S-0155.1 _____

SENATE BILL 5611

State of Washington 53rd Legislature 1993 Regular Session

By Senators Erwin, M. Rasmussen, Amondson and Oke

Read first time 02/04/93. Referred to Committee on Law & Justice.

- AN ACT Relating to arson; amending RCW 48.48.065 and 48.48.140;
- 2 reenacting and amending RCW 9.94A.320; creating a new section;
- 3 prescribing penalties; making an appropriation; and declaring an
- 4 emergency.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 6 Sec. 1. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are 7 each reenacted and amended to read as follows:
- 8 TABLE 2
- 9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
- 10 XV Aggravated Murder 1 (RCW 10.95.020)
- 11 XIV Murder 1 (RCW 9A.32.030)
- 12 Homicide by abuse (RCW 9A.32.055)
- 13 XIII Murder 2 (RCW 9A.32.050)
- 14 XII Assault 1 (RCW 9A.36.011)
- 15 Assault of a Child 1 (RCW 9A.36.120)

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1	XI	Rape 1 (RCW 9A.44.040)
2		Rape of a Child 1 (RCW 9A.44.073)
3	X	Kidnapping 1 (RCW 9A.40.020)
4		Rape 2 (RCW 9A.44.050)
5		Rape of a Child 2 (RCW 9A.44.076)
6		Child Molestation 1 (RCW 9A.44.083)
7		Damaging building, etc., by explosion with
8		threat to human being (RCW
9		70.74.280(1))
10		Over 18 and deliver heroin or narcotic
11		from Schedule I or II to someone
12		under 18 (RCW 69.50.406)
13		Leading Organized Crime (RCW
14		9A.82.060(1)(a))
15	IX	Assault of a Child 2 (RCW 9A.36.130)
16		Robbery 1 (RCW 9A.56.200)
17		Manslaughter 1 (RCW 9A.32.060)
18		Explosive devices prohibited (RCW
19		70.74.180)
20		Indecent Liberties (with forcible
21		compulsion) (RCW 9A.44.100(1)(a))
22		Endangering life and property by
23		explosives with threat to human being
24		(RCW 70.74.270)
25		Arson 1 (RCW 9A.48.020)
26		Over 18 and deliver narcotic from Schedule
27		III, IV, or V or a nonnarcotic from
28		Schedule I-V to someone under 18 and
29		3 years junior (RCW 69.50.406)
30		Controlled Substance Homicide (RCW
31		69.50.415)
32		Sexual Exploitation (RCW 9.68A.040)
33		Inciting Criminal Profiteering (RCW
34		9A.82.060(1)(b)

1	VIII	((Arson 1 (RCW 9A.48.020))))
2		Promoting Prostitution 1 (RCW 9A.88.070)
3		Selling for profit (controlled or
4		counterfeit) any controlled substance
5		(RCW 69.50.410)
6		Manufacture, deliver, or possess with
7		intent to deliver heroin or cocaine
8		(RCW 69.50.401(a)(1)(i))
9		Manufacture, deliver, or possess with
10		intent to deliver methamphetamine
11		(RCW 69.50.401(a)(1)(ii))
12		Vehicular Homicide, by being under the
13		influence of intoxicating liquor or
14		any drug or by the operation of any
15		vehicle in a reckless manner (RCW
16		46.61.520)
17	VII	Burglary 1 (RCW 9A.52.020)
18		Vehicular Homicide, by disregard for the
19		safety of others (RCW 46.61.520)
20		Introducing Contraband 1 (RCW 9A.76.140)
21		Indecent Liberties (without forcible
22		compulsion) (RCW $9A.44.100(1)$ (b) and
23		(c))
24		Child Molestation 2 (RCW 9A.44.086)
25		Dealing in depictions of minor engaged in
26		sexually explicit conduct (RCW
27		9.68A.050)
28		Sending, bringing into state depictions of
29		minor engaged in sexually explicit
30		conduct (RCW 9.68A.060)
31		Involving a minor in drug dealing (RCW
32		69.50.401(f))
33	VI	Bribery (RCW 9A.68.010)
34		Manslaughter 2 (RCW 9A.32.070)
35		Rape of a Child 3 (RCW 9A.44.079)
36		Intimidating a Juror/Witness (RCW
37		9A.72.110, 9A.72.130)

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1		Damaging building, etc., by explosion with
2		no threat to human being (RCW
3		70.74.280(2))
4		Endangering life and property by
5		explosives with no threat to human
6		being (RCW 70.74.270)
7		Incest 1 (RCW 9A.64.020(1))
8		Manufacture, deliver, or possess with
9		intent to deliver narcotics from
10		Schedule I or II (except heroin or
11		cocaine) (RCW 69.50.401(a)(1)(i))
12		Intimidating a Judge (RCW 9A.72.160)
13		Bail Jumping with Murder 1 (RCW
14		9A.76.170(2)(a))
15	V	Criminal Mistreatment 1 (RCW 9A.42.020)
16	V	Rape 3 (RCW 9A.44.060)
17		Sexual Misconduct with a Minor 1 (RCW
18		9A.44.093)
19		Child Molestation 3 (RCW 9A.44.089)
20		Kidnapping 2 (RCW 9A.40.030)
21		Extortion 1 (RCW 9A.56.120)
22		Incest 2 (RCW 9A.64.020(2))
23		Arson 2 (RCW 9A.48.030)
24		Perjury 1 (RCW 9A.72.020)
25		Extortionate Extension of Credit (RCW
26		9A.82.020)
27		
28		Advancing money or property for extortionate extension of credit (RCW
29		9A.82.030)
30		Extortionate Means to Collect Extensions
31		of Credit (RCW 9A.82.040)
32		
33		Rendering Criminal Assistance 1 (RCW
34		9A.76.070)
		Bail Jumping with class A Felony (RCW
35		9A.76.170(2)(b))
36 27		Delivery of imitation controlled substance
37		by person eighteen or over to person
38		under eighteen (RCW 69.52.030(2))

1	IV	Residential Burglary (RCW 9A.52.025)
2		Theft of Livestock 1 (RCW 9A.56.080)
3		Robbery 2 (RCW 9A.56.210)
4		Assault 2 (RCW 9A.36.021)
5		Escape 1 (RCW 9A.76.110)
6		((Arson 2 (RCW 9A.48.030)))
7		Bribing a Witness/Bribe Received by
8		Witness (RCW 9A.72.090, 9A.72.100)
9		Malicious Harassment (RCW 9A.36.080)
10		Threats to Bomb (RCW 9.61.160)
11		Willful Failure to Return from Furlough
12		(RCW 72.66.060)
13		Hit and Run « Injury Accident (RCW
14		46.52.020(4))
15		Vehicular Assault (RCW 46.61.522)
16		Manufacture, deliver, or possess with
17		intent to deliver narcotics from
18		Schedule III, IV, or V or
19		nonnarcotics from Schedule I-V
20		(except marijuana or
21		methamphetamines) (RCW
22		69.50.401(a)(1)(ii) through (iv))
23		Influencing Outcome of Sporting Event (RCW
24		9A.82.070)
25		Use of Proceeds of Criminal Profiteering
26		(RCW 9A.82.080 (1) and (2))
27		Knowingly Trafficking in Stolen Property
28		(RCW 9A.82.050(2))
29	III	Criminal mistreatment 2 (RCW 9A.42.030)
30		Extortion 2 (RCW 9A.56.130)
31		Unlawful Imprisonment (RCW 9A.40.040)
32		Assault 3 (RCW 9A.36.031)
33		Assault of a Child 3 (RCW 9A.36.140)
34		Custodial Assault (RCW 9A.36.100)
35		Unlawful possession of firearm or pistol by felon (RCW
36		9.41.040)
37		Harassment (RCW 9A.46.020)
38		Promoting Prostitution 2 (RCW 9A.88.080)

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1		Willful Failure to Return from Work
2		Release (RCW 72.65.070)
3		Burglary 2 (RCW 9A.52.030)
4		Introducing Contraband 2 (RCW 9A.76.150)
5		Communication with a Minor for Immoral
6		Purposes (RCW 9.68A.090)
7		Patronizing a Juvenile Prostitute (RCW
8		9.68A.100)
9		Escape 2 (RCW 9A.76.120)
10		Perjury 2 (RCW 9A.72.030)
11		Bail Jumping with class B or C Felony (RCW
12		9A.76.170(2)(c))
13		Intimidating a Public Servant (RCW
14		9A.76.180)
15		Tampering with a Witness (RCW 9A.72.120)
16		Manufacture, deliver, or possess with
17		intent to deliver marijuana (RCW
18		69.50.401(a)(1)(ii))
19		Delivery of a material in lieu of a
20		controlled substance (RCW
21		69.50.401(c))
22		Manufacture, distribute, or possess with
23		intent to distribute an imitation
24		controlled substance (RCW
25		69.52.030(1))
26		Recklessly Trafficking in Stolen Property
27		(RCW 9A.82.050(1))
28		Theft of livestock 2 (RCW 9A.56.080)
29		Securities Act violation (RCW 21.20.400)
30	II	Malicious Mischief 1 (RCW 9A.48.070)
31		Possession of Stolen Property 1 (RCW
32		9A.56.150)
33		Theft 1 (RCW 9A.56.030)
34		Possession of controlled substance that is
35		either heroin or narcotics from
36		Schedule I or II (RCW 69.50.401(d))
37		Possession of phencyclidine (PCP) (RCW
38		69.50.401(d))

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1
               Create, deliver, or possess a counterfeit
 2
                    controlled substance (RCW
 3
                    69.50.401(b))
 4
               Computer Trespass 1 (RCW 9A.52.110)
               Reckless Burning 1 (RCW 9A.48.040)
 5
               Reckless Endangerment 1 (RCW 9A.36.045)
 6
7
               Escape from Community Custody (RCW
 8
                    72.09.310)
9
       Ι
               Theft 2 (RCW 9A.56.040)
10
               Possession of Stolen Property 2 (RCW
                    9A.56.160)
11
12
               Forgery (RCW 9A.60.020)
               Taking Motor Vehicle Without Permission
13
14
                     (RCW 9A.56.070)
15
               Vehicle Prowl 1 (RCW 9A.52.095)
16
               Attempting to Elude a Pursuing Police
17
                    Vehicle (RCW 46.61.024)
               Malicious Mischief 2 (RCW 9A.48.080)
18
19
               ((Reckless Burning 1 (RCW 9A.48.040)))
20
               Unlawful Issuance of Checks or Drafts (RCW
21
                    9A.56.060)
2.2
               Unlawful Use of Food Stamps (RCW 9.91.140
23
                     (2) and (3)
               False Verification for Welfare (RCW
24
25
                    74.08.055)
               Forged Prescription (RCW 69.41.020)
26
27
               Forged Prescription for a Controlled
28
                    Substance (RCW 69.50.403)
               Possess Controlled Substance that is a
29
30
                    Narcotic from Schedule III, IV, or V
31
                    or Non-narcotic from Schedule I-V
32
                     (except phencyclidine) (RCW
                    69.50.401(d))
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34 **Sec. 2.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to read 35 as follows:

36 (1) The chief of each organized fire department, or the sheriff or 37 other designated county official having jurisdiction over areas not 38 within the jurisdiction of any fire department, shall report

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- statistical information and data to the director of community 1 development, through the director of fire protection, on each fire 2 occurring within the official's jurisdiction. 3 Reports shall be 4 consistent with the national fire incident reporting system developed 5 by the United States fire administration and rules established by the director of community development, through the director of fire 6 The director of community development, through the 7 protection. director of fire protection, and the department of natural resources 8 shall jointly determine the statistical information to be reported on 9 10 fires on land under the jurisdiction of the department of natural 11 resources.
- (2) The director of community development, through the director of 12 13 fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each 14 15 chief fire official in the state. Upon request, the director of community development, through the director of fire protection, shall 16 also furnish a copy of the report to any other interested person at 17 The report shall be annually cross-checked against the 18 19 statistical information collected by the arson alarm foundation or 20 other similar insurance industry arson information register.
- NEW SECTION. Sec. 3. The department of community development, 21 through the division of fire protection, shall study and compile a 22 23 report on the feasibility of implementing an arson protection program. 24 The division of fire protection shall assess methods for screening 25 potential future arsonists among children, the benefit in arson prevention of the treatment of children prone to firesetting, and the 26 value of compiling and maintaining a data base of the profiles of young 27 firesetters. The division shall include in the study the examination 28 29 of current state and local prevention programs, including the King county juvenile firesetters program. The department of community 30 31 development shall deliver the report by December 1, 1993.
- 32 **Sec. 4.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to read 33 as follows:
- 34 (1) Smoke detection devices shall be installed inside all dwelling 35 units:
- 36 (a) Occupied by persons other than the owner on and after December 37 31, 1981; or

- 1 (b) Built or manufactured in this state after December 31, 1980.
- 2 (2) The smoke detection devices shall be designed, manufactured, 3 and installed inside dwelling units in conformance with:
 - (a) Nationally accepted standards; and

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- 5 (b) As provided by the administrative procedure act, chapter 34.05 6 RCW, rules and regulations promulgated by the director of community 7 development, through the director of fire protection.
- 8 Installation of smoke detection devices shall be 9 responsibility of the owner. Maintenance of smoke detection devices, 10 including the replacement of batteries where required for the proper operation of the smoke detection device, shall be the responsibility of 11 the tenant, who shall maintain the device as specified by the 12 13 manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of 14 15 the dwelling unit.
- (4) Any owner or tenant failing to comply with this section ((shall be punished by a fine of not more than two hundred dollars)) is guilty of a misdemeanor.
 - (5) For the purposes of this section:
- 20 (a) "Dwelling unit" means a single unit providing complete, 21 independent living facilities for one or more persons including 22 permanent provisions for living, sleeping, eating, cooking, and 23 sanitation; and
- (b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.
- NEW SECTION. Sec. 5. The sum of ______ dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1995, from the general fund to the department of community development for the purposes of the study under section 3 of this act.
- NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the

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- 1 state government and its existing public institutions, and shall take
- 2 effect immediately.

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