

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5905

Chapter 385, Laws of 1995

54th Legislature
1995 Regular Session

PERSISTENT PRISON MISBEHAVIOR

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 19, 1995
YEAS 41 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 12, 1995
YEAS 84 NAYS 11

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5905** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 16, 1995 - 11:35 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5905

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke)

Read first time 03/01/95.

1 AN ACT Relating to persistent prison misbehavior; reenacting and
2 amending RCW 9.94A.320; adding a new section to chapter 9.94 RCW; and
3 prescribing 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 9.94 RCW
6 to read as follows:

7 (1) An inmate of a state correctional institution who is serving a
8 sentence for an offense committed on or after August 1, 1995, commits
9 the crime of persistent prison misbehavior if the inmate knowingly
10 commits a serious infraction, that does not constitute a class A or
11 class B felony, after losing all potential earned early release time
12 credit.

13 (2) "Serious infraction" means misconduct that has been designated
14 as a serious infraction by department of corrections rules adopted
15 under RCW 72.09.130.

16 (3) "State correctional institution" has the same meaning as in RCW
17 9.94.049.

18 (4) The crime of persistent prison misbehavior is a class C felony
19 punishable as provided in RCW 9A.20.021. The sentence imposed for this

1 crime must be served consecutive to any sentence being served at the
2 time the crime is committed.

3 **Sec. 2.** RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20,
4 and 1994 c 53 s 2 are each reenacted and amended to read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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

1 Endangering life and property by
2 explosives with threat to human being
3 (RCW 70.74.270)
4 Over 18 and deliver narcotic from Schedule
5 III, IV, or V or a nonnarcotic from
6 Schedule I-V to someone under 18 and
7 3 years junior (RCW 69.50.406)
8 Controlled Substance Homicide (RCW
9 69.50.415)
10 Sexual Exploitation (RCW 9.68A.040)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Vehicular Homicide, by being under the
14 influence of intoxicating liquor or
15 any drug (RCW 46.61.520)
16 VIII Arson 1 (RCW 9A.48.020)
17 Promoting Prostitution 1 (RCW 9A.88.070)
18 Selling for profit (controlled or
19 counterfeit) any controlled substance
20 (RCW 69.50.410)
21 Manufacture, deliver, or possess with
22 intent to deliver heroin or cocaine
23 (RCW 69.50.401(a)(1)(i))
24 Manufacture, deliver, or possess with
25 intent to deliver methamphetamine
26 (RCW 69.50.401(a)(1)(ii))
27 Vehicular Homicide, by the operation of
28 any vehicle in a reckless manner (RCW
29 46.61.520)
30 VII Burglary 1 (RCW 9A.52.020)
31 Vehicular Homicide, by disregard for the
32 safety of others (RCW 46.61.520)
33 Introducing Contraband 1 (RCW 9A.76.140)
34 Indecent Liberties (without forcible
35 compulsion) (RCW 9A.44.100(1) (b) and
36 (c))
37 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in
2 sexually explicit conduct (RCW
3 9.68A.050)
4 Sending, bringing into state depictions of
5 minor engaged in sexually explicit
6 conduct (RCW 9.68A.060)
7 Involving a minor in drug dealing (RCW
8 69.50.401(f))

9 VI Bribery (RCW 9A.68.010)
10 Manslaughter 2 (RCW 9A.32.070)
11 Rape of a Child 3 (RCW 9A.44.079)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Damaging building, etc., by explosion with
15 no threat to human being (RCW
16 70.74.280(2))
17 Endangering life and property by
18 explosives with no threat to human
19 being (RCW 70.74.270)
20 Incest 1 (RCW 9A.64.020(1))
21 Manufacture, deliver, or possess with
22 intent to deliver narcotics from
23 Schedule I or II (except heroin or
24 cocaine) (RCW 69.50.401(a)(1)(i))
25 Intimidating a Judge (RCW 9A.72.160)
26 Bail Jumping with Murder 1 (RCW
27 9A.76.170(2)(a))

28 V Persistent prison misbehavior (RCW
29 9.94.--- (section 1 of this act))
30 Criminal Mistreatment 1 (RCW 9A.42.020)
31 Theft of a Firearm (RCW 9A.56.300)
32 Reckless Endangerment 1 (RCW 9A.36.045)
33 Rape 3 (RCW 9A.44.060)
34 Sexual Misconduct with a Minor 1 (RCW
35 9A.44.093)
36 Child Molestation 3 (RCW 9A.44.089)
37 Kidnapping 2 (RCW 9A.40.030)
38 Extortion 1 (RCW 9A.56.120)

1 Incest 2 (RCW 9A.64.020(2))
2 Perjury 1 (RCW 9A.72.020)
3 Extortionate Extension of Credit (RCW
4 9A.82.020)
5 Advancing money or property for
6 extortionate extension of credit (RCW
7 9A.82.030)
8 Extortionate Means to Collect Extensions
9 of Credit (RCW 9A.82.040)
10 Rendering Criminal Assistance 1 (RCW
11 9A.76.070)
12 Bail Jumping with class A Felony (RCW
13 9A.76.170(2)(b))
14 Sexually Violating Human Remains (RCW
15 9A.44.105)
16 Delivery of imitation controlled substance
17 by person eighteen or over to person
18 under eighteen (RCW 69.52.030(2))

19 IV Residential Burglary (RCW 9A.52.025)
20 Theft of Livestock 1 (RCW 9A.56.080)
21 Robbery 2 (RCW 9A.56.210)
22 Assault 2 (RCW 9A.36.021)
23 Escape 1 (RCW 9A.76.110)
24 Arson 2 (RCW 9A.48.030)
25 Bribing a Witness/Bribe Received by
26 Witness (RCW 9A.72.090, 9A.72.100)
27 Malicious Harassment (RCW 9A.36.080)
28 Threats to Bomb (RCW 9.61.160)
29 Willful Failure to Return from Furlough
30 (RCW 72.66.060)
31 Hit and Run « Injury Accident (RCW
32 46.52.020(4))
33 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
21 by felon (RCW 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 Escape from Community Custody (RCW
29 72.09.310)

30 I Theft 2 (RCW 9A.56.040)
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Forgery (RCW 9A.60.020)
34 Taking Motor Vehicle Without Permission
35 (RCW 9A.56.070)
36 Vehicle Prowl 1 (RCW 9A.52.095)
37 Attempting to Elude a Pursuing Police
38 Vehicle (RCW 46.61.024)

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

Passed the Senate April 19, 1995.

Passed the House April 12, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.