

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2392

Chapter 121, Laws of 1994

53rd Legislature
1994 Regular Session

RESIDENTIAL BURGLARY

EFFECTIVE DATE: 6/9/94

Passed by the House February 14, 1994
Yeas 95 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1994
Yeas 45 Nays 0

JOEL PRITCHARD

President of the Senate

Approved March 28, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL XXXX2392** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 28, 1994 - 11:27 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2392

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Mastin, Ballasiotes, Appelwick, Grant, Kessler, Dorn, Schoesler, Roland, Sheahan, R. Meyers, Wineberry, Long, Talcott, Van Luven, Johanson, Campbell, Fuhrman, Brumsickle, Wood, Silver, Kremen, Dyer, J. Kohl, Conway, Jones, Springer and McMorris

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to residential burglary; amending RCW 10.95.020 and
2 10.99.020; and reenacting and amending RCW 9.41.010 and 9A.46.060.

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

4 **Sec. 1.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are
5 each reenacted and amended to read as follows:

6 (1) "Short firearm" or "pistol" as used in this chapter means any
7 firearm with a barrel less than twelve inches in length.

8 (2) "Crime of violence" as used in this chapter means:

9 (a) Any of the following felonies, as now existing or hereafter
10 amended: Any felony defined under any law as a class A felony or an
11 attempt to commit a class A felony, criminal solicitation of or
12 criminal conspiracy to commit a class A felony, manslaughter in the
13 first degree, manslaughter in the second degree, indecent liberties if
14 committed by forcible compulsion, rape in the second degree, kidnapping
15 in the second degree, arson in the second degree, assault in the second
16 degree, assault of a child in the second degree, extortion in the first
17 degree, burglary in the second degree, residential burglary, and
18 robbery in the second degree;

1 (b) Any conviction or adjudication for a felony offense in effect
2 at any time prior to July 1, 1976, which is comparable to a felony
3 classified as a crime of violence in subsection (2)(a) of this section;
4 and

5 (c) Any federal or out-of-state conviction or adjudication for an
6 offense comparable to a felony classified as a crime of violence under
7 subsection (2) (a) or (b) of this section.

8 (3) "Firearm" as used in this chapter means a weapon or device from
9 which a projectile may be fired by an explosive such as gunpowder.

10 (4) "Commercial seller" as used in this chapter means a person who
11 has a federal firearms license.

12 **Sec. 2.** RCW 9A.46.060 and 1992 c 186 s 4 and 1992 c 145 s 12 are
13 each reenacted and amended to read as follows:

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

- 16 (1) Harassment (RCW 9A.46.020);
- 17 (2) Malicious harassment (RCW 9A.36.080);
- 18 (3) Telephone harassment (RCW 9.61.230);
- 19 (4) Assault in the first degree (RCW 9A.36.011);
- 20 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 21 (6) Assault in the second degree (RCW 9A.36.021);
- 22 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 23 (8) Assault in the fourth degree (RCW 9A.36.041);
- 24 (9) Reckless endangerment in the second degree (RCW 9A.36.050);
- 25 (10) Extortion in the first degree (RCW 9A.56.120);
- 26 (11) Extortion in the second degree (RCW 9A.56.130);
- 27 (12) Coercion (RCW 9A.36.070);
- 28 (13) Burglary in the first degree (RCW 9A.52.020);
- 29 (14) Burglary in the second degree (RCW 9A.52.030);
- 30 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 31 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 32 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 33 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 34 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 35 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 36 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 37 (22) Unlawful imprisonment (RCW 9A.40.040);
- 38 (23) Rape in the first degree (RCW 9A.44.040);

- 1 (24) Rape in the second degree (RCW 9A.44.050);
- 2 (25) Rape in the third degree (RCW 9A.44.060);
- 3 (26) Indecent liberties (RCW 9A.44.100);
- 4 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 5 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 6 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 7 (30) Child molestation in the first degree (RCW 9A.44.083);
- 8 (31) Child molestation in the second degree (RCW 9A.44.086);
- 9 (32) Child molestation in the third degree (RCW 9A.44.089); ((and))
- 10 (33) Stalking (RCW 9A.46.110); and
- 11 (34) Residential burglary (RCW 9A.52.025).

12 **Sec. 3.** RCW 10.95.020 and 1981 c 138 s 2 are each amended to read
13 as follows:

14 A person is guilty of aggravated first degree murder if he or she
15 commits first degree murder as defined by RCW 9A.32.030(1)(a), as now
16 or hereafter amended, and one or more of the following aggravating
17 circumstances exist:

18 (1) The victim was a law enforcement officer, corrections officer,
19 or fire fighter who was performing his or her official duties at the
20 time of the act resulting in death and the victim was known or
21 reasonably should have been known by the person to be such at the time
22 of the killing;

23 (2) At the time of the act resulting in the death, the person was
24 serving a term of imprisonment, had escaped, or was on authorized or
25 unauthorized leave in or from a state facility or program for the
26 incarceration or treatment of persons adjudicated guilty of crimes;

27 (3) At the time of the act resulting in death, the person was in
28 custody in a county or county-city jail as a consequence of having been
29 adjudicated guilty of a felony;

30 (4) The person committed the murder pursuant to an agreement that
31 he or she would receive money or any other thing of value for
32 committing the murder;

33 (5) The person solicited another person to commit the murder and
34 had paid or had agreed to pay money or any other thing of value for
35 committing the murder;

36 (6) The victim was:

37 (a) A judge; juror or former juror; prospective, current, or former
38 witness in an adjudicative proceeding; prosecuting attorney; deputy

1 prosecuting attorney; defense attorney; a member of the indeterminate
2 sentence review board ((of ~~prison terms and paroles~~)); or a probation
3 or parole officer; and

4 (b) The murder was related to the exercise of official duties
5 performed or to be performed by the victim;

6 (7) The person committed the murder to conceal the commission of a
7 crime or to protect or conceal the identity of any person committing a
8 crime;

9 (8) There was more than one victim and the murders were part of a
10 common scheme or plan or the result of a single act of the person;

11 (9) The murder was committed in the course of, in furtherance of,
12 or in immediate flight from one of the following crimes:

13 (a) Robbery in the first or second degree;

14 (b) Rape in the first or second degree;

15 (c) Burglary in the first or second degree or residential burglary;

16 (d) Kidnapping in the first degree; or

17 (e) Arson in the first degree;

18 (10) The victim was regularly employed or self-employed as a
19 newsreporter and the murder was committed to obstruct or hinder the
20 investigative, research, or reporting activities of the victim.

21 **Sec. 4.** RCW 10.99.020 and 1991 c 301 s 3 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Family or household members" means spouses, former spouses,
26 persons who have a child in common regardless of whether they have been
27 married or have lived together at any time, adult persons related by
28 blood or marriage, and adult persons who are presently residing
29 together or who have resided together in the past.

30 (2) "Domestic violence" includes but is not limited to any of the
31 following crimes when committed by one family or household member
32 against another:

33 (a) Assault in the first degree (RCW 9A.36.011);

34 (b) Assault in the second degree (RCW 9A.36.021);

35 (c) Assault in the third degree (RCW 9A.36.031);

36 (d) Assault in the fourth degree (RCW 9A.36.041);

37 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

38 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

- 1 (g) Coercion (RCW 9A.36.070);
2 (h) Burglary in the first degree (RCW 9A.52.020);
3 (i) Burglary in the second degree (RCW 9A.52.030);
4 (j) Criminal trespass in the first degree (RCW 9A.52.070);
5 (k) Criminal trespass in the second degree (RCW 9A.52.080);
6 (l) Malicious mischief in the first degree (RCW 9A.48.070);
7 (m) Malicious mischief in the second degree (RCW 9A.48.080);
8 (n) Malicious mischief in the third degree (RCW 9A.48.090);
9 (o) Kidnapping in the first degree (RCW 9A.40.020);
10 (p) Kidnapping in the second degree (RCW 9A.40.030);
11 (q) Unlawful imprisonment (RCW 9A.40.040);
12 (r) Violation of the provisions of a restraining order restraining
13 the person or excluding the person from a residence (RCW 26.09.300);
14 (s) Violation of the provisions of a protection order restraining
15 the person or excluding the person from a residence (RCW 26.50.060,
16 26.50.070, or 26.50.130);
17 (t) Rape in the first degree (RCW 9A.44.040); (~~and~~)
18 (u) Rape in the second degree (RCW 9A.44.050); and
19 (v) Residential burglary (RCW 9A.52.025).
20 (3) "Victim" means a family or household member who has been
21 subjected to domestic violence.

Passed the House February 14, 1994.

Passed the Senate March 3, 1994.

Approved by the Governor March 28, 1994.

Filed in Office of Secretary of State March 28, 1994.