

2 **E2SHB 1059** - H AMD 474 ADOPTED 2-11-00

3 By Representative O'Brien

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5 Beginning on page 3, line 19, strike all of section 8 and insert
6 the following:

7 "Sec. 8. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and
8 1999 c 45 s 4 are each reenacted and amended to read as follows:

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TABLE 2

10 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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|----|------|--|
| 11 | XVI | Aggravated Murder 1 (RCW 10.95.020) |
| 12 | XV | Homicide by abuse (RCW 9A.32.055) |
| 13 | | Malicious explosion 1 (RCW 70.74.280(1)) |
| 14 | | Murder 1 (RCW 9A.32.030) |
| 15 | XIV | Murder 2 (RCW 9A.32.050) |
| 16 | XIII | Malicious explosion 2 (RCW 70.74.280(2)) |
| 17 | | Malicious placement of an explosive 1 (RCW |
| 18 | | 70.74.270(1)) |
| 19 | XII | Assault 1 (RCW 9A.36.011) |
| 20 | | Assault of a Child 1 (RCW 9A.36.120) |
| 21 | | Malicious placement of an imitation device |
| 22 | | 1 (RCW 70.74.272(1)(a)) |
| 23 | | Rape 1 (RCW 9A.44.040) |
| 24 | | Rape of a Child 1 (RCW 9A.44.073) |
| 25 | XI | Manslaughter 1 (RCW 9A.32.060) |
| 26 | | Rape 2 (RCW 9A.44.050) |
| 27 | | Rape of a Child 2 (RCW 9A.44.076) |
| 28 | X | Child Molestation 1 (RCW 9A.44.083) |
| 29 | | Indecent Liberties (with forcible |
| 30 | | compulsion) (RCW 9A.44.100(1)(a)) |
| 31 | | Kidnapping 1 (RCW 9A.40.020) |

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW 70.74.280(3))
4 Manufacture of methamphetamine (RCW
5 69.50.401(a)(1)(ii))
6 Over 18 and deliver heroin,
7 methamphetamine, a narcotic from
8 Schedule I or II, or flunitrazepam
9 from Schedule IV to someone under 18
10 (RCW 69.50.406)

11 IX Assault of a Child 2 (RCW 9A.36.130)
12 Controlled Substance Homicide (RCW
13 69.50.415)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Homicide by Watercraft, by being under the
17 influence of intoxicating liquor or
18 any drug (~~(RCW 88.12.029)~~) (RCW
19 79A.60.050)
20 Inciting Criminal Profiteering (RCW
21 9A.82.060(1)(b))
22 Malicious placement of an explosive 2 (RCW
23 70.74.270(2))
24 Over 18 and deliver narcotic from Schedule
25 III, IV, or V or a nonnarcotic, except
26 flunitrazepam or methamphetamine, from
27 Schedule I-V to someone under 18 and 3
28 years junior (RCW 69.50.406)
29 Robbery 1 (RCW 9A.56.200)
30 Sexual Exploitation (RCW 9.68A.040)
31 Vehicular Homicide, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 46.61.520)

34 VIII Arson 1 (RCW 9A.48.020)
35 Deliver or possess with intent to deliver
36 m e t h a m p h e t a m i n e (R C W
37 69.50.401(a)(1)(ii))

1 Homicide by Watercraft, by the operation of
2 any vessel in a reckless manner (~~(RCW~~
3 ~~88.12.029)~~) (RCW 79A.60.050)
4 Manslaughter 2 (RCW 9A.32.070)
5 Manufacture, deliver, or possess with
6 intent to deliver amphetamine (RCW
7 69.50.401(a)(1)(ii))
8 Manufacture, deliver, or possess with
9 intent to deliver heroin or cocaine
10 (RCW 69.50.401(a)(1)(i))
11 Possession of ephedrine or pseudoephedrine
12 with intent to manufacture
13 methamphetamine (RCW 69.50.440)
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 Vehicular Homicide, by the operation of any
19 vehicle in a reckless manner (RCW
20 46.61.520)

21 VII Burglary 1 (RCW 9A.52.020)
22 Child Molestation 2 (RCW 9A.44.086)
23 Dealing in depictions of minor engaged in
24 sexually explicit conduct (RCW
25 9.68A.050)
26 Drive-by Shooting (RCW 9A.36.045)
27 Homicide by Watercraft, by disregard for
28 the safety of others (~~(RCW~~
29 ~~88.12.029)~~) (RCW 79A.60.050)
30 Indecent Liberties (without forcible
31 compulsion) (RCW 9A.44.100(1) (b) and
32 (c))
33 Introducing Contraband 1 (RCW 9A.76.140)
34 Involving a minor in drug dealing (RCW
35 69.50.401(f))
36 Malicious placement of an explosive 3 (RCW
37 70.74.270(3))

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Unlawful Possession of a Firearm in the
5 first degree (RCW 9.41.040(1)(a))
6 Use of a Machine Gun in Commission of a
7 Felony (RCW 9.41.225)
8 Vehicular Homicide, by disregard for the
9 safety of others (RCW 46.61.520)

10 VI Bail Jumping with Murder 1 (RCW
11 9A.76.170(2)(a))
12 Bribery (RCW 9A.68.010)
13 Incest 1 (RCW 9A.64.020(1))
14 Intimidating a Judge (RCW 9A.72.160)
15 Intimidating a Juror/Witness (RCW
16 9A.72.110, 9A.72.130)
17 Malicious placement of an imitation device
18 2 (RCW 70.74.272(1)(b))
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule I or II (except heroin or
22 cocaine) or flunitrazepam from
23 Schedule IV (RCW 69.50.401(a)(1)(i))
24 Rape of a Child 3 (RCW 9A.44.079)
25 Theft of a Firearm (RCW 9A.56.300)

26 V Abandonment of dependent person 1 (RCW
27 9A.42.060)
28 Advancing money or property for
29 extortionate extension of credit (RCW
30 9A.82.030)
31 Bail Jumping with class A Felony (RCW
32 9A.76.170(2)(b))
33 Child Molestation 3 (RCW 9A.44.089)
34 Criminal Mistreatment 1 (RCW 9A.42.020)
35 Custodial Sexual Misconduct 1 (RCW
36 9A.44.160)

1 Delivery of imitation controlled substance
2 by person eighteen or over to person
3 under eighteen (RCW 69.52.030(2))
4 Extortion 1 (RCW 9A.56.120)
5 Extortionate Extension of Credit (RCW
6 9A.82.020)
7 Extortionate Means to Collect Extensions of
8 Credit (RCW 9A.82.040)
9 Incest 2 (RCW 9A.64.020(2))
10 Kidnapping 2 (RCW 9A.40.030)
11 On and after July 1, 2000: No-Contact
12 Order Violation: Domestic Violence
13 Pretrial Condition (RCW 10.99.040(4)
14 (b) and (c))
15 On and after July 1, 2000: No-Contact
16 Order Violation: Domestic Violence
17 Sentence Condition (RCW 10.99.050(2))
18 On and after July 1, 2000: Protection
19 Order Violation: Domestic Violence
20 Civil Action (RCW 26.50.110 (4) and
21 (5))
22 On and after July 1, 2000: Stalking (RCW
23 9A.46.110)
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 Sexual Misconduct with a Minor 1 (RCW
33 9A.44.093)
34 Sexually Violating Human Remains (RCW
35 9A.44.105)
36 IV Arson 2 (RCW 9A.48.030)
37 Assault 2 (RCW 9A.36.021)
38 Assault by Watercraft (~~(RCW 88.12.032)~~)
39 (RCW 79A.60.060)

1 Bribing a Witness/Bribe Received by Witness
2 (RCW 9A.72.090, 9A.72.100)
3 Commercial Bribery (RCW 9A.68.060)
4 Counterfeiting (RCW 9.16.035(4))
5 Escape 1 (RCW 9A.76.110)
6 Hit and Run--Injury Accident (RCW
7 46.52.020(4))
8 Hit and Run with Vessel--Injury Accident
9 (~~(RCW 88.12.155(3))~~) (RCW
10 79A.60.200(3))
11 Indecent Exposure to Person Under Age
12 Fourteen (subsequent sex offense) (RCW
13 9A.88.010)
14 Influencing Outcome of Sporting Event (RCW
15 9A.82.070)
16 Knowingly Trafficking in Stolen Property
17 (RCW 9A.82.050(2))
18 Malicious Harassment (RCW 9A.36.080)
19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule III, IV, or V or nonnarcotics
22 from Schedule I-V (except marijuana,
23 amphetamine, methamphetamines, or
24 flunitrazepam) (RCW 69.50.401(a)(1)
25 (iii) through (v))
26 Residential Burglary (RCW 9A.52.025)
27 Robbery 2 (RCW 9A.56.210)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Threats to Bomb (RCW 9.61.160)
30 Use of Proceeds of Criminal Profiteering
31 (RCW 9A.82.080 (1) and (2))
32 Vehicular Assault (RCW 46.61.522)
33 Willful Failure to Return from Furlough
34 (RCW 72.66.060)

35 III Abandonment of dependent person 2 (RCW
36 9A.42.070)
37 Assault 3 (RCW 9A.36.031)
38 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW
2 9A.76.170(2)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for Immoral
5 Purposes (RCW 9.68A.090)
6 Criminal Gang Intimidation (RCW 9A.46.120)
7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Delivery of a material in lieu of a
10 controlled substance (RCW
11 69.50.401(c))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW 9A.76.150)
18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(a)(6))
21 Malicious Injury to Railroad Property (RCW
22 81.60.070)
23 Manufacture, deliver, or possess with
24 intent to deliver marijuana (RCW
25 69.50.401(a)(1)(iii))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 Patronizing a Juvenile Prostitute (RCW
31 9.68A.100)
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)
35 Possession of Machine Gun or Short-Barreled
36 Shotgun or Rifle (RCW 9.41.190)
37 Promoting Prostitution 2 (RCW 9A.88.080)
38 Recklessly Trafficking in Stolen Property
39 (RCW 9A.82.050(1))

1 Securities Act violation (RCW 21.20.400)
2 Tampering with a Witness (RCW 9A.72.120)
3 Telephone Harassment (subsequent conviction
4 or threat of death) (RCW 9.61.230)
5 Theft of Livestock 2 (RCW 9A.56.080)
6 Unlawful Imprisonment (RCW 9A.40.040)
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(1)(b))
9 Unlawful Use of Building for Drug Purposes
10 (RCW 69.53.010)
11 Willful Failure to Return from Work Release
12 (RCW 72.65.070)

13 II Computer Trespass 1 (RCW 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Escape from Community Custody (RCW
19 72.09.310)
20 Health Care False Claims (RCW 48.80.030)
21 Mail Theft or Receipt of Stolen Mail
22 (section 5 of this act)
23 Malicious Mischief 1 (RCW 9A.48.070)
24 Possession of controlled substance that is
25 either heroin or narcotics from
26 Schedule I or II or flunitrazepam from
27 Schedule IV (RCW 69.50.401(d))
28 Possession of phencyclidine (PCP) (RCW
29 69.50.401(d))
30 Possession of Stolen Property 1 (RCW
31 9A.56.150)
32 Theft 1 (RCW 9A.56.030)
33 Theft of Rental, Leased, or Lease-purchased
34 Property (valued at one thousand five
35 hundred dollars or more) (RCW
36 9A.56.096(4))
37 Trafficking in Insurance Claims (RCW
38 48.30A.015)
39 Unlawful Practice of Law (RCW 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))

3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)

5 Destruction of Mail (section 4 of this act)

6 False Verification for Welfare (RCW
7 74.08.055)

8 Forged Prescription (RCW 69.41.020)

9 Forged Prescription for a Controlled
10 Substance (RCW 69.50.403)

11 Forgery (RCW 9A.60.020)

12 Malicious Mischief 2 (RCW 9A.48.080)

13 Possess Controlled Substance that is a
14 Narcotic from Schedule III, IV, or V
15 or Non-narcotic from Schedule I-V
16 (except phencyclidine or
17 flunitrazepam) (RCW 69.50.401(d))

18 Possession of Stolen Property 2 (RCW
19 9A.56.160)

20 Reckless Burning 1 (RCW 9A.48.040)

21 Taking Motor Vehicle Without Permission
22 (RCW 9A.56.070)

23 Theft 2 (RCW 9A.56.040)

24 Theft of Rental, Leased, or Lease-purchased
25 Property (valued at two hundred fifty
26 dollars or more but less than one
27 thousand five hundred dollars) (RCW
28 9A.56.096(4))

29 Unlawful Issuance of Checks or Drafts (RCW
30 9A.56.060)

31 Unlawful Use of Food Stamps (RCW 9.91.140
32 (2) and (3))

33 Vehicle Prowl 1 (RCW 9A.52.095)"

EFFECT: Makes a technical amendment to correct dates and statute references that were amended in the 1999 legislative year.

1 **E2SHB 1059** - H AMD
2 By Representative O'Brien

3
4 On page 18, line 23, after "RCW 13.40.160" strike "(5)" and insert
5 "~~((5))~~ (4)"

EFFECT: Updates and corrects an RCW reference.

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