

2SHB 2216 - H AMD 1129

By Representative Orcutt

FAILED 02/13/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
4 each reenacted and amended to read as follows:
5

6 TABLE 2

7 CRIMES INCLUDED WITHIN
8 EACH SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW
10 10.95.020)
- 11 XV Homicide by abuse (RCW 9A.32.055)
12 Malicious explosion 1 (RCW
13 70.74.280(1))
14 Murder 1 (RCW 9A.32.030)
- 15 XIV Murder 2 (RCW 9A.32.050)
16 Trafficking 1 (RCW 9A.40.100(1))
- 17 XIII Malicious explosion 2 (RCW
18 70.74.280(2))
19 Malicious placement of an explosive 1
20 (RCW 70.74.270(1))
- 21 XII Assault 1 (RCW 9A.36.011)
22 Assault of a Child 1 (RCW 9A.36.120)
23 Malicious placement of an imitation
24 device 1 (RCW 70.74.272(1)(a))
25 Promoting Commercial Sexual Abuse
26 of a Minor (RCW 9.68A.101)
27 Rape 1 (RCW 9A.44.040)
28 Rape of a Child 1 (RCW 9A.44.073)

1 Trafficking 2 (RCW 9A.40.100(2))
2 XI Manslaughter 1 (RCW 9A.32.060)
3 Rape 2 (RCW 9A.44.050)
4 Rape of a Child 2 (RCW 9A.44.076)
5 Vehicular Homicide, by being under
6 the influence of intoxicating liquor
7 or any drug (RCW 46.61.520)
8 X Child Molestation 1 (RCW 9A.44.083)
9 Criminal Mistreatment 1 (RCW
10 9A.42.020)
11 Indecent Liberties (with forcible
12 compulsion) (RCW
13 9A.44.100(1)(a))
14 Kidnapping 1 (RCW 9A.40.020)
15 Leading Organized Crime (RCW
16 9A.82.060(1)(a))
17 Malicious explosion 3 (RCW
18 70.74.280(3))
19 Sexually Violent Predator Escape
20 (RCW 9A.76.115)
21 Vehicular Homicide, by the operation
22 of any vehicle in a reckless manner
23 (RCW 46.61.520)
24 IX Abandonment of Dependent Person 1
25 (RCW 9A.42.060)
26 Assault of a Child 2 (RCW 9A.36.130)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Hit and Run--Death (RCW
30 46.52.020(4)(a))
31 Homicide by Watercraft, by being
32 under the influence of intoxicating
33 liquor or any drug (RCW
34 79A.60.050)
35 Inciting Criminal Profiteering (RCW
36 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 ~~((Vehicular Homicide, by being under
6 the influence of intoxicating liquor
7 or any drug (RCW 46.61.520)))~~
8 VIII Arson 1 (RCW 9A.48.020)
9 Commercial Sexual Abuse of a Minor
10 (RCW 9.68A.100)
11 Homicide by Watercraft, by the
12 operation of any vessel in a
13 reckless manner (RCW
14 79A.60.050)
15 Manslaughter 2 (RCW 9A.32.070)
16 Promoting Prostitution 1 (RCW
17 9A.88.070)
18 Theft of Ammonia (RCW 69.55.010)
19 ~~((Vehicular Homicide, by the operation
20 of any vehicle in a reckless manner
21 (RCW 46.61.520)))~~
22 Vehicular Homicide, by disregard for
23 the safety of others (RCW
24 46.61.520)
25 VII Burglary 1 (RCW 9A.52.020)
26 Child Molestation 2 (RCW 9A.44.086)
27 Civil Disorder Training (RCW
28 9A.48.120)
29 Dealing in depictions of minor engaged
30 in sexually explicit conduct 1
31 (RCW 9.68A.050(1))
32 Drive-by Shooting (RCW 9A.36.045)
33 Homicide by Watercraft, by disregard
34 for the safety of others (RCW
35 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Negligently Causing Death By Use of a
9 Signal Preemption Device (RCW
10 46.37.675)
11 Sending, bringing into state depictions
12 of minor engaged in sexually
13 explicit conduct 1 (RCW
14 9.68A.060(1))
15 Unlawful Possession of a Firearm in
16 the first degree (RCW 9.41.040(1))
17 Use of a Machine Gun in Commission
18 of a Felony (RCW 9.41.225)
19 (~~Vehicular Homicide, by disregard for
20 the safety of others (RCW
21 46.61.520))~~)
22 VI Bail Jumping with Murder 1 (RCW
23 9A.76.170(3)(a))
24 Bribery (RCW 9A.68.010)
25 Incest 1 (RCW 9A.64.020(1))
26 Intimidating a Judge (RCW 9A.72.160)
27 Intimidating a Juror/Witness (RCW
28 9A.72.110, 9A.72.130)
29 Malicious placement of an imitation
30 device 2 (RCW 70.74.272(1)(b))
31 Possession of Depictions of a Minor
32 Engaged in Sexually Explicit
33 Conduct 1 (RCW 9.68A.070(1))
34 Rape of a Child 3 (RCW 9A.44.079)
35 Theft of a Firearm (RCW 9A.56.300)
36 Unlawful Storage of Ammonia (RCW
37 69.55.020)

1 V Abandonment of Dependent Person 2
2 (RCW 9A.42.070)
3 Advancing money or property for
4 extortionate extension of credit
5 (RCW 9A.82.030)
6 Bail Jumping with class A Felony
7 (RCW 9A.76.170(3)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 2 (RCW
10 9A.42.030)
11 Custodial Sexual Misconduct 1 (RCW
12 9A.44.160)
13 Dealing in Depictions of Minor
14 Engaged in Sexually Explicit
15 Conduct 2 (RCW 9.68A.050(2))
16 Domestic Violence Court Order
17 Violation (RCW 10.99.040,
18 10.99.050, 26.09.300, 26.10.220,
19 26.26.138, 26.50.110, 26.52.070,
20 or 74.34.145)
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Extortion 1 (RCW 9A.56.120)
24 Extortionate Extension of Credit (RCW
25 9A.82.020)
26 Extortionate Means to Collect
27 Extensions of Credit (RCW
28 9A.82.040)
29 Incest 2 (RCW 9A.64.020(2))
30 Kidnapping 2 (RCW 9A.40.030)
31 Perjury 1 (RCW 9A.72.020)
32 Persistent prison misbehavior (RCW
33 9.94.070)
34 Physical Control of a Vehicle While
35 Under the Influence (RCW
36 46.61.504(6))

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1
5 (RCW 9A.76.070)
6 Sending, Bringing into State Depictions
7 of Minor Engaged in Sexually
8 Explicit Conduct 2 (RCW
9 9.68A.060(2))
10 Sexual Misconduct with a Minor 1
11 (RCW 9A.44.093)
12 Sexually Violating Human Remains
13 (RCW 9A.44.105)
14 Stalking (RCW 9A.46.110)
15 Taking Motor Vehicle Without
16 Permission 1 (RCW 9A.56.070)
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug (RCW 46.61.522)
20 IV Arson 2 (RCW 9A.48.030)
21 Assault 2 (RCW 9A.36.021)
22 Assault 3 (of a Peace Officer with a
23 Projectile Stun Gun) (RCW
24 9A.36.031(1)(h))
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW 9A.68.060)
32 Counterfeiting (RCW 9.16.035(4))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)
36 Hit and Run--Injury (RCW
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Malicious Harassment (RCW
10 9A.36.080)
11 Possession of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 2 (RCW 9.68(~~1A~~))
14 A.070(2))
15 Residential Burglary (RCW
16 9A.52.025)
17 Robbery 2 (RCW 9A.56.210)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Threats to Bomb (RCW 9.61.160)
20 Trafficking in Stolen Property 1 (RCW
21 9A.82.050)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(b))
25 Unlawful transaction of health
26 coverage as a health care service
27 contractor (RCW 48.44.016(3))
28 Unlawful transaction of health
29 coverage as a health maintenance
30 organization (RCW 48.46.033(3))
31 Unlawful transaction of insurance
32 business (RCW 48.15.023(3))
33 Unlicensed practice as an insurance
34 professional (RCW 48.17.063(2))
35 Use of Proceeds of Criminal
36 Profiteering (RCW 9A.82.080 (1)
37 and (2))

1 Vehicular Assault, (~~by being under the~~
2 ~~influence of intoxicating liquor or~~
3 ~~any drug, or~~) by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)
6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))
9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)
11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))
13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun
15 Gun) (RCW 9A.36.031 except
16 subsection (1)(h))
17 Assault of a Child 3 (RCW 9A.36.140)
18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))
20 Burglary 2 (RCW 9A.52.030)
21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)
24 Criminal Gang Intimidation (RCW
25 9A.46.120)
26 Custodial Assault (RCW 9A.36.100)
27 Cyberstalking (subsequent conviction
28 or threat of death) (RCW
29 9.61.260(3))
30 Escape 2 (RCW 9A.76.120)
31 Extortion 2 (RCW 9A.56.130)
32 Harassment (RCW 9A.46.020)
33 Intimidating a Public Servant (RCW
34 9A.76.180)
35 Introducing Contraband 2 (RCW
36 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Mortgage Fraud (RCW 19.144.080)
4 Negligently Causing Substantial Bodily
5 Harm By Use of a Signal
6 Preemption Device (RCW
7 46.37.674)
8 Organized Retail Theft 1 (RCW
9 9A.56.350(2))
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-
14 Barreled Shotgun or Rifle (RCW
15 9.41.190)
16 Promoting Prostitution 2 (RCW
17 9A.88.080)
18 Retail Theft with Extenuating
19 Circumstances 1 (RCW
20 9A.56.360(2))
21 Securities Act violation (RCW
22 21.20.400)
23 Tampering with a Witness (RCW
24 9A.72.120)
25 Telephone Harassment (subsequent
26 conviction or threat of death)
27 (RCW 9.61.230(2))
28 Theft of Livestock 2 (RCW 9A.56.083)
29 Theft with the Intent to Resell 1 (RCW
30 9A.56.340(2))
31 Trafficking in Stolen Property 2 (RCW
32 9A.82.055)
33 Unlawful Imprisonment (RCW
34 9A.40.040)
35 Unlawful possession of firearm in the
36 second degree (RCW 9.41.040(2))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)
5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)
7 II Computer Trespass 1 (RCW
8 9A.52.110)
9 Counterfeiting (RCW 9.16.035(3))
10 Escape from Community Custody
11 (RCW 72.09.310)
12 Failure to Register as a Sex Offender
13 (second or subsequent offense)
14 (RCW ((~~9A.44.130(11)(a))~~)
15 9A.44.132)
16 Health Care False Claims (RCW
17 48.80.030)
18 Identity Theft 2 (RCW 9.35.020(3))
19 Improperly Obtaining Financial
20 Information (RCW 9.35.010)
21 Malicious Mischief 1 (RCW
22 9A.48.070)
23 Organized Retail Theft 2 (RCW
24 9A.56.350(3))
25 Possession of Stolen Property 1 (RCW
26 9A.56.150)
27 Possession of a Stolen Vehicle (RCW
28 9A.56.068)
29 Retail Theft with Extenuating
30 Circumstances 2 (RCW
31 9A.56.360(3))
32 Theft 1 (RCW 9A.56.030)
33 Theft of a Motor Vehicle (RCW
34 9A.56.065)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Practice of Law (RCW
13 2.48.180)
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW 9A.56.320)
16 Unlawful Possession of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Possession of a Personal
19 Identification Device (RCW
20 9A.56.320)
21 Unlawful Production of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Vehicle Prowl 1 (RCW 9A.52.095)"

28 Correct the title.

EFFECT: Increases the seriousness levels for crimes of Vehicular Homicide and Vehicular Assault as follows (which makes the bill consistent with the original House bill):

Vehicular Homicide by reckless driving is raised from a level VIII to a level X;

Vehicular Homicide by disregard for the safety of others is raised from a level VII to a level VIII; and

Vehicular Assault while driving under the influence of alcohol or drugs is raised from a level IV to a level V.

--- END ---