

HOUSE BILL 1822

State of Washington 57th Legislature 2001 Regular Session

By Representatives Ballasiotes, O'Brien and Lovick

Read first time 02/06/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to custodial interference; reenacting and amending
2 RCW 9.94A.320; and prescribing penalties.

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

4 Sec. 1. RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
5 2000 c 66 s 2 are each reenacted and amended to read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW 10.95.020)
9 XV Homicide by abuse (RCW 9A.32.055)
10 Malicious explosion 1 (RCW 70.74.280(1))
11 Murder 1 (RCW 9A.32.030)
12 XIV Murder 2 (RCW 9A.32.050)
13 XIII Malicious explosion 2 (RCW 70.74.280(2))
14 Malicious placement of an explosive 1 (RCW
15 70.74.270(1))
16 XII Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)
2 Malicious placement of an imitation device
3 1 (RCW 70.74.272(1)(a))
4 Rape 1 (RCW 9A.44.040)
5 Rape of a Child 1 (RCW 9A.44.073)
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 X Child Molestation 1 (RCW 9A.44.083)
10 Indecent Liberties (with forcible
11 compulsion) (RCW 9A.44.100(1)(a))
12 Kidnapping 1 (RCW 9A.40.020)
13 Leading Organized Crime (RCW
14 9A.82.060(1)(a))
15 Malicious explosion 3 (RCW 70.74.280(3))
16 Manufacture of methamphetamine (RCW
17 69.50.401(a)(1)(ii))
18 Over 18 and deliver heroin,
19 methamphetamine, a narcotic from
20 Schedule I or II, or flunitrazepam
21 from Schedule IV to someone under 18
22 (RCW 69.50.406)
23 IX Assault of a Child 2 (RCW 9A.36.130)
24 Controlled Substance Homicide (RCW
25 69.50.415)
26 Explosive devices prohibited (RCW
27 70.74.180)
28 Homicide by Watercraft, by being under the
29 influence of intoxicating liquor or
30 any drug (RCW 79A.60.050)
31 Inciting Criminal Profiteering (RCW
32 9A.82.060(1)(b))
33 Malicious placement of an explosive 2 (RCW
34 70.74.270(2))
35 Over 18 and deliver narcotic from Schedule
36 III, IV, or V or a nonnarcotic, except
37 flunitrazepam or methamphetamine, from

1 Schedule I-V to someone under 18 and 3
2 years junior (RCW 69.50.406)
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 Vehicular Homicide, by being under the
6 influence of intoxicating liquor or
7 any drug (RCW 46.61.520)

8 VIII Arson 1 (RCW 9A.48.020)
9 Deliver or possess with intent to deliver
10 methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Hit and Run--Death (RCW 46.52.020(4)(a))
13 Homicide by Watercraft, by the operation of
14 any vessel in a reckless manner (RCW
15 79A.60.050)
16 Manslaughter 2 (RCW 9A.32.070)
17 Manufacture, deliver, or possess with
18 intent to deliver amphetamine (RCW
19 69.50.401(a)(1)(ii))
20 Manufacture, deliver, or possess with
21 intent to deliver heroin or cocaine
22 (RCW 69.50.401(a)(1)(i))
23 Possession of Ephedrine, Pseudoephedrine,
24 or Anhydrous Ammonia with intent to
25 manufacture methamphetamine (RCW
26 69.50.440)
27 Promoting Prostitution 1 (RCW 9A.88.070)
28 Selling for profit (controlled or
29 counterfeit) any controlled substance
30 (RCW 69.50.410)
31 Theft of Anhydrous Ammonia (RCW 69.55.010)
32 Vehicular Homicide, by the operation of any
33 vehicle in a reckless manner (RCW
34 46.61.520)

35 VII Burglary 1 (RCW 9A.52.020)
36 Child Molestation 2 (RCW 9A.44.086)
37 Custodial Interference 1 (RCW 9A.40.060)

1 Dealing in depictions of minor engaged in
2 sexually explicit conduct (RCW
3 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard for
6 the safety of others (RCW 79A.60.050)
7 Indecent Liberties (without forcible
8 compulsion) (RCW 9A.44.100(1) (b) and
9 (c))
10 Introducing Contraband 1 (RCW 9A.76.140)
11 Involving a minor in drug dealing (RCW
12 69.50.401(f))
13 Malicious placement of an explosive 3 (RCW
14 70.74.270(3))
15 Sending, bringing into state depictions of
16 minor engaged in sexually explicit
17 conduct (RCW 9.68A.060)
18 Unlawful Possession of a Firearm in the
19 first degree (RCW 9.41.040(1)(a))
20 Use of a Machine Gun in Commission of a
21 Felony (RCW 9.41.225)
22 Vehicular Homicide, by disregard for the
23 safety of others (RCW 46.61.520)
24 VI Bail Jumping with Murder 1 (RCW
25 9A.76.170(2)(a))
26 Bribery (RCW 9A.68.010)
27 Incest 1 (RCW 9A.64.020(1))
28 Intimidating a Judge (RCW 9A.72.160)
29 Intimidating a Juror/Witness (RCW
30 9A.72.110, 9A.72.130)
31 Malicious placement of an imitation device
32 2 (RCW 70.74.272(1)(b))
33 Manufacture, deliver, or possess with
34 intent to deliver narcotics from
35 Schedule I or II (except heroin or
36 cocaine) or flunitrazepam from
37 Schedule IV (RCW 69.50.401(a)(1)(i))
38 Rape of a Child 3 (RCW 9A.44.079)
39 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Anhydrous Ammonia (RCW
2 69.55.020)

3 V Abandonment of dependent person 1 (RCW
4 9A.42.060)

5 Advancing money or property for
6 extortionate extension of credit (RCW
7 9A.82.030)

8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 1 (RCW 9A.42.020)

12 Custodial Sexual Misconduct 1 (RCW
13 9A.44.160)

14 Delivery of imitation controlled substance
15 by person eighteen or over to person
16 under eighteen (RCW 69.52.030(2))

17 Domestic Violence Court Order Violation
18 (RCW 10.99.040, 10.99.050, 26.09.300,
19 26.10.220, 26.26.138, 26.50.110,
20 26.52.070, or 74.34.145)

21 Extortion 1 (RCW 9A.56.120)

22 Extortionate Extension of Credit (RCW
23 9A.82.020)

24 Extortionate Means to Collect Extensions of
25 Credit (RCW 9A.82.040)

26 Incest 2 (RCW 9A.64.020(2))

27 Kidnapping 2 (RCW 9A.40.030)

28 Perjury 1 (RCW 9A.72.020)

29 Persistent prison misbehavior (RCW
30 9.94.070)

31 Possession of a Stolen Firearm (RCW
32 9A.56.310)

33 Rape 3 (RCW 9A.44.060)

34 Rendering Criminal Assistance 1 (RCW
35 9A.76.070)

36 Sexual Misconduct with a Minor 1 (RCW
37 9A.44.093)

38 Sexually Violating Human Remains (RCW
39 9A.44.105)

1 Stalking (RCW 9A.46.110)

2 IV Arson 2 (RCW 9A.48.030)

3 Assault 2 (RCW 9A.36.021)

4 Assault by Watercraft (RCW 79A.60.060)

5 Bribing a Witness/Bribe Received by Witness

6 (RCW 9A.72.090, 9A.72.100)

7 Commercial Bribery (RCW 9A.68.060)

8 Counterfeiting (RCW 9.16.035(4))

9 Escape 1 (RCW 9A.76.110)

10 Hit and Run--Injury (RCW 46.52.020(4)(b))

11 Hit and Run with Vessel--Injury Accident

12 (RCW 79A.60.200(3))

13 Indecent Exposure to Person Under Age

14 Fourteen (subsequent sex offense) (RCW

15 9A.88.010)

16 Influencing Outcome of Sporting Event (RCW

17 9A.82.070)

18 Knowingly Trafficking in Stolen Property

19 (RCW 9A.82.050(2))

20 Malicious Harassment (RCW 9A.36.080)

21 Manufacture, deliver, or possess with

22 intent to deliver narcotics from

23 Schedule III, IV, or V or nonnarcotics

24 from Schedule I-V (except marijuana,

25 amphetamine, methamphetamines, or

26 flunitrazepam) (RCW 69.50.401(a)(1)

27 (iii) through (v))

28 Residential Burglary (RCW 9A.52.025)

29 Robbery 2 (RCW 9A.56.210)

30 Theft of Livestock 1 (RCW 9A.56.080)

31 Threats to Bomb (RCW 9.61.160)

32 Use of Proceeds of Criminal Profiteering

33 (RCW 9A.82.080 (1) and (2))

34 Vehicular Assault (RCW 46.61.522)

35 Willful Failure to Return from Furlough

36 (RCW 72.66.060)

37 III Abandonment of dependent person 2 (RCW

38 9A.42.070)

1 Assault 3 (RCW 9A.36.031)
2 Assault of a Child 3 (RCW 9A.36.140)
3 Bail Jumping with class B or C Felony (RCW
4 9A.76.170(2)(c))
5 Burglary 2 (RCW 9A.52.030)
6 Communication with a Minor for Immoral
7 Purposes (RCW 9.68A.090)
8 Criminal Gang Intimidation (RCW 9A.46.120)
9 Criminal Mistreatment 2 (RCW 9A.42.030)
10 Custodial Assault (RCW 9A.36.100)
11 Delivery of a material in lieu of a
12 controlled substance (RCW
13 69.50.401(c))
14 Escape 2 (RCW 9A.76.120)
15 Extortion 2 (RCW 9A.56.130)
16 Harassment (RCW 9A.46.020)
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW 9A.76.150)
20 Maintaining a Dwelling or Place for
21 Controlled Substances (RCW
22 69.50.402(a)(6))
23 Malicious Injury to Railroad Property (RCW
24 81.60.070)
25 Manufacture, deliver, or possess with
26 intent to deliver marijuana (RCW
27 69.50.401(a)(1)(iii))
28 Manufacture, distribute, or possess with
29 intent to distribute an imitation
30 controlled substance (RCW
31 69.52.030(1))
32 Patronizing a Juvenile Prostitute (RCW
33 9.68A.100)
34 Perjury 2 (RCW 9A.72.030)
35 Possession of Incendiary Device (RCW
36 9.40.120)
37 Possession of Machine Gun or Short-Barreled
38 Shotgun or Rifle (RCW 9.41.190)
39 Promoting Prostitution 2 (RCW 9A.88.080)

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Securities Act violation (RCW 21.20.400)
4 Tampering with a Witness (RCW 9A.72.120)
5 Telephone Harassment (subsequent conviction
6 or threat of death) (RCW 9.61.230)
7 Theft of Livestock 2 (RCW 9A.56.080)
8 Unlawful Imprisonment (RCW 9A.40.040)
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(1)(b))
11 Unlawful Use of Building for Drug Purposes
12 (RCW 69.53.010)
13 Willful Failure to Return from Work Release
14 (RCW 72.65.070)

15 II Computer Trespass 1 (RCW 9A.52.110)
16 Counterfeiting (RCW 9.16.035(3))
17 Create, deliver, or possess a counterfeit
18 controlled substance (RCW
19 69.50.401(b))
20 Escape from Community Custody (RCW
21 72.09.310)
22 Health Care False Claims (RCW 48.80.030)
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 False Verification for Welfare (RCW
6 74.08.055)
7 Forged Prescription (RCW 69.41.020)
8 Forged Prescription for a Controlled
9 Substance (RCW 69.50.403)
10 Forgery (RCW 9A.60.020)
11 Malicious Mischief 2 (RCW 9A.48.080)
12 Possess Controlled Substance that is a
13 Narcotic from Schedule III, IV, or V
14 or Non-narcotic from Schedule I-V
15 (except phencyclidine or
16 flunitrazepam) (RCW 69.50.401(d))
17 Possession of Stolen Property 2 (RCW
18 9A.56.160)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Taking Motor Vehicle Without Permission
21 (RCW 9A.56.070)
22 Theft 2 (RCW 9A.56.040)
23 Theft of Rental, Leased, or Lease-purchased
24 Property (valued at two hundred fifty
25 dollars or more but less than one
26 thousand five hundred dollars) (RCW
27 9A.56.096(4))
28 Unlawful Issuance of Checks or Drafts (RCW
29 9A.56.060)
30 Unlawful Use of Food Stamps (RCW 9.91.140
31 (2) and (3))
32 Vehicle Prowl 1 (RCW 9A.52.095)

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