, damaged, or  
22 previously deployed air bag (RCW  
23 46.37.650(1)(c))  
24 Perjury 1 (RCW 9A.72.020)  
25 Persistent prison misbehavior (RCW  
26 9.94.070)  
27 Possession of a Stolen Firearm (RCW  
28 9A.56.310)  
29 Rape 3 (RCW 9A.44.060)  
30 Rendering Criminal Assistance 1 (RCW  
31 9A.76.070)  
32 Sell, install, or reinstall counterfeit,  
33 nonfunctional, damaged, or  
34 previously deployed airbag (RCW  
35 46.37.650(2)(c))

1 Sending, Bringing into State Depictions  
2 of Minor Engaged in Sexually  
3 Explicit Conduct 2 (RCW  
4 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault 4 (third domestic violence  
18 offense) (RCW 9A.36.041(3))  
19 Assault by Watercraft (RCW  
20 79A.60.060)  
21 Bribing a Witness/Bribe Received by  
22 Witness (RCW 9A.72.090,  
23 9A.72.100)  
24 Cheating 1 (RCW 9.46.1961)  
25 Commercial Bribery (RCW 9A.68.060)  
26 Counterfeiting (RCW 9.16.035(4))  
27 Driving While Under the Influence  
28 (RCW 46.61.502(6))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Hate Crime (RCW 9A.36.080)  
33 Hit and Run—Injury (RCW  
34 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 Age  
5 Fourteen (subsequent sex offense)  
6 (RCW 9A.88.010)  
7 Influencing Outcome of Sporting Event  
8 (RCW 9A.82.070)  
9 Physical Control of a Vehicle While  
10 Under the Influence (RCW  
11 46.61.504(6))  
12 Possession of Depictions of a Minor  
13 Engaged in Sexually Explicit  
14 Conduct 2 (RCW 9.68A.070(2))  
15 Residential Burglary (RCW 9A.52.025)  
16 Robbery 2 (RCW 9A.56.210)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Threats to Bomb (RCW 9.61.160)  
19 Trafficking in Stolen Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(b))  
24 Unlawful transaction of health coverage  
25 as a health care service contractor  
26 (RCW 48.44.016(3))  
27 Unlawful transaction of health coverage  
28 as a health maintenance  
29 organization (RCW 48.46.033(3))  
30 Unlawful transaction of insurance  
31 business (RCW 48.15.023(3))  
32 Unlicensed practice as an insurance  
33 professional (RCW 48.17.063(2))  
34 Use of Proceeds of Criminal  
35 Profiteering (RCW 9A.82.080 (1)  
36 and (2))

1 Vehicle Prowling 2 (third or subsequent  
2 offense) (RCW 9A.52.100(3))  
3 Vehicular Assault, by being under the  
4 influence of intoxicating liquor or  
5 any drug, or by the operation or  
6 driving of a vehicle in a reckless  
7 manner (RCW 46.61.522)  
8 Viewing of Depictions of a Minor  
9 Engaged in Sexually Explicit  
10 Conduct 1 (RCW 9.68A.075(1))  
11 ~~((Willful Failure to Return from  
12 Furlough (RCW 72.66.060))~~  
13 III Animal Cruelty 1 (Sexual Conduct or  
14 Contact) (RCW 16.52.205(3))  
15 Assault 3 (Except Assault 3 of a Peace  
16 Officer With a Projectile Stun Gun)  
17 (RCW 9A.36.031 except subsection  
18 (1)(h))  
19 Assault of a Child 3 (RCW 9A.36.140)  
20 Bail Jumping with class B or C Felony  
21 (RCW 9A.76.170(3)(c))  
22 Burglary 2 (RCW 9A.52.030)  
23 Communication with a Minor for  
24 Immoral Purposes (RCW  
25 9.68A.090)  
26 Criminal Gang Intimidation (RCW  
27 9A.46.120)  
28 Custodial Assault (RCW 9A.36.100)  
29 Cyberstalking (subsequent conviction or  
30 threat of death) (RCW 9.61.260(3))  
31 Escape 2 (RCW 9A.76.120)  
32 Extortion 2 (RCW 9A.56.130)  
33 False Reporting 2 (RCW  
34 9A.84.040(2)(b))  
35 Harassment (RCW 9A.46.020)  
36 Hazing (RCW 28B.10.901(2)(b))

1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Introducing Contraband 2 (RCW  
4 9A.76.150)  
5 Malicious Injury to Railroad Property  
6 (RCW 81.60.070)  
7 Manufacture of Untraceable Firearm  
8 with Intent to Sell (RCW 9.41.190)  
9 Manufacture or Assembly of an  
10 Undetectable Firearm or  
11 Untraceable Firearm (RCW  
12 9.41.325)  
13 Mortgage Fraud (RCW 19.144.080)  
14 Negligently Causing Substantial Bodily  
15 Harm By Use of a Signal  
16 Preemption Device (RCW  
17 46.37.674)  
18 Organized Retail Theft 1 (RCW  
19 9A.56.350(2))  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun, Bump-Fire  
24 Stock, Undetectable Firearm, or  
25 Short-Barreled Shotgun or Rifle  
26 (RCW 9.41.190)  
27 Promoting Prostitution 2 (RCW  
28 9A.88.080)  
29 Retail Theft with Special Circumstances  
30 1 (RCW 9A.56.360(2))  
31 Securities Act violation (RCW  
32 21.20.400)  
33 Tampering with a Witness (RCW  
34 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death) (RCW  
3 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 Hunting of Big Game 1 (RCW  
10 77.15.410(3)(b))  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful Misbranding of Fish or  
14 Shellfish 1 (RCW 77.140.060(3))  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(2))  
17 Unlawful Taking of Endangered Fish or  
18 Wildlife 1 (RCW 77.15.120(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 1 (RCW  
21 77.15.260(3)(b))  
22 Unlawful Use of a Nondesignated  
23 Vessel (RCW 77.15.530(4))  
24 Vehicular Assault, by the operation or  
25 driving of a vehicle with disregard  
26 for the safety of others (RCW  
27 46.61.522)  
28 ~~((Willful Failure to Return from Work  
29 Release (RCW 72.65.070))~~  
30 II Commercial Fishing Without a License  
31 1 (RCW 77.15.500(3)(b))  
32 Computer Trespass 1 (RCW 9A.90.040)  
33 Counterfeiting (RCW 9.16.035(3))  
34 Electronic Data Service Interference  
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW  
2 9A.90.080)  
3 Electronic Data Theft (RCW 9A.90.100)  
4 Engaging in Fish Dealing Activity  
5 Unlicensed 1 (RCW 77.15.620(3))  
6 Escape from Community Custody  
7 (RCW 72.09.310)  
8 Failure to Register as a Sex Offender  
9 (second or subsequent offense)  
10 (RCW 9A.44.130 prior to June 10,  
11 2010, and RCW 9A.44.132)  
12 Health Care False Claims (RCW  
13 48.80.030)  
14 Identity Theft 2 (RCW 9.35.020(3))  
15 Improperly Obtaining Financial  
16 Information (RCW 9.35.010)  
17 Malicious Mischief 1 (RCW 9A.48.070)  
18 Organized Retail Theft 2 (RCW  
19 9A.56.350(3))  
20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)  
22 Possession of a Stolen Vehicle (RCW  
23 9A.56.068)  
24 Retail Theft with Special Circumstances  
25 2 (RCW 9A.56.360(3))  
26 Scrap Processing, Recycling, or  
27 Supplying Without a License  
28 (second or subsequent offense)  
29 (RCW 19.290.100)  
30 Theft 1 (RCW 9A.56.030)  
31 Theft of a Motor Vehicle (RCW  
32 9A.56.065)  
33 Theft of Rental, Leased, Lease-  
34 purchased, or Loaned Property  
35 (valued at five thousand dollars or  
36 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 Participation of Non-Indians  
9 in Indian Fishery (RCW  
10 77.15.570(2))  
11 Unlawful Practice of Law (RCW  
12 2.48.180)  
13 Unlawful Purchase or Use of a License  
14 (RCW 77.15.650(3)(b))  
15 Unlawful Trafficking in Fish, Shellfish,  
16 or Wildlife 2 (RCW  
17 77.15.260(3)(a))  
18 Unlicensed Practice of a Profession or  
19 Business (RCW 18.130.190(7))  
20 Voyeurism 1 (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 9A.48.080)  
30 Mineral Trespass (RCW 78.44.330)  
31 Possession of Stolen Property 2 (RCW  
32 9A.56.160)  
33 Reckless Burning 1 (RCW 9A.48.040)  
34 Spotlighting Big Game 1 (RCW  
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1  
2 (RCW 77.15.670(3)(b))  
3 Taking Motor Vehicle Without  
4 Permission 2 (RCW 9A.56.075)  
5 Theft 2 (RCW 9A.56.040)  
6 Theft from a Vulnerable Adult 2 (RCW  
7 9A.56.400(2))  
8 Theft of Rental, Leased, Lease-  
9 purchased, or Loaned Property  
10 (valued at seven hundred fifty  
11 dollars or more but less than five  
12 thousand dollars) (RCW  
13 9A.56.096(5)(b))  
14 Transaction of insurance business  
15 beyond the scope of licensure  
16 (RCW 48.17.063)  
17 Unlawful Fish and Shellfish Catch  
18 Accounting (RCW 77.15.630(3)(b))  
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 Releasing, Planting,  
33 Possessing, or Placing Deleterious  
34 Exotic Wildlife (RCW  
35 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps  
2 (RCW 9.91.142)  
3 Unlawful Use of Food Stamps (RCW  
4 9.91.144)  
5 Unlawful Use of Net to Take Fish 1  
6 (RCW 77.15.580(3)(b))  
7 (~~Unlawful Use of Prohibited Aquatic~~  
8 ~~Animal Species (RCW~~  
9 ~~77.15.253(3))~~)  
10 Vehicle Prowl 1 (RCW 9A.52.095)  
11 Violating Commercial Fishing Area or  
12 Time 1 (RCW 77.15.550(3)(b))

13 **Sec. 6.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to  
14 read as follows:

15 As used in this chapter, "harassment" may include but is not  
16 limited to any of the following crimes:

- 17 (1) Harassment (RCW 9A.46.020);
- 18 (2) Hate crime (RCW 9A.36.080);
- 19 (3) Telephone harassment (RCW 9.61.230);
- 20 (4) Assault in the first degree (RCW 9A.36.011);
- 21 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 22 (6) Assault in the second degree (RCW 9A.36.021);
- 23 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 24 (8) Assault in the fourth degree (RCW 9A.36.041);
- 25 (9) Reckless endangerment (RCW 9A.36.050);
- 26 (10) Extortion in the first degree (RCW 9A.56.120);
- 27 (11) Extortion in the second degree (RCW 9A.56.130);
- 28 (12) Coercion (RCW 9A.36.070);
- 29 (13) Burglary in the first degree (RCW 9A.52.020);
- 30 (14) Burglary in the second degree (RCW 9A.52.030);
- 31 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 32 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 33 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 34 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 35 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 36 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 37 (21) Kidnapping in the second degree (RCW 9A.40.030);

- 1 (22) Unlawful imprisonment (RCW 9A.40.040);
- 2 (23) Rape in the first degree (RCW 9A.44.040);
- 3 (24) Rape in the second degree (RCW 9A.44.050);
- 4 (25) Rape in the third degree (RCW 9A.44.060);
- 5 (26) Indecent liberties (RCW 9A.44.100);
- 6 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 7 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 8 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 9 (30) Child molestation in the first degree (RCW 9A.44.083);
- 10 (31) Child molestation in the second degree (RCW 9A.44.086);
- 11 (32) Child molestation in the third degree (RCW 9A.44.089);
- 12 (33) Stalking (RCW 9A.46.110);
- 13 (34) Cyberstalking (RCW 9.61.260);
- 14 (35) Residential burglary (RCW 9A.52.025);
- 15 (36) Violation of a temporary, permanent, or final protective
- 16 order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or
- 17 26.50 RCW;
- 18 (37) Unlawful discharge of a laser in the first degree (RCW
- 19 9A.49.020); ~~((and))~~
- 20 (38) Unlawful discharge of a laser in the second degree (RCW
- 21 9A.49.030); and
- 22 (39) Felony Hazing (RCW 28B.10.901(2)(b)).

23 **Sec. 7.** RCW 9A.46.060 and 2021 c 215 s 109 are each amended to  
24 read as follows:

25 As used in this chapter, "harassment" may include but is not  
26 limited to any of the following crimes:

- 27 (1) Harassment (RCW 9A.46.020);
- 28 (2) Hate crime (RCW 9A.36.080);
- 29 (3) Telephone harassment (RCW 9.61.230);
- 30 (4) Assault in the first degree (RCW 9A.36.011);
- 31 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 32 (6) Assault in the second degree (RCW 9A.36.021);
- 33 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 34 (8) Assault in the fourth degree (RCW 9A.36.041);
- 35 (9) Reckless endangerment (RCW 9A.36.050);
- 36 (10) Extortion in the first degree (RCW 9A.56.120);
- 37 (11) Extortion in the second degree (RCW 9A.56.130);
- 38 (12) Coercion (RCW 9A.36.070);
- 39 (13) Burglary in the first degree (RCW 9A.52.020);

- 1 (14) Burglary in the second degree (RCW 9A.52.030);  
2 (15) Criminal trespass in the first degree (RCW 9A.52.070);  
3 (16) Criminal trespass in the second degree (RCW 9A.52.080);  
4 (17) Malicious mischief in the first degree (RCW 9A.48.070);  
5 (18) Malicious mischief in the second degree (RCW 9A.48.080);  
6 (19) Malicious mischief in the third degree (RCW 9A.48.090);  
7 (20) Kidnapping in the first degree (RCW 9A.40.020);  
8 (21) Kidnapping in the second degree (RCW 9A.40.030);  
9 (22) Unlawful imprisonment (RCW 9A.40.040);  
10 (23) Rape in the first degree (RCW 9A.44.040);  
11 (24) Rape in the second degree (RCW 9A.44.050);  
12 (25) Rape in the third degree (RCW 9A.44.060);  
13 (26) Indecent liberties (RCW 9A.44.100);  
14 (27) Rape of a child in the first degree (RCW 9A.44.073);  
15 (28) Rape of a child in the second degree (RCW 9A.44.076);  
16 (29) Rape of a child in the third degree (RCW 9A.44.079);  
17 (30) Child molestation in the first degree (RCW 9A.44.083);  
18 (31) Child molestation in the second degree (RCW 9A.44.086);  
19 (32) Child molestation in the third degree (RCW 9A.44.089);  
20 (33) Stalking (RCW 9A.46.110);  
21 (34) Cyberstalking (RCW 9.61.260);  
22 (35) Residential burglary (RCW 9A.52.025);  
23 (36) Violation of a temporary, permanent, or final protective  
24 order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or  
25 any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation  
26 of a domestic violence protection order, sexual assault protection  
27 order, or antiharassment protection order issued under chapter 7.105  
28 RCW;  
29 (37) Unlawful discharge of a laser in the first degree (RCW  
30 9A.49.020); (~~and~~)  
31 (38) Unlawful discharge of a laser in the second degree (RCW  
32 9A.49.030); and  
33 (39) Felony Hazing (RCW 28B.10.901(2)(b)).

34 NEW SECTION. **Sec. 8.** Sections 2, 4, and 6 of this act expire  
35 July 1, 2022.

36 NEW SECTION. **Sec. 9.** Sections 3, 5, and 7 of this act take  
37 effect July 1, 2022.

1        NEW SECTION.    **Sec. 10.**    This act may be known and cited as the  
2    Sam's law act.

--- **END** ---