

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1841

Chapter 266, Laws of 1997

55th Legislature
1997 Regular Session

SCHOOL SAFETY IMPROVEMENTS

EFFECTIVE DATE: 7/27/97

Passed by the House April 21, 1997
Yeas 96 Nays 2

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1997
Yeas 40 Nays 1

BRAD OWEN
President of the Senate

Approved May 6, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1841** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 6, 1997 - 10:41 a.m.

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1841

AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Honeyford, Linville, Clements, Carrell, Mielke, Benson, Mitchell, Hickel, Sheahan, Dunn, Skinner, Johnson, L. Thomas and Backlund)

Read first time 03/05/97.

1 AN ACT Relating to school safety; amending RCW 28A.635.020,
2 28A.600.020, 28A.400.110, 28A.635.060, and 28A.320.140; reenacting and
3 amending RCW 28A.225.330 and 9.94A.320; adding new sections to chapter
4 28A.600 RCW; adding a new section to chapter 9A.46 RCW; adding a new
5 section to chapter 28A.195 RCW; adding a new section to chapter 13.04
6 RCW; adding a new section to chapter 13.50 RCW; adding a new section to
7 chapter 28A.320 RCW; creating a new section; and prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the children of
10 this state have the right to an effective public education and that
11 both students and educators have the need to be safe and secure in the
12 classroom if learning is to occur. The legislature also finds,
13 however, that children in many of our public schools are forced to
14 focus on the threat and message of violence contained in many aspects
15 of our society and reflected through and in gang violence activities on
16 school campuses.

17 The legislature recognizes that the prevalence of weapons,
18 including firearms and dangerous knives, is an increasing problem that
19 is spreading rapidly even to elementary schools throughout the state.

1 Gang-related apparel and regalia compound the problem by easily
2 concealing weapons that threaten and intimidate students and school
3 personnel. These threats have resulted in tragic and unnecessary
4 bloodshed over the past two years and must be eradicated from the
5 system if student and staff security is to be restored on school
6 campuses. Many educators believe that school dress significantly
7 influences student behavior in both positive and negative ways.
8 Special school dress up and color days signify school spirit and
9 provide students with a sense of unity. Schools that have adopted
10 school uniforms report a feeling of togetherness, greater school pride,
11 and better student behavior in and out of the classroom. This sense of
12 unity provides students with the positive attitudes needed to avert the
13 pressures of gang involvement.

14 The legislature also recognizes there are other more significant
15 factors that impact school safety such as the pervasive use of drugs
16 and alcohol in school. In addition to physical safety zones, schools
17 should also be drug-free zones that expressly prohibit the sale, use,
18 or possession of illegal drugs on school property. Students involved
19 in drug-related activity are unable to benefit fully from educational
20 opportunities and are disruptive to the learning environment of their
21 fellow students. Schools must be empowered to make decisions that
22 positively impact student learning by eradicating drug use and
23 possession on their campuses. This flexibility should also be afforded
24 to schools as they deal with other harmful substance abuse activities
25 engaged in by their students.

26 Toward this end, the legislature recognizes the important role of
27 the classroom teacher who must be empowered to restore discipline and
28 safety in the classroom. Teachers must have the ability to control the
29 conduct of students to ensure that their mission of educating students
30 may be achieved. Disruptive behavior must not be allowed to continue
31 to divert attention, time, and resources from educational activities.

32 The legislature therefore intends to define gang-related activities
33 as criminal behavior disruptive not only to the learning environment
34 but to society as a whole, and to provide educators with the authority
35 to restore order and safety to the student learning environment,
36 eliminate the influence of gang activities, and eradicate drug and
37 substance abuse on school campuses, thus empowering educators to regain
38 control of our classrooms and provide our students with the best
39 educational opportunities available in our schools.

1 The legislature also finds that students and school employees have
2 been subjected to violence such as rapes, assaults, or harassment that
3 has not been gang or drug-related criminal activity. The legislature
4 intends that all violence and harassment directed at students and
5 school personnel be eradicated in public schools.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
7 RCW to read as follows:

8 (1) A student who is enrolled in a public school or an alternative
9 school may be suspended or expelled if the student is a member of a
10 gang and knowingly engages in gang activity on school grounds.

11 (2) "Gang" means a group which: (a) Consists of three or more
12 persons; (b) has identifiable leadership; and (c) on an ongoing basis,
13 regularly conspires and acts in concert mainly for criminal purposes.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.46 RCW
15 to read as follows:

16 A person commits the offense of criminal gang intimidation if the
17 person threatens another person with bodily injury because the other
18 person refuses to join or has attempted to withdraw from a gang, as
19 defined in section 2 of this act, if the person who threatens the
20 victim or the victim attends or is registered in a public or
21 alternative school. Criminal gang intimidation is a class C felony.

22 **Sec. 4.** RCW 28A.225.330 and 1995 c 324 s 2 and 1995 c 311 s 25 are
23 each reenacted and amended to read as follows:

24 (1) When enrolling a student who has attended school in another
25 school district, the school enrolling the student may request the
26 parent and the student to briefly indicate in writing whether or not
27 the student has:

28 (a) Any history of placement in special educational programs;

29 (b) Any past, current, or pending disciplinary action;

30 (c) Any history of violent behavior, or behavior listed in section
31 7 of this act;

32 (d) Any unpaid fines or fees imposed by other schools; and

33 (e) Any health conditions affecting the student's educational
34 needs.

35 (2) The school enrolling the student shall request the school the
36 student previously attended to send the student's permanent record

1 including records of disciplinary action, attendance, immunization
2 records, and academic performance. If the student has not paid a fine
3 or fee under RCW 28A.635.060, or tuition, fees, or fines at approved
4 private schools the school may withhold the student's official
5 transcript, but shall transmit information about the student's academic
6 performance, special placement, immunization records, and records of
7 disciplinary action. If the official transcript is not sent due to
8 unpaid tuition, fees, or fines, the enrolling school shall notify both
9 the student and parent or guardian that the official transcript will
10 not be sent until the obligation is met, and failure to have an
11 official transcript may result in exclusion from extracurricular
12 activities or failure to graduate.

13 (3) If information is requested under subsection (2) of this
14 section, the information shall be transmitted within two school days
15 after receiving the request and the records shall be sent as soon as
16 possible. Any school district or district employee who releases the
17 information in compliance with this section is immune from civil
18 liability for damages unless it is shown that the school district
19 employee acted with gross negligence or in bad faith. The state board
20 of education shall provide by rule for the discipline under chapter
21 28A.410 RCW of a school principal or other chief administrator of a
22 public school building who fails to make a good faith effort to assure
23 compliance with this subsection.

24 (4) Any school district or district employee who releases the
25 information in compliance with federal and state law is immune from
26 civil liability for damages unless it is shown that the school district
27 or district employee acted with gross negligence or in bad faith.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.195
29 RCW to read as follows:

30 If a student who previously attended an approved private school
31 enrolls in a public school but has not paid tuition, fees, or fines at
32 the approved private school, the approved private school may withhold
33 the student's official transcript, but shall transmit information to
34 the public school about the student's academic performance, special
35 placement, immunization records, and records of disciplinary action.

36 **Sec. 6.** RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read
37 as follows:

1 (1) It shall be unlawful for any person to willfully disobey the
2 order of the chief administrative officer of a public school district,
3 or of an authorized designee of any such administrator, to leave any
4 motor vehicle, building, grounds or other property which is owned,
5 operated or controlled by the school district if the person so ordered
6 is under the influence of alcohol or drugs, or is committing, threatens
7 to imminently commit or incites another to imminently commit any act
8 which would disturb or interfere with or obstruct any lawful task,
9 function, process or procedure of the school district or any lawful
10 task, function, process or procedure of any student, official, employee
11 or invitee of the school district. The order of a school officer or
12 designee acting pursuant to this subsection shall be valid if the
13 officer or designee reasonably believes a person ordered to leave is
14 under the influence of alcohol or drugs, is committing acts, or is
15 creating a disturbance as provided in this subsection.

16 (2) It shall be unlawful for any person to refuse to leave public
17 property immediately adjacent to a building, grounds or property which
18 is owned, operated or controlled by a school district when ordered to
19 do so by a law enforcement officer if such person is engaging in
20 conduct which creates a substantial risk of causing injury to any
21 person, or substantial harm to property, or such conduct amounts to
22 disorderly conduct under RCW 9A.84.030.

23 (3) Nothing in this section shall be construed to prohibit or
24 penalize activity consisting of the lawful exercise of freedom of
25 speech, freedom of press and the right to peaceably assemble and
26 petition the government for a redress of grievances: PROVIDED, That
27 such activity neither does or threatens imminently to materially
28 disturb or interfere with or obstruct any lawful task, function,
29 process or procedure of the school district, or any lawful task,
30 function, process or procedure of any student, official, employee or
31 invitee of the school district: PROVIDED FURTHER, That such activity
32 is not conducted in violation of a prohibition or limitation lawfully
33 imposed by the school district upon entry or use of any motor vehicle,
34 building, grounds or other property which is owned, operated or
35 controlled by the school district.

36 (4) Any person guilty of violating this section shall be deemed
37 guilty of a gross misdemeanor (~~and, upon conviction therefor, shall be~~
38 ~~fined not more than five hundred dollars, or imprisoned in jail for not~~

1 ~~more than six months or both so fined and imprisoned))~~ punishable as
2 provided in chapter 9A.20 RCW.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.04 RCW
4 to read as follows:

5 (1) Whenever a minor enrolled in any common school is convicted in
6 adult criminal court, or adjudicated or entered into a diversion
7 agreement with the juvenile court on any of the following offenses, the
8 court must notify the principal of the student's school of the
9 disposition of the case, after first notifying the parent or legal
10 guardian that such notification will be made:

11 (a) A violent offense as defined in RCW 9.94A.030;

12 (b) A sex offense as defined in RCW 9.94A.030;

13 (c) Inhaling toxic fumes under chapter 9.47A RCW;

14 (d) A controlled substances violation under chapter 69.50 RCW;

15 (e) A liquor violation under RCW 66.44.270; and

16 (f) Any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW.

17 (2) The principal must provide the information received under
18 subsection (1) of this section to every teacher of any student who
19 qualifies under subsection (1) of this section and any other personnel
20 who, in the judgment of the principal, supervises the student or for
21 security purposes should be aware of the student's record. The
22 principal must provide the information to teachers and other personnel
23 based on any written records that the principal maintains or receives
24 from a juvenile court administrator or a law enforcement agency
25 regarding the student.

26 (3) Any information received by a principal or school personnel
27 under this section is confidential and may not be further disseminated
28 except as provided in RCW 28A.225.330, other statutes or case law, and
29 the family and educational and privacy rights act of 1994, 20 U.S.C.
30 Sec. 1232g et seq.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.50 RCW
32 to read as follows:

33 Records of disposition for a juvenile offense must be provided to
34 schools as provided in section 7 of this act.

35 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.600
36 RCW to read as follows:

1 (1) School district boards of directors shall adopt policies that
2 restore discipline to the classroom. Such policies must provide for at
3 least the following: Allowing each teacher to take disciplinary action
4 to correct a student who disrupts normal classroom activities, abuses
5 or insults a teacher as prohibited by RCW 28A.635.010, willfully
6 disobeys a teacher, uses abusive or foul language directed at a school
7 district employee, school volunteer, or another student, violates
8 school rules, or who interferes with an orderly education process.
9 Disciplinary action may include but is not limited to: Oral or written
10 reprimands; written notification to parents of disruptive behavior, a
11 copy of which must be provided to the principal.

12 (2) A student committing an offense under chapter 9A.36, 9A.40,
13 9A.46, or 9A.48 RCW when the activity is directed toward the teacher,
14 shall not be assigned to that teacher's classroom for the duration of
15 the student's attendance at that school or any other school where the
16 teacher is assigned.

17 (3) A student who commits an offense under chapter 9A.36, 9A.40,
18 9A.46, or 9A.48 RCW, when directed toward another student, may be
19 removed from the classroom of the victim for the duration of the
20 student's attendance at that school or any other school where the
21 victim is enrolled. A student who commits an offense under one of the
22 chapters enumerated in this section against a student or another school
23 employee, may be expelled or suspended.

24 (4) Nothing in this section is intended to limit the authority of
25 a school under existing law and rules to expel or suspend a student for
26 misconduct or criminal behavior.

27 (5) All school districts must collect data on disciplinary actions
28 taken in each school. The information shall be made available to the
29 public upon request. This collection of data shall not include
30 personally identifiable information including, but not limited to, a
31 student's social security number, name, or address.

32 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.320
33 RCW to read as follows:

34 School district boards of directors may adopt policies that limit
35 the possession of (1) paging telecommunication devices by students that
36 emit audible signals, vibrate, display a message, or otherwise summons
37 or delivers a communication to the possessor, and (2) portable or
38 cellular telephones.

1 **Sec. 11.** RCW 28A.600.020 and 1990 c 33 s 497 are each amended to
2 read as follows:

3 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
4 interpreted to insure that the optimum learning atmosphere of the
5 classroom is maintained, and that the highest consideration is given to
6 the judgment of qualified certificated educators regarding conditions
7 necessary to maintain the optimum learning atmosphere.

8 (2) Any student who creates a disruption of the educational process
9 in violation of the building disciplinary standards while under a
10 teacher's immediate supervision may be excluded by the teacher from his
11 or her individual classroom and instructional or activity area for all
12 or any portion of the balance of the school day, or up to the following
13 two days, or until the principal or designee and teacher have
14 conferred, whichever occurs first~~((:—PROVIDED, That))~~. Except in
15 emergency circumstances, the teacher ~~((shall have))~~ first ~~((attempted))~~
16 must attempt one or more alternative forms of corrective action~~((:—~~
17 ~~PROVIDED FURTHER, That))~~. In no event without the consent of the
18 teacher ~~((shall))~~ may an excluded student ~~((be returned))~~ return to
19 the class during the balance of that class or activity period or up to
20 the following two days, or until the principal or his or her designee
21 and the teacher have conferred.

22 (3) In order to preserve a beneficial learning environment for all
23 students and to maintain good order and discipline in each classroom,
24 every school district board of directors shall provide that written
25 procedures are developed for administering discipline at each school
26 within the district. Such procedures shall be developed with the
27 participation of parents and the community, and shall provide that the
28 teacher, principal or designee, and other authorities designated by the
29 board of directors, make every reasonable attempt to involve the parent
30 or guardian and the student in the resolution of student discipline
31 problems. Such procedures shall provide that students may be excluded
32 from their individual classes or activities for periods of time in
33 excess of that provided in subsection (2) of this section if such
34 students have repeatedly disrupted the learning of other students~~((:—~~
35 ~~PROVIDED, That))~~. The procedures ~~((are))~~ must be consistent with the
36 ~~((regulations))~~ rules of the state board of education and must provide
37 for early involvement of parents in attempts to improve the student's
38 behavior~~((:—PROVIDED FURTHER, That pursuant to RCW 28A.400.110,))~~.

1 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
2 all staff work cooperatively toward consistent enforcement of proper
3 student behavior throughout each school as well as within each
4 classroom.

5 (5) A principal shall consider imposing long-term suspension or
6 expulsion as a sanction when deciding the appropriate disciplinary
7 action for a student who, after the effective date of this section:

8 (a) Engages in two or more violations within a three-year period of
9 section 2, 3, 9, or 10 of this act, RCW 28A.635.020, 28A.600.020,
10 28A.635.060, 9.41.280, or 28A.320.140; or

11 (b) Engages in one or more of the offenses listed in section 7 of
12 this act.

13 The principal shall communicate the disciplinary action taken by
14 the principal to the school personnel who referred the student to the
15 principal for disciplinary action.

16 **Sec. 12.** RCW 28A.400.110 and 1990 c 33 s 379 are each amended to
17 read as follows:

18 Within each school the school principal shall determine that
19 appropriate student discipline is established and enforced. In order
20 to assist the principal in carrying out the intent of this section, the
21 principal and the certificated employees in a school building shall
22 confer at least annually in order to develop and/or review building
23 disciplinary standards and uniform enforcement of those standards.
24 Such building standards shall be consistent with the provisions of RCW
25 28A.600.020(3).

26 School principals and certificated employees shall also confer
27 annually, to establish criteria for determining when certificated
28 employees must complete classes to improve classroom management skills.

29 **Sec. 13.** RCW 28A.635.060 and 1994 c 304 s 1 are each amended to
30 read as follows:

31 (1) Any pupil who (~~shall~~) defaces or otherwise injures any school
32 property, (~~shall be liable~~) or property belonging to a school
33 contractor, employee, or another student, is subject to suspension and
34 punishment. If any property of the school district (~~whose property~~),
35 a contractor of the district, an employee, or another student has been
36 lost or willfully cut, defaced, or injured, the school district may
37 withhold the grades, diploma, and transcripts of the pupil responsible

1 for the damage or loss until the pupil or the pupil's parent or
2 guardian has paid for the damages. If the student is suspended, the
3 student may not be readmitted until the student or parents or legal
4 guardian has made payment in full or until directed by the
5 superintendent of schools. If the property damaged is a school bus
6 owned and operated by or contracted to any school district, a student
7 suspended for the damage may not be permitted to enter or ride any
8 school bus until the student or parent or legal guardian has made
9 payment in full or until directed by the superintendent. When the
10 pupil and parent or guardian are unable to pay for the damages, the
11 school district shall provide a program of voluntary work for the pupil
12 in lieu of the payment of monetary damages. Upon completion of
13 voluntary work the grades, diploma, and transcripts of the pupil shall
14 be released. The parent or guardian of such pupil shall be liable for
15 damages as otherwise provided by law.

16 (2) Before any penalties are assessed under this section, a school
17 district board of directors shall adopt procedures which insure that
18 pupils' rights to due process are protected.

19 (3) If the department of social and health services or a child-
20 placing agency licensed by the department has been granted custody of
21 a child, that child's records, if requested by the department or
22 agency, are not to be withheld for nonpayment of school fees or any
23 other reason.

24 **Sec. 14.** RCW 28A.320.140 and 1994 sp.s. c 7 s 612 are each amended
25 to read as follows:

26 (1) School district boards of directors may establish schools or
27 programs which parents may choose for their children to attend in
28 which: (a) Students are required to conform to dress and grooming
29 codes, including requiring that students wear uniforms; (b) parents are
30 required to participate in the student's education; or (c) discipline
31 requirements are more stringent than in other schools in the district.

32 (2) School district boards of directors may establish schools or
33 programs in which: (a) Students are required to conform to dress and
34 grooming codes, including requiring that students wear uniforms; (b)
35 parents are regularly counseled and encouraged to participate in the
36 student's education; or (c) discipline requirements are more stringent
37 than in other schools in the district. School boards may require that
38 students who are subject to suspension or expulsion attend these

1 schools or programs as a condition of continued enrollment in the
2 school district.

3 (3) If students are required to wear uniforms in these programs or
4 schools, school districts shall accommodate students so that the
5 uniform requirement is not an unfair barrier to school attendance and
6 participation.

7 (4) Nothing in this section impairs or reduces in any manner
8 whatsoever the authority of a board under other law to impose a dress
9 and appearance code. However, if a board requires uniforms under such
10 other authority, it shall accommodate students so that the uniform
11 requirement is not an unfair barrier to school attendance and
12 participation.

13 (5) School district boards of directors may adopt dress and
14 grooming code policies which prohibit students from wearing gang-
15 related apparel. If a dress and grooming code policy contains this
16 provision, the school board must also establish policies to notify
17 students and parents of what clothing and apparel is considered to be
18 gang-related apparel. This notice must precede any disciplinary action
19 resulting from a student wearing gang-related apparel.

20 (6) School district boards of directors may not adopt a dress and
21 grooming code policy which precludes students who participate in
22 nationally recognized youth organizations from wearing organization
23 uniforms on days that the organization has a scheduled activity or
24 prohibit students from wearing clothing in observance of their
25 religion.

26 **Sec. 15.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and
27 1996 c 36 s 2 are each reenacted and amended to read as follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

30	XV	Aggravated Murder 1 (RCW 10.95.020)
31	XIV	Murder 1 (RCW 9A.32.030)
32		Homicide by abuse (RCW 9A.32.055)
33	XIII	Murder 2 (RCW 9A.32.050)
34	XII	Assault 1 (RCW 9A.36.011)
35		Assault of a Child 1 (RCW 9A.36.120)

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 from
11 Schedule I or II to someone under 18
12 (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 explosives
23 with threat to human being (RCW
24 70.74.270)
25 Over 18 and deliver narcotic from Schedule
26 III, IV, or V or a nonnarcotic from
27 Schedule I-V to someone under 18 and 3
28 years junior (RCW 69.50.406)
29 Controlled Substance Homicide (RCW
30 69.50.415)
31 Sexual Exploitation (RCW 9.68A.040)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Vehicular Homicide, by being under the
35 influence of intoxicating liquor or
36 any drug (RCW 46.61.520)

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 (RCW
11 69.50.401(a)(1)(ii))
12 Possession of ephedrine or pseudoephedrine
13 with intent to manufacture
14 methamphetamine (RCW 69.50.440)
15 Vehicular Homicide, by the operation of any
16 vehicle in a reckless manner (RCW
17 46.61.520)

18 VII Burglary 1 (RCW 9A.52.020)
19 Vehicular Homicide, by disregard for the
20 safety of others (RCW 46.61.520)
21 Introducing Contraband 1 (RCW 9A.76.140)
22 Indecent Liberties (without forcible
23 compulsion) (RCW 9A.44.100(1) (b) and
24 (c))
25 Child Molestation 2 (RCW 9A.44.086)
26 Dealing in depictions of minor engaged in
27 sexually explicit conduct (RCW
28 9.68A.050)
29 Sending, bringing into state depictions of
30 minor engaged in sexually explicit
31 conduct (RCW 9.68A.060)
32 Involving a minor in drug dealing (RCW
33 69.50.401(f))
34 Reckless Endangerment 1 (RCW 9A.36.045)
35 Unlawful Possession of a Firearm in the
36 first degree (RCW 9.41.040(1)(a))

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 explosives
10 with no threat to human being (RCW
11 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 Theft of a Firearm (RCW 9A.56.300)

21 V Persistent prison misbehavior (RCW
22 9.94.070)
23 Criminal Mistreatment 1 (RCW 9A.42.020)
24 Abandonment of dependent person 1 (RCW
25 9A.42.060)
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 of
2 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 Sexually Violating Human Remains (RCW
8 9A.44.105)
9 Delivery of imitation controlled substance
10 by person eighteen or over to person
11 under eighteen (RCW 69.52.030(2))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)

14 IV Residential Burglary (RCW 9A.52.025)
15 Theft of Livestock 1 (RCW 9A.56.080)
16 Robbery 2 (RCW 9A.56.210)
17 Assault 2 (RCW 9A.36.021)
18 Escape 1 (RCW 9A.76.110)
19 Arson 2 (RCW 9A.48.030)
20 Commercial Bribery (RCW 9A.68.060)
21 Bribing a Witness/Bribe Received by Witness
22 (RCW 9A.72.090, 9A.72.100)
23 Malicious Harassment (RCW 9A.36.080)
24 Threats to Bomb (RCW 9.61.160)
25 Willful Failure to Return from Furlough
26 (RCW 72.66.060)
27 Hit and Run -- Injury Accident (RCW
28 46.52.020(4))
29 Hit and Run with Vessel -- Injury Accident
30 (RCW 88.12.155(3))
31 Vehicular Assault (RCW 46.61.522)
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule III, IV, or V or nonnarcotics
35 from Schedule I-V (except marijuana or
36 methamphetamines) (RCW 69.50.401(a)(1)
37 (iii) through (v))
38 Influencing Outcome of Sporting Event (RCW
39 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))

5 III Criminal Gang Intimidation (RCW 9A.46.--
6 (section 3 of this act))

7 Criminal Mistreatment 2 (RCW 9A.42.030)
8 Abandonment of dependent person 2 (RCW
9 9A.42.070)

10 Extortion 2 (RCW 9A.56.130)
11 Unlawful Imprisonment (RCW 9A.40.040)
12 Assault 3 (RCW 9A.36.031)
13 Assault of a Child 3 (RCW 9A.36.140)
14 Custodial Assault (RCW 9A.36.100)
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(1)(b))
17 Harassment (RCW 9A.46.020)
18 Promoting Prostitution 2 (RCW 9A.88.080)
19 Willful Failure to Return from Work Release
20 (RCW 72.65.070)
21 Burglary 2 (RCW 9A.52.030)
22 Introducing Contraband 2 (RCW 9A.76.150)
23 Communication with a Minor for Immoral
24 Purposes (RCW 9.68A.090)
25 Patronizing a Juvenile Prostitute (RCW
26 9.68A.100)
27 Escape 2 (RCW 9A.76.120)
28 Perjury 2 (RCW 9A.72.030)
29 Bail Jumping with class B or C Felony (RCW
30 9A.76.170(2)(c))
31 Intimidating a Public Servant (RCW
32 9A.76.180)
33 Tampering with a Witness (RCW 9A.72.120)
34 Manufacture, deliver, or possess with
35 intent to deliver marijuana (RCW
36 69.50.401(a)(1)(iii))
37 Delivery of a material in lieu of a
38 controlled substance (RCW
39 69.50.401(c))

1 Manufacture, distribute, or possess with
2 intent to distribute an imitation
3 controlled substance (RCW
4 69.52.030(1))
5 Recklessly Trafficking in Stolen Property
6 (RCW 9A.82.050(1))
7 Theft of livestock 2 (RCW 9A.56.080)
8 Securities Act violation (RCW 21.20.400)

9 II Unlawful Practice of Law (RCW 2.48.180)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Theft 1 (RCW 9A.56.030)
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Health Care False Claims (RCW 48.80.030)
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))

17 NEW SECTION. **Sec. 16.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

Passed the House April 21, 1997.

Passed the Senate April 15, 1997.

Approved by the Governor May 6, 1997.

Filed in Office of Secretary of State May 6, 1997.