
HOUSE BILL 2322

State of Washington

55th Legislature

1998 Regular Session

By Representatives Ballasiotes, Costa, Hatfield, Poulsen, Zellinsky, Dunshee, Anderson, Kenney and Conway; by request of Sentencing Guidelines Commission

Prefiled 01/06/98. Read first time 01/12/98. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to sentencing; reenacting and amending RCW
2 9.94A.040, 9.94A.310, and 9.94A.320; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are
5 each reenacted and amended to read as follows:

6 (1) A sentencing guidelines commission is established as an agency
7 of state government.

8 (2) The legislature finds that the commission, having accomplished
9 its original statutory directive to implement this chapter, and having
10 expertise in sentencing practice and policies, shall:

11 (a) Evaluate state sentencing policy, to include whether the
12 sentencing ranges and standards are consistent with and further:

13 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

14 (ii) The intent of the legislature to emphasize confinement for the
15 violent offender and alternatives to confinement for the nonviolent
16 offender.

17 The commission shall provide the governor and the legislature with
18 its evaluation and recommendations under this subsection not later than
19 December 1, 1996, and every two years thereafter;

1 (b) Recommend to the legislature revisions or modifications to the
2 standard sentence ranges, state sentencing policy, prosecuting
3 standards, and other standards. If implementation of the revisions or
4 modifications would result in exceeding the capacity of correctional
5 facilities, then the commission shall accompany its recommendation with
6 an additional list of standard sentence ranges which are consistent
7 with correction capacity;

8 (c) Study the existing criminal code and from time to time make
9 recommendations to the legislature for modification;

10 (d)(i) Serve as a clearinghouse and information center for the
11 collection, preparation, analysis, and dissemination of information on
12 state and local adult and juvenile sentencing practices; (ii) develop
13 and maintain a computerized adult and juvenile sentencing information
14 system by individual superior court judge consisting of offender,
15 offense, history, and sentence information entered from judgment and
16 sentence forms for all adult felons; and (iii) conduct ongoing research
17 regarding adult and juvenile sentencing guidelines, use of total
18 confinement and alternatives to total confinement, plea bargaining, and
19 other matters relating to the improvement of the adult criminal justice
20 system and the juvenile justice system;

21 (e) Assume the powers and duties of the juvenile disposition
22 standards commission after June 30, 1996;

23 (f) Evaluate the effectiveness of existing disposition standards
24 and related statutes in implementing policies set forth in RCW
25 13.40.010 generally, specifically review the guidelines relating to the
26 confinement of minor and first offenders as well as the use of
27 diversion, and review the application of current and proposed juvenile
28 sentencing standards and guidelines for potential adverse impacts on
29 the sentencing outcomes of racial and ethnic minority youth;

30 (g) Solicit the comments and suggestions of the juvenile justice
31 community concerning disposition standards, and make recommendations to
32 the legislature regarding revisions or modifications of the standards.
33 The evaluations shall be submitted to the legislature on December 1 of
34 each odd-numbered year. The department of social and health services
35 shall provide the commission with available data concerning the
36 implementation of the disposition standards and related statutes and
37 their effect on the performance of the department's responsibilities
38 relating to juvenile offenders, and with recommendations for
39 modification of the disposition standards. The office of the

1 administrator for the courts shall provide the commission with
2 available data on diversion and dispositions of juvenile offenders
3 under chapter 13.40 RCW; and

4 (h) Not later than December 1, 1997, and at least every two years
5 thereafter, based on available information, report to the governor and
6 the legislature on:

7 (i) Racial disproportionality in juvenile and adult sentencing;

8 (ii) The capacity of state and local juvenile and adult facilities
9 and resources; and

10 (iii) Recidivism information on adult and juvenile offenders.

11 (3) Each of the commission's recommended standard sentence ranges
12 shall include one or more of the following: Total confinement, partial
13 confinement, community supervision, community service, and a fine.

14 (4) The standard sentence ranges of total and partial confinement
15 under this chapter are subject to the following limitations:

16 (a) If the maximum term in the range is one year or less, the
17 minimum term in the range shall be no less than one-third of the
18 maximum term in the range, except that if the maximum term in the range
19 is ninety days or less, the minimum term may be less than one-third of
20 the maximum;

21 (b) If the maximum term in the range is greater than one year, the
22 minimum term in the range shall be no less than seventy-five percent of
23 the maximum term in the range, except that for murder in the second
24 degree in seriousness (~~category XIII~~) level XIV under RCW 9.94A.310,
25 the minimum term in the range shall be no less than fifty percent of
26 the maximum term in the range; and

27 (c) The maximum term of confinement in a range may not exceed the
28 statutory maximum for the crime as provided in RCW 9A.20.021.

29 (5) The commission shall exercise its duties under this section in
30 conformity with chapter 34.05 RCW.

31 **Sec. 2.** RCW 9.94A.310 and 1997 c 365 s 3 and 1997 c 338 s 50 are
32 each reenacted and amended to read as follows:

1 (1)

TABLE 1

2 Sentencing Grid

3 SERIOUSNESS

4 ((SCORE))

5 LEVEL

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
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8
9 ((XV))

10 XVI Life Sentence without Parole/Death Penalty

11
12 ((XIV))

<u>XV</u>	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548

16
17 ((XIII))

<u>XIV</u>	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	220	234	244	254	265	275	295	316	357	397

<u>XIII</u>	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397

<u>XII</u>	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318

<u>XI</u>	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280

<u>X</u>	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198

<u>IX</u>	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171

<u>VIII</u>	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144

<u>VII</u>	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20	27	34	41	48	54	75	89	102	116

1	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
2		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
3		14	20	27	34	41	48	61	75	89	102
4	<hr/>										
5	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
6		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
7		12	14	17	20	29	43	54	68	82	96
8	<hr/>										
9	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
10		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
11		9	12	14	17	20	29	43	57	70	84
12	<hr/>										
13	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
14		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
15		3	8	12	12	16	22	29	43	57	68
16	<hr/>										
17	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
18		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
19		Days	6	9	12	14	18	22	29	43	57
20	<hr/>										
21	I			3m	4m	5m	8m	13m	16m	20m	2y2m
22		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
23		Days	Days	5	6	8	12	14	18	22	29
24	<hr/>										

25 NOTE: Numbers in the first horizontal row of each seriousness category
26 represent sentencing midpoints in years(y) and months(m). Numbers in
27 the second and third rows represent presumptive sentencing ranges in
28 months, or in days if so designated. 12+ equals one year and one day.

29 (2) For persons convicted of the anticipatory offenses of criminal
30 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
31 presumptive sentence is determined by locating the sentencing grid
32 sentence range defined by the appropriate offender score and the
33 seriousness level of the completed crime, and multiplying the range by
34 75 percent.

35 (3) The following additional times shall be added to the
36 presumptive sentence for felony crimes committed after July 23, 1995,
37 if the offender or an accomplice was armed with a firearm as defined in
38 RCW 9.41.010 and the offender is being sentenced for one of the crimes
39 listed in this subsection as eligible for any firearm enhancements
40 based on the classification of the completed felony crime. If the
41 offender or an accomplice was armed with a firearm as defined in RCW
42 9.41.010 and the offender is being sentenced for an anticipatory
43 offense under chapter 9A.28 RCW to commit one of the crimes listed in
44 this subsection as eligible for any firearm enhancements, the following
45 additional times shall be added to the presumptive sentence determined

1 under subsection (2) of this section based on the felony crime of
2 conviction as classified under RCW 9A.28.020:

3 (a) Five years for any felony defined under any law as a class A
4 felony or with a maximum sentence of at least twenty years, or both,
5 and not covered under (f) of this subsection.

6 (b) Three years for any felony defined under any law as a class B
7 felony or with a maximum sentence of ten years, or both, and not
8 covered under (f) of this subsection.

9 (c) Eighteen months for any felony defined under any law as a
10 class C felony or with a maximum sentence of five years, or both, and
11 not covered under (f) of this subsection.

12 (d) If the offender is being sentenced for any firearm
13 enhancements under (a), (b), and/or (c) of this subsection and the
14 offender has previously been sentenced for any deadly weapon
15 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
16 subsection or subsection (4)(a), (b), and/or (c) of this section, or
17 both, any and all firearm enhancements under this subsection shall be
18 twice the amount of the enhancement listed.

19 (e) Notwithstanding any other provision of law, any and all
20 firearm enhancements under this section are mandatory, shall be served
21 in total confinement, and shall not run concurrently with any other
22 sentencing provisions.

23 (f) The firearm enhancements in this section shall apply to all
24 felony crimes except the following: Possession of a machine gun,
25 possessing a stolen firearm, drive-by shooting, theft of a firearm,
26 unlawful possession of a firearm in the first and second degree, and
27 use of a machine gun in a felony.

28 (g) If the presumptive sentence under this section exceeds the
29 statutory maximum for the offense, the statutory maximum sentence shall
30 be the presumptive sentence unless the offender is a persistent
31 offender as defined in RCW 9.94A.030.

32 (4) The following additional times shall be added to the
33 presumptive sentence for felony crimes committed after July 23, 1995,
34 if the offender or an accomplice was armed with a deadly weapon as
35 defined in this chapter other than a firearm as defined in RCW 9.41.010
36 and the offender is being sentenced for one of the crimes listed in
37 this subsection as eligible for any deadly weapon enhancements based on
38 the classification of the completed felony crime. If the offender or
39 an accomplice was armed with a deadly weapon other than a firearm as

1 defined in RCW 9.41.010 and the offender is being sentenced for an
2 anticipatory offense under chapter 9A.28 RCW to commit one of the
3 crimes listed in this subsection as eligible for any deadly weapon
4 enhancements, the following additional times shall be added to the
5 presumptive sentence determined under subsection (2) of this section
6 based on the felony crime of conviction as classified under RCW
7 9A.28.020:

8 (a) Two years for any felony defined under any law as a class A
9 felony or with a maximum sentence of at least twenty years, or both,
10 and not covered under (f) of this subsection.

11 (b) One year for any felony defined under any law as a class B
12 felony or with a maximum sentence of ten years, or both, and not
13 covered under (f) of this subsection.

14 (c) Six months for any felony defined under any law as a class C
15 felony or with a maximum sentence of five years, or both, and not
16 covered under (f) of this subsection.

17 (d) If the offender is being sentenced under (a), (b), and/or (c)
18 of this subsection for any deadly weapon enhancements and the offender
19 has previously been sentenced for any deadly weapon enhancements after
20 July 23, 1995, under (a), (b), and/or (c) of this subsection or
21 subsection (3)(a), (b), and/or (c) of this section, or both, any and
22 all deadly weapon enhancements under this subsection shall be twice the
23 amount of the enhancement listed.

24 (e) Notwithstanding any other provision of law, any and all deadly
25 weapon enhancements under this section are mandatory, shall be served
26 in total confinement, and shall not run concurrently with any other
27 sentencing provisions.

28 (f) The deadly weapon enhancements in this section shall apply to
29 all felony crimes except the following: Possession of a machine gun,
30 possessing a stolen firearm, drive-by shooting, theft of a firearm,
31 unlawful possession of a firearm in the first and second degree, and
32 use of a machine gun in a felony.

33 (g) If the presumptive sentence under this section exceeds the
34 statutory maximum for the offense, the statutory maximum sentence shall
35 be the presumptive sentence unless the offender is a persistent
36 offender as defined in RCW 9.94A.030.

37 (5) The following additional times shall be added to the
38 presumptive sentence if the offender or an accomplice committed the
39 offense while in a county jail or state correctional facility as that

1 term is defined in this chapter and the offender is being sentenced for
2 one of the crimes listed in this subsection. If the offender or an
3 accomplice committed one of the crimes listed in this subsection while
4 in a county jail or state correctional facility as that term is defined
5 in this chapter, and the offender is being sentenced for an
6 anticipatory offense under chapter 9A.28 RCW to commit one of the
7 crimes listed in this subsection, the following additional times shall
8 be added to the presumptive sentence determined under subsection (2) of
9 this section:

10 (a) Eighteen months for offenses committed under RCW
11 69.50.401(a)(1) (i) or (ii) or 69.50.410;

12 (b) Fifteen months for offenses committed under RCW
13 69.50.401(a)(1) (iii), (iv), and (v);

14 (c) Twelve months for offenses committed under RCW 69.50.401(d).

15 For the purposes of this subsection, all of the real property of
16 a state correctional facility or county jail shall be deemed to be part
17 of that facility or county jail.

18 (6) An additional twenty-four months shall be added to the
19 presumptive sentence for any ranked offense involving a violation of
20 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

21 **Sec. 3.** RCW 9.94A.320 and 1997 c 365 s 4, 1997 c 346 s 3, 1997 c
22 340 s 1, 1997 c 338 s 51, 1997 c 266 s 15, and 1997 c 120 s 5 are each
23 reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

26 ((XV))

27 XVI Aggravated Murder 1 (RCW 10.95.020)

28 ((XIV))

29 XV Murder 1 (RCW 9A.32.030)

30 Homicide by abuse (RCW 9A.32.055)

31 Malicious explosion 1 (RCW 70.74.280(1))

32 ((XIII))

33 XIV Murder 2 (RCW 9A.32.050)

34 XIII Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1 (RCW
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 Malicious placement of an imitation device 1
8 (RCW 70.74.272(1)(a))

9 XI Rape 2 (RCW 9A.44.050)
10 Rape of a Child 2 (RCW 9A.44.076)
11 Manslaughter 1 (RCW 9A.32.060)

12 X Kidnapping 1 (RCW 9A.40.020)
13 Child Molestation 1 (RCW 9A.44.083)
14 Malicious explosion 3 (RCW 70.74.280(3))
15 Over 18 and deliver heroin or narcotic from
16 Schedule I or II to someone under 18
17 (RCW 69.50.406)
18 Leading Organized Crime (RCW 9A.82.060(1)(a))
19 Indecent Liberties (with forcible compulsion)
20 (RCW 9A.44.100(1)(a))

21 IX Assault of a Child 2 (RCW 9A.36.130)
22 Robbery 1 (RCW 9A.56.200)
23 Explosive devices prohibited (RCW 70.74.180)
24 Malicious placement of an explosive 2 (RCW
25 70.74.270(2))
26 Over 18 and deliver narcotic from Schedule
27 III, IV, or V or a nonnarcotic from
28 Schedule I-V to someone under 18 and 3
29 years junior (RCW 69.50.406)
30 Controlled Substance Homicide (RCW 69.50.415)
31 Sexual Exploitation (RCW 9.68A.040)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Vehicular Homicide, by being under the
35 influence of intoxicating liquor or any
36 drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with intent
7 to deliver heroin or cocaine (RCW
8 69.50.401(a)(1)(i))
9 Manufacture, deliver, or possess with intent
10 to deliver methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Possession of ephedrine or pseudoephedrine
13 with intent to manufacture
14 methamphetamine (RCW 69.50.440)
15 Vehicular Homicide, by the operation of any
16 vehicle in a reckless manner (RCW
17 46.61.520)
18 Manslaughter 2 (RCW 9A.32.070)

19 VII Burglary 1 (RCW 9A.52.020)
20 Vehicular Homicide, by disregard for the
21 safety of others (RCW 46.61.520)
22 Introducing Contraband 1 (RCW 9A.76.140)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1) (b) and
25 (c))
26 Child Molestation 2 (RCW 9A.44.086)
27 Dealing in depictions of minor engaged in
28 sexually explicit conduct (RCW
29 9.68A.050)
30 Sending, bringing into state depictions of
31 minor engaged in sexually explicit
32 conduct (RCW 9.68A.060)
33 Involving a minor in drug dealing (RCW
34 69.50.401(f))
35 Drive-by Shooting (RCW 9A.36.045)
36 Unlawful Possession of a Firearm in the first
37 degree (RCW 9.41.040(1)(a))

1 Malicious placement of an explosive 3 (RCW
2 70.74.270(3))

3 VI Bribery (RCW 9A.68.010)
4 Rape of a Child 3 (RCW 9A.44.079)
5 Intimidating a Juror/Witness (RCW 9A.72.110,
6 9A.72.130)
7 Malicious placement of an imitation device 2
8 (RCW 70.74.272(1)(b))
9 Incest 1 (RCW 9A.64.020(1))
10 Manufacture, deliver, or possess with intent
11 to deliver narcotics from Schedule I or
12 II (except heroin or cocaine) (RCW
13 69.50.401(a)(1)(i))
14 Intimidating a Judge (RCW 9A.72.160)
15 Bail Jumping with Murder 1 (RCW
16 9A.76.170(2)(a))
17 Theft of a Firearm (RCW 9A.56.300)

18 V Persistent prison misbehavior (RCW 9.94.070)
19 Criminal Mistreatment 1 (RCW 9A.42.020)
20 Abandonment of dependent person 1 (RCW
21 9A.42.060)
22 Rape 3 (RCW 9A.44.060)
23 Sexual Misconduct with a Minor 1 (RCW
24 9A.44.093)
25 Child Molestation 3 (RCW 9A.44.089)
26 Kidnapping 2 (RCW 9A.40.030)
27 Extortion 1 (RCW 9A.56.120)
28 Incest 2 (RCW 9A.64.020(2))
29 Perjury 1 (RCW 9A.72.020)
30 Extortionate Extension of Credit (RCW
31 9A.82.020)
32 Advancing money or property for extortionate
33 extension of credit (RCW 9A.82.030)
34 Extortionate Means to Collect Extensions of
35 Credit (RCW 9A.82.040)
36 Rendering Criminal Assistance 1 (RCW
37 9A.76.070)

1 Bail Jumping with class A Felony (RCW
2 9A.76.170(2)(b))
3 Sexually Violating Human Remains (RCW
4 9A.44.105)
5 Delivery of imitation controlled substance by
6 person eighteen or over to person under
7 eighteen (RCW 69.52.030(2))
8 Possession of a Stolen Firearm (RCW
9 9A.56.310)

10 IV Residential Burglary (RCW 9A.52.025)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Robbery 2 (RCW 9A.56.210)
13 Assault 2 (RCW 9A.36.021)
14 Escape 1 (RCW 9A.76.110)
15 Arson 2 (RCW 9A.48.030)
16 Commercial Bribery (RCW 9A.68.060)
17 Bribing a Witness/Bribe Received by Witness
18 (RCW 9A.72.090, 9A.72.100)
19 Malicious Harassment (RCW 9A.36.080)
20 Threats to Bomb (RCW 9.61.160)
21 Willful Failure to Return from Furlough (RCW
22 72.66.060)
23 Hit and Run--Injury Accident (RCW
24 46.52.020(4))
25 Hit and Run with Vessel--Injury Accident (RCW
26 88.12.155(3))
27 Vehicular Assault (RCW 46.61.522)
28 Manufacture, deliver, or possess with intent
29 to deliver narcotics from Schedule III,
30 IV, or V or nonnarcotics from Schedule
31 I-V (except marijuana or
32 methamphetamines) (RCW 69.50.401 (a)(1)
33 (iii) through (v))
34 Influencing Outcome of Sporting Event (RCW
35 9A.82.070)

1 Use of Proceeds of Criminal Profiteering (RCW
2 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property (RCW
4 9A.82.050(2))

5 III Criminal Gang Intimidation (RCW 9A.46.120)
6 Criminal Mistreatment 2 (RCW 9A.42.030)
7 Abandonment of dependent person 2 (RCW
8 9A.42.070)
9 Extortion 2 (RCW 9A.56.130)
10 Unlawful Imprisonment (RCW 9A.40.040)
11 Assault 3 (RCW 9A.36.031)
12 Assault of a Child 3 (RCW 9A.36.140)
13 Custodial Assault (RCW 9A.36.100)
14 Unlawful possession of firearm in the second
15 degree (RCW 9.41.040(1)(b))
16 Harassment (RCW 9A.46.020)
17 Promoting Prostitution 2 (RCW 9A.88.080)
18 Willful Failure to Return from Work Release
19 (RCW 72.65.070)
20 Burglary 2 (RCW 9A.52.030)
21 Introducing Contraband 2 (RCW 9A.76.150)
22 Communication with a Minor for Immoral
23 Purposes (RCW 9.68A.090)
24 Patronizing a Juvenile Prostitute (RCW
25 9.68A.100)
26 Escape 2 (RCW 9A.76.120)
27 Perjury 2 (RCW 9A.72.030)
28 Bail Jumping with class B or C Felony (RCW
29 9A.76.170(2)(c))
30 Intimidating a Public Servant (RCW 9A.76.180)
31 Tampering with a Witness (RCW 9A.72.120)
32 Manufacture, deliver, or possess with intent
33 to deliver marijuana (RCW
34 69.50.401(a)(1)(iii))
35 Delivery of a material in lieu of a
36 controlled substance (RCW 69.50.401(c))
37 Manufacture, distribute, or possess with
38 intent to distribute an imitation
39 controlled substance (RCW 69.52.030(1))

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

5 II Unlawful Practice of Law (RCW 2.48.180)
6 Malicious Mischief 1 (RCW 9A.48.070)
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Class B Felony Theft of Rental, Leased, or
11 Lease-purchased Property (RCW
12 9A.56.096(4))
13 Trafficking in Insurance Claims (RCW
14 48.30A.015)
15 Unlicensed Practice of a Profession or
16 Business (RCW 18.130.190(7))
17 Health Care False Claims (RCW 48.80.030)
18 Possession of controlled substance that is
19 either heroin or narcotics from Schedule
20 I or II (RCW 69.50.401(d))
21 Possession of phencyclidine (PCP) (RCW
22 69.50.401(d))
23 Create, deliver, or possess a counterfeit
24 controlled substance (RCW 69.50.401(b))
25 Computer Trespass 1 (RCW 9A.52.110)
26 Escape from Community Custody (RCW 72.09.310)

27 I Theft 2 (RCW 9A.56.040)
28 Class C Felony Theft of Rental, Leased, or
29 Lease-purchased Property (RCW
30 9A.56.096(4))
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Forgery (RCW 9A.60.020)
34 Taking Motor Vehicle Without Permission (RCW
35 9A.56.070)
36 Vehicle Prowl 1 (RCW 9A.52.095)
37 Attempting to Elude a Pursuing Police Vehicle
38 (RCW 46.61.024)

1 Malicious Mischief 2 (RCW 9A.48.080)
2 Reckless Burning 1 (RCW 9A.48.040)
3 Unlawful Issuance of Checks or Drafts (RCW
4 9A.56.060)
5 Unlawful Use of Food Stamps (RCW 9.91.140 (2)
6 and (3))
7 False Verification for Welfare (RCW
8 74.08.055)
9 Forged Prescription (RCW 69.41.020)
10 Forged Prescription for a Controlled
11 Substance (RCW 69.50.403)
12 Possess Controlled Substance that is a
13 Narcotic from Schedule III, IV, or V or
14 Non-narcotic from Schedule I-V (except
15 phencyclidine) (RCW 69.50.401(d))

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