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SENATE BILL 6145

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Roach, Nelson, Oke, Hochstatter, Snyder, Anderson, Prince, Franklin and Quigley

Read first time 01/14/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to crimes committed by inmates; amending RCW  
2 9.94.030; reenacting and amending RCW 9.94A.320; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as  
6 follows:

7 (1) Whenever any inmate of a jail facility operated by a municipal  
8 corporation or a state correctional facility shall hold, or participate  
9 in holding, any person as a hostage, by force or violence, or the  
10 threat thereof, ((or shall prevent, or participate in preventing an  
11 officer of such institution from carrying out his or her duties, by  
12 force or violence, or the threat thereof,)) he or she shall be guilty  
13 of a felony ((and upon conviction shall be punished by imprisonment in  
14 a state correctional facility for not less than one year nor more than  
15 ten years)).

16 (2) Whenever any inmate of a jail facility operated by a municipal  
17 corporation or a state correctional facility shall hold, or participate  
18 in holding, an officer of such facility or personnel employed at such  
19 facility, by force or violence, or the threat thereof, or shall

1 prevent, or participate in preventing an officer of such facility or  
2 personnel employed at such facility from carrying out his or her  
3 duties, by force or violence, or the threat thereof, he or she shall be  
4 guilty of a class A felony.

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

7 TABLE 2

8 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

|    |      |  |
|----|------|--|
| 9  | XV   | Aggravated Murder 1 (RCW 10.95.020)            |
| 10 | XIV  | Murder 1 (RCW 9A.32.030)                       |
| 11 |      | Homicide by abuse (RCW 9A.32.055)              |
| 12 | XIII | Murder 2 (RCW 9A.32.050)                       |
| 13 | XII  | Assault 1 (RCW 9A.36.011)                      |
| 14 |      | Assault of a Child 1 (RCW 9A.36.120)           |
| 15 | XI   | Rape 1 (RCW 9A.44.040)                         |
| 16 |      | Rape of a Child 1 (RCW 9A.44.073)              |
| 17 | X    | <u>Interference with Facility Personnel by</u> |
| 18 |      | <u>Inmate (RCW 9.94.030(2))</u>                |
| 19 |      | Kidnapping 1 (RCW 9A.40.020)                   |
| 20 |      | Rape 2 (RCW 9A.44.050)                         |
| 21 |      | Rape of a Child 2 (RCW 9A.44.076)              |
| 22 |      | Child Molestation 1 (RCW 9A.44.083)            |
| 23 |      | Damaging building, etc., by explosion with     |
| 24 |      | threat to human being (RCW                     |
| 25 |      | 70.74.280(1))                                  |
| 26 |      | Over 18 and deliver heroin or narcotic         |
| 27 |      | from Schedule I or II to someone               |
| 28 |      | under 18 (RCW 69.50.406)                       |
| 29 |      | Leading Organized Crime (RCW                   |
| 30 |      | 9A.82.060(1)(a))                               |

1 IX Assault of a Child 2 (RCW 9A.36.130)  
2 Robbery 1 (RCW 9A.56.200)  
3 Manslaughter 1 (RCW 9A.32.060)  
4 Explosive devices prohibited (RCW  
5 70.74.180)  
6 Indecent Liberties (with forcible  
7 compulsion) (RCW 9A.44.100(1)(a))  
8 Endangering life and property by  
9 explosives with threat to human being  
10 (RCW 70.74.270)  
11 Over 18 and deliver narcotic from Schedule  
12 III, IV, or V or a nonnarcotic from  
13 Schedule I-V to someone under 18 and  
14 3 years junior (RCW 69.50.406)  
15 Controlled Substance Homicide (RCW  
16 69.50.415)  
17 Sexual Exploitation (RCW 9.68A.040)  
18 Inciting Criminal Profiteering (RCW  
19 9A.82.060(1)(b))  
20 VIII Arson 1 (RCW 9A.48.020)  
21 Promoting Prostitution 1 (RCW 9A.88.070)  
22 Selling for profit (controlled or  
23 counterfeit) any controlled substance  
24 (RCW 69.50.410)  
25 Manufacture, deliver, or possess with  
26 intent to deliver heroin or cocaine  
27 (RCW 69.50.401(a)(1)(i))  
28 Manufacture, deliver, or possess with  
29 intent to deliver methamphetamine  
30 (RCW 69.50.401(a)(1)(ii))  
31 Vehicular Homicide, by being under the  
32 influence of intoxicating liquor or  
33 any drug or by the operation of any  
34 vehicle in a reckless manner (RCW  
35 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)  
2 Vehicular Homicide, by disregard for the  
3 safety of others (RCW 46.61.520)  
4 Introducing Contraband 1 (RCW 9A.76.140)  
5 Indecent Liberties (without forcible  
6 compulsion) (RCW 9A.44.100(1) (b) and  
7 (c))  
8 Child Molestation 2 (RCW 9A.44.086)  
9 Dealing in depictions of minor engaged in  
10 sexually explicit conduct (RCW  
11 9.68A.050)  
12 Sending, bringing into state depictions of  
13 minor engaged in sexually explicit  
14 conduct (RCW 9.68A.060)  
15 Involving a minor in drug dealing (RCW  
16 69.50.401(f))

17 VI Hostage Taking by Inmate (RCW 9.94.030(1))  
18 Bribery (RCW 9A.68.010)  
19 Manslaughter 2 (RCW 9A.32.070)  
20 Rape of a Child 3 (RCW 9A.44.079)  
21 Intimidating a Juror/Witness (RCW  
22 9A.72.110, 9A.72.130)  
23 Damaging building, etc., by explosion with  
24 no threat to human being (RCW  
25 70.74.280(2))  
26 Endangering life and property by  
27 explosives with no threat to human  
28 being (RCW 70.74.270)  
29 Incest 1 (RCW 9A.64.020(1))  
30 Manufacture, deliver, or possess with  
31 intent to deliver narcotics from  
32 Schedule I or II (except heroin or  
33 cocaine) (RCW 69.50.401(a)(1)(i))  
34 Intimidating a Judge (RCW 9A.72.160)  
35 Bail Jumping with Murder 1 (RCW  
36 9A.76.170(2)(a))

1 V Criminal Mistreatment 1 (RCW 9A.42.020)  
2 Rape 3 (RCW 9A.44.060)  
3 Sexual Misconduct with a Minor 1 (RCW  
4 9A.44.093)  
5 Child Molestation 3 (RCW 9A.44.089)  
6 Kidnapping 2 (RCW 9A.40.030)  
7 Extortion 1 (RCW 9A.56.120)  
8 Incest 2 (RCW 9A.64.020(2))  
9 Perjury 1 (RCW 9A.72.020)  
10 Extortionate Extension of Credit (RCW  
11 9A.82.020)  
12 Advancing money or property for  
13 extortionate extension of credit (RCW  
14 9A.82.030)  
15 Extortionate Means to Collect Extensions  
16 of Credit (RCW 9A.82.040)  
17 Rendering Criminal Assistance 1 (RCW  
18 9A.76.070)  
19 Bail Jumping with class A Felony (RCW  
20 9A.76.170(2)(b))  
21 Delivery of imitation controlled substance  
22 by person eighteen or over to person  
23 under eighteen (RCW 69.52.030(2))

24 IV Residential Burglary (RCW 9A.52.025)  
25 Theft of Livestock 1 (RCW 9A.56.080)  
26 Robbery 2 (RCW 9A.56.210)  
27 Assault 2 (RCW 9A.36.021)  
28 Escape 1 (RCW 9A.76.110)  
29 Arson 2 (RCW 9A.48.030)  
30 Bribing a Witness/Bribe Received by  
31 Witness (RCW 9A.72.090, 9A.72.100)  
32 Malicious Harassment (RCW 9A.36.080)  
33 Threats to Bomb (RCW 9.61.160)  
34 Willful Failure to Return from Furlough  
35 (RCW 72.66.060)  
36 Hit and Run « Injury Accident (RCW  
37 46.52.020(4))  
38 Vehicular Assault (RCW 46.61.522)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except marijuana or  
6 methamphetamines) (RCW  
7 69.50.401(a)(1)(ii) through (iv))  
8 Influencing Outcome of Sporting Event (RCW  
9 9A.82.070)  
10 Use of Proceeds of Criminal Profiteering  
11 (RCW 9A.82.080 (1) and (2))  
12 Knowingly Trafficking in Stolen Property  
13 (RCW 9A.82.050(2))  
14 III Criminal mistreatment 2 (RCW 9A.42.030)  
15 Extortion 2 (RCW 9A.56.130)  
16 Unlawful Imprisonment (RCW 9A.40.040)  
17 Assault 3 (RCW 9A.36.031)  
18 Assault of a Child 3 (RCW 9A.36.140)  
19 Custodial Assault (RCW 9A.36.100)  
20 Unlawful possession of firearm or pistol by felon (RCW  
21 9.41.040)  
22 Harassment (RCW 9A.46.020)  
23 Promoting Prostitution 2 (RCW 9A.88.080)  
24 Willful Failure to Return from Work  
25 Release (RCW 72.65.070)  
26 Burglary 2 (RCW 9A.52.030)  
27 Introducing Contraband 2 (RCW 9A.76.150)  
28 Communication with a Minor for Immoral  
29 Purposes (RCW 9.68A.090)  
30 Patronizing a Juvenile Prostitute (RCW  
31 9.68A.100)  
32 Escape 2 (RCW 9A.76.120)  
33 Perjury 2 (RCW 9A.72.030)  
34 Bail Jumping with class B or C Felony (RCW  
35 9A.76.170(2)(c))  
36 Intimidating a Public Servant (RCW  
37 9A.76.180)  
38 Tampering with a Witness (RCW 9A.72.120)

1 Manufacture, deliver, or possess with  
2 intent to deliver marijuana (RCW  
3 69.50.401(a)(1)(ii))  
4 Delivery of a material in lieu of a  
5 controlled substance (RCW  
6 69.50.401(c))  
7 Manufacture, distribute, or possess with  
8 intent to distribute an imitation  
9 controlled substance (RCW  
10 69.52.030(1))  
11 Recklessly Trafficking in Stolen Property  
12 (RCW 9A.82.050(1))  
13 Theft of livestock 2 (RCW 9A.56.080)  
14 Securities Act violation (RCW 21.20.400)

15 II Malicious Mischief 1 (RCW 9A.48.070)  
16 Possession of Stolen Property 1 (RCW  
17 9A.56.150)  
18 Theft 1 (RCW 9A.56.030)  
19 Possession of controlled substance that is  
20 either heroin or narcotics from  
21 Schedule I or II (RCW 69.50.401(d))  
22 Possession of phencyclidine (PCP) (RCW  
23 69.50.401(d))  
24 Create, deliver, or possess a counterfeit  
25 controlled substance (RCW  
26 69.50.401(b))  
27 Computer Trespass 1 (RCW 9A.52.110)  
28 Reckless Endangerment 1 (RCW 9A.36.045)  
29 Escape from Community Custody (RCW  
30 72.09.310)

31 I Theft 2 (RCW 9A.56.040)  
32 Possession of Stolen Property 2 (RCW  
33 9A.56.160)  
34 Forgery (RCW 9A.60.020)  
35 Taking Motor Vehicle Without Permission  
36 (RCW 9A.56.070)  
37 Vehicle Prowl 1 (RCW 9A.52.095)

1           Attempting to Elude a Pursuing Police  
2                 Vehicle (RCW 46.61.024)  
3           Malicious Mischief 2 (RCW 9A.48.080)  
4           Reckless Burning 1 (RCW 9A.48.040)  
5           Unlawful Issuance of Checks or Drafts (RCW  
6                 9A.56.060)  
7           Unlawful Use of Food Stamps (RCW 9.91.140  
8                 (2) and (3))  
9           False Verification for Welfare (RCW  
10                74.08.055)  
11           Forged Prescription (RCW 69.41.020)  
12           Forged Prescription for a Controlled  
13                Substance (RCW 69.50.403)  
14           Possess Controlled Substance that is a  
15                Narcotic from Schedule III, IV, or V  
16                or Non-narcotic from Schedule I-V  
17                (except phencyclidine) (RCW  
18                69.50.401(d))

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