

2 PART I - WITNESS INTIMIDATION/TAMPERING

3 NEW SECTION. **Sec. 101.** The legislature intends to enhance
4 criminal and child dependency proceedings by making criminal that
5 behavior which prevents, hinders, or inhibits the reporting of crimes
6 or of information relating to child dependencies.

7 **Sec. 102.** RCW 9A.72.090 and 1982 1st ex.s. c 47 s 16 are each
8 amended to read as follows:

9 (1) A person is guilty of bribing a witness if he or she offers,
10 confers, or agrees to confer any benefit upon a witness or a person he
11 or she has reason to believe is about to be called as a witness in any
12 official proceeding or upon a person whom he or she has reason to
13 believe may have information relevant to a criminal investigation or
14 the abuse or neglect of a minor child, with intent to:

- 15 (a) Influence the testimony of that person; or
- 16 (b) Induce that person to avoid legal process summoning him or her
17 to testify; or
- 18 (c) Induce that person to absent himself or herself from an
19 official proceeding to which he or she has been legally summoned; or
20 (d) Induce that person to refrain from reporting information
21 relevant to a criminal investigation or the abuse or neglect of a minor
22 child.

23 (2) Bribing a witness is a class B felony.

24 **Sec. 103.** RCW 9A.72.100 and 1982 1st ex.s. c 47 s 17 are each
25 amended to read as follows:

26 (1) A witness or a person who has reason to believe he or she is
27 about to be called as a witness in any official proceeding or that he
28 or she may have information relevant to a criminal investigation or the
29 abuse or neglect of a minor child is guilty of bribe receiving by a
30 witness if he or she requests, accepts, or agrees to accept any benefit
31 pursuant to an agreement or understanding that:

- 32 (a) ((His)) The person's testimony will thereby be influenced; or
- 33 (b) ((He)) The person will attempt to avoid legal process summoning
34 him or her to testify; or

1 (c) ((He)) The person will attempt to absent himself or herself
2 from an official proceeding to which he or she has been legally
3 summoned; or

4 (d) The person will not report information he or she has relevant
5 to a criminal investigation or the abuse or neglect of a minor child.

6 (2) Bribe receiving by a witness is a class B felony.

7 **Sec. 104.** RCW 9A.72.110 and 1985 c 327 s 2 are each amended to
8 read as follows:

9 (1) A person is guilty of intimidating a witness if a person
10 directs a threat to a former witness because of the witness' testimony
11 in any official proceeding, or if, by use of a threat directed to a
12 current witness or a person he or she has reason to believe is about to
13 be called as a witness in any official proceeding or to a person whom
14 he or she has reason to believe may have information relevant to a
15 criminal investigation or the abuse or neglect of a minor child, he or
16 she attempts to:

17 (a) Influence the testimony of that person; or

18 (b) Induce that person to elude legal process summoning him or her
19 to testify; or

20 (c) Induce that person to absent himself or herself from such
21 proceedings; or

22 (d) Induce that person not to report the information relevant to a
23 criminal investigation or the abuse or neglect of a minor child, not to
24 prosecute the crime or the abuse or neglect of a minor child, not to
25 have the crime or the abuse or neglect of a minor child prosecuted, or
26 not to give truthful or complete information relevant to a criminal
27 investigation or the abuse or neglect of a minor child.

28 (2) "Threat" as used in this section means:

29 (a) To communicate, directly or indirectly, the intent immediately
30 to use force against any person who is present at the time; or

31 (b) Threats as defined in RCW 9A.04.110(25).

32 (3) Intimidating a witness is a class B felony.

33 **Sec. 105.** RCW 9A.72.120 and 1982 1st ex.s. c 47 s 19 are each
34 amended to read as follows:

35 (1) A person is guilty of tampering with a witness if he or she
36 attempts to induce a witness or person he or she has reason to believe
37 is about to be called as a witness in any official proceeding or a

1 person whom he or she has reason to believe may have information
2 relevant to a criminal investigation or the abuse or neglect of a minor
3 child to:

4 (a) Testify falsely or, without right or privilege to do so, to
5 withhold any testimony; or

6 (b) Absent himself or herself from such proceedings; or

7 (c) Withhold from a law enforcement agency information which he or
8 she has relevant to a criminal investigation or the abuse or neglect of
9 a minor child to the agency.

10 (2) Tampering with a witness is a class C felony.

11 **PART II - CHILD MOLESTATION**

12 NEW SECTION. **Sec. 201.** The legislature hereby intends to make
13 criminal child sexual abuse that takes the form of causing one child to
14 engage in sexual contact with another child for the sexual
15 gratification of the one causing such activities to take place.

16 **Sec. 202.** RCW 9A.44.083 and 1990 c 3 s 902 are each amended to
17 read as follows:

18 (1) A person is guilty of child molestation in the first degree
19 when the person has, or knowingly causes another person under the age
20 of eighteen to have, sexual contact with another who is less than
21 twelve years old and not married to the perpetrator and the perpetrator
22 is at least thirty-six months older than the victim.

23 (2) Child molestation in the first degree is a class A felony.

24 **Sec. 203.** RCW 9A.44.086 and 1988 c 145 s 6 are each amended to
25 read as follows:

26 (1) A person is guilty of child molestation in the second degree
27 when the person has, or knowingly causes another person under the age
28 of eighteen to have, sexual contact with another who is at least twelve
29 years old but less than fourteen years old and not married to the
30 perpetrator and the perpetrator is at least thirty-six months older
31 than the victim.

32 (2) Child molestation in the second degree is a class B felony.

33 **Sec. 204.** RCW 9A.44.089 and 1988 c 145 s 7 are each amended to
34 read as follows:

1 (1) A person is guilty of child molestation in the third degree
2 when the person has, or knowingly causes another person under the age
3 of eighteen to have, sexual contact with another who is at least
4 fourteen years old but less than sixteen years old and not married to
5 the perpetrator and the perpetrator is at least forty-eight months
6 older than the victim.

7 (2) Child molestation in the third degree is a class C felony.

8 **Sec. 205.** RCW 9A.44.093 and 1988 c 145 s 8 are each amended to
9 read as follows:

10 (1) A person is guilty of sexual misconduct with a minor in the
11 first degree when the person has, or knowingly causes another person
12 under the age of eighteen to have, sexual intercourse with another
13 person who is at least sixteen years old but less than eighteen years
14 old and not married to the perpetrator, if the perpetrator is at least
15 sixty months older than the victim, is in a significant relationship to
16 the victim, and abuses a supervisory position within that relationship
17 in order to engage in or cause another person to engage in sexual
18 intercourse with the victim.

19 (2) Sexual misconduct with a minor in the first degree is a class
20 C felony.

21 **Sec. 206.** RCW 9A.44.096 and 1988 c 145 s 9 are each amended to
22 read as follows:

23 (1) A person is guilty of sexual misconduct with a minor in the
24 second degree when the person has, or knowingly causes another person
25 under the age of eighteen to have, sexual contact with another person
26 who is at least sixteen years old but less than eighteen years old and
27 not married to the perpetrator, if the perpetrator is at least sixty
28 months older than the victim, is in a significant relationship to the
29 victim, and abuses a supervisory position within that relationship in
30 order to engage in or cause another person to engage in sexual contact
31 with the victim.

32 (2) Sexual misconduct with a minor in the second degree is a gross
33 misdemeanor.

34 **PART III - DNA IDENTIFICATION**

1 (2) The defendant or a prosecutor may subpoena the forensic
2 scientist who conducted the analysis of the substance to testify at the
3 preliminary hearing and trial of the issue at no cost to the defendant,
4 if the subpoena is issued at least ten days prior to the trial date.

5 (3) In all prosecutions involving the analysis of a certified
6 simulator solution by the Washington state toxicology laboratory of the
7 University of Washington, a certified copy of the analytical report
8 signed by the state toxicologist or the toxicologist conducting the
9 analysis is prima facie evidence of the results of the analytical
10 findings, and of certification of the simulator solution used in the
11 BAC verifier datamaster or any other alcohol/breath-testing equipment
12 subsequently adopted by rule.

13 (4) The defendant of a prosecution may subpoena the toxicologist
14 who conducted the analysis of the simulator solution to testify at the
15 preliminary hearing and trial of the issue at no cost to the defendant,
16 if thirty days prior to issuing the subpoena the defendant gives the
17 state toxicologist notice of the defendant's intention to require the
18 toxicologist's appearance.

19 **PART V - RESTITUTION**

20 **Sec. 501.** RCW 9.94A.140 and 1989 c 252 s 5 are each amended to
21 read as follows:

22 (1) If restitution is ordered, the court shall determine the amount
23 of restitution due at the sentencing hearing or within sixty days. The
24 court shall then set a minimum monthly payment that the offender is
25 required to make towards the restitution that is ordered. The court
26 should take into consideration the total amount of the restitution
27 owed, the offender's present, past, and future ability to pay, as well
28 as any assets that the offender may have. During the period of
29 supervision, the community corrections officer may examine the offender
30 to determine if there has been a change in circumstances that warrants
31 an amendment of the monthly payment schedule. The community
32 corrections officer may recommend a change to the schedule of payment
33 and shall inform the court of the recommended change and the reasons
34 for the change. The sentencing court may then reset the monthly
35 minimum payments based on the report from the community corrections
36 officer of the change in circumstances. Restitution ordered by a court
37 pursuant to a criminal conviction shall be based on easily

1 ascertainable damages for injury to or loss of property, actual
2 expenses incurred for treatment for injury to persons, and lost wages
3 resulting from injury. Restitution shall not include reimbursement for
4 damages for mental anguish, pain and suffering, or other intangible
5 losses, but may include the costs of counseling reasonably related to
6 the offense. The amount of restitution shall not exceed double the
7 amount of the offender's gain or the victim's loss from the commission
8 of the crime. For the purposes of this section, the offender shall
9 remain under the court's jurisdiction for a maximum term of ten years
10 (~~subsequent to the imposition of sentence~~) following the offender's
11 release from total confinement or ten years subsequent to the entry of
12 the judgment and sentence, whichever period is longer. The portion of
13 the sentence concerning restitution may be modified as to amount, terms
14 and conditions during the ten-year period, regardless of the expiration
15 of the offender's term of community supervision and regardless of the
16 statutory maximum for the crime. The offender's compliance with the
17 restitution shall be supervised by the department.

18 (2) Restitution may be ordered whenever the offender is convicted
19 of an offense which results in injury to any person or damage to or
20 loss of property. In addition, restitution may be ordered to pay for
21 an injury, loss, or damage if the offender pleads guilty to a lesser
22 offense or fewer offenses and agrees with the prosecutor's
23 recommendation that the offender be required to pay restitution to a
24 victim of an offense or offenses which are not prosecuted pursuant to
25 a plea agreement.

26 (3) In addition to any sentence that may be imposed, a defendant
27 who has been found guilty of an offense involving fraud or other
28 deceptive practice or an organization which has been found guilty of
29 any such offense may be ordered by the sentencing court to give notice
30 of the conviction to the class of persons or to the sector of the
31 public affected by the conviction or financially interested in the
32 subject matter of the offense by mail, by advertising in designated
33 areas or through designated media, or by other appropriate means.

34 (4) This section does not limit civil remedies or defenses
35 available to the victim or defendant.

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PART VI - BAIL JUMPING

