

HB 1002 - S COMM AMD

By Committee on Law & Justice

ADOPTED 04/05/2023

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

3 **"Sec. 1.** RCW 28B.10.901 and 1993 c 514 s 2 are each amended to
4 read as follows:

5 (1) No student, or other person in attendance at any public or
6 private institution of higher education, or any other postsecondary
7 educational institution, may ~~((conspire to engage in hazing or
8 participate in hazing of))~~ intentionally haze another.

9 (2) ~~((A))~~ (a) Except as provided in (b) of this subsection, a
10 violation of subsection (1) of this section is a gross misdemeanor,
11 punishable as provided under RCW 9A.20.021.

12 (b) A violation of subsection (1) of this section that causes
13 substantial bodily harm, as defined in RCW 9A.04.110, to another
14 person is a class C felony.

15 (3) Any student organization, association, or student living
16 group that ~~((knowingly))~~ permits hazing is strictly liable for
17 ~~((harm))~~ damages caused to persons or property resulting from hazing.
18 If the student organization, association, or student living group is
19 a corporation whether for profit or nonprofit, the individual
20 directors of the corporation may be held individually liable for
21 damages.

22 **Sec. 2.** RCW 9.94A.411 and 2021 c 215 s 98 are each amended to
23 read as follows:

24 (1) Decision not to prosecute.

25 STANDARD: A prosecuting attorney may decline to prosecute, even
26 though technically sufficient evidence to prosecute exists, in
27 situations where prosecution would serve no public purpose, would
28 defeat the underlying purpose of the law in question or would result
29 in decreased respect for the law.

30 GUIDELINE/COMMENTARY:

1 Examples

2 The following are examples of reasons not to prosecute which
3 could satisfy the standard.

4 (a) Contrary to Legislative Intent - It may be proper to decline
5 to charge where the application of criminal sanctions would be
6 clearly contrary to the intent of the legislature in enacting the
7 particular statute.

8 (b) Antiquated Statute - It may be proper to decline to charge
9 where the statute in question is antiquated in that:

10 (i) It has not been enforced for many years; and

11 (ii) Most members of society act as if it were no longer in
12 existence; and

13 (iii) It serves no deterrent or protective purpose in today's
14 society; and

15 (iv) The statute has not been recently reconsidered by the
16 legislature.

17 This reason is not to be construed as the basis for declining
18 cases because the law in question is unpopular or because it is
19 difficult to enforce.

20 (c) De Minimis Violation - It may be proper to decline to charge
21 where the violation of law is only technical or insubstantial and
22 where no public interest or deterrent purpose would be served by
23 prosecution.

24 (d) Confinement on Other Charges - It may be proper to decline to
25 charge because the accused has been sentenced on another charge to a
26 lengthy period of confinement; and

27 (i) Conviction of the new offense would not merit any additional
28 direct or collateral punishment;

29 (ii) The new offense is either a misdemeanor or a felony which is
30 not particularly aggravated; and

31 (iii) Conviction of the new offense would not serve any
32 significant deterrent purpose.

33 (e) Pending Conviction on Another Charge - It may be proper to
34 decline to charge because the accused is facing a pending prosecution
35 in the same or another county; and

36 (i) Conviction of the new offense would not merit any additional
37 direct or collateral punishment;

38 (ii) Conviction in the pending prosecution is imminent;

39 (iii) The new offense is either a misdemeanor or a felony which
40 is not particularly aggravated; and

1 (iv) Conviction of the new offense would not serve any
2 significant deterrent purpose.

3 (f) High Disproportionate Cost of Prosecution - It may be proper
4 to decline to charge where the cost of locating or transporting, or
5 the burden on, prosecution witnesses is highly disproportionate to
6 the importance of prosecuting the offense in question. This reason
7 should be limited to minor cases and should not be relied upon in
8 serious cases.

9 (g) Improper Motives of Complainant - It may be proper to decline
10 charges because the motives of the complainant are improper and
11 prosecution would serve no public purpose, would defeat the
12 underlying purpose of the law in question or would result in
13 decreased respect for the law.

14 (h) Immunity - It may be proper to decline to charge where
15 immunity is to be given to an accused in order to prosecute another
16 where the accused's information or testimony will reasonably lead to
17 the conviction of others who are responsible for more serious
18 criminal conduct or who represent a greater danger to the public
19 interest.

20 (i) Victim Request - It may be proper to decline to charge
21 because the victim requests that no criminal charges be filed and the
22 case involves the following crimes or situations:

23 (i) Assault cases where the victim has suffered little or no
24 injury;

25 (ii) Crimes against property, not involving violence, where no
26 major loss was suffered;

27 (iii) Where doing so would not jeopardize the safety of society.

28 Care should be taken to insure that the victim's request is
29 freely made and is not the product of threats or pressure by the
30 accused.

31 The presence of these factors may also justify the decision to
32 dismiss a prosecution which has been commenced.

33 Notification

34 The prosecutor is encouraged to notify the victim, when
35 practical, and the law enforcement personnel, of the decision not to
36 prosecute.

37 (2) Decision to prosecute.

38 (a) STANDARD:

39 Crimes against persons will be filed if sufficient admissible
40 evidence exists, which, when considered with the most plausible,

1 reasonably foreseeable defense that could be raised under the
2 evidence, would justify conviction by a reasonable and objective fact
3 finder. With regard to offenses prohibited by RCW 9A.44.040,
4 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
5 9A.44.089, and 9A.64.020 the prosecutor should avoid prefilng
6 agreements or diversions intended to place the accused in a program
7 of treatment or counseling, so that treatment, if determined to be
8 beneficial, can be provided pursuant to RCW 9.94A.670.

9 Crimes against property/other crimes will be filed if the
10 admissible evidence is of such convincing force as to make it
11 probable that a reasonable and objective fact finder would convict
12 after hearing all the admissible evidence and the most plausible
13 defense that could be raised.

14 See table below for the crimes within these categories.

15 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

16 CRIMES AGAINST PERSONS

17 Aggravated Murder (RCW 10.95.020)

18 1st Degree Murder (RCW 9A.32.030)

19 2nd Degree Murder (RCW 9A.32.050)

20 1st Degree Manslaughter (RCW 9A.32.060)

21 2nd Degree Manslaughter (RCW 9A.32.070)

22 1st Degree Kidnapping (RCW 9A.40.020)

23 2nd Degree Kidnapping (RCW 9A.40.030)

24 1st Degree Assault (RCW 9A.36.011)

25 2nd Degree Assault (RCW 9A.36.021)

26 3rd Degree Assault (RCW 9A.36.031)

27 4th Degree Assault (if a violation of RCW 9A.36.041(3))

28 1st Degree Assault of a Child (RCW 9A.36.120)

29 2nd Degree Assault of a Child (RCW 9A.36.130)

30 3rd Degree Assault of a Child (RCW 9A.36.140)

31 1st Degree Rape (RCW 9A.44.040)

32 2nd Degree Rape (RCW 9A.44.050)

33 3rd Degree Rape (RCW 9A.44.060)

34 1st Degree Rape of a Child (RCW 9A.44.073)

35 2nd Degree Rape of a Child (RCW 9A.44.076)

36 3rd Degree Rape of a Child (RCW 9A.44.079)

37 1st Degree Robbery (RCW 9A.56.200)

38 2nd Degree Robbery (RCW 9A.56.210)

39 1st Degree Arson (RCW 9A.48.020)

1 1st Degree Burglary (RCW 9A.52.020)
2 1st Degree Identity Theft (RCW 9.35.020(2))
3 2nd Degree Identity Theft (RCW 9.35.020(3))
4 1st Degree Extortion (RCW 9A.56.120)
5 2nd Degree Extortion (RCW 9A.56.130)
6 1st Degree Criminal Mistreatment (RCW 9A.42.020)
7 2nd Degree Criminal Mistreatment (RCW 9A.42.030)
8 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))
9 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))
10 Indecent Liberties (RCW 9A.44.100)
11 Incest (RCW 9A.64.020)
12 Vehicular Homicide (RCW 46.61.520)
13 Vehicular Assault (RCW 46.61.522)
14 1st Degree Child Molestation (RCW 9A.44.083)
15 2nd Degree Child Molestation (RCW 9A.44.086)
16 3rd Degree Child Molestation (RCW 9A.44.089)
17 1st Degree Promoting Prostitution (RCW 9A.88.070)
18 Intimidating a Juror (RCW 9A.72.130)
19 Communication with a Minor (RCW 9.68A.090)
20 Intimidating a Witness (RCW 9A.72.110)
21 Intimidating a Public Servant (RCW 9A.76.180)
22 Bomb Threat (if against person) (RCW 9.61.160)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Promoting a Suicide Attempt (RCW 9A.36.060)
25 Criminal Mischief (if against person) (RCW 9A.84.010)
26 Stalking (RCW 9A.46.110)
27 Custodial Assault (RCW 9A.36.100)
28 Domestic Violence Court Order Violation (RCW 7.105.450,
29 10.99.040, 10.99.050, 26.09.300, (~~26.10.220,~~) 26.26B.050, or
30 26.52.070, or any of the former RCW 26.50.110 and 74.34.145)
31 Counterfeiting (if a violation of RCW 9.16.035(4))
32 Felony Driving a Motor Vehicle While Under the Influence of
33 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
34 Felony Physical Control of a Motor Vehicle While Under the
35 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
36 Felony Hazing (RCW 28B.10.901(2)(b))
37 CRIMES AGAINST PROPERTY/OTHER CRIMES
38 2nd Degree Arson (RCW 9A.48.030)
39 1st Degree Escape (RCW 9A.76.110)

1 2nd Degree Escape (RCW 9A.76.120)
2 2nd Degree Burglary (RCW 9A.52.030)
3 1st Degree Theft (RCW 9A.56.030)
4 2nd Degree Theft (RCW 9A.56.040)
5 1st Degree Perjury (RCW 9A.72.020)
6 2nd Degree Perjury (RCW 9A.72.030)
7 1st Degree Introducing Contraband (RCW 9A.76.140)
8 2nd Degree Introducing Contraband (RCW 9A.76.150)
9 1st Degree Possession of Stolen Property (RCW 9A.56.150)
10 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
11 Bribery (RCW 9A.68.010)
12 Bribing a Witness (RCW 9A.72.090)
13 Bribe received by a Witness (RCW 9A.72.100)
14 Bomb Threat (if against property) (RCW 9.61.160)
15 1st Degree Malicious Mischief (RCW 9A.48.070)
16 2nd Degree Malicious Mischief (RCW 9A.48.080)
17 1st Degree Reckless Burning (RCW 9A.48.040)
18 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and
19 9A.56.075)
20 Forgery (RCW 9A.60.020)
21 2nd Degree Promoting Prostitution (RCW 9A.88.080)
22 Tampering with a Witness (RCW 9A.72.120)
23 Trading in Public Office (RCW 9A.68.040)
24 Trading in Special Influence (RCW 9A.68.050)
25 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)
26 Bigamy (RCW 9A.64.010)
27 Eluding a Pursuing Police Vehicle (RCW 46.61.024)
28 Willful Failure to Return from Furlough
29 Escape from Community Custody
30 Criminal Mischief (if against property) (RCW 9A.84.010)
31 1st Degree Theft of Livestock (RCW 9A.56.080)
32 2nd Degree Theft of Livestock (RCW 9A.56.083)

33 ALL OTHER UNCLASSIFIED FELONIES

34 Selection of Charges/Degree of Charge

35 (i) The prosecutor should file charges which adequately describe
36 the nature of defendant's conduct. Other offenses may be charged only
37 if they are necessary to ensure that the charges:

38 (A) Will significantly enhance the strength of the state's case
39 at trial; or

1 (B) Will result in restitution to all victims.

2 (ii) The prosecutor should not overcharge to obtain a guilty
3 plea. Overcharging includes:

4 (A) Charging a higher degree;

5 (B) Charging additional counts.

6 This standard is intended to direct prosecutors to charge those
7 crimes which demonstrate the nature and seriousness of a defendant's
8 criminal conduct, but to decline to charge crimes which are not
9 necessary to such an indication. Crimes which do not merge as a
10 matter of law, but which arise from the same course of conduct, do
11 not all have to be charged.

12 (b) GUIDELINES/COMMENTARY:

13 (i) Police Investigation

14 A prosecuting attorney is dependent upon law enforcement agencies
15 to conduct the necessary factual investigation which must precede the
16 decision to prosecute. The prosecuting attorney shall ensure that a
17 thorough factual investigation has been conducted before a decision
18 to prosecute is made. In ordinary circumstances the investigation
19 should include the following:

20 (A) The interviewing of all material witnesses, together with the
21 obtaining of written statements whenever possible;

22 (B) The completion of necessary laboratory tests; and

23 (C) The obtaining, in accordance with constitutional
24 requirements, of the suspect's version of the events.

25 If the initial investigation is incomplete, a prosecuting
26 attorney should insist upon further investigation before a decision
27 to prosecute is made, and specify what the investigation needs to
28 include.

29 (ii) Exceptions

30 In certain situations, a prosecuting attorney may authorize
31 filing of a criminal complaint before the investigation is complete
32 if:

33 (A) Probable cause exists to believe the suspect is guilty; and

34 (B) The suspect presents a danger to the community or is likely
35 to flee if not apprehended; or

36 (C) The arrest of the suspect is necessary to complete the
37 investigation of the crime.

38 In the event that the exception to the standard is applied, the
39 prosecuting attorney shall obtain a commitment from the law

1 enforcement agency involved to complete the investigation in a timely
2 manner. If the subsequent investigation does not produce sufficient
3 evidence to meet the normal charging standard, the complaint should
4 be dismissed.

5 (iii) Investigation Techniques

6 The prosecutor should be fully advised of the investigatory
7 techniques that were used in the case investigation including:

8 (A) Polygraph testing;

9 (B) Hypnosis;

10 (C) Electronic surveillance;

11 (D) Use of informants.

12 (iv) Prefiling Discussions with Defendant

13 Discussions with the defendant or his/her representative
14 regarding the selection or disposition of charges may occur prior to
15 the filing of charges, and potential agreements can be reached.

16 (v) Prefiling Discussions with Victim(s)

17 Discussions with the victim(s) or victims' representatives
18 regarding the selection or disposition of charges may occur before
19 the filing of charges. The discussions may be considered by the
20 prosecutor in charging and disposition decisions, and should be
21 considered before reaching any agreement with the defendant regarding
22 these decisions.

23 **Sec. 3.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
24 read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH
27 SERIOUSNESS LEVEL

28 XVI Aggravated Murder 1 (RCW 10.95.020)

29 XV Homicide by abuse (RCW 9A.32.055)

30 Malicious explosion 1 (RCW
31 70.74.280(1))

32 Murder 1 (RCW 9A.32.030)

33 XIV Murder 2 (RCW 9A.32.050)

34 Trafficking 1 (RCW 9A.40.100(1))

35 XIII Malicious explosion 2 (RCW
36 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Promoting Commercial Sexual Abuse of
8 a Minor (RCW 9.68A.101)
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(3))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)
18 Vehicular Homicide, by the operation of
19 any vehicle in a reckless manner
20 (RCW 46.61.520)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Criminal Mistreatment 1 (RCW
23 9A.42.020)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape (RCW
33 9A.76.115)
34 IX Abandonment of Dependent Person 1
35 (RCW 9A.42.060)

1 Assault of a Child 2 (RCW 9A.36.130)
2 Explosive devices prohibited (RCW
3 70.74.180)
4 Hit and Run—Death (RCW
5 46.52.020(4)(a))
6 Homicide by Watercraft, by being under
7 the influence of intoxicating liquor
8 or any drug (RCW 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 VIII Arson 1 (RCW 9A.48.020)
16 Commercial Sexual Abuse of a Minor
17 (RCW 9.68A.100)
18 Homicide by Watercraft, by the
19 operation of any vessel in a reckless
20 manner (RCW 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 VII Air bag diagnostic systems (causing
26 bodily injury or death) (RCW
27 46.37.660(2)(b))
28 Air bag replacement requirements
29 (causing bodily injury or death)
30 (RCW 46.37.660(1)(b))
31 Burglary 1 (RCW 9A.52.020)
32 Child Molestation 2 (RCW 9A.44.086)
33 Civil Disorder Training (RCW
34 9A.48.120)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct 1
3 (RCW 9.68A.050(1))
4 Drive-by Shooting (RCW 9A.36.045)
5 False Reporting 1 (RCW
6 9A.84.040(2)(a))
7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))
13 Introducing Contraband 1 (RCW
14 9A.76.140)
15 Malicious placement of an explosive 3
16 (RCW 70.74.270(3))
17 Manufacture or import counterfeit,
18 nonfunctional, damaged, or
19 previously deployed air bag
20 (causing bodily injury or death)
21 (RCW 46.37.650(1)(b))
22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)
25 Sell, install, or reinstall counterfeit,
26 nonfunctional, damaged, or
27 previously deployed airbag (RCW
28 46.37.650(2)(b))
29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct 1 (RCW
32 9.68A.060(1))
33 Unlawful Possession of a Firearm in the
34 first degree (RCW 9.41.040(1))
35 Use of a Machine Gun or Bump-fire
36 Stock in Commission of a Felony
37 (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW 9A.72.160)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Malicious placement of an imitation
12 device 2 (RCW 70.74.272(1)(b))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.070(1))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Theft from a Vulnerable Adult 1 (RCW
19 9A.56.400(1))
20 Unlawful Storage of Ammonia (RCW
21 69.55.020)

22 V Abandonment of Dependent Person 2
23 (RCW 9A.42.070)
24 Advancing money or property for
25 extortionate extension of credit
26 (RCW 9A.82.030)
27 Air bag diagnostic systems (RCW
28 46.37.660(2)(c))
29 Air bag replacement requirements
30 (RCW 46.37.660(1)(c))
31 Bail Jumping with class A Felony
32 (RCW 9A.76.170(3)(b))
33 Child Molestation 3 (RCW 9A.44.089)
34 Criminal Mistreatment 2 (RCW
35 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 7.105.450,
8 10.99.040, 10.99.050, 26.09.300,
9 ~~((26.10.220,))~~ 26.26B.050,
10 ~~((26.50.110,))~~ or 26.52.070(~~(, or~~
11 74.34.145)))
12 Extortion 1 (RCW 9A.56.120)
13 Extortionate Extension of Credit (RCW
14 9A.82.020)
15 Extortionate Means to Collect
16 Extensions of Credit (RCW
17 9A.82.040)
18 Incest 2 (RCW 9A.64.020(2))
19 Kidnapping 2 (RCW 9A.40.030)
20 Manufacture or import counterfeit,
21 nonfunctional, damaged, or
22 previously deployed air bag (RCW
23 46.37.650(1)(c))
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 Sell, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 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 Hate Crime (RCW 9A.36.080)
33 Hit and Run—Injury (RCW
34 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 Age
5 14 (subsequent sex offense) (RCW
6 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of Depictions of a Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.070(2))
15 Residential Burglary (RCW 9A.52.025)
16 Robbery 2 (RCW 9A.56.210)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Threats to Bomb (RCW 9.61.160)
19 Trafficking in Stolen Property 1 (RCW
20 9A.82.050)
21 Unlawful factoring of a credit card or
22 payment card transaction (RCW
23 9A.56.290(4)(b))
24 Unlawful transaction of health coverage
25 as a health care service contractor
26 (RCW 48.44.016(3))
27 Unlawful transaction of health coverage
28 as a health maintenance
29 organization (RCW 48.46.033(3))
30 Unlawful transaction of insurance
31 business (RCW 48.15.023(3))
32 Unlicensed practice as an insurance
33 professional (RCW 48.17.063(2))
34 Use of Proceeds of Criminal
35 Profiteering (RCW 9A.82.080 (1)
36 and (2))

1 Vehicle Prowling 2 (third or subsequent
2 offense) (RCW 9A.52.100(3))
3 Vehicular Assault, by being under the
4 influence of intoxicating liquor or
5 any drug, or by the operation or
6 driving of a vehicle in a reckless
7 manner (RCW 46.61.522)
8 Viewing of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 1 (RCW 9.68A.075(1))
11 ~~((Willful Failure to Return from
12 Furlough (RCW 72.66.060))~~
13 III Animal Cruelty 1 (Sexual Conduct or
14 Contact) (RCW 16.52.205(3))
15 Assault 3 (Except Assault 3 of a Peace
16 Officer With a Projectile Stun Gun)
17 (RCW 9A.36.031 except subsection
18 (1)(h))
19 Assault of a Child 3 (RCW 9A.36.140)
20 Bail Jumping with class B or C Felony
21 (RCW 9A.76.170(3)(c))
22 Burglary 2 (RCW 9A.52.030)
23 Communication with a Minor for
24 Immoral Purposes (RCW
25 9.68A.090)
26 Criminal Gang Intimidation (RCW
27 9A.46.120)
28 Custodial Assault (RCW 9A.36.100)
29 Cyber Harassment (RCW
30 9A.90.120(2)(b))
31 Escape 2 (RCW 9A.76.120)
32 Extortion 2 (RCW 9A.56.130)
33 False Reporting 2 (RCW
34 9A.84.040(2)(b))
35 Harassment (RCW 9A.46.020)
36 Hazing (RCW 28B.10.901(2)(b))

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Manufacture of Untraceable Firearm
8 with Intent to Sell (RCW 9.41.190)
9 Manufacture or Assembly of an
10 Undetectable Firearm or
11 Untraceable Firearm (RCW
12 9.41.325)
13 Mortgage Fraud (RCW 19.144.080)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Organized Retail Theft 1 (RCW
19 9A.56.350(2))
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun, Bump-Fire
24 Stock, Undetectable Firearm, or
25 Short-Barreled Shotgun or Rifle
26 (RCW 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 Retail Theft with Special Circumstances
30 1 (RCW 9A.56.360(2))
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death) (RCW
3 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Hunting of Big Game 1 (RCW
10 77.15.410(3)(b))
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful Misbranding of Fish or
14 Shellfish 1 (RCW 77.140.060(3))
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(2))
17 Unlawful Taking of Endangered Fish or
18 Wildlife 1 (RCW 77.15.120(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 1 (RCW
21 77.15.260(3)(b))
22 Unlawful Use of a Nondesignated
23 Vessel (RCW 77.15.530(4))
24 Vehicular Assault, by the operation or
25 driving of a vehicle with disregard
26 for the safety of others (RCW
27 46.61.522)
28 ~~((Willful Failure to Return from Work
29 Release (RCW 72.65.070))~~
30 II Commercial Fishing Without a License
31 1 (RCW 77.15.500(3)(b))
32 Computer Trespass 1 (RCW 9A.90.040)
33 Counterfeiting (RCW 9.16.035(3))
34 Electronic Data Service Interference
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW
2 9A.90.080)
3 Electronic Data Theft (RCW 9A.90.100)
4 Engaging in Fish Dealing Activity
5 Unlicensed 1 (RCW 77.15.620(3))
6 Escape from Community Custody
7 (RCW 72.09.310)
8 Failure to Register as a Sex Offender
9 (second or subsequent offense)
10 (RCW 9A.44.130 prior to June 10,
11 2010, and RCW 9A.44.132)
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(3))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW 9A.48.070)
18 Organized Retail Theft 2 (RCW
19 9A.56.350(3))
20 Possession of Stolen Property 1 (RCW
21 9A.56.150)
22 Possession of a Stolen Vehicle (RCW
23 9A.56.068)
24 Retail Theft with Special Circumstances
25 2 (RCW 9A.56.360(3))
26 Scrap Processing, Recycling, or
27 Supplying Without a License
28 (second or subsequent offense)
29 (RCW 19.290.100)
30 Theft 1 (RCW 9A.56.030)
31 Theft of a Motor Vehicle (RCW
32 9A.56.065)
33 Theft of Rental, Leased, Lease-
34 purchased, or Loaned Property
35 (valued at \$5,000 or more) (RCW
36 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Participation of Non-Indians
9 in Indian Fishery (RCW
10 77.15.570(2))
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Voyeurism 1 (RCW 9A.44.115)
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW 9A.48.080)
30 Mineral Trespass (RCW 78.44.330)
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Reckless Burning 1 (RCW 9A.48.040)
34 Spotlighting Big Game 1 (RCW
35 77.15.450(3)(b))

1 Suspension of Department Privileges 1
2 (RCW 77.15.670(3)(b))
3 Taking Motor Vehicle Without
4 Permission 2 (RCW 9A.56.075)
5 Theft 2 (RCW 9A.56.040)
6 Theft from a Vulnerable Adult 2 (RCW
7 9A.56.400(2))
8 Theft of Rental, Leased, Lease-
9 purchased, or Loaned Property
10 (valued at \$750 or more but less
11 than \$5,000) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063)
16 Unlawful Fish and Shellfish Catch
17 Accounting (RCW 77.15.630(3)(b))
18 Unlawful Issuance of Checks or Drafts
19 (RCW 9A.56.060)
20 Unlawful Possession of Fictitious
21 Identification (RCW 9A.56.320)
22 Unlawful Possession of Instruments of
23 Financial Fraud (RCW 9A.56.320)
24 Unlawful Possession of Payment
25 Instruments (RCW 9A.56.320)
26 Unlawful Possession of a Personal
27 Identification Device (RCW
28 9A.56.320)
29 Unlawful Production of Payment
30 Instruments (RCW 9A.56.320)
31 Unlawful Releasing, Planting,
32 Possessing, or Placing Deleterious
33 Exotic Wildlife (RCW
34 77.15.250(2)(b))
35 Unlawful Trafficking in Food Stamps
36 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW
2 9.91.144)
3 Unlawful Use of Net to Take Fish 1
4 (RCW 77.15.580(3)(b))
5 ~~((Unlawful Use of Prohibited Aquatic
6 Animal Species (RCW
7 77.15.253(3))))~~
8 Vehicle Prowl 1 (RCW 9A.52.095)
9 Violating Commercial Fishing Area or
10 Time 1 (RCW 77.15.550(3)(b))

11 **Sec. 4.** RCW 9A.46.060 and 2022 c 231 s 15 are each amended to
12 read as follows:

13 As used in this chapter, "harassment" may include but is not
14 limited to any of the following crimes:

- 15 (1) Harassment (RCW 9A.46.020);
- 16 (2) Hate crime (RCW 9A.36.080);
- 17 (3) Telephone harassment (RCW 9.61.230);
- 18 (4) Assault in the first degree (RCW 9A.36.011);
- 19 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 20 (6) Assault in the second degree (RCW 9A.36.021);
- 21 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 22 (8) Assault in the fourth degree (RCW 9A.36.041);
- 23 (9) Reckless endangerment (RCW 9A.36.050);
- 24 (10) Extortion in the first degree (RCW 9A.56.120);
- 25 (11) Extortion in the second degree (RCW 9A.56.130);
- 26 (12) Coercion (RCW 9A.36.070);
- 27 (13) Burglary in the first degree (RCW 9A.52.020);
- 28 (14) Burglary in the second degree (RCW 9A.52.030);
- 29 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 30 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 31 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 32 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 33 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 34 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 35 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 36 (22) Unlawful imprisonment (RCW 9A.40.040);
- 37 (23) Rape in the first degree (RCW 9A.44.040);
- 38 (24) Rape in the second degree (RCW 9A.44.050);

- 1 (25) Rape in the third degree (RCW 9A.44.060);
2 (26) Indecent liberties (RCW 9A.44.100);
3 (27) Rape of a child in the first degree (RCW 9A.44.073);
4 (28) Rape of a child in the second degree (RCW 9A.44.076);
5 (29) Rape of a child in the third degree (RCW 9A.44.079);
6 (30) Child molestation in the first degree (RCW 9A.44.083);
7 (31) Child molestation in the second degree (RCW 9A.44.086);
8 (32) Child molestation in the third degree (RCW 9A.44.089);
9 (33) Stalking (RCW 9A.46.110);
10 (34) Cyber harassment (RCW 9A.90.120);
11 (35) Residential burglary (RCW 9A.52.025);
12 (36) Violation of a temporary, permanent, or final protective
13 order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or
14 any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation
15 of a domestic violence protection order, sexual assault protection
16 order, or antiharassment protection order issued under chapter 7.105
17 RCW;
18 (37) Unlawful discharge of a laser in the first degree (RCW
19 9A.49.020); ~~((and))~~
20 (38) Unlawful discharge of a laser in the second degree (RCW
21 9A.49.030); and
22 (39) Felony hazing (RCW 28B.10.901(2)(b)).

23 NEW SECTION. **Sec. 5.** This act may be known and cited as the Sam
24 Martinez stop hazing law."

HB 1002 - S COMM AMD

By Committee on Law & Justice

ADOPTED 04/05/2023

25 On page 1, line 1 of the title, after "hazing;" strike the
26 remainder of the title and insert "amending RCW 28B.10.901,
27 9.94A.411, 9.94A.515, and 9A.46.060; creating a new section; and
28 prescribing penalties."

EFFECT: Clarifies that a student or other person is guilty of hazing if they intentionally haze another.

Removes the crime of conspiracy to engage in hazing and aligns the crime with other conspiracy offenses.

Removes the provision allowing any person to be prosecuted for any other crime committed while in the commission of a hazing offense.

Clarifies that any student organization, association, or student living group that permits hazing is strictly liable for damages caused to persons or property resulting from hazing.

--- **END** ---