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**SUBSTITUTE HOUSE BILL 1214**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Costa, Ballasiotes, Radcliff, O'Brien, Sheahan, Cody, Lantz, Dickerson and Conway)

Read first time 02/07/97.

1 AN ACT Relating to sentencing; amending RCW 9A.32.060 and  
2 9A.32.070; reenacting and amending RCW 9.94A.030 and 9.94A.320; and  
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are  
6 each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Collect," or any derivative thereof, "collect and remit," or  
10 "collect and deliver," when used with reference to the department of  
11 corrections, means that the department is responsible for monitoring  
12 and enforcing the offender's sentence with regard to the legal  
13 financial obligation, receiving payment thereof from the offender, and,  
14 consistent with current law, delivering daily the entire payment to the  
15 superior court clerk without depositing it in a departmental account.

16 (2) "Commission" means the sentencing guidelines commission.

17 (3) "Community corrections officer" means an employee of the  
18 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence  
2 conditions.

3 (4) "Community custody" means that portion of an inmate's sentence  
4 of confinement in lieu of earned early release time or imposed pursuant  
5 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to  
6 controls placed on the inmate's movement and activities by the  
7 department of corrections.

8 (5) "Community placement" means that period during which the  
9 offender is subject to the conditions of community custody and/or  
10 postrelease supervision, which begins either upon completion of the  
11 term of confinement (postrelease supervision) or at such time as the  
12 offender is transferred to community custody in lieu of earned early  
13 release. Community placement may consist of entirely community  
14 custody, entirely postrelease supervision, or a combination of the two.

15 (6) "Community service" means compulsory service, without  
16 compensation, performed for the benefit of the community by the  
17 offender.

18 (7) "Community supervision" means a period of time during which a  
19 convicted offender is subject to crime-related prohibitions and other  
20 sentence conditions imposed by a court pursuant to this chapter or RCW  
21 16.52.200(6) or 46.61.524. For first-time offenders, the supervision  
22 may include crime-related prohibitions and other conditions imposed  
23 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact  
24 for out-of-state supervision of parolees and probationers, RCW  
25 9.95.270, community supervision is the functional equivalent of  
26 probation and should be considered the same as probation by other  
27 states.

28 (8) "Confinement" means total or partial confinement as defined in  
29 this section.

30 (9) "Conviction" means an adjudication of guilt pursuant to Titles  
31 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and  
32 acceptance of a plea of guilty.

33 (10) "Court-ordered legal financial obligation" means a sum of  
34 money that is ordered by a superior court of the state of Washington  
35 for legal financial obligations which may include restitution to the  
36 victim, statutorily imposed crime victims' compensation fees as  
37 assessed pursuant to RCW 7.68.035, court costs, county or interlocal  
38 drug funds, court-appointed attorneys' fees, and costs of defense,  
39 fines, and any other financial obligation that is assessed to the

1 offender as a result of a felony conviction. Upon conviction for  
2 vehicular assault while under the influence of intoxicating liquor or  
3 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the  
4 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),  
5 legal financial obligations may also include payment to a public agency  
6 of the expense of an emergency response to the incident resulting in  
7 the conviction, subject to the provisions in RCW 38.52.430.

8 (11) "Crime-related prohibition" means an order of a court  
9 prohibiting conduct that directly relates to the circumstances of the  
10 crime for which the offender has been convicted, and shall not be  
11 construed to mean orders directing an offender affirmatively to  
12 participate in rehabilitative programs or to otherwise perform  
13 affirmative conduct.

14 (12)(a) "Criminal history" means the list of a defendant's prior  
15 convictions, whether in this state, in federal court, or elsewhere.  
16 The history shall include, where known, for each conviction (i) whether  
17 the defendant has been placed on probation and the length and terms  
18 thereof; and (ii) whether the defendant has been incarcerated and the  
19 length of incarceration.

20 (b) "Criminal history" shall always include juvenile convictions  
21 for sex offenses and serious violent offenses and shall also include a  
22 defendant's other prior convictions in juvenile court if: (i) The  
23 conviction was for an offense which is a felony or a serious traffic  
24 offense and is criminal history as defined in RCW 13.40.020(9); (ii)  
25 the defendant was fifteen years of age or older at the time the offense  
26 was committed; and (iii) with respect to prior juvenile class B and C  
27 felonies or serious traffic offenses, the defendant was less than  
28 twenty-three years of age at the time the offense for which he or she  
29 is being sentenced was committed.

30 (13) "Day fine" means a fine imposed by the sentencing judge that  
31 equals the difference between the offender's net daily income and the  
32 reasonable obligations that the offender has for the support of the  
33 offender and any dependents.

34 (14) "Day reporting" means a program of enhanced supervision  
35 designed to monitor the defendant's daily activities and compliance  
36 with sentence conditions, and in which the defendant is required to  
37 report daily to a specific location designated by the department or the  
38 sentencing judge.

39 (15) "Department" means the department of corrections.

1 (16) "Determinate sentence" means a sentence that states with  
2 exactitude the number of actual years, months, or days of total  
3 confinement, of partial confinement, of community supervision, the  
4 number of actual hours or days of community service work, or dollars or  
5 terms of a legal financial obligation. The fact that an offender  
6 through "earned early release" can reduce the actual period of  
7 confinement shall not affect the classification of the sentence as a  
8 determinate sentence.

9 (17) "Disposable earnings" means that part of the earnings of an  
10 individual remaining after the deduction from those earnings of any  
11 amount required by law to be withheld. For the purposes of this  
12 definition, "earnings" means compensation paid or payable for personal  
13 services, whether denominated as wages, salary, commission, bonuses, or  
14 otherwise, and, notwithstanding any other provision of law making the  
15 payments exempt from garnishment, attachment, or other process to  
16 satisfy a court-ordered legal financial obligation, specifically  
17 includes periodic payments pursuant to pension or retirement programs,  
18 or insurance policies of any type, but does not include payments made  
19 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,  
20 or Title 74 RCW.

21 (18) "Drug offense" means:

22 (a) Any felony violation of chapter 69.50 RCW except possession of  
23 a controlled substance (RCW 69.50.401(d)) or forged prescription for a  
24 controlled substance (RCW 69.50.403);

25 (b) Any offense defined as a felony under federal law that relates  
26 to the possession, manufacture, distribution, or transportation of a  
27 controlled substance; or

28 (c) Any out-of-state conviction for an offense that under the laws  
29 of this state would be a felony classified as a drug offense under (a)  
30 of this subsection.

31 (19) "Escape" means:

32 (a) Escape in the first degree (RCW 9A.76.110), escape in the  
33 second degree (RCW 9A.76.120), willful failure to return from furlough  
34 (RCW 72.66.060), willful failure to return from work release (RCW  
35 72.65.070), or willful failure to be available for supervision by the  
36 department while in community custody (RCW 72.09.310); or

37 (b) Any federal or out-of-state conviction for an offense that  
38 under the laws of this state would be a felony classified as an escape  
39 under (a) of this subsection.

1 (20) "Felony traffic offense" means:

2 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
3 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-  
4 and-run injury-accident (RCW 46.52.020(4)); or

5 (b) Any federal or out-of-state conviction for an offense that  
6 under the laws of this state would be a felony classified as a felony  
7 traffic offense under (a) of this subsection.

8 (21) "Fines" means the requirement that the offender pay a specific  
9 sum of money over a specific period of time to the court.

10 (22)(a) "First-time offender" means any person who is convicted of  
11 a felony (i) not classified as a violent offense or a sex offense under  
12 this chapter, or (ii) that is not the manufacture, delivery, or  
13 possession with intent to manufacture or deliver a controlled substance  
14 classified in schedule I or II that is a narcotic drug, nor the  
15 manufacture, delivery, or possession with intent to deliver  
16 methamphetamine, its salts, isomers, and salts of its isomers as  
17 defined in RCW 69.50.206(d)(2), nor the selling for profit of any  
18 controlled substance or counterfeit substance classified in schedule I,  
19 RCW 69.50.204, except leaves and flowering tops of marijuana, and  
20 except as provided in (b) of this subsection, who previously has never  
21 been convicted of a felony in this state, federal court, or another  
22 state, and who has never participated in a program of deferred  
23 prosecution for a felony offense.

24 (b) For purposes of (a) of this subsection, a juvenile adjudication  
25 for an offense committed before the age of fifteen years is not a  
26 previous felony conviction except for adjudications of sex offenses and  
27 serious violent offenses.

28 (23) "Most serious offense" means any of the following felonies or  
29 a felony attempt to commit any of the following felonies, as now  
30 existing or hereafter amended:

31 (a) Any felony defined under any law as a class A felony or  
32 criminal solicitation of or criminal conspiracy to commit a class A  
33 felony;

34 (b) Assault in the second degree;

35 (c) Assault of a child in the second degree;

36 (d) Child molestation in the second degree;

37 (e) Controlled substance homicide;

38 (f) Extortion in the first degree;

39 (g) Incest when committed against a child under age fourteen;

1 (h) Indecent liberties;  
2 (i) Kidnapping in the second degree;  
3 (j) Leading organized crime;  
4 (k) Manslaughter in the first degree;  
5 (l) Manslaughter in the second degree;  
6 (m) Promoting prostitution in the first degree;  
7 (n) Rape in the third degree;  
8 (o) Robbery in the second degree;  
9 (p) Sexual exploitation;  
10 (q) Vehicular assault;  
11 (r) Vehicular homicide, when proximately caused by the driving of  
12 any vehicle by any person while under the influence of intoxicating  
13 liquor or any drug as defined by RCW 46.61.502, or by the operation of  
14 any vehicle in a reckless manner;  
15 (s) Any other class B felony offense with a finding of sexual  
16 motivation, as "sexual motivation" is defined under this section;  
17 (t) Any other felony with a deadly weapon verdict under RCW  
18 9.94A.125;  
19 (u) Any felony offense in effect at any time prior to December 2,  
20 1993, that is comparable to a most serious offense under this  
21 subsection, or any federal or out-of-state conviction for an offense  
22 that under the laws of this state would be a felony classified as a  
23 most serious offense under this subsection.  
24 (24) "Nonviolent offense" means an offense which is not a violent  
25 offense.  
26 (25) "Offender" means a person who has committed a felony  
27 established by state law and is eighteen years of age or older or is  
28 less than eighteen years of age but whose case has been transferred by  
29 the appropriate juvenile court to a criminal court pursuant to RCW  
30 13.40.110. Throughout this chapter, the terms "offender" and  
31 "defendant" are used interchangeably.  
32 (26) "Partial confinement" means confinement for no more than one  
33 year in a facility or institution operated or utilized under contract  
34 by the state or any other unit of government, or, if home detention or  
35 work crew has been ordered by the court, in an approved residence, for  
36 a substantial portion of each day with the balance of the day spent in  
37 the community. Partial confinement includes work release, home  
38 detention, work crew, and a combination of work crew and home detention  
39 as defined in this section.

1 (27) "Persistent offender" is an offender who:

2 (a)(i) Has been convicted in this state of any felony considered a  
3 most serious offense; and

4 (ii) Has, before the commission of the offense under (a) of this  
5 subsection, been convicted as an offender on at least two separate  
6 occasions, whether in this state or elsewhere, of felonies that under  
7 the laws of this state would be considered most serious offenses and  
8 would be included in the offender score under RCW 9.94A.360; provided  
9 that of the two or more previous convictions, at least one conviction  
10 must have occurred before the commission of any of the other most  
11 serious offenses for which the offender was previously convicted; or

12 (b)(i) Has been convicted of (A) rape in the first degree, rape in  
13 the second degree, or indecent liberties by forcible compulsion; (B)  
14 murder in the first degree, murder in the second degree, kidnapping in  
15 the first degree, kidnapping in the second degree, assault in the first  
16 degree, assault in the second degree, or burglary in the first degree,  
17 with a finding of sexual motivation; or (C) an attempt to commit any  
18 crime listed in this subsection (27)(b)(i); and

19 (ii) Has, before the commission of the offense under (b)(i) of this  
20 subsection, been convicted as an offender on at least one occasion,  
21 whether in this state or elsewhere, of an offense listed in (b)(i) of  
22 this subsection.

23 (28) "Postrelease supervision" is that portion of an offender's  
24 community placement that is not community custody.

25 (29) "Restitution" means the requirement that the offender pay a  
26 specific sum of money over a specific period of time to the court as  
27 payment of damages. The sum may include both public and private costs.  
28 The imposition of a restitution order does not preclude civil redress.

29 (30) "Serious traffic offense" means:

30 (a) Driving while under the influence of intoxicating liquor or any  
31 drug (RCW 46.61.502), actual physical control while under the influence  
32 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving  
33 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));  
34 or

35 (b) Any federal, out-of-state, county, or municipal conviction for  
36 an offense that under the laws of this state would be classified as a  
37 serious traffic offense under (a) of this subsection.

38 (31) "Serious violent offense" is a subcategory of violent offense  
39 and means:

1 (a) Murder in the first degree, homicide by abuse, murder in the  
2 second degree, manslaughter in the first degree, assault in the first  
3 degree, kidnapping in the first degree, or rape in the first degree,  
4 assault of a child in the first degree, or an attempt, criminal  
5 solicitation, or criminal conspiracy to commit one of these felonies;  
6 or

7 (b) Any federal or out-of-state conviction for an offense that  
8 under the laws of this state would be a felony classified as a serious  
9 violent offense under (a) of this subsection.

10 (32) "Sentence range" means the sentencing court's discretionary  
11 range in imposing a nonappealable sentence.

12 (33) "Sex offense" means:

13 (a) A felony that is a violation of chapter 9A.44 RCW or RCW  
14 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a  
15 criminal attempt, criminal solicitation, or criminal conspiracy to  
16 commit such crimes;

17 (b) A felony with a finding of sexual motivation under RCW  
18 9.94A.127 or 13.40.135; or

19 (c) Any federal or out-of-state conviction for an offense that  
20 under the laws of this state would be a felony classified as a sex  
21 offense under (a) of this subsection.

22 (34) "Sexual motivation" means that one of the purposes for which  
23 the defendant committed the crime was for the purpose of his or her  
24 sexual gratification.

25 (35) "Total confinement" means confinement inside the physical  
26 boundaries of a facility or institution operated or utilized under  
27 contract by the state or any other unit of government for twenty-four  
28 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

29 (36) "Transition training" means written and verbal instructions  
30 and assistance provided by the department to the offender during the  
31 two weeks prior to the offender's successful completion of the work  
32 ethic camp program. The transition training shall include instructions  
33 in the offender's requirements and obligations during the offender's  
34 period of community custody.

35 (37) "Victim" means any person who has sustained emotional,  
36 psychological, physical, or financial injury to person or property as  
37 a direct result of the crime charged.

38 (38) "Violent offense" means:



1 (a) Any of the following felonies, as now existing or hereafter  
2 amended: Any felony defined under any law as a class A felony or an  
3 attempt to commit a class A felony, criminal solicitation of or  
4 criminal conspiracy to commit a class A felony, manslaughter in the  
5 first degree, manslaughter in the second degree, indecent liberties if  
6 committed by forcible compulsion, kidnapping in the second degree,  
7 arson in the second degree, assault in the second degree, assault of a  
8 child in the second degree, extortion in the first degree, robbery in  
9 the second degree, vehicular assault, and vehicular homicide, when  
10 proximately caused by the driving of any vehicle by any person while  
11 under the influence of intoxicating liquor or any drug as defined by  
12 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

13 (b) Any conviction for a felony offense in effect at any time prior  
14 to July 1, 1976, that is comparable to a felony classified as a violent  
15 offense in (a) of this subsection; and

16 (c) Any federal or out-of-state conviction for an offense that  
17 under the laws of this state would be a felony classified as a violent  
18 offense under (a) or (b) of this subsection.

19 (39) "Work crew" means a program of partial confinement consisting  
20 of civic improvement tasks for the benefit of the community of not less  
21 than thirty-five hours per week that complies with RCW 9.94A.135. The  
22 civic improvement tasks shall have minimal negative impact on existing  
23 private industries or the labor force in the county where the service  
24 or labor is performed. The civic improvement tasks shall not affect  
25 employment opportunities for people with developmental disabilities  
26 contracted through sheltered workshops as defined in RCW 82.04.385.  
27 Only those offenders sentenced to a facility operated or utilized under  
28 contract by a county or the state are eligible to participate on a work  
29 crew. Offenders sentenced for a sex offense as defined in subsection  
30 (33) of this section are not eligible for the work crew program.

31 (40) "Work ethic camp" means an alternative incarceration program  
32 designed to reduce recidivism and lower the cost of corrections by  
33 requiring offenders to complete a comprehensive array of real-world job  
34 and vocational experiences, character-building work ethics training,  
35 life management skills development, substance abuse rehabilitation,  
36 counseling, literacy training, and basic adult education.

37 (41) "Work release" means a program of partial confinement  
38 available to offenders who are employed or engaged as a student in a  
39 regular course of study at school. Participation in work release shall

1 be conditioned upon the offender attending work or school at regularly  
2 defined hours and abiding by the rules of the work release facility.

3 (42) "Home detention" means a program of partial confinement  
4 available to offenders wherein the offender is confined in a private  
5 residence subject to electronic surveillance.

6 **Sec. 2.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996  
7 c 36 s 2 are each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

10	XV	Aggravated Murder 1 (RCW 10.95.020)
11	XIV	Murder 1 (RCW 9A.32.030)
12		Homicide by abuse (RCW 9A.32.055)
13	XIII	Murder 2 (RCW 9A.32.050)
14	XII	Assault 1 (RCW 9A.36.011)
15		Assault of a Child 1 (RCW 9A.36.120)
16	XI	Rape 1 (RCW 9A.44.040)
17		Rape of a Child 1 (RCW 9A.44.073)
18		<u>Manslaughter 1 (RCW 9A.32.060)</u>
19	X	Kidnapping 1 (RCW 9A.40.020)
20		Rape 2 (RCW 9A.44.050)
21		Rape of a Child 2 (RCW 9A.44.076)
22		Child Molestation 1 (RCW 9A.44.083)
23		Damaging building, etc., by explosion with
24		threat to human being (RCW
25		70.74.280(1))
26		Over 18 and deliver heroin or narcotic from
27		Schedule I or II to someone under 18
28		(RCW 69.50.406)
29		Leading Organized Crime (RCW
30		9A.82.060(1)(a))
31	IX	Assault of a Child 2 (RCW 9A.36.130)
32		Robbery 1 (RCW 9A.56.200)
33		<del>((Manslaughter 1 (RCW 9A.32.060))</del>

1 Explosive devices prohibited (RCW  
2 70.74.180)  
3 Indecent Liberties (with forcible  
4 compulsion) (RCW 9A.44.100(1)(a))  
5 Endangering life and property by explosives  
6 with threat to human being (RCW  
7 70.74.270)  
8 Over 18 and deliver narcotic from Schedule  
9 III, IV, or V or a nonnarcotic from  
10 Schedule I-V to someone under 18 and 3  
11 years junior (RCW 69.50.406)  
12 Controlled Substance Homicide (RCW  
13 69.50.415)  
14 Sexual Exploitation (RCW 9.68A.040)  
15 Inciting Criminal Profiteering (RCW  
16 9A.82.060(1)(b))  
17 Vehicular Homicide, by being under the  
18 influence of intoxicating liquor or  
19 any drug (RCW 46.61.520)  
20 VIII Arson 1 (RCW 9A.48.020)  
21 Promoting Prostitution 1 (RCW 9A.88.070)  
22 Selling for profit (controlled or  
23 counterfeit) any controlled substance  
24 (RCW 69.50.410)  
25 Manufacture, deliver, or possess with  
26 intent to deliver heroin or cocaine  
27 (RCW 69.50.401(a)(1)(i))  
28 Manufacture, deliver, or possess with  
29 intent to deliver methamphetamine (RCW  
30 69.50.401(a)(1)(ii))  
31 Possession of ephedrine or pseudoephedrine  
32 with intent to manufacture  
33 methamphetamine (RCW 69.50.440)  
34 Vehicular Homicide, by the operation of any  
35 vehicle in a reckless manner (RCW  
36 46.61.520)  
37 Manslaughter 2 (RCW 9A.32.070)

1 VII Burglary 1 (RCW 9A.52.020)  
2 Vehicular Homicide, by disregard for the  
3 safety of others (RCW 46.61.520)  
4 Introducing Contraband 1 (RCW 9A.76.140)  
5 Indecent Liberties (without forcible  
6 compulsion) (RCW 9A.44.100(1) (b) and  
7 (c))  
8 Child Molestation 2 (RCW 9A.44.086)  
9 Dealing in depictions of minor engaged in  
10 sexually explicit conduct (RCW  
11 9.68A.050)  
12 Sending, bringing into state depictions of  
13 minor engaged in sexually explicit  
14 conduct (RCW 9.68A.060)  
15 Involving a minor in drug dealing (RCW  
16 69.50.401(f))  
17 Reckless Endangerment 1 (RCW 9A.36.045)  
18 Unlawful Possession of a Firearm in the  
19 first degree (RCW 9.41.040(1)(a))  
20 VI Bribery (RCW 9A.68.010)  
21 ((~~Manslaughter 2 (RCW 9A.32.070)~~))  
22 Rape of a Child 3 (RCW 9A.44.079)  
23 Intimidating a Juror/Witness (RCW  
24 9A.72.110, 9A.72.130)  
25 Damaging building, etc., by explosion with  
26 no threat to human being (RCW  
27 70.74.280(2))  
28 Endangering life and property by explosives  
29 with no threat to human being (RCW  
30 70.74.270)  
31 Incest 1 (RCW 9A.64.020(1))  
32 Manufacture, deliver, or possess with  
33 intent to deliver narcotics from  
34 Schedule I or II (except heroin or  
35 cocaine) (RCW 69.50.401(a)(1)(i))  
36 Intimidating a Judge (RCW 9A.72.160)  
37 Bail Jumping with Murder 1 (RCW  
38 9A.76.170(2)(a))  
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Criminal Mistreatment 1 (RCW 9A.42.020)  
4 Abandonment of dependent person 1 (RCW  
5 9A.42.060)  
6 Rape 3 (RCW 9A.44.060)  
7 Sexual Misconduct with a Minor 1 (RCW  
8 9A.44.093)  
9 Child Molestation 3 (RCW 9A.44.089)  
10 Kidnapping 2 (RCW 9A.40.030)  
11 Extortion 1 (RCW 9A.56.120)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Perjury 1 (RCW 9A.72.020)  
14 Extortionate Extension of Credit (RCW  
15 9A.82.020)  
16 Advancing money or property for  
17 extortionate extension of credit (RCW  
18 9A.82.030)  
19 Extortionate Means to Collect Extensions of  
20 Credit (RCW 9A.82.040)  
21 Rendering Criminal Assistance 1 (RCW  
22 9A.76.070)  
23 Bail Jumping with class A Felony (RCW  
24 9A.76.170(2)(b))  
25 Sexually Violating Human Remains (RCW  
26 9A.44.105)  
27 Delivery of imitation controlled substance  
28 by person eighteen or over to person  
29 under eighteen (RCW 69.52.030(2))  
30 Possession of a Stolen Firearm (RCW  
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Robbery 2 (RCW 9A.56.210)  
35 Assault 2 (RCW 9A.36.021)  
36 Escape 1 (RCW 9A.76.110)  
37 Arson 2 (RCW 9A.48.030)  
38 Commercial Bribery (RCW 9A.68.060)

1           Bribing a Witness/Bribe Received by Witness  
2                   (RCW 9A.72.090, 9A.72.100)  
3           Malicious Harassment (RCW 9A.36.080)  
4           Threats to Bomb (RCW 9.61.160)  
5           Willful Failure to Return from Furlough  
6                   (RCW 72.66.060)  
7           Hit and Run -- Injury Accident (RCW  
8                   46.52.020(4))  
9           Hit and Run with Vessel -- Injury Accident  
10                   (RCW 88.12.155(3))  
11           Vehicular Assault (RCW 46.61.522)  
12           Manufacture, deliver, or possess with  
13                   intent to deliver narcotics from  
14                   Schedule III, IV, or V or nonnarcotics  
15                   from Schedule I-V (except marijuana or  
16                   methamphetamines) (RCW 69.50.401(a)(1)  
17                   (iii) through (v))  
18           Influencing Outcome of Sporting Event (RCW  
19                   9A.82.070)  
20           Use of Proceeds of Criminal Profiteering  
21                   (RCW 9A.82.080 (1) and (2))  
22           Knowingly Trafficking in Stolen Property  
23                   (RCW 9A.82.050(2))  
  
24    III       Criminal Mistreatment 2 (RCW 9A.42.030)  
25           Abandonment of dependent person 2 (RCW  
26                   9A.42.070)  
27           Extortion 2 (RCW 9A.56.130)  
28           Unlawful Imprisonment (RCW 9A.40.040)  
29           Assault 3 (RCW 9A.36.031)  
30           Assault of a Child 3 (RCW 9A.36.140)  
31           Custodial Assault (RCW 9A.36.100)  
32           Unlawful possession of firearm in the  
33                   second degree (RCW 9.41.040(1)(b))  
34           Harassment (RCW 9A.46.020)  
35           Promoting Prostitution 2 (RCW 9A.88.080)  
36           Willful Failure to Return from Work Release  
37                   (RCW 72.65.070)  
38           Burglary 2 (RCW 9A.52.030)  
39           Introducing Contraband 2 (RCW 9A.76.150)

1 Communication with a Minor for Immoral  
2 Purposes (RCW 9.68A.090)  
3 Patronizing a Juvenile Prostitute (RCW  
4 9.68A.100)  
5 Escape 2 (RCW 9A.76.120)  
6 Perjury 2 (RCW 9A.72.030)  
7 Bail Jumping with class B or C Felony (RCW  
8 9A.76.170(2)(c))  
9 Intimidating a Public Servant (RCW  
10 9A.76.180)  
11 Tampering with a Witness (RCW 9A.72.120)  
12 Manufacture, deliver, or possess with  
13 intent to deliver marijuana (RCW  
14 69.50.401(a)(1)(iii))  
15 Delivery of a material in lieu of a  
16 controlled substance (RCW  
17 69.50.401(c))  
18 Manufacture, distribute, or possess with  
19 intent to distribute an imitation  
20 controlled substance (RCW  
21 69.52.030(1))  
22 Recklessly Trafficking in Stolen Property  
23 (RCW 9A.82.050(1))  
24 Theft of livestock 2 (RCW 9A.56.080)  
25 Securities Act violation (RCW 21.20.400)  
26 II Unlawful Practice of Law (RCW 2.48.180)  
27 Malicious Mischief 1 (RCW 9A.48.070)  
28 Possession of Stolen Property 1 (RCW  
29 9A.56.150)  
30 Theft 1 (RCW 9A.56.030)  
31 Trafficking in Insurance Claims (RCW  
32 48.30A.015)  
33 Unlicensed Practice of a Profession or  
34 Business (RCW 18.130.190(7))  
35 Health Care False Claims (RCW 48.80.030)  
36 Possession of controlled substance that is  
37 either heroin or narcotics from  
38 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW  
2 69.50.401(d))  
3 Create, deliver, or possess a counterfeit  
4 controlled substance (RCW  
5 69.50.401(b))  
6 Computer Trespass 1 (RCW 9A.52.110)  
7 Escape from Community Custody (RCW  
8 72.09.310)

9 I Theft 2 (RCW 9A.56.040)  
10 Possession of Stolen Property 2 (RCW  
11 9A.56.160)  
12 Forgery (RCW 9A.60.020)  
13 Taking Motor Vehicle Without Permission  
14 (RCW 9A.56.070)  
15 Vehicle Prowl 1 (RCW 9A.52.095)  
16 Attempting to Elude a Pursuing Police  
17 Vehicle (RCW 46.61.024)  
18 Malicious Mischief 2 (RCW 9A.48.080)  
19 Reckless Burning 1 (RCW 9A.48.040)  
20 Unlawful Issuance of Checks or Drafts (RCW  
21 9A.56.060)  
22 Unlawful Use of Food Stamps (RCW 9.91.140  
23 (2) and (3))  
24 False Verification for Welfare (RCW  
25 74.08.055)  
26 Forged Prescription (RCW 69.41.020)  
27 Forged Prescription for a Controlled  
28 Substance (RCW 69.50.403)  
29 Possess Controlled Substance that is a  
30 Narcotic from Schedule III, IV, or V  
31 or Non-narcotic from Schedule I-V  
32 (except phencyclidine) (RCW  
33 69.50.401(d))

34 **Sec. 3.** RCW 9A.32.060 and 1975 1st ex.s. c 260 s 9A.32.060 are  
35 each amended to read as follows:

36 (1) A person is guilty of manslaughter in the first degree when:  
37 (a) He recklessly causes the death of another person; or



1 (b) He intentionally and unlawfully kills an unborn quick child by  
2 inflicting any injury upon the mother of such child.

3 (2) Manslaughter in the first degree is a class ((B)) A felony.

4 **Sec. 4.** RCW 9A.32.070 and 1975 1st ex.s. c 260 s 9A.32.070 are  
5 each amended to read as follows:

6 (1) A person is guilty of manslaughter in the second degree when,  
7 with criminal negligence, he causes the death of another person.

8 (2) Manslaughter in the second degree is a class ((C)) B felony.

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