
SENATE BILL 5646

State of Washington

53rd Legislature

1993 Regular Session

By Senators Winsley and M. Rasmussen

Read first time 02/08/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to reckless endangerment in the first degree;
2 amending RCW 9A.36.045; reenacting and amending RCW 9.94A.320; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to
6 read as follows:

7 (1) A person is guilty of reckless endangerment in the first degree
8 when he or she recklessly discharges a firearm in a manner which
9 creates a substantial risk of death or serious physical injury to
10 another person and the discharge is either from a motor vehicle or from
11 the immediate area of a motor vehicle that was used to transport the
12 shooter or the firearm to the scene of the discharge.

13 (2) A person who unlawfully discharges a firearm from a moving
14 motor vehicle may be inferred to have engaged in reckless conduct,
15 unless the discharge is shown by evidence satisfactory to the trier of
16 fact to have been made without such recklessness.

17 (3) Reckless endangerment in the first degree is a class ((C)) B
18 felony.

1 **Sec. 2.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
2 each reenacted and amended to read as follows:

3 TABLE 2

4 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

5	XV	Aggravated Murder 1 (RCW 10.95.020)
6	XIV	Murder 1 (RCW 9A.32.030)
7		Homicide by abuse (RCW 9A.32.055)
8	XIII	Murder 2 (RCW 9A.32.050)
9	XII	Assault 1 (RCW 9A.36.011)
10		Assault of a Child 1 (RCW 9A.36.120)
11	XI	Rape 1 (RCW 9A.44.040)
12		Rape of a Child 1 (RCW 9A.44.073)
13	X	Kidnapping 1 (RCW 9A.40.020)
14		Rape 2 (RCW 9A.44.050)
15		Rape of a Child 2 (RCW 9A.44.076)
16		Child Molestation 1 (RCW 9A.44.083)
17		Damaging building, etc., by explosion with
18		threat to human being (RCW
19		70.74.280(1))
20		Over 18 and deliver heroin or narcotic
21		from Schedule I or II to someone
22		under 18 (RCW 69.50.406)
23		Leading Organized Crime (RCW
24		9A.82.060(1)(a))
25	IX	Assault of a Child 2 (RCW 9A.36.130)
26		Robbery 1 (RCW 9A.56.200)
27		Manslaughter 1 (RCW 9A.32.060)
28		Explosive devices prohibited (RCW
29		70.74.180)
30		Indecent Liberties (with forcible
31		compulsion) (RCW 9A.44.100(1)(a))
32		Endangering life and property by
33		explosives with threat to human being
34		(RCW 70.74.270)

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

26 VII Burglary 1 (RCW 9A.52.020)
27 Vehicular Homicide, by disregard for the
28 safety of others (RCW 46.61.520)
29 Introducing Contraband 1 (RCW 9A.76.140)
30 Indecent Liberties (without forcible
31 compulsion) (RCW 9A.44.100(1) (b) and
32 (c))
33 Child Molestation 2 (RCW 9A.44.086)
34 Dealing in depictions of minor engaged in
35 sexually explicit conduct (RCW
36 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 Reckless Endangerment 1 (RCW 9A.36.045)
15 Escape 1 (RCW 9A.76.110)
16 Arson 2 (RCW 9A.48.030)
17 Bribing a Witness/Bribe Received by
18 Witness (RCW 9A.72.090, 9A.72.100)
19 Malicious Harassment (RCW 9A.36.080)
20 Threats to Bomb (RCW 9.61.160)
21 Willful Failure to Return from Furlough
22 (RCW 72.66.060)
23 Hit and Run « Injury Accident (RCW
24 46.52.020(4))
25 Vehicular Assault (RCW 46.61.522)
26 Manufacture, deliver, or possess with
27 intent to deliver narcotics from
28 Schedule III, IV, or V or
29 nonnarcotics from Schedule I-V
30 (except marijuana or
31 methamphetamines) (RCW
32 69.50.401(a)(1)(ii) through (iv))
33 Influencing Outcome of Sporting Event (RCW
34 9A.82.070)
35 Use of Proceeds of Criminal Profiteering
36 (RCW 9A.82.080 (1) and (2))
37 Knowingly Trafficking in Stolen Property
38 (RCW 9A.82.050(2))

1 III Criminal mistreatment 2 (RCW 9A.42.030)
2 Extortion 2 (RCW 9A.56.130)
3 Unlawful Imprisonment (RCW 9A.40.040)
4 Assault 3 (RCW 9A.36.031)
5 Assault of a Child 3 (RCW 9A.36.140)
6 Custodial Assault (RCW 9A.36.100)
7 Unlawful possession of firearm or pistol by felon (RCW
8 9.41.040)
9 Harassment (RCW 9A.46.020)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Willful Failure to Return from Work
12 Release (RCW 72.65.070)
13 Burglary 2 (RCW 9A.52.030)
14 Introducing Contraband 2 (RCW 9A.76.150)
15 Communication with a Minor for Immoral
16 Purposes (RCW 9.68A.090)
17 Patronizing a Juvenile Prostitute (RCW
18 9.68A.100)
19 Escape 2 (RCW 9A.76.120)
20 Perjury 2 (RCW 9A.72.030)
21 Bail Jumping with class B or C Felony (RCW
22 9A.76.170(2)(c))
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Tampering with a Witness (RCW 9A.72.120)
26 Manufacture, deliver, or possess with
27 intent to deliver marijuana (RCW
28 69.50.401(a)(1)(ii))
29 Delivery of a material in lieu of a
30 controlled substance (RCW
31 69.50.401(c))
32 Manufacture, distribute, or possess with
33 intent to distribute an imitation
34 controlled substance (RCW
35 69.52.030(1))
36 Recklessly Trafficking in Stolen Property
37 (RCW 9A.82.050(1))
38 Theft of livestock 2 (RCW 9A.56.080)
39 Securities Act violation (RCW 21.20.400)

1 II Malicious Mischief 1 (RCW 9A.48.070)
2 Possession of Stolen Property 1 (RCW
3 9A.56.150)
4 Theft 1 (RCW 9A.56.030)
5 Possession of controlled substance that is
6 either heroin or narcotics from
7 Schedule I or II (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Create, deliver, or possess a counterfeit
11 controlled substance (RCW
12 69.50.401(b))
13 Computer Trespass 1 (RCW 9A.52.110)
14 (~~Reckless Endangerment 1~~ (RCW
15 ~~9A.36.045~~))
16 Escape from Community Custody (RCW
17 72.09.310)

18 I Theft 2 (RCW 9A.56.040)
19 Possession of Stolen Property 2 (RCW
20 9A.56.160)
21 Forgery (RCW 9A.60.020)
22 Taking Motor Vehicle Without Permission
23 (RCW 9A.56.070)
24 Vehicle Prowl 1 (RCW 9A.52.095)
25 Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Reckless Burning 1 (RCW 9A.48.040)
29 Unlawful Issuance of Checks or Drafts (RCW
30 9A.56.060)
31 Unlawful Use of Food Stamps (RCW 9.91.140
32 (2) and (3))
33 False Verification for Welfare (RCW
34 74.08.055)
35 Forged Prescription (RCW 69.41.020)
36 Forged Prescription for a Controlled
37 Substance (RCW 69.50.403)

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

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