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**SENATE BILL 5905**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke

Read first time 02/13/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to persistent prison misbehavior; reenacting and  
2 amending RCW 9.94A.320; adding a new section to chapter 9.94 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94 RCW  
6 to read as follows:

7 Whenever an inmate of a state correctional facility sentenced for  
8 an offense committed after August 1, 1995, commits persistent prison  
9 misbehavior as demonstrated by multiple serious infractions of the  
10 department of corrections rules adopted under RCW 72.09.130, the  
11 persistent misbehavior is documented in writing by findings at a formal  
12 disciplinary proceeding, and the inmate's sentence has not been reduced  
13 by earned early release time under RCW 9.94A.150, the inmate is guilty  
14 of a class C felony and, upon conviction, shall be punished by  
15 imprisonment in a state correctional facility. The sentence imposed  
16 under this section is in addition to any sentence being served.

17 **Sec. 2.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20,  
18 and 1994 c 53 s 2 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XV	Aggravated Murder 1 (RCW 10.95.020)
4	XIV	Murder 1 (RCW 9A.32.030)
5		Homicide by abuse (RCW 9A.32.055)
6	XIII	Murder 2 (RCW 9A.32.050)
7	XII	Assault 1 (RCW 9A.36.011)
8		Assault of a Child 1 (RCW 9A.36.120)
9	XI	Rape 1 (RCW 9A.44.040)
10		Rape of a Child 1 (RCW 9A.44.073)
11	X	Kidnapping 1 (RCW 9A.40.020)
12		Rape 2 (RCW 9A.44.050)
13		Rape of a Child 2 (RCW 9A.44.076)
14		Child Molestation 1 (RCW 9A.44.083)
15		Damaging building, etc., by explosion with
16		threat to human being (RCW
17		70.74.280(1))
18		Over 18 and deliver heroin or narcotic
19		from Schedule I or II to someone
20		under 18 (RCW 69.50.406)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23	IX	Assault of a Child 2 (RCW 9A.36.130)
24		Robbery 1 (RCW 9A.56.200)
25		Manslaughter 1 (RCW 9A.32.060)
26		Explosive devices prohibited (RCW
27		70.74.180)
28		Indecent Liberties (with forcible
29		compulsion) (RCW 9A.44.100(1)(a))
30		Endangering life and property by
31		explosives with threat to human being
32		(RCW 70.74.270)

1 Over 18 and deliver narcotic from Schedule  
2 III, IV, or V or a nonnarcotic from  
3 Schedule I-V to someone under 18 and  
4 3 years junior (RCW 69.50.406)  
5 Controlled Substance Homicide (RCW  
6 69.50.415)  
7 Sexual Exploitation (RCW 9.68A.040)  
8 Inciting Criminal Profiteering (RCW  
9 9A.82.060(1)(b))  
10 Vehicular Homicide, by being under the  
11 influence of intoxicating liquor or  
12 any drug (RCW 46.61.520)

13 VIII Arson 1 (RCW 9A.48.020)  
14 Promoting Prostitution 1 (RCW 9A.88.070)  
15 Selling for profit (controlled or  
16 counterfeit) any controlled substance  
17 (RCW 69.50.410)  
18 Manufacture, deliver, or possess with  
19 intent to deliver heroin or cocaine  
20 (RCW 69.50.401(a)(1)(i))  
21 Manufacture, deliver, or possess with  
22 intent to deliver methamphetamine  
23 (RCW 69.50.401(a)(1)(ii))  
24 Vehicular Homicide, by the operation of  
25 any vehicle in a reckless manner (RCW  
26 46.61.520)

27 VII Burglary 1 (RCW 9A.52.020)  
28 Vehicular Homicide, by disregard for the  
29 safety of others (RCW 46.61.520)  
30 Introducing Contraband 1 (RCW 9A.76.140)  
31 Indecent Liberties (without forcible  
32 compulsion) (RCW 9A.44.100(1) (b) and  
33 (c))  
34 Child Molestation 2 (RCW 9A.44.086)  
35 Dealing in depictions of minor engaged in  
36 sexually explicit conduct (RCW  
37 9.68A.050)

1           Sending, bringing into state depictions of  
2           minor engaged in sexually explicit  
3           conduct (RCW 9.68A.060)  
4           Involving a minor in drug dealing (RCW  
5           69.50.401(f))  
6       VI       Bribery (RCW 9A.68.010)  
7           Manslaughter 2 (RCW 9A.32.070)  
8           Rape of a Child 3 (RCW 9A.44.079)  
9           Intimidating a Juror/Witness (RCW  
10           9A.72.110, 9A.72.130)  
11           Damaging building, etc., by explosion with  
12           no threat to human being (RCW  
13           70.74.280(2))  
14           Endangering life and property by  
15           explosives with no threat to human  
16           being (RCW 70.74.270)  
17           Incest 1 (RCW 9A.64.020(1))  
18           Manufacture, deliver, or possess with  
19           intent to deliver narcotics from  
20           Schedule I or II (except heroin or  
21           cocaine) (RCW 69.50.401(a)(1)(i))  
22           Intimidating a Judge (RCW 9A.72.160)  
23           Bail Jumping with Murder 1 (RCW  
24           9A.76.170(2)(a))  
25       V       Persistent prison misbehavior (RCW  
26           9.94.--- (section 1 of this act))  
27           Criminal Mistreatment 1 (RCW 9A.42.020)  
28           Theft of a Firearm (RCW 9A.56.300)  
29           Reckless Endangerment 1 (RCW 9A.36.045)  
30           Rape 3 (RCW 9A.44.060)  
31           Sexual Misconduct with a Minor 1 (RCW  
32           9A.44.093)  
33           Child Molestation 3 (RCW 9A.44.089)  
34           Kidnapping 2 (RCW 9A.40.030)  
35           Extortion 1 (RCW 9A.56.120)  
36           Incest 2 (RCW 9A.64.020(2))  
37           Perjury 1 (RCW 9A.72.020)

1 Extortionate Extension of Credit (RCW  
2 9A.82.020)  
3 Advancing money or property for  
4 extortionate extension of credit (RCW  
5 9A.82.030)  
6 Extortionate Means to Collect Extensions  
7 of Credit (RCW 9A.82.040)  
8 Rendering Criminal Assistance 1 (RCW  
9 9A.76.070)  
10 Bail Jumping with class A Felony (RCW  
11 9A.76.170(2)(b))  
12 Sexually Violating Human Remains (RCW  
13 9A.44.105)  
14 Delivery of imitation controlled substance  
15 by person eighteen or over to person  
16 under eighteen (RCW 69.52.030(2))

17 IV Residential Burglary (RCW 9A.52.025)  
18 Theft of Livestock 1 (RCW 9A.56.080)  
19 Robbery 2 (RCW 9A.56.210)  
20 Assault 2 (RCW 9A.36.021)  
21 Escape 1 (RCW 9A.76.110)  
22 Arson 2 (RCW 9A.48.030)  
23 Bribing a Witness/Bribe Received by  
24 Witness (RCW 9A.72.090, 9A.72.100)  
25 Malicious Harassment (RCW 9A.36.080)  
26 Threats to Bomb (RCW 9.61.160)  
27 Willful Failure to Return from Furlough  
28 (RCW 72.66.060)  
29 Hit and Run « Injury Accident (RCW  
30 46.52.020(4))  
31 Vehicular Assault (RCW 46.61.522)  
32 Manufacture, deliver, or possess with  
33 intent to deliver narcotics from  
34 Schedule III, IV, or V or  
35 nonnarcotics from Schedule I-V  
36 (except marijuana or  
37 methamphetamines) (RCW  
38 69.50.401(a)(1)(ii) through (iv))

1 Influencing Outcome of Sporting Event (RCW  
2 9A.82.070)  
3 Use of Proceeds of Criminal Profiteering  
4 (RCW 9A.82.080 (1) and (2))  
5 Knowingly Trafficking in Stolen Property  
6 (RCW 9A.82.050(2))  
7 III Criminal Mistreatment 2 (RCW 9A.42.030)  
8 Extortion 2 (RCW 9A.56.130)  
9 Unlawful Imprisonment (RCW 9A.40.040)  
10 Assault 3 (RCW 9A.36.031)  
11 Assault of a Child 3 (RCW 9A.36.140)  
12 Custodial Assault (RCW 9A.36.100)  
13 Unlawful possession of firearm or pistol  
14 by felon (RCW 9.41.040)  
15 Harassment (RCW 9A.46.020)  
16 Promoting Prostitution 2 (RCW 9A.88.080)  
17 Willful Failure to Return from Work  
18 Release (RCW 72.65.070)  
19 Burglary 2 (RCW 9A.52.030)  
20 Introducing Contraband 2 (RCW 9A.76.150)  
21 Communication with a Minor for Immoral  
22 Purposes (RCW 9.68A.090)  
23 Patronizing a Juvenile Prostitute (RCW  
24 9.68A.100)  
25 Escape 2 (RCW 9A.76.120)  
26 Perjury 2 (RCW 9A.72.030)  
27 Bail Jumping with class B or C Felony (RCW  
28 9A.76.170(2)(c))  
29 Intimidating a Public Servant (RCW  
30 9A.76.180)  
31 Tampering with a Witness (RCW 9A.72.120)  
32 Manufacture, deliver, or possess with  
33 intent to deliver marijuana (RCW  
34 69.50.401(a)(1)(ii))  
35 Delivery of a material in lieu of a  
36 controlled substance (RCW  
37 69.50.401(c))  
38 Manufacture, distribute, or possess with  
39 intent to distribute an imitation

1 controlled substance (RCW  
2 69.52.030(1))  
3 Recklessly Trafficking in Stolen Property  
4 (RCW 9A.82.050(1))  
5 Theft of livestock 2 (RCW 9A.56.080)  
6 Securities Act violation (RCW 21.20.400)

7 II Malicious Mischief 1 (RCW 9A.48.070)  
8 Possession of Stolen Property 1 (RCW  
9 9A.56.150)  
10 Theft 1 (RCW 9A.56.030)  
11 Possession of controlled substance that is  
12 either heroin or narcotics from  
13 Schedule I or II (RCW 69.50.401(d))  
14 Possession of phencyclidine (PCP) (RCW  
15 69.50.401(d))  
16 Create, deliver, or possess a counterfeit  
17 controlled substance (RCW  
18 69.50.401(b))  
19 Computer Trespass 1 (RCW 9A.52.110)  
20 Escape from Community Custody (RCW  
21 72.09.310)

22 I Theft 2 (RCW 9A.56.040)  
23 Possession of Stolen Property 2 (RCW  
24 9A.56.160)  
25 Forgery (RCW 9A.60.020)  
26 Taking Motor Vehicle Without Permission  
27 (RCW 9A.56.070)  
28 Vehicle Prowl 1 (RCW 9A.52.095)  
29 Attempting to Elude a Pursuing Police  
30 Vehicle (RCW 46.61.024)  
31 Malicious Mischief 2 (RCW 9A.48.080)  
32 Reckless Burning 1 (RCW 9A.48.040)  
33 Unlawful Issuance of Checks or Drafts (RCW  
34 9A.56.060)  
35 Unlawful Use of Food Stamps (RCW 9.91.140  
36 (2) and (3))  
37 False Verification for Welfare (RCW  
38 74.08.055)

1 Forged Prescription (RCW 69.41.020)  
2 Forged Prescription for a Controlled  
3 Substance (RCW 69.50.403)  
4 Possess Controlled Substance that is a  
5 Narcotic from Schedule III, IV, or V  
6 or Non-narcotic from Schedule I-V  
7 (except phencyclidine) (RCW  
8 69.50.401(d))

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