
SENATE BILL 5099

State of Washington

53rd Legislature

1993 Regular Session

By Senators McCaslin, L. Smith and Deccio

Read first time 01/13/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to carjacking; reenacting and amending RCW
2 9.94A.320; adding a new section to chapter 9A.56 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.56 RCW
6 to read as follows:

7 (1) A person is guilty of carjacking when he or she unlawfully
8 takes a motor vehicle from an operator or driver, as defined by RCW
9 46.04.370, against the operator's or driver's will by the use or
10 threatened use of immediate force, violence, or fear of injury to that
11 person or his or her property or the person or property of anyone
12 either (a) with the use of a firearm, or (b) without the use of a
13 firearm.

14 (2) Such force or fear must be used to obtain or retain possession
15 of the motor vehicle, or to prevent or overcome resistance to the
16 taking; in either of which cases the degree of force is immaterial.

17 (3) Carjacking is a class A felony.

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic from
3 Schedule I-V to someone under 18 and
4 3 years junior (RCW 69.50.406)
5 Controlled Substance Homicide (RCW
6 69.50.415)
7 Sexual Exploitation (RCW 9.68A.040)
8 Inciting Criminal Profiteering (RCW
9 9A.82.060(1)(b))
10 Carjacking with firearm (RCW 9A.56.---
11 (1)(a) (section 1 of this act))

12 VIII Arson 1 (RCW 9A.48.020)
13 Promoting Prostitution 1 (RCW 9A.88.070)
14 Selling for profit (controlled or
15 counterfeit) any controlled substance
16 (RCW 69.50.410)
17 Manufacture, deliver, or possess with
18 intent to deliver heroin or cocaine
19 (RCW 69.50.401(a)(1)(i))
20 Manufacture, deliver, or possess with
21 intent to deliver methamphetamine
22 (RCW 69.50.401(a)(1)(ii))
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug or by the operation of any
26 vehicle in a reckless manner (RCW
27 46.61.520)

28 VII Burglary 1 (RCW 9A.52.020)
29 Vehicular Homicide, by disregard for the
30 safety of others (RCW 46.61.520)
31 Introducing Contraband 1 (RCW 9A.76.140)
32 Indecent Liberties (without forcible
33 compulsion) (RCW 9A.44.100(1) (b) and
34 (c))
35 Child Molestation 2 (RCW 9A.44.086)
36 Dealing in depictions of minor engaged in
37 sexually explicit conduct (RCW
38 9.68A.050)

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Involving a minor in drug dealing (RCW
5 69.50.401(f))

6 VI Bribery (RCW 9A.68.010)
7 Manslaughter 2 (RCW 9A.32.070)
8 Rape of a Child 3 (RCW 9A.44.079)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Damaging building, etc., by explosion with
12 no threat to human being (RCW
13 70.74.280(2))
14 Endangering life and property by
15 explosives with no threat to human
16 being (RCW 70.74.270)
17 Incest 1 (RCW 9A.64.020(1))
18 Manufacture, deliver, or possess with
19 intent to deliver narcotics from
20 Schedule I or II (except heroin or
21 cocaine) (RCW 69.50.401(a)(1)(i))
22 Intimidating a Judge (RCW 9A.72.160)
23 Bail Jumping with Murder 1 (RCW
24 9A.76.170(2)(a))

25 V Criminal Mistreatment 1 (RCW 9A.42.020)
26 Rape 3 (RCW 9A.44.060)
27 Sexual Misconduct with a Minor 1 (RCW
28 9A.44.093)
29 Child Molestation 3 (RCW 9A.44.089)
30 Kidnapping 2 (RCW 9A.40.030)
31 Extortion 1 (RCW 9A.56.120)
32 Incest 2 (RCW 9A.64.020(2))
33 Perjury 1 (RCW 9A.72.020)
34 Extortionate Extension of Credit (RCW
35 9A.82.020)
36 Advancing money or property for
37 extortionate extension of credit (RCW
38 9A.82.030)

1 Extortionate Means to Collect Extensions
2 of Credit (RCW 9A.82.040)
3 Rendering Criminal Assistance 1 (RCW
4 9A.76.070)
5 Bail Jumping with class A Felony (RCW
6 9A.76.170(2)(b))
7 Delivery of imitation controlled substance
8 by person eighteen or over to person
9 under eighteen (RCW 69.52.030(2))

10 IV Residential Burglary (RCW 9A.52.025)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Robbery 2 (RCW 9A.56.210)
13 Assault 2 (RCW 9A.36.021)
14 Escape 1 (RCW 9A.76.110)
15 Arson 2 (RCW 9A.48.030)
16 Bribing a Witness/Bribe Received by
17 Witness (RCW 9A.72.090, 9A.72.100)
18 Malicious Harassment (RCW 9A.36.080)
19 Threats to Bomb (RCW 9.61.160)
20 Willful Failure to Return from Furlough
21 (RCW 72.66.060)
22 Hit and Run « Injury Accident (RCW
23 46.52.020(4))
24 Vehicular Assault (RCW 46.61.522)
25 Manufacture, deliver, or possess with
26 intent to deliver narcotics from
27 Schedule III, IV, or V or
28 nonnarcotics from Schedule I-V
29 (except marijuana or
30 methamphetamines) (RCW
31 69.50.401(a)(1)(ii) through (iv))
32 Influencing Outcome of Sporting Event (RCW
33 9A.82.070)
34 Use of Proceeds of Criminal Profiteering
35 (RCW 9A.82.080 (1) and (2))
36 Knowingly Trafficking in Stolen Property
37 (RCW 9A.82.050(2))

1 Carjacking without firearm (RCW 9A.56.---

2 (1)(b) (section 1 of this act))

3 III

Criminal mistreatment 2 (RCW 9A.42.030)

4 Extortion 2 (RCW 9A.56.130)

5 Unlawful Imprisonment (RCW 9A.40.040)

6 Assault 3 (RCW 9A.36.031)

7 Assault of a Child 3 (RCW 9A.36.140)

8 Custodial Assault (RCW 9A.36.100)

9 Unlawful possession of firearm or pistol

10 by felon (RCW 9.41.040)

11 Harassment (RCW 9A.46.020)

12 Promoting Prostitution 2 (RCW 9A.88.080)

13 Willful Failure to Return from Work

14 Release (RCW 72.65.070)

15 Burglary 2 (RCW 9A.52.030)

16 Introducing Contraband 2 (RCW 9A.76.150)

17 Communication with a Minor for Immoral

18 Purposes (RCW 9.68A.090)

19 Patronizing a Juvenile Prostitute (RCW

20 9.68A.100)

21 Escape 2 (RCW 9A.76.120)

22 Perjury 2 (RCW 9A.72.030)

23 Bail Jumping with class B or C Felony (RCW

24 9A.76.170(2)(c))

25 Intimidating a Public Servant (RCW

26 9A.76.180)

27 Tampering with a Witness (RCW 9A.72.120)

28 Manufacture, deliver, or possess with

29 intent to deliver marijuana (RCW

30 69.50.401(a)(1)(ii))

31 Delivery of a material in lieu of a

32 controlled substance (RCW

33 69.50.401(c))

34 Manufacture, distribute, or possess with

35 intent to distribute an imitation

36 controlled substance (RCW

37 69.52.030(1))

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Theft of livestock 2 (RCW 9A.56.080)
4 Securities Act violation (RCW 21.20.400)

5 II Malicious Mischief 1 (RCW 9A.48.070)
6 Possession of Stolen Property 1 (RCW
7 9A.56.150)
8 Theft 1 (RCW 9A.56.030)
9 Possession of controlled substance that is
10 either heroin or narcotics from
11 Schedule I or II (RCW 69.50.401(d))
12 Possession of phencyclidine (PCP) (RCW
13 69.50.401(d))
14 Create, deliver, or possess a counterfeit
15 controlled substance (RCW
16 69.50.401(b))
17 Computer Trespass 1 (RCW 9A.52.110)
18 Reckless Endangerment 1 (RCW 9A.36.045)
19 Escape from Community Custody (RCW
20 72.09.310)

21 I Theft 2 (RCW 9A.56.040)
22 Possession of Stolen Property 2 (RCW
23 9A.56.160)
24 Forgery (RCW 9A.60.020)
25 Taking Motor Vehicle Without Permission
26 (RCW 9A.56.070)
27 Vehicle Prowl 1 (RCW 9A.52.095)
28 Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 Malicious Mischief 2 (RCW 9A.48.080)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Unlawful Issuance of Checks or Drafts (RCW
33 9A.56.060)
34 Unlawful Use of Food Stamps (RCW 9.91.140
35 (2) and (3))
36 False Verification for Welfare (RCW
37 74.08.055)
38 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
2 Substance (RCW 69.50.403)
3 Possess Controlled Substance that is a
4 Narcotic from Schedule III, IV, or V
5 or Non-narcotic from Schedule I-V
6 (except phencyclidine) (RCW
7 69.50.401(d))

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