
SENATE BILL 5310

State of Washington

67th Legislature

2021 Regular Session

By Senators Holy, Dozier, Fortunato, Padden, Rivers, Schoesler, Van De Wege, and Wilson, L.

Read first time 01/20/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to combatting violence, disorder, and looting
2 while ensuring protection for law enforcement; amending RCW
3 9A.36.031, 9A.46.020, 9.94A.515, 9A.84.010, 9A.48.090, 82.14.310, and
4 82.14.320; reenacting and amending RCW 46.61.250; adding a new
5 section to chapter 9A.82 RCW; adding a new section to chapter 46.61
6 RCW; adding a new section to chapter 9A.84 RCW; adding new sections
7 to chapter 35.21 RCW; adding new sections to chapter 36.01 RCW;
8 creating new sections; prescribing penalties; and declaring an
9 emergency.

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

11 NEW SECTION. **Sec. 1.** This act may be known and cited as the
12 combatting violence, disorder, and looting and law enforcement
13 protection act.

14 NEW SECTION. **Sec. 2.** The legislature finds that government
15 exists, in part, to secure rights and equal justice for all citizens,
16 while at the same time maintain social order. Statutory and common
17 law vests in the state the police powers essential to the
18 preservation of social order, which it has delegated to local
19 governments. For example, in *Chicago v. Sturges*, 222 U.S. 313 (1911),
20 the United States supreme court held that liability may exist when a

1 local government fails to protect property destroyed by unpeaceful
2 protests, riots, or mob violence. The legislature intends to hold
3 local governments responsible when they willfully fail to discharge
4 their delegated power to maintain social order. The legislature
5 further finds that law enforcement officers and first responders are
6 vital public servants who put their lives at risk for the betterment
7 of their community and that intentionally withdrawing or reducing
8 these services leads to increases in violent crime and decreases in
9 overall public safety.

10 **Sec. 3.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to
11 read as follows:

12 (1) A person is guilty of assault in the third degree if he or
13 she, under circumstances not amounting to assault in the first or
14 second degree:

15 (a) With intent to prevent or resist the execution of any lawful
16 process or mandate of any court officer or the lawful apprehension or
17 detention of himself, herself, or another person, assaults another;
18 or

19 (b) Assaults a person employed as a transit operator or driver,
20 the immediate supervisor of a transit operator or driver, a mechanic,
21 or a security officer, by a public or private transit company or a
22 contracted transit service provider, while that person is performing
23 his or her official duties at the time of the assault; or

24 (c) Assaults a school bus driver, the immediate supervisor of a
25 driver, a mechanic, or a security officer, employed by a school
26 district transportation service or a private company under contract
27 for transportation services with a school district, while the person
28 is performing his or her official duties at the time of the assault;
29 or

30 (d) With criminal negligence, causes bodily harm to another
31 person by means of a weapon or other instrument or thing likely to
32 produce bodily harm; or

33 (e) Assaults a firefighter or other employee of a fire
34 department, county fire marshal's office, county fire prevention
35 bureau, or fire protection district who was performing his or her
36 official duties at the time of the assault; or

37 (f) With criminal negligence, causes bodily harm accompanied by
38 substantial pain that extends for a period sufficient to cause
39 considerable suffering; or

1 (g) Assaults a law enforcement officer or other employee of a law
2 enforcement agency who was performing his or her official duties at
3 the time of the assault; or

4 (h) Assaults a peace officer with a projectile stun gun; or

5 (i) Assaults a nurse, physician, or health care provider who was
6 performing his or her nursing or health care duties at the time of
7 the assault. For purposes of this subsection: "Nurse" means a person
8 licensed under chapter 18.79 RCW; "physician" means a person licensed
9 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
10 person certified under chapter 18.71 or 18.73 RCW who performs
11 emergency medical services or a person regulated under Title 18 RCW
12 and employed by, or contracting with, a hospital licensed under
13 chapter 70.41 RCW; or

14 (j) Assaults a judicial officer, court-related employee, county
15 clerk, or county clerk's employee, while that person is performing
16 his or her official duties at the time of the assault or as a result
17 of that person's employment within the judicial system. For purposes
18 of this subsection, "court-related employee" includes bailiffs, court
19 reporters, judicial assistants, court managers, court managers'
20 employees, and any other employee, regardless of title, who is
21 engaged in equivalent functions; or

22 (k) Assaults a person located in a courtroom, jury room, judge's
23 chamber, or any waiting area or corridor immediately adjacent to a
24 courtroom, jury room, or judge's chamber. This section shall apply
25 only: (i) During the times when a courtroom, jury room, or judge's
26 chamber is being used for judicial purposes during court proceedings;
27 and (ii) if signage was posted in compliance with RCW 2.28.200 at the
28 time of the assault.

29 (2) Assault in the third degree is a class C felony.

30 (3) Notwithstanding any other provision of law, a person
31 convicted of assaulting a law enforcement officer in furtherance of a
32 riot or unlawful assembly prohibited under chapter 9A.84 RCW must be
33 sentenced to a minimum term of total confinement of 180 days.

34 **Sec. 4.** RCW 9A.46.020 and 2011 c 64 s 1 are each amended to read
35 as follows:

36 (1) A person is guilty of harassment if:

37 (a) Without lawful authority, the person knowingly threatens:

38 (i) To cause bodily injury immediately or in the future to the
39 person threatened or to any other person; or

1 (ii) To cause physical damage to the property of a person other
2 than the actor; or

3 (iii) To subject the person threatened or any other person to
4 physical confinement or restraint; or

5 (iv) Maliciously to do any other act which is intended to
6 substantially harm the person threatened or another with respect to
7 his or her physical or mental health or safety; and

8 (b) The person by words or conduct places the person threatened
9 in reasonable fear that the threat will be carried out. "Words or
10 conduct" includes, in addition to any other form of communication or
11 conduct, the sending of an electronic communication.

12 (2) (a) Except as provided in (b) of this subsection, a person who
13 harasses another is guilty of a gross misdemeanor.

14 (b) A person who harasses another is guilty of a class C felony
15 if any of the following apply: (i) The person has previously been
16 convicted in this or any other state of any crime of harassment, as
17 defined in RCW 9A.46.060, of the same victim or members of the
18 victim's family or household or any person specifically named in a
19 no-contact or no-harassment order; (ii) the person harasses another
20 person under subsection (1) (a) (i) of this section by threatening to
21 kill the person threatened or any other person; (iii) the person
22 harasses a criminal justice participant who is performing his or her
23 official duties at the time the threat is made; ~~((iv))~~ (iv) the
24 person harasses a criminal justice participant because of an action
25 taken or decision made by the criminal justice participant during the
26 performance of his or her official duties; or (v) (A) the person would
27 not be capable of harassing another person unless the person crossed
28 state lines within the previous 10 days; and (B) the harassment
29 occurs in a place of public accommodation or private residence. For
30 the purposes of (b) (iii) and (iv) of this subsection, the fear from
31 the threat must be a fear that a reasonable criminal justice
32 participant would have under all the circumstances. Threatening words
33 do not constitute harassment if it is apparent to the criminal
34 justice participant that the person does not have the present and
35 future ability to carry out the threat.

36 (3) Any criminal justice participant who is a target for threats
37 or harassment prohibited under subsection (2) (b) (iii) or (iv) of this
38 section, and any family members residing with him or her, shall be
39 eligible for the address confidentiality program created under RCW
40 40.24.030.

1 (4) For purposes of this section, a criminal justice participant
2 includes any (a) federal, state, or local law enforcement agency
3 employee; (b) federal, state, or local prosecuting attorney or deputy
4 prosecuting attorney; (c) staff member of any adult corrections
5 institution or local adult detention facility; (d) staff member of
6 any juvenile corrections institution or local juvenile detention
7 facility; (e) community corrections officer, probation, or parole
8 officer; (f) member of the indeterminate sentence review board; (g)
9 advocate from a crime victim/witness program; or (h) defense
10 attorney.

11 (5) The penalties provided in this section for harassment do not
12 preclude the victim from seeking any other remedy otherwise available
13 under law.

14 **Sec. 5.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to
15 read as follows:

16

17 TABLE 2
18 CRIMES INCLUDED WITHIN EACH
19 SERIOUSNESS LEVEL

20	XVI	Aggravated Murder 1 (RCW 10.95.020)
21	XV	Homicide by abuse (RCW 9A.32.055)
22		Malicious explosion 1 (RCW 23 70.74.280(1))
24		Murder 1 (RCW 9A.32.030)
25	XIV	Murder 2 (RCW 9A.32.050)
26		Trafficking 1 (RCW 9A.40.100(1))
27	XIII	Malicious explosion 2 (RCW 28 70.74.280(2))
29		Malicious placement of an explosive 1 30 (RCW 70.74.270(1))
31	XII	Assault 1 (RCW 9A.36.011)
32		Assault of a Child 1 (RCW 9A.36.120)
33		Malicious placement of an imitation 34 device 1 (RCW 70.74.272(1)(a))
35		Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)

1 Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 Trafficking 2 (RCW 9A.40.100(3))
4 XI Manslaughter 1 (RCW 9A.32.060)
5 Rape 2 (RCW 9A.44.050)
6 Rape of a Child 2 (RCW 9A.44.076)
7 Vehicular Homicide, by being under the
8 influence of intoxicating liquor or
9 any drug (RCW 46.61.520)
10 Vehicular Homicide, by the operation of
11 any vehicle in a reckless manner
12 (RCW 46.61.520)
13 X Child Molestation 1 (RCW 9A.44.083)
14 Criminal Mistreatment 1 (RCW
15 9A.42.020)
16 Indecent Liberties (with forcible
17 compulsion) (RCW
18 9A.44.100(1)(a))
19 Kidnapping 1 (RCW 9A.40.020)
20 Leading Organized Crime (RCW
21 9A.82.060(1)(a))
22 Malicious explosion 3 (RCW
23 70.74.280(3))
24 Sexually Violent Predator Escape (RCW
25 9A.76.115)
26 IX Abandonment of Dependent Person 1
27 (RCW 9A.42.060)
28 Assault of a Child 2 (RCW 9A.36.130)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Hit and Run—Death (RCW
32 46.52.020(4)(a))
33 Homicide by Watercraft, by being under
34 the influence of intoxicating liquor
35 or any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 VIII Arson 1 (RCW 9A.48.020)
8 Commercial Sexual Abuse of a Minor
9 (RCW 9.68A.100)
10 Homicide by Watercraft, by the
11 operation of any vessel in a reckless
12 manner (RCW 79A.60.050)
13 Manslaughter 2 (RCW 9A.32.070)
14 Promoting Prostitution 1 (RCW
15 9A.88.070)
16 Theft of Ammonia (RCW 69.55.010)
17 VII Air bag diagnostic systems (causing
18 bodily injury or death) (RCW
19 46.37.660(2)(b))
20 Air bag replacement requirements
21 (causing bodily injury or death)
22 (RCW 46.37.660(1)(b))
23 Burglary 1 (RCW 9A.52.020)
24 Child Molestation 2 (RCW 9A.44.086)
25 Civil Disorder Training (RCW
26 9A.48.120)
27 Dealing in depictions of minor engaged
28 in sexually explicit conduct 1
29 (RCW 9.68A.050(1))
30 Drive-by Shooting (RCW 9A.36.045)
31 False Reporting 1 (RCW
32 9A.84.040(2)(a))
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 Manufacture or import counterfeit,
9 nonfunctional, damaged, or
10 previously deployed air bag
11 (causing bodily injury or death)
12 (RCW 46.37.650(1)(b))
13 Negligently Causing Death By Use of a
14 Signal Preemption Device (RCW
15 46.37.675)
16 Sell, install, or reinstall counterfeit,
17 nonfunctional, damaged, or
18 previously deployed airbag (RCW
19 46.37.650(2)(b))
20 Sending, bringing into state depictions
21 of minor engaged in sexually
22 explicit conduct 1 (RCW
23 9.68A.060(1))
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1))
26 Use of a Machine Gun or Bump-fire
27 Stock in Commission of a Felony
28 (RCW 9.41.225)
29 Vehicular Homicide, by disregard for
30 the safety of others (RCW
31 46.61.520)
32 VI Bail Jumping with Murder 1 (RCW
33 9A.76.170(3)(a))
34 Bribery (RCW 9A.68.010)
35 Incest 1 (RCW 9A.64.020(1))
36 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Leading an Organized Riot and Display
4 Deadly Weapon During
5 Commission (section 6(2)(a) of this
6 act)
7 Malicious placement of an imitation
8 device 2 (RCW 70.74.272(1)(b))
9 Possession of Depictions of a Minor
10 Engaged in Sexually Explicit
11 Conduct 1 (RCW 9.68A.070(1))
12 Rape of a Child 3 (RCW 9A.44.079)
13 Theft of a Firearm (RCW 9A.56.300)
14 Theft from a Vulnerable Adult 1 (RCW
15 9A.56.400(1))
16 Unlawful Storage of Ammonia (RCW
17 69.55.020)
18 V Abandonment of Dependent Person 2
19 (RCW 9A.42.070)
20 Advancing money or property for
21 extortionate extension of credit
22 (RCW 9A.82.030)
23 Air bag diagnostic systems (RCW
24 46.37.660(2)(c))
25 Air bag replacement requirements
26 (RCW 46.37.660(1)(c))
27 Assault 3 (of a Law Enforcement
28 Officer or Employee and Assault 3
29 of a Peace Officer with a Projectile
30 Stun Gun) (RCW 9A.36.031(1) (g)
31 and (h))
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 2 (RCW
36 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Dealing in Depictions of Minor
4 Engaged in Sexually Explicit
5 Conduct 2 (RCW 9.68A.050(2))
6 Domestic Violence Court Order
7 Violation (RCW 10.99.040,
8 10.99.050, 26.09.300, 26.10.220,
9 26.26B.050, 26.50.110, 26.52.070,
10 or 74.34.145)
11 Extortion 1 (RCW 9A.56.120)
12 Extortionate Extension of Credit (RCW
13 9A.82.020)
14 Extortionate Means to Collect
15 Extensions of Credit (RCW
16 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Leading an Organized Riot (section 6 of
20 this act except subsection (2)(b))
21 Manufacture or import counterfeit,
22 nonfunctional, damaged, or
23 previously deployed air bag (RCW
24 46.37.650(1)(c))
25 Perjury 1 (RCW 9A.72.020)
26 Persistent prison misbehavior (RCW
27 9.94.070)
28 Possession of a Stolen Firearm (RCW
29 9A.56.310)
30 Rape 3 (RCW 9A.44.060)
31 Rendering Criminal Assistance 1 (RCW
32 9A.76.070)
33 Sell, install, or reinstall counterfeit,
34 nonfunctional, damaged, or
35 previously deployed airbag (RCW
36 46.37.650(2)(c))

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 ~~((Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))))~~
17 Assault 4 (third domestic violence
18 offense) (RCW 9A.36.041(3))
19 Assault by Watercraft (RCW
20 79A.60.060)
21 Bribing a Witness/Bribe Received by
22 Witness (RCW 9A.72.090,
23 9A.72.100)
24 Cheating 1 (RCW 9.46.1961)
25 Commercial Bribery (RCW 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Harassment Crossing State Lines and in
33 Place of Public Accommodation or
34 Private Residence (RCW
35 9A.46.020(2)(b)(v))

1 Hate Crime (RCW 9A.36.080)
2 Hit and Run—Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel—Injury
5 Accident (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2))
7 Indecent Exposure to Person Under Age
8 Fourteen (subsequent sex offense)
9 (RCW 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Physical Control of a Vehicle While
13 Under the Influence (RCW
14 46.61.504(6))
15 Possession of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.070(2))
18 Residential Burglary (RCW 9A.52.025)
19 Robbery 2 (RCW 9A.56.210)
20 Theft of Livestock 1 (RCW 9A.56.080)
21 Threats to Bomb (RCW 9.61.160)
22 Trafficking in Stolen Property 1 (RCW
23 9A.82.050)
24 Unlawful factoring of a credit card or
25 payment card transaction (RCW
26 9A.56.290(4)(b))
27 Unlawful transaction of health coverage
28 as a health care service contractor
29 (RCW 48.44.016(3))
30 Unlawful transaction of health coverage
31 as a health maintenance
32 organization (RCW 48.46.033(3))
33 Unlawful transaction of insurance
34 business (RCW 48.15.023(3))
35 Unlicensed practice as an insurance
36 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicle Prowling 2 (third or subsequent
5 offense) (RCW 9A.52.100(3))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Viewing of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 1 (RCW 9.68A.075(1))
14 Willful Failure to Return from Furlough
15 (RCW 72.66.060)
16 III Animal Cruelty 1 (Sexual Conduct or
17 Contact) (RCW 16.52.205(3))
18 Assault 3 (Except Assault 3 of a Law
19 Enforcement Officer or Employee
20 and Peace Officer With a Projectile
21 Stun Gun) (RCW 9A.36.031 except
22 subsection (1)(g) and (h))
23 Assault of a Child 3 (RCW 9A.36.140)
24 Bail Jumping with class B or C Felony
25 (RCW 9A.76.170(3)(c))
26 Burglary 2 (RCW 9A.52.030)
27 Communication with a Minor for
28 Immoral Purposes (RCW
29 9.68A.090)
30 Criminal Gang Intimidation (RCW
31 9A.46.120)
32 Custodial Assault (RCW 9A.36.100)
33 Cyberstalking (subsequent conviction or
34 threat of death) (RCW 9.61.260(3))
35 Escape 2 (RCW 9A.76.120)
36 Extortion 2 (RCW 9A.56.130)

1 False Reporting 2 (RCW
2 9A.84.040(2)(b))
3 Harassment (RCW 9A.46.020 except
4 subsection (2)(b)(v))
5 Intimidating a Public Servant (RCW
6 9A.76.180)
7 Introducing Contraband 2 (RCW
8 9A.76.150)
9 Malicious Injury to Railroad Property
10 (RCW 81.60.070)
11 Manufacture of Untraceable Firearm
12 with Intent to Sell (RCW 9.41.190)
13 Manufacture or Assembly of an
14 Undetectable Firearm or
15 Untraceable Firearm (RCW
16 9.41.325)
17 Mortgage Fraud (RCW 19.144.080)
18 Negligently Causing Substantial Bodily
19 Harm By Use of a Signal
20 Preemption Device (RCW
21 46.37.674)
22 Organized Retail Theft 1 (RCW
23 9A.56.350(2))
24 Perjury 2 (RCW 9A.72.030)
25 Possession of Incendiary Device (RCW
26 9.40.120)
27 Possession of Machine Gun, Bump-Fire
28 Stock, Undetectable Firearm, or
29 Short-Barreled Shotgun or Rifle
30 (RCW 9.41.190)
31 Promoting Prostitution 2 (RCW
32 9A.88.080)
33 Retail Theft with Special Circumstances
34 1 (RCW 9A.56.360(2))
35 Rioting (section 9 of this act)

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death) (RCW
7 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Hunting of Big Game 1 (RCW
14 77.15.410(3)(b))
15 Unlawful Imprisonment (RCW
16 9A.40.040)
17 Unlawful Misbranding of Fish or
18 Shellfish 1 (RCW 77.140.060(3))
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(2))
21 Unlawful Taking of Endangered Fish or
22 Wildlife 1 (RCW 77.15.120(3)(b))
23 Unlawful Trafficking in Fish, Shellfish,
24 or Wildlife 1 (RCW
25 77.15.260(3)(b))
26 Unlawful Use of a Nondesignated
27 Vessel (RCW 77.15.530(4))
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work
33 Release (RCW 72.65.070)
34 II Commercial Fishing Without a License
35 1 (RCW 77.15.500(3)(b))
36 Computer Trespass 1 (RCW 9A.90.040)

1 Counterfeiting (RCW 9.16.035(3))
2 Electronic Data Service Interference
3 (RCW 9A.90.060)
4 Electronic Data Tampering 1 (RCW
5 9A.90.080)
6 Electronic Data Theft (RCW 9A.90.100)
7 Engaging in Fish Dealing Activity
8 Unlicensed 1 (RCW 77.15.620(3))
9 Escape from Community Custody
10 (RCW 72.09.310)
11 Failure to Register as a Sex Offender
12 (second or subsequent offense)
13 (RCW 9A.44.130 prior to June 10,
14 2010, and RCW 9A.44.132)
15 Health Care False Claims (RCW
16 48.80.030)
17 Identity Theft 2 (RCW 9.35.020(3))
18 Improperly Obtaining Financial
19 Information (RCW 9.35.010)
20 Malicious Mischief 1 (RCW 9A.48.070)
21 Organized Retail Theft 2 (RCW
22 9A.56.350(3))
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Possession of a Stolen Vehicle (RCW
26 9A.56.068)
27 Retail Theft with Special Circumstances
28 2 (RCW 9A.56.360(3))
29 Scrap Processing, Recycling, or
30 Supplying Without a License
31 (second or subsequent offense)
32 (RCW 19.290.100)
33 Theft 1 (RCW 9A.56.030)
34 Theft of a Motor Vehicle (RCW
35 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at five thousand 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 Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 Criminal Mischief (RCW 9A.84.010)
28 False Verification for Welfare (RCW
29 74.08.055)
30 Forgery (RCW 9A.60.020)
31 Fraudulent Creation or Revocation of a
32 Mental Health Advance Directive
33 (RCW 9A.60.060)
34 Malicious Mischief 2 (RCW 9A.48.080)

1 Malicious Mischief 3 Armed with
2 Deadly Weapon During
3 Commission (RCW
4 9A.48.090(2)(b))
5 Mineral Trespass (RCW 78.44.330)
6 Obstructing a Highway (section 8 of this
7 act)
8 Possession of Stolen Property 2 (RCW
9 9A.56.160)
10 Reckless Burning 1 (RCW 9A.48.040)
11 Spotlighting Big Game 1 (RCW
12 77.15.450(3)(b))
13 Suspension of Department Privileges 1
14 (RCW 77.15.670(3)(b))
15 Taking Motor Vehicle Without
16 Permission 2 (RCW 9A.56.075)
17 Theft 2 (RCW 9A.56.040)
18 Theft from a Vulnerable Adult 2 (RCW
19 9A.56.400(2))
20 Theft of Rental, Leased, Lease-
21 purchased, or Loaned Property
22 (valued at seven hundred fifty
23 dollars or more but less than five
24 thousand dollars) (RCW
25 9A.56.096(5)(b))
26 Transaction of insurance business
27 beyond the scope of licensure
28 (RCW 48.17.063)
29 Unlawful Fish and Shellfish Catch
30 Accounting (RCW 77.15.630(3)(b))
31 Unlawful Issuance of Checks or Drafts
32 (RCW 9A.56.060)
33 Unlawful Possession of Fictitious
34 Identification (RCW 9A.56.320)
35 Unlawful Possession of Instruments of
36 Financial Fraud (RCW 9A.56.320)

1 Unlawful Possession of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Possession of a Personal
4 Identification Device (RCW
5 9A.56.320)
6 Unlawful Production of Payment
7 Instruments (RCW 9A.56.320)
8 Unlawful Releasing, Planting,
9 Possessing, or Placing Deleterious
10 Exotic Wildlife (RCW
11 77.15.250(2)(b))
12 Unlawful Trafficking in Food Stamps
13 (RCW 9.91.142)
14 Unlawful Use of Food Stamps (RCW
15 9.91.144)
16 Unlawful Use of Net to Take Fish 1
17 (RCW 77.15.580(3)(b))
18 Unlawful Use of Prohibited Aquatic
19 Animal Species (RCW
20 77.15.253(3))
21 Vehicle Prowl 1 (RCW 9A.52.095)
22 Violating Commercial Fishing Area or
23 Time 1 (RCW 77.15.550(3)(b))

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 9A.82
25 RCW to read as follows:

26 (1) A person commits the offense of leading an organized riot by:

27 (a) Intentionally organizing, managing, directing, supervising,
28 or financing any three or more persons with the intent to promote the
29 accomplishment of a pattern of criminal mischief, harassment, or
30 destruction of property; or

31 (b) Intentionally inciting or inducing others to engage in
32 violence or intimidation with the intent to further or promote the
33 accomplishment of a pattern of behavior which causes injury or
34 substantial risk of injury to another person.

35 (2)(a) Except as provided in (b) of this subsection, leading an
36 organized riot is a class C felony.

1 (b) Leading an organized riot is a class B felony when the person
2 is armed with a deadly weapon and uses the deadly weapon in
3 commission of the crime by intentionally displaying the deadly weapon
4 in an intimidating or threatening manner during the riot.

5 **Sec. 7.** RCW 46.61.250 and 2019 c 403 s 9 and 2019 c 214 s 14 are
6 each reenacted and amended to read as follows:

7 (1) Where sidewalks are provided and are accessible, it is
8 unlawful for any pedestrian to walk or otherwise move along and upon
9 an adjacent roadway. Where sidewalks are provided but wheelchair
10 access is not available, persons with disabilities who require such
11 access may walk or otherwise move along and upon an adjacent roadway
12 until they reach an access point in the sidewalk.

13 (2) Where sidewalks are not provided or are inaccessible, a
14 pedestrian walking or otherwise moving along and upon a highway, and
15 any personal delivery device moving along and upon a highway, shall:

16 (a) When shoulders are provided and are accessible, walk or move
17 on the shoulder of the roadway as far as is practicable from the edge
18 of the roadway, facing traffic when a shoulder is available in this
19 direction; or

20 (b) When shoulders are not provided or are inaccessible, walk or
21 move as near as is practicable to the outside edge of the roadway
22 facing traffic, and when practicable, move clear of the roadway upon
23 meeting an oncoming vehicle.

24 (3) A pedestrian traveling to the nearest emergency reporting
25 device on a one-way roadway of a controlled access highway is not
26 required to travel facing traffic as otherwise required by subsection
27 (2) of this section.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.61
29 RCW to read as follows:

30 (1) A person is guilty of obstructing a highway if the person,
31 acting with three or more other persons:

32 (a) Having no privilege to do so, recklessly, intentionally, or
33 knowingly obstructs the passage of motor vehicles on a highway; or

34 (b) After receiving a verbal warning to disperse by a peace
35 officer, intentionally obstructs the passage of motor vehicles on a
36 highway.

1 (2) For purposes of this section, "obstruct" means to render
2 impassable or to render passage unreasonably inconvenient or
3 hazardous.

4 (3) Obstructing a highway under this section is a class C felony.

5 (4) A person lawfully operating a motor vehicle on a highway is
6 not liable for civil damages for injuries sustained to persons or
7 property while reasonably attempting to avoid or flee a person who
8 was obstructing a highway at the time of the injury.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 9A.84
10 RCW to read as follows:

11 (1) A person is guilty of the crime of rioting if, acting with
12 seven or more persons, he or she knowingly and unlawfully
13 participates in an assembly and causes damage to property or injury
14 to other persons or there are acts of conduct within that group which
15 create a substantial risk of causing injury to any person, or
16 substantial harm to property.

17 (2)(a) Except as provided in (b) of this subsection, the crime of
18 rioting is a gross misdemeanor.

19 (b) The crime of rioting is a class C felony if the person is
20 armed with a deadly weapon during the commission of the crime and
21 uses the deadly weapon to cause damage to property or injury to other
22 persons.

23 **Sec. 10.** RCW 9A.84.010 and 2013 c 20 s 1 are each amended to
24 read as follows:

25 (1) A person is guilty of the crime of criminal mischief if,
26 acting with three or more other persons, he or she knowingly and
27 unlawfully uses or threatens to use force, or in any way participates
28 in the use of such force, against any other person or against
29 property.

30 (2)(a) Except as provided in (b) of this subsection, the crime of
31 criminal mischief is a (~~gross misdemeanor~~) class C felony.

32 (b) The crime of criminal mischief is a class ((€)) B felony if
33 the actor is armed with a deadly weapon and uses the deadly weapon to
34 threaten or intimidate during the commission of the crime.

35 **Sec. 11.** RCW 9A.48.090 and 2009 c 431 s 6 are each amended to
36 read as follows:

1 (1) A person is guilty of malicious mischief in the third degree
2 if he or she:

3 (a) Knowingly and maliciously causes physical damage to the
4 property of another, under circumstances not amounting to malicious
5 mischief in the first or second degree; or

6 (b) Writes, paints, or draws any inscription, figure, or mark of
7 any type on any public or private building or other structure or any
8 real or personal property owned by any other person unless the person
9 has obtained the express permission of the owner or operator of the
10 property, under circumstances not amounting to malicious mischief in
11 the first or second degree.

12 (2) (~~Malicious~~) (a) Except as provided in (b) of this
13 subsection, malicious mischief in the third degree is a gross
14 misdemeanor.

15 (b) Malicious mischief in the third degree is a class C felony if
16 the person is armed with a deadly weapon and uses the deadly weapon
17 to cause damage to property during the commission of the crime.

18 NEW SECTION. Sec. 12. A new section is added to chapter 35.21
19 RCW to read as follows:

20 (1) Political subdivisions, including cities and towns, are
21 prohibited from intentionally withdrawing law enforcement and fire
22 and rescue services for indefinite periods of time, in specifically
23 bounded areas, within their local jurisdiction.

24 (2) Any political subdivision that violates subsection (1) of
25 this section may be liable for the loss of life, injury, theft,
26 damage, or destruction of property resulting from any riot or
27 unlawful assembly of persons engaged in disturbing the public peace
28 if the police, or other proper authorities, have not exercised
29 reasonable care or diligence in the prevention or suppression of such
30 riot or assembly. In addition to other actual damages, damages may
31 include loss of business or right of enjoyment for the failure to
32 maintain public safety in public rights-of-way.

33 (3) In addition to any other remedies and sanctions provided in
34 this section for a violation of subsection (1) of this section, based
35 on a judicial finding or legislative determination, a political
36 subdivision may be subject to a fine of \$10,000 per day until its
37 services are brought into compliance.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.21
2 RCW to read as follows:

3 (1) Cities with a population of more than 50,000 inhabitants must
4 maintain a law enforcement-to-inhabitant ratio of at least one law
5 enforcement officer for each 1,000 inhabitants.

6 (2) Any city with a population of 50,000 or more that violates
7 subsection (1) of this section may be liable for the loss of life,
8 injury, theft, damage, or destruction of property resulting from any
9 riot or unlawful assembly of persons engaged in disturbing the public
10 peace if the police, or other proper authorities, have not exercised
11 reasonable care or diligence in the prevention or suppression of such
12 riot or assembly. In addition to other actual damages, damages may
13 include loss of business or right of enjoyment for the failure to
14 maintain public safety in public rights-of-way.

15 (3) In addition to any other remedies and sanctions provided in
16 this section for a violation of subsection (1) of this section, based
17 on a judicial finding or legislative determination, a city with a
18 population of 50,000 or more may be subject to a fine of \$10,000 per
19 day until its services are brought into compliance.

20 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.01
21 RCW to read as follows:

22 (1) Political subdivisions, including counties, are prohibited
23 from intentionally withdrawing law enforcement and fire and rescue
24 services for indefinite periods of time, in specifically bounded
25 areas, within their local jurisdiction.

26 (2) Any political subdivision that violates subsection (1) of
27 this section may be liable for the loss of life, injury, theft,
28 damage, or destruction of property resulting from any riot or
29 unlawful assembly of persons engaged in disturbing the public peace
30 if the police, or other proper authorities, have not exercised
31 reasonable care or diligence in the prevention or suppression of such
32 riot or assembly. In addition to other actual damages, damages may
33 include loss of business or right of enjoyment for the failure to
34 maintain public safety in public rights-of-way.

35 (3) In addition to any other remedies and sanctions provided in
36 this section for a violation of subsection (1) of this section, based
37 on a judicial finding or legislative determination, a political
38 subdivision may be subject to a fine of \$10,000 per day until its
39 services are brought into compliance.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 36.01
2 RCW to read as follows:

3 (1) Counties with a population of greater than 30,000 inhabitants
4 must maintain a law enforcement-to-inhabitant ratio of at least one
5 law enforcement officer for each 1,000 inhabitants.

6 (2) Any county with a population greater than 30,000 inhabitants
7 that violates subsection (1) of this section may be liable for the
8 loss of life, injury, theft, damage, or destruction of property
9 resulting from any riot or unlawful assembly of persons engaged in
10 disturbing the public peace if the police, or other proper
11 authorities, have not exercised reasonable care or diligence in the
12 prevention or suppression of such riot or assembly. In addition to
13 other actual damages, damages may include loss of business or right
14 of enjoyment for the failure to maintain public safety in public
15 rights-of-way.

16 (3) In addition to any other remedies and sanctions provided
17 herein for a violation of subsection (1) of this section, based on a
18 judicial finding or legislative determination, a county with a
19 population greater than 30,000 inhabitants may be subject to a fine
20 of \$10,000 per day until its services are brought into compliance.

21 **Sec. 16.** RCW 82.14.310 and 2019 c 415 s 988 are each amended to
22 read as follows:

23 (1) The county criminal justice assistance account is created in
24 the state treasury. Beginning in fiscal year 2000, the state
25 treasurer must transfer into the county criminal justice assistance
26 account from the general fund the sum of twenty-three million two
27 hundred thousand dollars divided into four equal deposits occurring
28 on July 1, October 1, January 1, and April 1. For each fiscal year
29 thereafter, the state treasurer must increase the total transfer by
30 the fiscal growth factor, as defined in RCW 43.135.025, forecast for
31 that fiscal year by the office of financial management in November of
32 the preceding year.

33 (2) The moneys deposited in the county criminal justice
34 assistance account for distribution under this section, less any
35 moneys appropriated for purposes under subsections (4) and (5) of
36 this section, must be distributed at such times as distributions are
37 made under RCW 82.44.150 and on the relative basis of each county's
38 funding factor as determined under this subsection.

39 (a) A county's funding factor is the sum of:

1 (i) The population of the county, divided by one thousand, and
2 multiplied by two-tenths;

3 (ii) The crime rate of the county, multiplied by three-tenths;
4 and

5 (iii) The annual number of criminal cases filed in the county
6 superior court, for each one thousand in population, multiplied by
7 five-tenths.

8 (b) Under this section and RCW 82.14.320 and 82.14.330:

9 (i) The population of the county or city is as last determined by
10 the office of financial management;

11 (ii) The crime rate of the county or city is the annual
12 occurrence of specified criminal offenses, as calculated in the most
13 recent annual report on crime in Washington state as published by the
14 Washington association of sheriffs and police chiefs, for each one
15 thousand in population;

16 (iii) The annual number of criminal cases filed in the county
17 superior court must be determined by the most recent annual report of
18 the courts of Washington, as published by the administrative office
19 of the courts;

20 (iv) Distributions and eligibility for distributions in the
21 1989-1991 biennium must be based on 1988 figures for both the crime
22 rate as described under (ii) of this subsection and the annual number
23 of criminal cases that are filed as described under (iii) of this
24 subsection. Future distributions must be based on the most recent
25 figures for both the crime rate as described under (ii) of this
26 subsection and the annual number of criminal cases that are filed as
27 described under (iii) of this subsection.

28 (3) Moneys distributed under this section must be expended
29 exclusively for criminal justice purposes and may not be used to
30 replace or supplant existing funding. Criminal justice purposes are
31 defined as activities that substantially assist the criminal justice
32 system, which may include circumstances where ancillary benefit to
33 the civil or juvenile justice system occurs, and which includes (a)
34 domestic violence services such as those provided by domestic
35 violence programs, community advocates, and legal advocates, as
36 defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal
37 biennium, juvenile dispositional hearings relating to petitions for
38 at-risk youth, truancy, and children in need of services. Existing
39 funding for purposes of this subsection is defined as calendar year
40 1989 actual operating expenditures for criminal justice purposes.

1 Calendar year 1989 actual operating expenditures for criminal justice
2 purposes exclude the following: Expenditures for extraordinary events
3 not likely to reoccur, changes in contract provisions for criminal
4 justice services, beyond the control of the local jurisdiction
5 receiving the services, and major nonrecurring capital expenditures.

6 (4) Not more than five percent of the funds deposited to the
7 county criminal justice assistance account may be available for
8 appropriations for enhancements to the state patrol crime laboratory
9 system and the continuing costs related to these enhancements. Funds
10 appropriated from this account for such enhancements may not supplant
11 existing funds from the state general fund.

12 (5) During the 2017-2019 fiscal biennium, the sum of one hundred
13 fifty-three thousand dollars, and during the 2019-2021 fiscal
14 biennium, the sum of five hundred ten thousand dollars, may be
15 appropriated for the Washington state patrol to provide investigative
16 assistance and report services to assist local law enforcement
17 agencies to prosecute criminals. It is the intent of the legislature
18 that this policy will be continued in subsequent fiscal biennia.

19 (6) If a county is found, based on a valid judicial finding or
20 legislative determination, to be in violation of section 14 of this
21 act, the county shall lose one-half of its share of the county
22 criminal justice assistance account for up to one year, to begin at
23 the commencement of the next fiscal year, or until its services are
24 brought into compliance.

25 (7) If a county with a population greater than 30,000 inhabitants
26 is found, based on a valid judicial finding or legislative
27 determination, to have intentionally set or maintained a law
28 enforcement-to-inhabitant ratio of a less than one full-time law
29 enforcement officer per 1,000 inhabitants, in violation of section 15
30 of this act, the county shall lose up to one-half of its share of the
31 county criminal justice assistance account for up to one year, to
32 begin at the commencement of the fiscal year, or until services are
33 brought into compliance.

34 **Sec. 17.** RCW 82.14.320 and 2011 1st sp.s. c 50 s 971 are each
35 amended to read as follows:

36 (1) The municipal criminal justice assistance account is created
37 in the state treasury. Beginning in fiscal year 2000, the state
38 treasurer must transfer into the municipal criminal justice
39 assistance account for distribution under this section from the

1 general fund the sum of four million six hundred thousand dollars
2 divided into four equal deposits occurring on July 1, October 1,
3 January 1, and April 1. For each fiscal year thereafter, the state
4 treasurer must increase the total transfer by the fiscal growth
5 factor, as defined in RCW 43.135.025, forecast for that fiscal year
6 by the office of financial management in November of the preceding
7 year.

8 (2) No city may receive a distribution under this section from
9 the municipal criminal justice assistance account unless:

10 (a) The city has a crime rate in excess of one hundred twenty-
11 five percent of the statewide average as calculated in the most
12 recent annual report on crime in Washington state as published by the
13 Washington association of sheriffs and police chiefs;

14 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
15 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
16 maximum rate; and

17 (c) The city has a per capita yield from the tax imposed under
18 RCW 82.14.030(1) at the maximum rate of less than one hundred fifty
19 percent of the statewide average per capita yield for all cities from
20 such local sales and use tax.

21 (3) The moneys deposited in the municipal criminal justice
22 assistance account for distribution under this section, less any
23 moneys appropriated for purposes under subsection (7) of this
24 section, must be distributed at such times as distributions are made
25 under RCW 82.44.150. The distributions must be made as follows:

26 (a) Unless reduced by this subsection, thirty percent of the
27 moneys must be distributed ratably based on population as last
28 determined by the office of financial management to those cities
29 eligible under subsection (2) of this section that have a crime rate
30 determined under subsection (2)(a) of this section which is greater
31 than one hundred seventy-five percent of the statewide average crime
32 rate. No city may receive more than fifty percent of any moneys
33 distributed under this subsection (a) but, if a city distribution is
34 reduced as a result of exceeding the fifty percent limitation, the
35 amount not distributed must be distributed under (b) of this
36 subsection.

37 (b) The remainder of the moneys, including any moneys not
38 distributed in subsection (2)(a) of this section, must be distributed
39 to all cities eligible under subsection (2) of this section ratably

1 based on population as last determined by the office of financial
2 management.

3 (4) No city may receive more than thirty percent of all moneys
4 distributed under subsection (3) of this section.

5 (5) Notwithstanding other provisions of this section, the
6 distributions to any city that substantially decriminalizes or
7 repeals its criminal code after July 1, 1990, and that does not
8 reimburse the county for costs associated with criminal cases under
9 RCW 3.50.800 or 3.50.805(2), must be made to the county in which the
10 city is located.

11 (6) Moneys distributed under this section must be expended
12 exclusively for criminal justice purposes and may not be used to
13 replace or supplant existing funding. Criminal justice purposes are
14 defined as activities that substantially assist the criminal justice
15 system, which may include circumstances where ancillary benefit to
16 the civil justice system occurs, and which includes domestic violence
17 services such as those provided by domestic violence programs,
18 community advocates, and legal advocates, as defined in RCW
19 70.123.020, and publications and public educational efforts designed
20 to provide information and assistance to parents in dealing with
21 runaway or at-risk youth. Existing funding for purposes of this
22 subsection is defined as calendar year 1989 actual operating
23 expenditures for criminal justice purposes. Calendar year 1989 actual
24 operating expenditures for criminal justice purposes exclude the
25 following: Expenditures for extraordinary events not likely to
26 reoccur, changes in contract provisions for criminal justice
27 services, beyond the control of the local jurisdiction receiving the
28 services, and major nonrecurring capital expenditures.

29 (7) Not more than five percent of the funds deposited to the
30 municipal criminal justice assistance account may be available for
31 appropriations for enhancements to the state patrol crime laboratory
32 system and the continuing costs related to these enhancements. Funds
33 appropriated from this account for such enhancements may not supplant
34 existing funds from the state general fund.

35 (8) During the 2011-2013 fiscal biennium, the amount that would
36 otherwise be transferred into the municipal criminal justice
37 assistance account from the general fund under subsection (1) of this
38 section must be reduced by 3.4 percent.

39 (9) If a city is found, based on a valid judicial finding or
40 legislative determination, to be in violation of section 12 of this

1 act, the city shall lose one-half of its share of the municipal
2 criminal justice assistance account for one year, to begin at the
3 commencement of the next fiscal year, or until its services are
4 brought into compliance.

5 (10) If a city with a population greater than 50,000 inhabitants
6 is found, based on a valid judicial finding or legislative
7 determination, to have intentionally set or maintained a law
8 enforcement-to-inhabitant ratio of a less than one full-time law
9 enforcement officer per 1,000 inhabitants, in violation of section 13
10 of this act, the city shall lose up to one-half of its share of the
11 municipal criminal justice assistance account for up to one year, to
12 begin at the commencement of the fiscal year, or until services are
13 brought into compliance.

14 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and takes
17 effect immediately.

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