

---

SENATE BILL 6046

---

State of Washington

53rd Legislature

1994 Regular Session

By Senators A. Smith, Nelson, Quigley, Erwin, Winsley, Haugen, Pelz, Oke, McAuliffe and Roach

Read first time 01/10/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to driving while under the influence of alcohol or  
2 any drug; amending RCW 46.61.515; reenacting and amending RCW 46.61.515  
3 and 9.94A.320; prescribing penalties; providing an effective date; and  
4 providing an expiration date.

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

6 **Sec. 1.** RCW 46.61.515 and 1993 c 501 s 7 and 1993 c 239 s 1 are  
7 each reenacted and amended to read as follows:

8 (1) Every person who is convicted of a violation of RCW 46.61.502  
9 or 46.61.504 shall be punished by imprisonment for not less than  
10 twenty-four consecutive hours nor more than one year, and by a fine of  
11 not less than two hundred fifty dollars and not more than one thousand  
12 dollars. Unless the judge finds the person to be indigent, two hundred  
13 fifty dollars of the fine shall not be suspended or deferred. Twenty-  
14 four consecutive hours of the jail sentence shall not be suspended or  
15 deferred unless the judge finds that the imposition of the jail  
16 sentence will pose a substantial risk to the defendant's physical or  
17 mental well-being. Whenever the mandatory jail sentence is suspended  
18 or deferred, the judge must state, in writing, the reason for granting  
19 the suspension or deferral and the facts upon which the suspension or

1 deferral is based. The court may impose conditions of probation that  
2 may include nonrepetition, alcohol or drug treatment, supervised  
3 probation, or other conditions that may be appropriate. The convicted  
4 person shall, in addition, be required to complete a course in an  
5 alcohol information school approved by the department of social and  
6 health services or more intensive treatment in a program approved by  
7 the department of social and health services, as determined by the  
8 court. A diagnostic evaluation and treatment recommendation shall be  
9 prepared under the direction of the court by an alcoholism agency  
10 approved by the department of social and health services or a qualified  
11 probation department approved by the department of social and health  
12 services. A copy of the report shall be forwarded to the department of  
13 licensing. Based on the diagnostic evaluation, the court shall  
14 determine whether the convicted person shall be required to complete a  
15 course in an alcohol information school approved by the department of  
16 social and health services or more intensive treatment in a program  
17 approved by the department of social and health services. Standards  
18 for approval for alcohol treatment programs shall be prescribed by rule  
19 under the Administrative Procedure Act, chapter 34.05 RCW. The  
20 department of social and health services shall periodically review the  
21 costs of alcohol information schools and treatment programs as part of  
22 the approval process.

23 (2) On a second (~~or subsequent~~) conviction for driving or being  
24 in physical control of a motor vehicle while under the influence of  
25 intoxicating liquor or drugs within a five-year period a person shall  
26 be punished by imprisonment for not less than seven days nor more than  
27 one year and by a fine of not less than five hundred dollars and not  
28 more than two thousand dollars. District courts and courts organized  
29 under chapter 35.20 RCW are authorized to impose such fine. Unless the  
30 judge finds the person to be indigent, five hundred dollars of the fine  
31 shall not be suspended or deferred. The minimum jail sentence shall  
32 not be suspended or deferred unless the judge finds that the imposition  
33 of the jail sentence will pose a substantial risk to the defendant's  
34 physical or mental well-being. Whenever the mandatory jail sentence is  
35 suspended or deferred, the judge must state, in writing, the reason for  
36 granting the suspension or deferral and the facts upon which the  
37 suspension or deferral is based. If, at the time of the arrest on a  
38 second (~~or subsequent~~) offense, the driver is without a license or  
39 permit because of a previous suspension or revocation for a reason

1 listed in RCW 46.20.342(1) (a) or (b), or because of a previous  
2 suspension or revocation for a reason listed in RCW 46.20.342(1)(c) if  
3 the original suspension or revocation was the result of a conviction of  
4 RCW 46.61.502 or 46.61.504, the minimum mandatory sentence shall be  
5 ninety days in jail and a five hundred dollar fine. The penalty so  
6 imposed shall not be suspended or deferred. The person shall, in  
7 addition, be required to complete a diagnostic evaluation by an  
8 alcoholism agency approved by the department of social and health  
9 services or a qualified probation department approved by the department  
10 of social and health services. The report shall be forwarded to the  
11 department of licensing. If the person is found to have an alcohol or  
12 drug problem requiring treatment, the person shall complete treatment  
13 at an approved alcoholism treatment program or approved drug treatment  
14 center.

15 In addition to any nonsuspendable and nondeferrable jail sentence  
16 required by this subsection, whenever the court imposes less than one  
17 year in jail, the court shall also suspend but shall not defer a period  
18 of confinement for a period not exceeding two years. The suspension of  
19 the sentence may be conditioned upon nonrepetition, alcohol or drug  
20 treatment, supervised probation, or other conditions that may be  
21 appropriate. The sentence may be imposed in whole or in part upon  
22 violation of a condition of suspension during the suspension period.

23 (3) A third or subsequent conviction for driving or being in  
24 physical control of a motor vehicle while under the influence of  
25 intoxicating liquor or drugs within a five-year period is punishable as  
26 a class C felony according to chapter 9A.20 RCW and the person shall be  
27 punished by imprisonment for not less than seven days and by a fine of  
28 not less than five hundred dollars. Unless the judge finds the person  
29 to be indigent, five hundred dollars of the fine shall not be suspended  
30 or deferred. The minimum jail sentence shall not be suspended or  
31 deferred unless the judge finds that the imposition of the jail  
32 sentence will pose a substantial risk to the defendant's physical or  
33 mental well-being. Whenever the mandatory jail sentence is suspended  
34 or deferred, the judge must state, in writing, the reason for granting  
35 the suspension or deferral and the facts upon which the suspension or  
36 deferral is based. If, at the time of the arrest on a third or  
37 subsequent offense, the driver is without a license or permit because  
38 of a previous suspension or revocation for a reason listed in RCW  
39 46.20.342(1) (a) or (b), or because of a previous suspension or

1 revocation for a reason listed in RCW 46.20.342(1)(c) if the original  
2 suspension or revocation was the result of a conviction of RCW  
3 46.61.502 or 46.61.504, the minimum mandatory sentence shall be ninety  
4 days in jail and a five hundred dollar fine. The penalty so imposed  
5 shall not be suspended or deferred. The person shall, in addition, be  
6 required to complete a diagnostic evaluation by an alcoholism agency  
7 approved by the department of social and health services or a qualified  
8 probation department approved by the department of social and health  
9 services. The report shall be forwarded to the department of  
10 licensing. If the person is found to have an alcohol or drug problem  
11 requiring treatment, the person shall complete treatment at an approved  
12 alcoholism treatment program or approved drug treatment center.

13 In addition to any nonsuspendable and nondeferrable jail sentence  
14 required by this subsection, the court shall also suspend but shall not  
15 defer a period of confinement for a period not exceeding two years.  
16 The suspension of the sentence may be conditioned upon nonrepetition,  
17 alcohol or drug treatment, supervised probation, or other conditions  
18 that may be appropriate. The sentence may be imposed in whole or in  
19 part upon violation of a condition of suspension during the suspension  
20 period.

21 (4) The license or permit to drive or any nonresident privilege of  
22 any person convicted of driving or being in physical control of a motor  
23 vehicle while under the influence of intoxicating liquor or drugs  
24 shall:

25 (a) On the first conviction under either offense, be suspended by  
26 the department until the person reaches age nineteen or for ninety  
27 days, whichever is longer. The department of licensing shall determine  
28 the person's eligibility for licensing based upon the reports provided  
29 by the designated alcoholism agency or probation department and shall  
30 deny reinstatement until enrollment and participation in an approved  
31 program has been established and the person is otherwise qualified;

32 (b) On a second conviction under either offense within a five-year  
33 period, be revoked by the department for one year. The department of  
34 licensing shall determine the person's eligibility for licensing based  
35 upon the reports provided by the designated alcoholism agency or  
36 probation department and shall deny reinstatement until satisfactory  
37 progress in an approved program has been established and the person is  
38 otherwise qualified;

1 (c) On a third or subsequent conviction of driving or being in  
2 physical control of a motor vehicle while under the influence of  
3 intoxicating liquor or drugs, vehicular homicide, or vehicular assault,  
4 or any combination thereof within a five-year period, be revoked by the  
5 department for two years.

6 (~~(4)~~) (5) In any case provided for in this section, where a  
7 driver's license is to be revoked or suspended, the revocation or  
8 suspension shall be stayed and shall not take effect until after the  
9 determination of any appeal from the conviction which may lawfully be  
10 taken, but in case the conviction is sustained on appeal the revocation  
11 or suspension takes effect as of the date that the conviction becomes  
12 effective for other purposes.

13 (~~(5)~~) (6)(a) In addition to penalties set forth in this section,  
14 a one hundred twenty-five dollar fee shall be assessed to a person who  
15 is either convicted, sentenced to a lesser charge, or given deferred  
16 prosecution, as a result of an arrest for violating RCW 46.61.502,  
17 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of  
18 funding the Washington state toxicology laboratory and the Washington  
19 state patrol breath test program.

20 (b) Upon a verified petition by the person assessed the fee, the  
21 court may suspend payment of all or part of the fee if it finds that  
22 the person does not have the ability to pay.

23 (c) When a minor has been adjudicated a juvenile offender for an  
24 offense which, if committed by an adult, would constitute a violation  
25 of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall  
26 assess the one hundred twenty-five dollar fee under (a) of this  
27 subsection. Upon a verified petition by a minor assessed the fee, the  
28 court may suspend payment of all or part of the fee if it finds that  
29 the minor does not have the ability to pay the fee.

30 (~~(6)~~) (7) The fee assessed under subsection (~~(5)~~) (6) of this  
31 section shall be collected by the clerk of the court and distributed as  
32 follows:

33 (a) Forty percent shall be subject to distribution under RCW  
34 3.62.020, 3.62.040, or 10.82.040.

35 (b) If the case involves a blood test by the state toxicology  
36 laboratory, the remainder of the fee shall be forwarded to the state  
37 treasurer for deposit in the death investigations account to be used  
38 solely for funding the state toxicology laboratory blood testing  
39 program.

1 (c) Otherwise, the remainder of the fee shall be forwarded to the  
2 state treasurer for deposit in the state patrol highway account to be  
3 used solely for funding the Washington state patrol breath test  
4 program.

5 **Sec. 2.** RCW 46.61.515 and 1993 c 501 s 7 are each amended to read  
6 as follows:

7 (1) Every person who is convicted of a violation of RCW 46.61.502  
8 or 46.61.504 shall be punished by imprisonment for not less than  
9 twenty-four consecutive hours nor more than one year, and by a fine of  
10 not less than two hundred fifty dollars and not more than one thousand  
11 dollars. Unless the judge finds the person to be indigent, two hundred  
12 fifty dollars of the fine shall not be suspended or deferred. Twenty-  
13 four consecutive hours of the jail sentence shall not be suspended or  
14 deferred unless the judge finds that the imposition of the jail  
15 sentence will pose a substantial risk to the defendant's physical or  
16 mental well-being. Whenever the mandatory jail sentence is suspended  
17 or deferred, the judge must state, in writing, the reason for granting  
18 the suspension or deferral and the facts upon which the suspension or  
19 deferral is based. The court may impose conditions of probation that  
20 may include nonrepetition, alcohol or drug treatment, supervised  
21 probation, or other conditions that may be appropriate. The convicted  
22 person shall, in addition, be required to complete a course in an  
23 alcohol information school approved by the department of social and  
24 health services or more intensive treatment in a program approved by  
25 the department of social and health services, as determined by the  
26 court. A diagnostic evaluation and treatment recommendation shall be  
27 prepared under the direction of the court by an alcoholism agency  
28 approved by the department of social and health services or a qualified  
29 probation department approved by the department of social and health  
30 services. A copy of the report shall be forwarded to the department of  
31 licensing. Based on the diagnostic evaluation, the court shall  
32 determine whether the convicted person shall be required to complete a  
33 course in an alcohol information school approved by the department of  
34 social and health services or more intensive treatment in a program  
35 approved by the department of social and health services. Standards  
36 for approval for alcohol treatment programs shall be prescribed by rule  
37 under the administrative procedure act, chapter 34.05 RCW. The  
38 department of social and health services shall periodically review the

1 costs of alcohol information schools and treatment programs as part of  
2 the approval process.

3 (2) On a second (~~or subsequent~~) conviction for driving or being  
4 in physical control of a motor vehicle while under the influence of  
5 intoxicating liquor or drugs within a five-year period a person shall  
6 be punished by imprisonment for not less than seven days nor more than  
7 one year and by a fine of not less than five hundred dollars and not  
8 more than two thousand dollars. District courts and courts organized  
9 under chapter 35.20 RCW are authorized to impose such fine. Unless the  
10 judge finds the person to be indigent, five hundred dollars of the fine  
11 shall not be suspended or deferred. The minimum jail sentence shall  
12 not be suspended or deferred unless the judge finds that the imposition  
13 of the jail sentence will pose a substantial risk to the defendant's  
14 physical or mental well-being. Whenever the mandatory jail sentence is  
15 suspended or deferred, the judge must state, in writing, the reason for  
16 granting the suspension or deferral and the facts upon which the  
17 suspension or deferral is based. If, at the time of the arrest on a  
18 second (~~or subsequent~~) offense, the driver is without a license or  
19 permit because of a previous suspension or revocation for a reason  
20 listed in RCW 46.20.342(1) (a) or (b), or because of a previous  
21 suspension or revocation for a reason listed in RCW 46.20.342(1)(c) if  
22 the original suspension or revocation was the result of a conviction of  
23 RCW 46.61.502 or 46.61.504, the minimum mandatory sentence shall be  
24 ninety days in jail and a five hundred dollar fine. The penalty so  
25 imposed shall not be suspended or deferred. The person shall, in  
26 addition, be required to complete a diagnostic evaluation by an  
27 alcoholism agency approved by the department of social and health  
28 services or a qualified probation department approved by the department  
29 of social and health services. The report shall be forwarded to the  
30 department of licensing. If the person is found to have an alcohol or  
31 drug problem requiring treatment, the person shall complete treatment  
32 at an approved alcoholism treatment program or approved drug treatment  
33 center.

34 In addition to any nonsuspendable and nondeferrable jail sentence  
35 required by this subsection, whenever the court imposes less than one  
36 year in jail, the court shall also suspend but shall not defer a period  
37 of confinement for a period not exceeding two years. The suspension of  
38 the sentence may be conditioned upon nonrepetition, alcohol or drug  
39 treatment, supervised probation, or other conditions that may be

1 appropriate. The sentence may be imposed in whole or in part upon  
2 violation of a condition of suspension during the suspension period.

3 (3) A third or subsequent conviction for driving or being in  
4 physical control of a motor vehicle while under the influence of  
5 intoxicating liquor or drugs within a five-year period is punishable as  
6 a class C felony according to chapter 9A.20 RCW and the person shall be  
7 punished by imprisonment for not less than seven days and by a fine of  
8 not less than five hundred dollars. Unless the judge finds the person  
9 to be indigent, five hundred dollars of the fine shall not be suspended  
10 or deferred. The minimum jail sentence shall not be suspended or  
11 deferred unless the judge finds that the imposition of the jail  
12 sentence will pose a substantial risk to the defendant's physical or  
13 mental well-being. Whenever the mandatory jail sentence is suspended  
14 or deferred, the judge must state, in writing, the reason for granting  
15 the suspension or deferral and the facts upon which the suspension or  
16 deferral is based. If, at the time of the arrest on a third or  
17 subsequent offense, the driver is without a license or permit because  
18 of a previous suspension or revocation for a reason listed in RCW  
19 46.20.342(1) (a) or (b), or because of a previous suspension or  
20 revocation for a reason listed in RCW 46.20.342(1)(c) if the original  
21 suspension or revocation was the result of a conviction of RCW  
22 46.61.502 or 46.61.504, the minimum mandatory sentence shall be ninety  
23 days in jail and a five hundred dollar fine. The penalty so imposed  
24 shall not be suspended or deferred. The person shall, in addition, be  
25 required to complete a diagnostic evaluation by an alcoholism agency  
26 approved by the department of social and health services or a qualified  
27 probation department approved by the department of social and health  
28 services. The report shall be forwarded to the department of  
29 licensing. If the person is found to have an alcohol or drug problem  
30 requiring treatment, the person shall complete treatment at an approved  
31 alcoholism treatment program or approved drug treatment center.

32 In addition to any nonsuspendable and nondeferrable jail sentence  
33 required by this subsection, the court shall also suspend but shall not  
34 defer a period of confinement for a period not exceeding two years.  
35 The suspension of the sentence may be conditioned upon nonrepetition,  
36 alcohol or drug treatment, supervised probation, or other conditions  
37 that may be appropriate. The sentence may be imposed in whole or in  
38 part upon violation of a condition of suspension during the suspension  
39 period.



1       (4) The license or permit to drive or any nonresident privilege of  
2 any person convicted of driving or being in physical control of a motor  
3 vehicle while under the influence of intoxicating liquor or drugs  
4 shall:

5       (a) On the first conviction under either offense, be suspended by  
6 the department until the person reaches age nineteen or for ninety  
7 days, whichever is longer. The department of licensing shall determine  
8 the person's eligibility for licensing based upon the reports provided  
9 by the designated alcoholism agency or probation department and shall  
10 deny reinstatement until enrollment and participation in an approved  
11 program has been established and the person is otherwise qualified;

12       (b) On a second conviction under either offense within a five-year  
13 period, be revoked by the department for one year. The department of  
14 licensing shall determine the person's eligibility for licensing based  
15 upon the reports provided by the designated alcoholism agency or  
16 probation department and shall deny reinstatement until satisfactory  
17 progress in an approved program has been established and the person is  
18 otherwise qualified;

19       (c) On a third or subsequent conviction of driving or being in  
20 physical control of a motor vehicle while under the influence of  
21 intoxicating liquor or drugs, vehicular homicide, or vehicular assault,  
22 or any combination thereof within a five-year period, be revoked by the  
23 department for two years.

24       ((+4)) (5) In any case provided for in this section, where a  
25 driver's license is to be revoked or suspended, the revocation or  
26 suspension shall be stayed and shall not take effect until after the  
27 determination of any appeal from the conviction which may lawfully be  
28 taken, but in case the conviction is sustained on appeal the revocation  
29 or suspension takes effect as of the date that the conviction becomes  
30 effective for other purposes.

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

33  
34  
35

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV       Aggravated Murder 1 (RCW 10.95.020)

1 XIV Murder 1 (RCW 9A.32.030)  
2 Homicide by abuse (RCW 9A.32.055)  
3 XIII Murder 2 (RCW 9A.32.050)  
4 XII Assault 1 (RCW 9A.36.011)  
5 Assault of a Child 1 (RCW 9A.36.120)  
6 XI Rape 1 (RCW 9A.44.040)  
7 Rape of a Child 1 (RCW 9A.44.073)  
8 X Kidnapping 1 (RCW 9A.40.020)  
9 Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Child Molestation 1 (RCW 9A.44.083)  
12 Damaging building, etc., by explosion with  
13 threat to human being (RCW  
14 70.74.280(1))  
15 Over 18 and deliver heroin or narcotic  
16 from Schedule I or II to someone  
17 under 18 (RCW 69.50.406)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 IX Assault of a Child 2 (RCW 9A.36.130)  
21 Robbery 1 (RCW 9A.56.200)  
22 Manslaughter 1 (RCW 9A.32.060)  
23 Explosive devices prohibited (RCW  
24 70.74.180)  
25 Indecent Liberties (with forcible  
26 compulsion) (RCW 9A.44.100(1)(a))  
27 Endangering life and property by  
28 explosives with threat to human being  
29 (RCW 70.74.270)  
30 Over 18 and deliver narcotic from Schedule  
31 III, IV, or V or a nonnarcotic from  
32 Schedule I-V to someone under 18 and  
33 3 years junior (RCW 69.50.406)  
34 Controlled Substance Homicide (RCW  
35 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Inciting Criminal Profiteering (RCW  
3 9A.82.060(1)(b))  
4 VIII Arson 1 (RCW 9A.48.020)  
5 Promoting Prostitution 1 (RCW 9A.88.070)  
6 Selling for profit (controlled or  
7 counterfeit) any controlled substance  
8 (RCW 69.50.410)  
9 Manufacture, deliver, or possess with  
10 intent to deliver heroin or cocaine  
11 (RCW 69.50.401(a)(1)(i))  
12 Manufacture, deliver, or possess with  
13 intent to deliver methamphetamine  
14 (RCW 69.50.401(a)(1)(ii))  
15 Vehicular Homicide, by being under the  
16 influence of intoxicating liquor or  
17 any drug or by the operation of any  
18 vehicle in a reckless manner (RCW  
19 46.61.520)  
20 VII Burglary 1 (RCW 9A.52.020)  
21 Vehicular Homicide, by disregard for the  
22 safety of others (RCW 46.61.520)  
23 Introducing Contraband 1 (RCW 9A.76.140)  
24 Indecent Liberties (without forcible  
25 compulsion) (RCW 9A.44.100(1) (b) and  
26 (c))  
27 Child Molestation 2 (RCW 9A.44.086)  
28 Dealing in depictions of minor engaged in  
29 sexually explicit conduct (RCW  
30 9.68A.050)  
31 Sending, bringing into state depictions of  
32 minor engaged in sexually explicit  
33 conduct (RCW 9.68A.060)  
34 Involving a minor in drug dealing (RCW  
35 69.50.401(f))

1 VI Bribery (RCW 9A.68.010)  
2 Manslaughter 2 (RCW 9A.32.070)  
3 Rape of a Child 3 (RCW 9A.44.079)  
4 Intimidating a Juror/Witness (RCW  
5 9A.72.110, 9A.72.130)  
6 Damaging building, etc., by explosion with  
7 no threat to human being (RCW  
8 70.74.280(2))  
9 Endangering life and property by  
10 explosives with no threat to human  
11 being (RCW 70.74.270)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Manufacture, deliver, or possess with  
14 intent to deliver narcotics from  
15 Schedule I or II (except heroin or  
16 cocaine) (RCW 69.50.401(a)(1)(i))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Bail Jumping with Murder 1 (RCW  
19 9A.76.170(2)(a))  
20 Driving or physical control of a motor  
21 vehicle while under the influence of  
22 intoxicating liquor or any drug,  
23 third offense (RCW 46.61.515(3))

24 V Criminal Mistreatment 1 (RCW 9A.42.020)  
25 Rape 3 (RCW 9A.44.060)  
26 Sexual Misconduct with a Minor 1 (RCW  
27 9A.44.093)  
28 Child Molestation 3 (RCW 9A.44.089)  
29 Kidnapping 2 (RCW 9A.40.030)  
30 Extortion 1 (RCW 9A.56.120)  
31 Incest 2 (RCW 9A.64.020(2))  
32 Perjury 1 (RCW 9A.72.020)  
33 Extortionate Extension of Credit (RCW  
34 9A.82.020)  
35 Advancing money or property for  
36 extortionate extension of credit (RCW  
37 9A.82.030)  
38 Extortionate Means to Collect Extensions  
39 of Credit (RCW 9A.82.040)

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

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

36    III       Criminal mistreatment 2 (RCW 9A.42.030)  
37           Extortion 2 (RCW 9A.56.130)  
38           Unlawful Imprisonment (RCW 9A.40.040)

1 Assault 3 (RCW 9A.36.031)  
2 Assault of a Child 3 (RCW 9A.36.140)  
3 Custodial Assault (RCW 9A.36.100)  
4 Unlawful possession of firearm or pistol by felon (RCW  
5 9.41.040)  
6 Harassment (RCW 9A.46.020)  
7 Promoting Prostitution 2 (RCW 9A.88.080)  
8 Willful Failure to Return from Work  
9 Release (RCW 72.65.070)  
10 Burglary 2 (RCW 9A.52.030)  
11 Introducing Contraband 2 (RCW 9A.76.150)  
12 Communication with a Minor for Immoral  
13 Purposes (RCW 9.68A.090)  
14 Patronizing a Juvenile Prostitute (RCW  
15 9.68A.100)  
16 Escape 2 (RCW 9A.76.120)  
17 Perjury 2 (RCW 9A.72.030)  
18 Bail Jumping with class B or C Felony (RCW  
19 9A.76.170(2)(c))  
20 Intimidating a Public Servant (RCW  
21 9A.76.180)  
22 Tampering with a Witness (RCW 9A.72.120)  
23 Manufacture, deliver, or possess with  
24 intent to deliver marijuana (RCW  
25 69.50.401(a)(1)(ii))  
26 Delivery of a material in lieu of a  
27 controlled substance (RCW  
28 69.50.401(c))  
29 Manufacture, distribute, or possess with  
30 intent to distribute an imitation  
31 controlled substance (RCW  
32 69.52.030(1))  
33 Recklessly Trafficking in Stolen Property  
34 (RCW 9A.82.050(1))  
35 Theft of livestock 2 (RCW 9A.56.080)  
36 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 9A.36.045)  
15              Escape from Community Custody (RCW  
16              72.09.310)  
  
17       I       Theft 2 (RCW 9A.56.040)  
18               Possession of Stolen Property 2 (RCW  
19               9A.56.160)  
20               Forgery (RCW 9A.60.020)  
21               Taking Motor Vehicle Without Permission  
22               (RCW 9A.56.070)  
23               Vehicle Prowl 1 (RCW 9A.52.095)  
24               Attempting to Elude a Pursuing Police  
25               Vehicle (RCW 46.61.024)  
26               Malicious Mischief 2 (RCW 9A.48.080)  
27               Reckless Burning 1 (RCW 9A.48.040)  
28               Unlawful Issuance of Checks or Drafts (RCW  
29               9A.56.060)  
30               Unlawful Use of Food Stamps (RCW 9.91.140  
31               (2) and (3))  
32               False Verification for Welfare (RCW  
33               74.08.055)  
34               Forged Prescription (RCW 69.41.020)  
35               Forged Prescription for a Controlled  
36               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))

6 NEW SECTION. **Sec. 4.** Section 1 of this act shall expire June 30,  
7 1995.

8 NEW SECTION. **Sec. 5.** Section 2 of this act shall take effect June  
9 30, 1995.

--- END ---