
HOUSE BILL 1210

State of Washington

58th Legislature

2003 Regular Session

By Representatives O'Brien, Buck, Haigh, Mielke, Conway and Campbell;
by request of Governor Locke and Attorney General

Read first time 01/21/2003. Referred to Committee on Criminal
Justice & Corrections.

1 AN ACT Relating to terrorism offenses; amending RCW 9A.82.090,
2 9A.82.100, 9A.82.120, and 9A.04.080; reenacting and amending RCW
3 9A.82.010, 9.94A.515, 9.94A.515, 13.40.0357, and 9.94A.030; adding a
4 new chapter to Title 9A RCW; prescribing penalties; providing an
5 effective date; providing an expiration date; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS--INTENT. The
9 legislature finds that the events of September 11, 2001, have focused
10 our nation's attention on the importance of preparedness in preventing,
11 investigating, and prosecuting acts of terrorism against its citizens.
12 The legislature further finds that, to be effective, this effort
13 requires a partnership among the federal, state, and local governments.
14 In furtherance of this partnership, it is the legislature's intent to
15 strengthen the laws of the state of Washington to better protect the
16 health and safety of Washington state and its residents from acts of
17 terrorism. It is also the intent of the legislature that this chapter
18 be interpreted to provide the greatest measure of protection and safety
19 for the people of this state and to preserve and protect their

1 constitutional rights, including the right to petition their
2 governments and to exercise their rights under the First Amendment to
3 the United States Constitution.

4 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
5 section apply throughout this chapter unless the context clearly
6 requires otherwise.

7 (1) "Biological agent" means a microorganism, virus, infectious
8 substance, or biological product that may be engineered as a result of
9 biotechnology, or a naturally occurring microorganism, virus,
10 infectious substance, biological product, or toxin or vector, or a
11 naturally occurring or bioengineered component thereof, capable of
12 causing:

13 (a) Death, disease, or other biological malfunction in a human, an
14 animal, a plant, or another living organism; or

15 (b) Deterioration of food, water equipment, supplies, or material
16 of any kind; or

17 (c) Deleterious alteration of the environment.

18 (2) "Chemical agent" means a weapon, device, material, or substance
19 that is designed or intended to cause widespread death or physical
20 injury through the release, dissemination, or impact of toxic or
21 poisonous chemicals or precursors of toxic or poisonous chemicals.

22 (3) "Imitation weapon of mass destruction" means a device, object,
23 or substance that is not a weapon of mass destruction, but which by
24 appearance or representation would lead a reasonable person to believe
25 that the device or substance is a weapon of mass destruction.

26 (4) "Material support or resources" means currency or other
27 financial securities, financial services, lodging, training, safe
28 houses, false documentation or identification, intelligence
29 information, communications equipment, facilities, weapons, lethal
30 substances, explosives, personnel, transportation, and other assets.

31 (5) "Physical damage" has the meaning given in RCW 9A.48.100.

32 (6) "Public water system" means a publicly or privately owned
33 system, including a system serving only one single-family residence,
34 providing piped water for human consumption, including collection,
35 treatment, storage, or distribution facilities.

36 (7) "Radioactive material" means a material containing, emitting,

1 or otherwise releasing radiation or radioactivity at a level dangerous
2 to human life.

3 (8) "Toxin" means the toxic material of plants, animals,
4 microorganisms, viruses, fungi, or infectious substances, or a
5 recombinant molecule, whatever its origin or method of production,
6 including:

7 (a) A poisonous substance or biological product that may be
8 engineered as a result of biotechnology produced by a living organism;
9 or

10 (b) A poisonous isomer or biological product, homolog, or
11 derivative of such a substance.

12 (9) "Vector" means a living organism, or molecule, including a
13 recombinant molecule, or biological product that may be engineered as
14 a result of biotechnology, capable of carrying a biological agent or
15 toxin to a host.

16 (10) "Weapon of mass destruction" means a device, object, or
17 substance that a person intends to use to cause multiple human deaths,
18 or a biological agent, radioactive material, or chemical agent that is
19 possessed, released, or disseminated without lawful authority.

20 NEW SECTION. **Sec. 3. FELONY TERRORISM.** (1) A person is guilty of
21 felony terrorism when, under circumstances manifesting an extreme
22 indifference to human life and with the intent to significantly disrupt
23 the conduct of government or of the general civilian population of the
24 state or the United States, he or she commits or attempts to commit a
25 felony and thereby:

26 (a) Causes substantial bodily harm to any other person; or

27 (b) Causes substantial damage to a habitable building or structure,
28 whether or not occupied, sufficient to create a substantial risk of
29 death to another person if the building or structure had been occupied
30 by any such person; or

31 (c) Causes substantial physical damage sufficient to disrupt the
32 normal functioning of a public or private infrastructure system
33 including, but not limited to, a public water system, or an emergency,
34 governmental, medical, fire, or law enforcement response system.

35 (2) Felony terrorism is a class A felony.

1 NEW SECTION. **Sec. 4.** UNLAWFUL POSSESSION OF A WEAPON OF MASS
2 DESTRUCTION. (1) A person who, with the intent to significantly
3 disrupt the conduct of government or of the general civilian population
4 of the state or the United States by engaging in conduct manifesting
5 extreme indifference to human life, possesses, manufactures,
6 transports, disposes of, spills, or otherwise releases a weapon of mass
7 destruction is guilty of unlawful possession of a weapon of mass
8 destruction.

9 (2) Unlawful possession of a weapon of mass destruction is a class
10 A felony.

11 NEW SECTION. **Sec. 5.** MAKING TERRORIST THREATS. (1) A person who
12 knowingly threatens to use or release, or falsely claims to have used
13 or released, a weapon of mass destruction, or who takes any other
14 action intended to cause a reasonable belief that a weapon of mass
15 destruction has been or will be used or released, including, but not
16 limited to, placement of an imitation weapon of mass destruction in an
17 area open to or frequented by the public, is guilty of:

18 (a) Making terrorist threats in the first degree if the offense is
19 committed with the intent to significantly disrupt the conduct of
20 government or of the general civilian population of the state or the
21 United States by threatening to engage in conduct that manifests an
22 extreme indifference to human life. Making terrorist threats in the
23 first degree is a class B felony;

24 (b) Making terrorist threats in the second degree if the offense is
25 committed under circumstances not amounting to making terrorist threats
26 in the first degree. Making terrorist threats in the second degree is
27 a class C felony.

28 (2) It is not a defense to a prosecution under this section that
29 the defendant did not have the intention or capability of actually
30 using or releasing a weapon of mass destruction.

31 NEW SECTION. **Sec. 6.** PROVIDING MATERIAL SUPPORT OR RESOURCES TO
32 TERRORISTS. (1) A person who knowingly provides material support or
33 resources or conceals or disguises the nature, location, source, or
34 ownership of material support or resources, intending that the material
35 support or resources are to be used in planning, preparing for,
36 carrying out, escaping from, or concealing the commission of a crime

1 defined in this chapter, except for the crime defined in section
2 5(1)(b) of this act, is guilty of providing material support or
3 resources to terrorists.

4 (2) Providing material support or resources to terrorists is a
5 class B felony.

6 NEW SECTION. **Sec. 7.** UNLAWFUL POSSESSION OF FALSE IDENTIFICATION
7 FOR TERRORIST PURPOSES. (1) A person is guilty of unlawful possession
8 of false identification for terrorist purposes if he or she, with the
9 intent to commit or facilitate the commission of a crime defined in
10 this chapter, possesses or uses a document or record that contains
11 false information relating to the person who is the subject of the
12 document or record.

13 (2) Unlawful possession of false identification for terrorist
14 purposes is a class B felony.

15 **Sec. 8.** RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are
16 each reenacted and amended to read as follows:

17 Unless the context requires the contrary, the definitions in this
18 section apply throughout this chapter.

19 (1)(a) "Beneficial interest" means:

20 (i) The interest of a person as a beneficiary under a trust
21 established under Title 11 RCW in which the trustee for the trust holds
22 legal or record title to real property;

23 (ii) The interest of a person as a beneficiary under any other
24 trust arrangement under which a trustee holds legal or record title to
25 real property for the benefit of the beneficiary; or

26 (iii) The interest of a person under any other form of express
27 fiduciary arrangement under which one person holds legal or record
28 title to real property for the benefit of the other person.

29 (b) "Beneficial interest" does not include the interest of a
30 stockholder in a corporation or the interest of a partner in a general
31 partnership or limited partnership.

32 (c) A beneficial interest is considered to be located where the
33 real property owned by the trustee is located.

34 (2) "Control" means the possession of a sufficient interest to
35 permit substantial direction over the affairs of an enterprise.

1 (3) "Creditor" means a person making an extension of credit or a
2 person claiming by, under, or through a person making an extension of
3 credit.

4 (4) "Criminal profiteering" means any act, including any
5 anticipatory or completed offense, committed for financial gain, or an
6 offense, including an anticipatory or completed offense, that is
7 defined in chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of
8 this act), whether or not committed for financial gain, that is
9 chargeable or indictable under the laws of the state in which the act
10 occurred and, if the act occurred in a state other than this state,
11 would be chargeable or indictable under the laws of this state had the
12 act occurred in this state and punishable as a felony and by
13 imprisonment for more than one year, regardless of whether the act is
14 charged or indicted, as any of the following:

15 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

16 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

17 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

18 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

19 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and
20 9A.56.080;

21 (f) Unlawful sale of subscription television services, as defined
22 in RCW 9A.56.230;

23 (g) Theft of telecommunication services or unlawful manufacture of
24 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

25 (h) Child selling or child buying, as defined in RCW 9A.64.030;

26 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
27 9A.68.050;

28 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

29 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

30 (l) Extortionate extension of credit, as defined in RCW 9A.82.020;

31 (m) Advancing money for use in an extortionate extension of credit,
32 as defined in RCW 9A.82.030;

33 (n) Collection of an extortionate extension of credit, as defined
34 in RCW 9A.82.040;

35 (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;

36 (p) Delivery or manufacture of controlled substances or possession
37 with intent to deliver or manufacture controlled substances under
38 chapter 69.50 RCW;

1 (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
2 (r) Leading organized crime, as defined in RCW 9A.82.060;
3 (s) Money laundering, as defined in RCW 9A.83.020;
4 (t) Obstructing criminal investigations or prosecutions in
5 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
6 9A.76.070, or 9A.76.180;
7 (u) Fraud in the purchase or sale of securities, as defined in RCW
8 21.20.010;
9 (v) Promoting pornography, as defined in RCW 9.68.140;
10 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,
11 9.68A.050, and 9.68A.060;
12 (x) Promoting prostitution, as defined in RCW 9A.88.070 and
13 9A.88.080;
14 (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
15 (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
16 (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
17 (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
18 (cc) Commercial telephone solicitation in violation of RCW
19 19.158.040(1);
20 (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
21 (ee) Unlawful practice of law, as defined in RCW 2.48.180;
22 (ff) Commercial bribery, as defined in RCW 9A.68.060;
23 (gg) Health care false claims, as defined in RCW 48.80.030;
24 (hh) Unlicensed practice of a profession or business, as defined in
25 RCW 18.130.190(7);
26 (ii) Improperly obtaining financial information, as defined in RCW
27 9.35.010; (~~oe~~)
28 (jj) Identity theft, as defined in RCW 9.35.020;
29 (kk) Felony terrorism, as defined in section 3 of this act;
30 (ll) Unlawful possession of a weapon of mass destruction, as
31 defined in section 4 of this act;
32 (mm) Making terrorist threats in the first degree, as defined in
33 section 5(1)(a) of this act;
34 (nn) Making terrorist threats in the second degree, as defined in
35 section 5(1)(b) of this act;
36 (oo) Providing material support or resources to terrorists, as
37 defined in section 6 of this act; or

1 (pp) Unlawful possession of false identification for terrorist
2 purposes, as defined in section 7 of this act.

3 (5) "Dealer in property" means a person who buys and sells property
4 as a business.

5 (6) "Debtor" means a person to whom an extension of credit is made
6 or a person who guarantees the repayment of an extension of credit or
7 in any manner undertakes to indemnify the creditor against loss
8 resulting from the failure of a person to whom an extension is made to
9 repay the same.

10 (7) "Documentary material" means any book, paper, document,
11 writing, drawing, graph, chart, photograph, phonograph record, magnetic
12 tape, computer printout, other data compilation from which information
13 can be obtained or from which information can be translated into usable
14 form, or other tangible item.

15 (8) "Enterprise" includes any individual, sole proprietorship,
16 partnership, corporation, business trust, or other profit or nonprofit
17 legal entity, and includes any union, association, or group of
18 individuals associated in fact although not a legal entity, and both
19 illicit and licit enterprises and governmental and nongovernmental
20 entities.

21 (9) "Extortionate extension of credit" means an extension of credit
22 with respect to which it is the understanding of the creditor and the
23 debtor at the time the extension is made that delay in making repayment
24 or failure to make repayment could result in the use of violence or
25 other criminal means to cause harm to the person, reputation, or
26 property of any person.

27 (10) "Extortionate means" means the use, or an express or implicit
28 threat of use, of violence or other criminal means to cause harm to the
29 person, reputation, or property of any person.

30 (11) "Financial institution" means any bank, trust company, savings
31 and loan association, savings bank, mutual savings bank, credit union,
32 or loan company under the jurisdiction of the state or an agency of the
33 United States.

34 (12) "Pattern of criminal profiteering activity" means engaging in
35 at least three acts of criminal profiteering, one of which occurred
36 after July 1, 1985, and the last of which occurred within five years,
37 excluding any period of imprisonment, after the commission of the
38 earliest act of criminal profiteering. In order to constitute a

1 pattern, the three acts must have the same or similar intent, results,
2 accomplices, principals, victims, or methods of commission, or be
3 otherwise interrelated by distinguishing characteristics including a
4 nexus to the same enterprise, and must not be isolated events.
5 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
6 any person other than the attorney general or county prosecuting
7 attorney in which one or more acts of fraud in the purchase or sale of
8 securities are asserted as acts of criminal profiteering activity, it
9 is a condition to civil liability under RCW 9A.82.100 that the
10 defendant has been convicted in a criminal proceeding of fraud in the
11 purchase or sale of securities under RCW 21.20.400 or under the laws of
12 another state or of the United States requiring the same elements of
13 proof, but such conviction need not relate to any act or acts asserted
14 as acts of criminal profiteering activity in such civil action under
15 RCW 9A.82.100.

16 (13) "Real property" means any real property or interest in real
17 property, including but not limited to a land sale contract, lease, or
18 mortgage of real property.

19 (14) "Records" means any book, paper, writing, record, computer
20 program, or other material.

21 (15) "Repayment of an extension of credit" means the repayment,
22 satisfaction, or discharge in whole or in part of a debt or claim,
23 acknowledged or disputed, valid or invalid, resulting from or in
24 connection with that extension of credit.

25 (16) "Stolen property" means property that has been obtained by
26 theft, robbery, or extortion.

27 (17) "To collect an extension of credit" means to induce in any way
28 a person to make repayment thereof.

29 (18) "To extend credit" means to make or renew a loan or to enter
30 into an agreement, tacit or express, whereby the repayment or
31 satisfaction of a debt or claim, whether acknowledged or disputed,
32 valid or invalid, and however arising, may or shall be deferred.

33 (19) "Traffic" means to sell, transfer, distribute, dispense, or
34 otherwise dispose of stolen property to another person, or to buy,
35 receive, possess, or obtain control of stolen property, with intent to
36 sell, transfer, distribute, dispense, or otherwise dispose of the
37 property to another person.

38 (20)(a) "Trustee" means:

1 (i) A person acting as a trustee under a trust established under
2 Title 11 RCW in which the trustee holds legal or record title to real
3 property;

4 (ii) A person who holds legal or record title to real property in
5 which another person has a beneficial interest; or

6 (iii) A successor trustee to a person who is a trustee under (a)(i)
7 or (ii) of this subsection.

8 (b) "Trustee" does not mean a person appointed or acting as:

9 (i) A personal representative under Title 11 RCW;

10 (ii) A trustee of any testamentary trust;

11 (iii) A trustee of any indenture of trust under which a bond is
12 issued; or

13 (iv) A trustee under a deed of trust.

14 (21) "Unlawful debt" means any money or other thing of value
15 constituting principal or interest of a debt that is legally
16 unenforceable in the state in full or in part because the debt was
17 incurred or contracted:

18 (a) In violation of any one of the following:

19 (i) Chapter 67.16 RCW relating to horse racing;

20 (ii) Chapter 9.46 RCW relating to gambling;

21 (b) In a gambling activity in violation of federal law; or

22 (c) In connection with the business of lending money or a thing of
23 value at a rate that is at least twice the permitted rate under the
24 applicable state or federal law relating to usury.

25 **Sec. 9.** RCW 9A.82.090 and 2001 c 222 s 13 are each amended to read
26 as follows:

27 During the pendency of any criminal case charging a violation of
28 RCW 9A.82.060 or (~~a violation of RCW~~) 9A.82.080, or an offense
29 defined in chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of
30 this act) whether or not committed for financial gain, the superior
31 court may, in addition to its other powers, issue an order pursuant to
32 RCW 9A.82.100 (2) or (3). Upon conviction of a person for a violation
33 of RCW 9A.82.060 or (~~a violation of RCW~~) 9A.82.080, or an offense
34 defined in chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of
35 this act) whether or not committed for financial gain, the superior
36 court may, in addition to its other powers of disposition, issue an
37 order pursuant to RCW 9A.82.100.

1 **Sec. 10.** RCW 9A.82.100 and 2001 c 222 s 14 are each amended to
2 read as follows:

3 (1)(a) A person who sustains injury to his or her person, business,
4 or property by an act of criminal profiteering that is part of a
5 pattern of criminal profiteering activity, or by an offense defined in
6 chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of this act)
7 whether or not committed for financial gain, or by a violation of RCW
8 9A.82.060 or 9A.82.080 may file an action in superior court for the
9 recovery of damages and the costs of the suit, including reasonable
10 investigative and attorney's fees.

11 (b) The attorney general or county prosecuting attorney may file an
12 action: (i) On behalf of those persons injured or, respectively, on
13 behalf of the state or county if the entity has sustained damages, or
14 (ii) to prevent, restrain, or remedy a pattern of criminal profiteering
15 activity, or an offense defined in chapter 9A.-- RCW (sections 1
16 through 7 and 17 through 23 of this act) whether or not committed for
17 financial gain, or a violation of RCW 9A.82.060 or 9A.82.080.

18 (c) An action for damages filed by or on behalf of an injured
19 person, the state, or the county shall be for the recovery of damages
20 and the costs of the suit, including reasonable investigative and
21 attorney's fees.

22 (d) In an action filed to prevent, restrain, or remedy a pattern of
23 criminal profiteering activity, or an offense defined in chapter 9A.--
24 RCW (sections 1 through 7 and 17 through 23 of this act) whether or not
25 committed for financial gain, or a violation of RCW 9A.82.060 or
26 9A.82.080, the court, upon proof of the violation, may impose a civil
27 penalty not exceeding two hundred fifty thousand dollars, in addition
28 to awarding the cost of the suit, including reasonable investigative
29 and attorney's fees.

30 (2) The superior court has jurisdiction to prevent, restrain, and
31 remedy a pattern of criminal profiteering, or an offense defined in
32 chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of this act)
33 whether or not committed for financial gain, or a violation of RCW
34 9A.82.060 or 9A.82.080 after making provision for the rights of all
35 innocent persons affected by the violation and after hearing or trial,
36 as appropriate, by issuing appropriate orders.

37 (3) Prior to a determination of liability, orders issued under
38 subsection (2) of this section may include, but are not limited to,

1 entering restraining orders or prohibitions or taking such other
2 actions, including the acceptance of satisfactory performance bonds, in
3 connection with any property or other interest subject to damages,
4 forfeiture, or other restraints pursuant to this section as the court
5 deems proper. The orders may also include attachment, receivership, or
6 injunctive relief in regard to personal or real property pursuant to
7 Title 7 RCW. In shaping the reach or scope of receivership,
8 attachment, or injunctive relief, the superior court shall provide for
9 the protection of bona fide interests in property, including community
10 property, of persons who were not involved in the violation of this
11 chapter, except to the extent that such interests or property were
12 acquired or used in such a way as to be subject to forfeiture under RCW
13 9A.82.100(4)(f).

14 (4) Following a determination of liability, orders may include, but
15 are not limited to:

16 (a) Ordering any person to divest himself or herself of any
17 interest, direct or indirect, in any enterprise.

18 (b) Imposing reasonable restrictions on the future activities or
19 investments of any person, including prohibiting any person from
20 engaging in the same type of endeavor as the enterprise engaged in, the
21 activities of which affect the laws of this state, to the extent the
22 Constitutions of the United States and this state permit.

23 (c) Ordering dissolution or reorganization of any enterprise.

24 (d) Ordering the payment of actual damages sustained to those
25 persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an
26 offense defined in chapter 9A.-- RCW (sections 1 through 7 and 17
27 through 23 of this act) whether or not committed for financial gain, or
28 an act of criminal profiteering that is part of a pattern of criminal
29 profiteering, and in the court's discretion, increasing the payment to
30 an amount not exceeding three times the actual damages sustained.

31 (e) Ordering the payment of all costs and expenses of the
32 prosecution and investigation of a pattern of criminal profiteering, or
33 an offense defined in chapter 9A.-- RCW (sections 1 through 7 and 17
34 through 23 of this act) whether or not committed for financial gain,
35 activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and
36 criminal, incurred by the state or county, including any costs of
37 defense provided at public expense, as appropriate to the state general
38 fund or the antiprofitteering revolving fund of the county.

1 (f) Ordering forfeiture first as restitution to any person damaged
2 by an act of criminal profiteering that is part of a pattern of
3 criminal profiteering, or by an offense defined in chapter 9A.-- RCW
4 (sections 1 through 7 and 17 through 23 of this act) whether or not
5 committed for financial gain, then to the state general fund or
6 antiprofitteering revolving fund of the county, as appropriate, to the
7 extent not already ordered to be paid in other damages, of the
8 following:

9 (i) Any property or other interest acquired or maintained in
10 violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment
11 of funds, and any appreciation or income attributable to the
12 investment, from a violation of RCW 9A.82.060 or 9A.82.080.

13 (ii) Any property, contractual right, or claim against property
14 used to influence any enterprise that a person has established,
15 operated, controlled, conducted, or participated in the conduct of, in
16 violation of RCW 9A.82.060 or 9A.82.080.

17 (iii) All proceeds traceable to or derived from an offense included
18 in the pattern of criminal profiteering activity, or an offense defined
19 in chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of this
20 act) whether or not committed for financial gain, and all moneys,
21 negotiable instruments, securities, and other things of value
22 significantly used or intended to be used significantly to facilitate
23 commission of the offense.

24 (g) Ordering payment to the state general fund or antiprofitteering
25 revolving fund of the county, as appropriate, of an amount equal to the
26 gain a person has acquired or maintained through an offense included in
27 the definition of criminal profiteering.

28 (5) In addition to or in lieu of an action under this section, the
29 attorney general or county prosecuting attorney may file an action for
30 forfeiture to the state general fund or antiprofitteering revolving fund
31 of the county, as appropriate, to the extent not already ordered paid
32 pursuant to this section, of the following:

33 (a) Any interest acquired or maintained by a person in violation of
34 RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds
35 obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any
36 appreciation or income attributable to the investment.

37 (b) Any property, contractual right, or claim against property used

1 to influence any enterprise that a person has established, operated,
2 controlled, conducted, or participated in the conduct of, in violation
3 of RCW 9A.82.060 or 9A.82.080.

4 (c) All proceeds traceable to or derived from an offense included
5 in the pattern of criminal profiteering activity, or an offense defined
6 in chapter 9A.-- RCW (sections 1 through 7 and 17 through 23 of this
7 act) whether or not committed for financial gain, and all moneys,
8 negotiable instruments, securities, and other things of value
9 significantly used or intended to be used significantly to facilitate
10 the commission of the offense.

11 (6) A defendant convicted in any criminal proceeding is precluded
12 in any civil proceeding from denying the essential allegations of the
13 criminal offense proven in the criminal trial in which the defendant
14 was convicted. For the purposes of this subsection, a conviction shall
15 be deemed to have occurred upon a verdict, finding, or plea of guilty,
16 notwithstanding the fact that appellate review of the conviction and
17 sentence has been or may be sought. If a subsequent reversal of the
18 conviction occurs, any judgment that was based upon that conviction may
19 be reopened upon motion of the defendant.

20 (7) The initiation of civil proceedings under this section shall be
21 commenced within three years after discovery of the pattern of criminal
22 profiteering activity or after the pattern should reasonably have been
23 discovered or, in the case of an offense that is defined in chapter
24 9A.-- RCW (sections 1 through 7 and 17 through 23 of this act), within
25 three years after the final disposition of any criminal charges
26 relating to the offense, whichever is later.

27 (8) The attorney general or county prosecuting attorney may, in a
28 civil action brought pursuant to this section, file with the clerk of
29 the superior court a certificate stating that the case is of special
30 public importance. A copy of that certificate shall be furnished
31 immediately by the clerk to the presiding chief judge of the superior
32 court in which the action is pending and, upon receipt of the copy, the
33 judge shall immediately designate a judge to hear and determine the
34 action. The judge so designated shall promptly assign the action for
35 hearing, participate in the hearings and determination, and cause the
36 action to be expedited.

37 (9) The standard of proof in actions brought pursuant to this
38 section is the preponderance of the evidence test.

1 (10) A person other than the attorney general or county prosecuting
2 attorney who files an action under this section shall serve notice and
3 one copy of the pleading on the attorney general within thirty days
4 after the action is filed with the superior court. The notice shall
5 identify the action, the person, and the person's attorney. Service of
6 the notice does not limit or otherwise affect the right of the state to
7 maintain an action under this section or intervene in a pending action
8 nor does it authorize the person to name the state or the attorney
9 general as a party to the action.

10 (11) Except in cases filed by a county prosecuting attorney, the
11 attorney general may, upon timely application, intervene in any civil
12 action or proceeding brought under this section if the attorney general
13 certifies that in the attorney general's opinion the action is of
14 special public importance. Upon intervention, the attorney general may
15 assert any available claim and is entitled to the same relief as if the
16 attorney general had instituted a separate action.

17 (12) In addition to the attorney general's right to intervene as a
18 party in any action under this section, the attorney general may appear
19 as amicus curiae in any proceeding in which a claim under this section
20 has been asserted or in which a court is interpreting RCW 9A.82.010,
21 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

22 (13) A private civil action under this section does not limit any
23 other civil or criminal action under this chapter or any other
24 provision. Private civil remedies provided under this section are
25 supplemental and not mutually exclusive.

26 (14) Upon motion by the defendant, the court may authorize the sale
27 or transfer of assets subject to an order or lien authorized by this
28 chapter for the purpose of paying actual attorney's fees and costs of
29 defense. The motion shall specify the assets for which sale or
30 transfer is sought and shall be accompanied by the defendant's sworn
31 statement that the defendant has no other assets available for such
32 purposes. No order authorizing such sale or transfer may be entered
33 unless the court finds that the assets involved are not subject to
34 possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of
35 the motion, the court shall notify the state of the assets sought to be
36 sold or transferred and shall hear argument on the issue of whether the
37 assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a

1 motion may be made from time to time and shall be heard by the court on
2 an expedited basis.

3 (15) In an action brought under subsection (1)(a) and (b)(i) of
4 this section, either party has the right to a jury trial.

5 **Sec. 11.** RCW 9A.82.120 and 2001 c 222 s 16 are each amended to
6 read as follows:

7 (1) The state, upon filing a criminal action under RCW 9A.82.060 or
8 9A.82.080 or for an offense defined in chapter 9A.-- RCW (sections 1
9 through 7 and 17 through 23 of this act) whether or not committed for
10 financial gain, or a civil action under RCW 9A.82.100, may file in
11 accordance with this section a criminal profiteering lien. A filing
12 fee or other charge is not required for filing a criminal profiteering
13 lien.

14 (2) A criminal profiteering lien shall be signed by the attorney
15 general or the county prosecuting attorney representing the state in
16 the action and shall set forth the following information:

17 (a) The name of the defendant whose property or other interests are
18 to be subject to the lien;

19 (b) In the discretion of the attorney general or county prosecuting
20 attorney filing the lien, any aliases or fictitious names of the
21 defendant named in the lien;

22 (c) If known to the attorney general or county prosecuting attorney
23 filing the lien, the present residence or principal place of business
24 of the person named in the lien;

25 (d) A reference to the proceeding pursuant to which the lien is
26 filed, including the name of the court, the title of the action, and
27 the court's file number for the proceeding;

28 (e) The name and address of the attorney representing the state in
29 the proceeding pursuant to which the lien is filed;

30 (f) A statement that the notice is being filed pursuant to this
31 section;

32 (g) The amount that the state claims in the action or, with respect
33 to property or other interests that the state has requested forfeiture
34 to the state or county, a description of the property or interests
35 sought to be paid or forfeited;

36 (h) If known to the attorney general or county prosecuting attorney
37 filing the lien, a description of property that is subject to

1 forfeiture to the state or property in which the defendant has an
2 interest that is available to satisfy a judgment entered in favor of
3 the state; and

4 (i) Such other information as the attorney general or county
5 prosecuting attorney filing the lien deems appropriate.

6 (3) The attorney general or the county prosecuting attorney filing
7 the lien may amend a lien filed under this section at any time by
8 filing an amended criminal profiteering lien in accordance with this
9 section that identifies the prior lien amended.

10 (4) The attorney general or the county prosecuting attorney filing
11 the lien shall, as soon as practical after filing a criminal
12 profiteering lien, furnish to any person named in the lien a notice of
13 the filing of the lien. Failure to furnish notice under this
14 subsection does not invalidate or otherwise affect a criminal
15 profiteering lien filed in accordance with this section.

16 (5)(a) A criminal profiteering lien is perfected against interests
17 in personal property in the same manner as a security interest in like
18 property pursuant to RCW (~~62A.9-302, 62A.9-303, 62A.9-304, 62A.9-305,~~
19 ~~and 62A.9-306~~) 62A.9A-301 through 62A.9A-316 or as otherwise required
20 to perfect a security interest in like property under applicable law.
21 In the case of perfection by filing, the state shall file, in lieu of
22 a financing statement in the form prescribed by RCW (~~62A.9-402~~)
23 62A.9A-502, a notice of lien in substantially the following form:

24 NOTICE OF LIEN

25 Pursuant to RCW 9A.82.120, the state of Washington
26 claims a criminal profiteering lien on all real and personal
27 property of:

28 Name:

29 Address:

30

31 State of Washington

32

33 By (authorized signature)

34 On receipt of such a notice from the state, a filing officer shall,
35 without payment of filing fee, file and index the notice as if it were

1 a financing statement naming the state as secured party and the
2 defendant as debtor.

3 (b) A criminal profiteering lien is perfected against interests in
4 real property by filing the lien in the office where a mortgage on the
5 real estate would be filed or recorded. The filing officer shall file
6 and index the criminal profiteering lien, without payment of a filing
7 fee, in the same manner as a mortgage.

8 (6) The filing of a criminal profiteering lien in accordance with
9 this section creates a lien in favor of the state in:

10 (a) Any interest of the defendant, in real property situated in the
11 county in which the lien is filed, then maintained, or thereafter
12 acquired in the name of the defendant identified in the lien;

13 (b) Any interest of the defendant, in personal property situated in
14 this state, then maintained or thereafter acquired in the name of the
15 defendant identified in the lien; and

16 (c) Any property identified in the lien to the extent of the
17 defendant's interest therein.

18 (7) The lien created in favor of the state in accordance with this
19 section, when filed or otherwise perfected as provided in subsection
20 (5) of this section, has, with respect to any of the property described
21 in subsection (6) of this section, the same priority determined
22 pursuant to the laws of this state as a mortgage or security interest
23 given for value (but not a purchase money security interest) and
24 perfected in the same manner with respect to such property; except that
25 any lien perfected pursuant to Title 60 RCW by any person who, in the
26 ordinary course of his business, furnishes labor, services, or
27 materials, or rents, leases, or otherwise supplies equipment, without
28 knowledge of the criminal profiteering lien, is superior to the
29 criminal profiteering lien.

30 (8) Upon entry of judgment in favor of the state, the state may
31 proceed to execute thereon as in the case of any other judgment, except
32 that in order to preserve the state's lien priority as provided in this
33 section the state shall, in addition to such other notice as is
34 required by law, give at least thirty days' notice of the execution to
35 any person possessing at the time the notice is given, an interest
36 recorded subsequent to the date the state's lien was perfected.

37 (9) Upon the entry of a final judgment in favor of the state

1 providing for forfeiture of property to the state, the title of the
2 state to the property:

3 (a) In the case of real property or a beneficial interest in real
4 property, relates back to the date of filing the criminal profiteering
5 lien or, if no criminal profiteering lien is filed, then to the date of
6 recording of the final judgment or the abstract thereof; or

7 (b) In the case of personal property or a beneficial interest in
8 personal property, relates back to the date the personal property was
9 seized by the state, or the date of filing of a criminal profiteering
10 lien in accordance with this section, whichever is earlier, but if the
11 property was not seized and no criminal profiteering lien was filed
12 then to the date the final judgment was filed with the department of
13 licensing and, if the personal property is an aircraft, with the
14 federal aviation administration.

15 (10) This section does not limit the right of the state to obtain
16 any order or injunction, receivership, writ, attachment, garnishment,
17 or other remedy authorized under RCW 9A.82.100 or appropriate to
18 protect the interests of the state or available under other applicable
19 law.

20 (11) In a civil or criminal action under this chapter, the superior
21 court shall provide for the protection of bona fide interests in
22 property, including community property, subject to liens of persons who
23 were not involved in the violation of this chapter, except to the
24 extent that such interests or property were acquired or used in such a
25 way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f).

26 **Sec. 12.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
27 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
28 s 4 are each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	<u>Felony Terrorism (section 3 of this act)</u> Homicide by abuse (RCW 9A.32.055)

1 Malicious explosion 1 (RCW
2 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 Unlawful Possession of a Weapon of
6 Mass Destruction (section 4 of this
7 act)
8 XIII Malicious explosion 2 (RCW
9 70.74.280(2))
10 Malicious placement of an explosive 1
11 (RCW 70.74.270(1))
12 XII Assault 1 (RCW 9A.36.011)
13 Assault of a Child 1 (RCW 9A.36.120)
14 Making Terrorist Threats 1 (section
15 5(1)(a) of this act)
16 Malicious placement of an imitation
17 device 1 (RCW 70.74.272(1)(a))
18 Rape 1 (RCW 9A.44.040)
19 Rape of a Child 1 (RCW 9A.44.073)
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Manufacture of methamphetamine
33 (RCW 69.50.401(a)(1)(ii))

1 Over 18 and deliver heroin,
2 methamphetamine, a narcotic
3 from Schedule I or II, or
4 flunitrazepam from Schedule IV
5 to someone under 18 (RCW
6 69.50.406)
7 Providing Material Support or
8 Resources to Terrorists (section 6
9 of this act)
10 Sexually Violent Predator Escape
11 (RCW 9A.76.115)
12 Unlawful Possession of False
13 Identification for Terrorist
14 Purposes (section 7 of this act)
15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Controlled Substance Homicide (RCW
17 69.50.415)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Hit and Run--Death (RCW
21 46.52.020(4)(a))
22 Homicide by Watercraft, by being
23 under the influence of intoxicating
24 liquor or any drug (RCW
25 79A.60.050)
26 Inciting Criminal Profiteering (RCW
27 9A.82.060(1)(b))
28 Malicious placement of an explosive 2
29 (RCW 70.74.270(2))
30 Over 18 and deliver narcotic from
31 Schedule III, IV, or V or a
32 nonnarcotic, except flunitrazepam
33 or methamphetamine, from
34 Schedule I-V to someone under 18
35 and 3 years junior (RCW
36 69.50.406)
37 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 Vehicular Homicide, by being under
3 the influence of intoxicating
4 liquor or any drug (RCW
5 46.61.520)
6 VIII Arson 1 (RCW 9A.48.020)
7 Deliver or possess with intent to
8 deliver methamphetamine (RCW
9 69.50.401(a)(1)(ii))
10 Homicide by Watercraft, by the
11 operation of any vessel in a
12 reckless manner (RCW
13 79A.60.050)
14 Manslaughter 2 (RCW 9A.32.070)
15 Manufacture, deliver, or possess with
16 intent to deliver amphetamine
17 (RCW 69.50.401(a)(1)(ii))
18 Manufacture, deliver, or possess with
19 intent to deliver heroin or cocaine
20 (when the offender has a criminal
21 history in this state or any other
22 state that includes a sex offense or
23 serious violent offense or the
24 Washington equivalent) (RCW
25 69.50.401(a)(1)(i))
26 Possession of Ephedrine or any of its
27 Salts or Isomers or Salts of
28 Isomers, Pseudoephedrine or any
29 of its Salts or Isomers or Salts of
30 Isomers, Pressurized Ammonia
31 Gas, or Pressurized Ammonia Gas
32 Solution with intent to
33 manufacture methamphetamine
34 (RCW 69.50.440)
35 Promoting Prostitution 1 (RCW
36 9A.88.070)

1 Selling for profit (controlled or
2 counterfeit) any controlled
3 substance (RCW 69.50.410)
4 Theft of Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation
6 of any vehicle in a reckless
7 manner (RCW 46.61.520)
8 VII Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor
13 engaged in sexually explicit
14 conduct (RCW 9.68A.050)
15 Drive-by Shooting (RCW 9A.36.045)
16 Homicide by Watercraft, by disregard
17 for the safety of others (RCW
18 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1)
21 (b) and (c))
22 Introducing Contraband 1 (RCW
23 9A.76.140)
24 Involving a minor in drug dealing
25 (RCW 69.50.401(f))
26 Malicious placement of an explosive 3
27 (RCW 70.74.270(3))
28 Manufacture, deliver, or possess with
29 intent to deliver heroin or cocaine
30 (except when the offender has a
31 criminal history in this state or
32 any other state that includes a sex
33 offense or serious violent offense
34 or the Washington equivalent)
35 (RCW 69.50.401(a)(1)(i))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW
4 9.68A.060)
5 Unlawful Possession of a Firearm in
6 the first degree (RCW
7 9.41.040(1)(a))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Manufacture, deliver, or possess with
24 intent to deliver narcotics from
25 Schedule I or II (except heroin or
26 cocaine) or flunitrazepam from
27 Schedule IV (RCW
28 69.50.401(a)(1)(i))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Unlawful Storage of Ammonia (RCW
32 69.55.020)
33 V Abandonment of dependent person 1
34 (RCW 9A.42.060)
35 Advancing money or property for
36 extortionate extension of credit
37 (RCW 9A.82.030)

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 1 (RCW
5 9A.42.020)
6 Custodial Sexual Misconduct 1 (RCW
7 9A.44.160)
8 Delivery of imitation controlled
9 substance by person eighteen or
10 over to person under eighteen
11 (RCW 69.52.030(2))
12 Domestic Violence Court Order
13 Violation (RCW 10.99.040,
14 10.99.050, 26.09.300, 26.10.220,
15 26.26.138, 26.50.110, 26.52.070,
16 or 74.34.145)
17 Extortion 1 (RCW 9A.56.120)
18 Extortionate Extension of Credit
19 (RCW 9A.82.020)
20 Extortionate Means to Collect
21 Extensions of Credit (RCW
22 9A.82.040)
23 Incest 2 (RCW 9A.64.020(2))
24 Kidnapping 2 (RCW 9A.40.030)
25 Perjury 1 (RCW 9A.72.020)
26 Persistent prison misbehavior (RCW
27 9.94.070)
28 Possession of a Stolen Firearm (RCW
29 9A.56.310)
30 Rape 3 (RCW 9A.44.060)
31 Rendering Criminal Assistance 1
32 (RCW 9A.76.070)
33 Sexual Misconduct with a Minor 1
34 (RCW 9A.44.093)
35 Sexually Violating Human Remains
36 (RCW 9A.44.105)
37 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without
2 Permission 1 (RCW
3 9A.56.070(1))
4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW
13 9A.68.060)
14 Counterfeiting (RCW 9.16.035(4))
15 Endangerment with a Controlled
16 Substance (RCW 9A.42.100)
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury (RCW
19 46.52.020(4)(b))
20 Hit and Run with Vessel--Injury
21 Accident (RCW 79A.60.200(3))
22 Identity Theft 1 (RCW 9.35.020(2)(a))
23 Indecent Exposure to Person Under
24 Age Fourteen (subsequent sex
25 offense) (RCW 9A.88.010)
26 Influencing Outcome of Sporting
27 Event (RCW 9A.82.070)
28 Knowingly Trafficking in Stolen
29 Property (RCW 9A.82.050(2))
30 Malicious Harassment (RCW
31 9A.36.080)

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, amphetamine,
6 methamphetamines, or
7 flunitrazepam) (RCW
8 69.50.401(a)(1) (iii) through (v))
9 Residential Burglary (RCW
10 9A.52.025)
11 Robbery 2 (RCW 9A.56.210)
12 Theft of Livestock 1 (RCW 9A.56.080)
13 Threats to Bomb (RCW 9.61.160)
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Abandonment of dependent person 2
25 (RCW 9A.42.070)
26 Assault 3 (RCW 9A.36.031)
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Criminal Mistreatment 2 (RCW
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Delivery of a material in lieu of a
3 controlled substance (RCW
4 69.50.401(c))
5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Maintaining a Dwelling or Place for
13 Controlled Substances (RCW
14 69.50.402(a)(6))
15 Malicious Injury to Railroad Property
16 (RCW 81.60.070)
17 Manufacture, deliver, or possess with
18 intent to deliver marijuana (RCW
19 69.50.401(a)(1)(iii))
20 Manufacture, distribute, or possess
21 with intent to distribute an
22 imitation controlled substance
23 (RCW 69.52.030(1))
24 Patronizing a Juvenile Prostitute
25 (RCW 9.68A.100)
26 Perjury 2 (RCW 9A.72.030)
27 Possession of Incendiary Device (RCW
28 9.40.120)
29 Possession of Machine Gun or Short-
30 Barreled Shotgun or Rifle (RCW
31 9.41.190)
32 Promoting Prostitution 2 (RCW
33 9A.88.080)
34 Recklessly Trafficking in Stolen
35 Property (RCW 9A.82.050(1))
36 Securities Act violation (RCW
37 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death)
5 (RCW 9.61.230)
6 Theft of Livestock 2 (RCW 9A.56.080)
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful possession of firearm in the
10 second degree (RCW
11 9.41.040(1)(b))
12 Unlawful Use of Building for Drug
13 Purposes (RCW 69.53.010)
14 Vehicular Assault, by the operation or
15 driving of a vehicle with disregard
16 for the safety of others (RCW
17 46.61.522)
18 Willful Failure to Return from Work
19 Release (RCW 72.65.070)
20 II Computer Trespass 1 (RCW
21 9A.52.110)
22 Counterfeiting (RCW 9.16.035(3))
23 Create, deliver, or possess a counterfeit
24 controlled substance (RCW
25 69.50.401(b))
26 Escape from Community Custody
27 (RCW 72.09.310)
28 Health Care False Claims (RCW
29 48.80.030)
30 Identity Theft 2 (RCW 9.35.020(2)(b))
31 Improperly Obtaining Financial
32 Information (RCW 9.35.010)
33 Malicious Mischief 1 (RCW
34 9A.48.070)

1 Possession of controlled substance that
2 is either heroin or narcotics from
3 Schedule I or II or flunitrazepam
4 from Schedule IV (RCW
5 69.50.401(d))
6 Possession of phencyclidine (PCP)
7 (RCW 69.50.401(d))
8 Possession of Stolen Property 1 (RCW
9 9A.56.150)
10 Theft 1 (RCW 9A.56.030)
11 Theft of Rental, Leased, or Lease-
12 purchased Property (valued at one
13 thousand five hundred dollars or
14 more) (RCW 9A.56.096(4))
15 Trafficking in Insurance Claims (RCW
16 48.30A.015)
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlicensed Practice of a Profession or
20 Business (RCW 18.130.190(7))
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forged Prescription (RCW 69.41.020)
26 Forged Prescription for a Controlled
27 Substance (RCW 69.50.403)
28 Forgery (RCW 9A.60.020)
29 Malicious Mischief 2 (RCW
30 9A.48.080)
31 Possess Controlled Substance that is a
32 Narcotic from Schedule III, IV, or
33 V or Non-narcotic from Schedule
34 I-V (except phencyclidine or
35 flunitrazepam) (RCW
36 69.50.401(d))

1 Possession of Stolen Property 2 (RCW
 2 9A.56.160)
 3 Reckless Burning 1 (RCW 9A.48.040)
 4 Taking Motor Vehicle Without
 5 Permission 2 (RCW
 6 9A.56.070(2))
 7 Theft 2 (RCW 9A.56.040)
 8 Theft of Rental, Leased, or Lease-
 9 purchased Property (valued at two
 10 hundred fifty dollars or more but
 11 less than one thousand five
 12 hundred dollars) (RCW
 13 9A.56.096(4))
 14 Unlawful Issuance of Checks or Drafts
 15 (RCW 9A.56.060)
 16 Unlawful Use of Food Stamps (RCW
 17 9.91.140 (2) and (3))
 18 Vehicle Prowl 1 (RCW 9A.52.095)

19 **Sec. 13.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
 20 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
 21 s 4 are each reenacted and amended to read as follows:

22 TABLE 2
 23 CRIMES INCLUDED WITHIN
 24 EACH SERIOUSNESS LEVEL

25	XVI	Aggravated Murder 1 (RCW
26		10.95.020)
27	XV	<u>Felony Terrorism (section 3 of this act)</u>
28		Homicide by abuse (RCW 9A.32.055)
29		Malicious explosion 1 (RCW
30		70.74.280(1))
31		Murder 1 (RCW 9A.32.030)
32	XIV	Murder 2 (RCW 9A.32.050)
33		<u>Unlawful Possession of a Weapon of</u>
34		<u>Mass Destruction (section 4 of this</u>
35		<u>act)</u>

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Making Terrorist Threats 1 (section
8 5(1)(a) of this act)
9 Malicious placement of an imitation
10 device 1 (RCW 70.74.272(1)(a))
11 Rape 1 (RCW 9A.44.040)
12 Rape of a Child 1 (RCW 9A.44.073)
13 XI Manslaughter 1 (RCW 9A.32.060)
14 Rape 2 (RCW 9A.44.050)
15 Rape of a Child 2 (RCW 9A.44.076)
16 X Child Molestation 1 (RCW 9A.44.083)
17 Indecent Liberties (with forcible
18 compulsion) (RCW
19 9A.44.100(1)(a))
20 Kidnapping 1 (RCW 9A.40.020)
21 Leading Organized Crime (RCW
22 9A.82.060(1)(a))
23 Malicious explosion 3 (RCW
24 70.74.280(3))
25 Providing Material Support or
26 Resources to Terrorists (section 6
27 of this act)
28 Sexually Violent Predator Escape
29 (RCW 9A.76.115)
30 Unlawful Possession of False
31 Identification for Terrorist
32 Purposes (section 7 of this act)
33 IX Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)
36 Hit and Run--Death (RCW
37 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating
13 liquor or any drug (RCW
14 46.61.520)
15 VIII Arson 1 (RCW 9A.48.020)
16 Homicide by Watercraft, by the
17 operation of any vessel in a
18 reckless manner (RCW
19 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct (RCW
11 9.68A.060)
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1)(a))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW
25 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Rape of a Child 3 (RCW 9A.44.079)
31 Theft of a Firearm (RCW 9A.56.300)
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of dependent person 1
35 (RCW 9A.42.060)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)
4 Bail Jumping with class A Felony
5 (RCW 9A.76.170(3)(b))
6 Child Molestation 3 (RCW 9A.44.089)
7 Criminal Mistreatment 1 (RCW
8 9A.42.020)
9 Custodial Sexual Misconduct 1 (RCW
10 9A.44.160)
11 Domestic Violence Court Order
12 Violation (RCW 10.99.040,
13 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070,
15 or 74.34.145)
16 Extortion 1 (RCW 9A.56.120)
17 Extortionate Extension of Credit
18 (RCW 9A.82.020)
19 Extortionate Means to Collect
20 Extensions of Credit (RCW
21 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 Perjury 1 (RCW 9A.72.020)
25 Persistent prison misbehavior (RCW
26 9.94.070)
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1
31 (RCW 9A.76.070)
32 Sexual Misconduct with a Minor 1
33 (RCW 9A.44.093)
34 Sexually Violating Human Remains
35 (RCW 9A.44.105)
36 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without
2 Permission 1 (RCW
3 9A.56.070(1))
4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW
13 9A.68.060)
14 Counterfeiting (RCW 9.16.035(4))
15 Endangerment with a Controlled
16 Substance (RCW 9A.42.100)
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury (RCW
19 46.52.020(4)(b))
20 Hit and Run with Vessel--Injury
21 Accident (RCW 79A.60.200(3))
22 Identity Theft 1 (RCW 9.35.020(2)(a))
23 Indecent Exposure to Person Under
24 Age Fourteen (subsequent sex
25 offense) (RCW 9A.88.010)
26 Influencing Outcome of Sporting
27 Event (RCW 9A.82.070)
28 Knowingly Trafficking in Stolen
29 Property (RCW 9A.82.050(2))
30 Malicious Harassment (RCW
31 9A.36.080)
32 Residential Burglary (RCW
33 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522)
9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)
11 III Abandonment of dependent person 2
12 (RCW 9A.42.070)
13 Assault 3 (RCW 9A.36.031)
14 Assault of a Child 3 (RCW 9A.36.140)
15 Bail Jumping with class B or C Felony
16 (RCW 9A.76.170(3)(c))
17 Burglary 2 (RCW 9A.52.030)
18 Communication with a Minor for
19 Immoral Purposes (RCW
20 9.68A.090)
21 Criminal Gang Intimidation (RCW
22 9A.46.120)
23 Criminal Mistreatment 2 (RCW
24 9A.42.030)
25 Custodial Assault (RCW 9A.36.100)
26 Escape 2 (RCW 9A.76.120)
27 Extortion 2 (RCW 9A.56.130)
28 Harassment (RCW 9A.46.020)
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Introducing Contraband 2 (RCW
32 9A.76.150)
33 Malicious Injury to Railroad Property
34 (RCW 81.60.070)
35 Patronizing a Juvenile Prostitute
36 (RCW 9.68A.100)
37 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 Recklessly Trafficking in Stolen
9 Property (RCW 9A.82.050(1))
10 Securities Act violation (RCW
11 21.20.400)
12 Tampering with a Witness (RCW
13 9A.72.120)
14 Telephone Harassment (subsequent
15 conviction or threat of death)
16 (RCW 9.61.230)
17 Theft of Livestock 2 (RCW 9A.56.080)
18 Unlawful Imprisonment (RCW
19 9A.40.040)
20 Unlawful possession of firearm in the
21 second degree (RCW
22 9.41.040(1)(b))
23 Vehicular Assault, by the operation or
24 driving of a vehicle with disregard
25 for the safety of others (RCW
26 46.61.522)
27 Willful Failure to Return from Work
28 Release (RCW 72.65.070)
29 II Computer Trespass 1 (RCW
30 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Escape from Community Custody
33 (RCW 72.09.310)
34 Health Care False Claims (RCW
35 48.80.030)
36 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial
2 Information (RCW 9.35.010)
3 Malicious Mischief 1 (RCW
4 9A.48.070)
5 Possession of Stolen Property 1 (RCW
6 9A.56.150)
7 Theft 1 (RCW 9A.56.030)
8 Theft of Rental, Leased, or Lease-
9 purchased Property (valued at one
10 thousand five hundred dollars or
11 more) (RCW 9A.56.096(4))
12 Trafficking in Insurance Claims (RCW
13 48.30A.015)
14 Unlawful Practice of Law (RCW
15 2.48.180)
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 I Attempting to Elude a Pursuing Police
19 Vehicle (RCW 46.61.024)
20 False Verification for Welfare (RCW
21 74.08.055)
22 Forgery (RCW 9A.60.020)
23 Malicious Mischief 2 (RCW
24 9A.48.080)
25 Possession of Stolen Property 2 (RCW
26 9A.56.160)
27 Reckless Burning 1 (RCW 9A.48.040)
28 Taking Motor Vehicle Without
29 Permission 2 (RCW
30 9A.56.070(2))
31 Theft 2 (RCW 9A.56.040)
32 Theft of Rental, Leased, or Lease-
33 purchased Property (valued at two
34 hundred fifty dollars or more but
35 less than one thousand five
36 hundred dollars) (RCW
37 9A.56.096(4))

1 Unlawful Issuance of Checks or Drafts
 2 (RCW 9A.56.060)
 3 Unlawful Use of Food Stamps (RCW
 4 9.91.140 (2) and (3))
 5 Vehicle Prowl 1 (RCW 9A.52.095)

6 **Sec. 14.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are
 7 each reenacted and amended to read as follows:

8 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
9	JUVENILE	CATEGORY FOR
10	DISPOSITION	ATTEMPT, BAILJUMP,
11	OFFENSE	CONSPIRACY, OR
12	CATEGORY	SOLICITATION
13	DESCRIPTION (RCW CITATION)	
14	

15 **Arson and Malicious Mischief**

16	A	Arson 1 (9A.48.020)	B+
17	B	Arson 2 (9A.48.030)	C
18	C	Reckless Burning 1 (9A.48.040)	D
19	D	Reckless Burning 2 (9A.48.050)	E
20	B	Malicious Mischief 1 (9A.48.070)	C
21	C	Malicious Mischief 2 (9A.48.080)	D
22	D	Malicious Mischief 3 (<\$50 is E class)	
23		(9A.48.090)	E
24	E	Tampering with Fire Alarm Apparatus	
25		(9.40.100)	E
26	A	Possession of Incendiary Device (9.40.120)	B+

27 **Assault and Other Crimes Involving**

28 **Physical Harm**

29	A	Assault 1 (9A.36.011)	B+
30	B+	Assault 2 (9A.36.021)	C+
31	C+	Assault 3 (9A.36.031)	D+
32	D+	Assault 4 (9A.36.041)	E
33	B+	Drive-By Shooting (9A.36.045)	C+
34	D+	Reckless Endangerment (9A.36.050)	E

1	C+	Promoting Suicide Attempt (9A.36.060)	D+
2	D+	Coercion (9A.36.070)	E
3	C+	Custodial Assault (9A.36.100)	D+
4		Burglary and Trespass	
5	B+	Burglary 1 (9A.52.020)	C+
6	B	Residential Burglary (9A.52.025)	C
7	B	Burglary 2 (9A.52.030)	C
8	D	Burglary Tools (Possession of) (9A.52.060)	E
9	D	Criminal Trespass 1 (9A.52.070)	E
10	E	Criminal Trespass 2 (9A.52.080)	E
11	C	Vehicle Prowling 1 (9A.52.095)	D
12	D	Vehicle Prowling 2 (9A.52.100)	E
13		Drugs	
14	E	Possession/Consumption of Alcohol	
15		(66.44.270)	E
16	C	Illegally Obtaining Legend Drug	
17		(69.41.020)	D
18	C+	Sale, Delivery, Possession of Legend Drug	
19		with Intent to Sell (69.41.030)	D+
20	E	Possession of Legend Drug (69.41.030)	E
21	B+	Violation of Uniform Controlled	
22		Substances Act - Narcotic,	
23		Methamphetamine, or Flunitrazepam Sale	
24		(69.50.401(a)(1) (i) or (ii))	B+
25	C	Violation of Uniform Controlled	
26		Substances Act - Nonnarcotic Sale	
27		(69.50.401(a)(1)(iii))	C
28	E	Possession of Marihuana <40 grams	
29		(69.50.401(e))	E
30	C	Fraudulently Obtaining Controlled	
31		Substance (69.50.403)	C
32	C+	Sale of Controlled Substance for Profit	
33		(69.50.410)	C+
34	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.401(b)(1) (i)	
5		or (ii))	B
6	C	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
9	C	Violation of Uniform Controlled	
10		Substances Act - Possession of a Controlled	
11		Substance (69.50.401(d))	C
12	C	Violation of Uniform Controlled	
13		Substances Act - Possession of a Controlled	
14		Substance (69.50.401(c))	C
15		Firearms and Weapons	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm (9A.56.310)	C
18	E	Carrying Loaded Pistol Without Permit	
19		(9.41.050)	E
20	C	Possession of Firearms by Minor (<18)	
21		(9.41.040(1)(b)(iii))	C
22	D+	Possession of Dangerous Weapon	
23		(9.41.250)	E
24	D	Intimidating Another Person by use of	
25		Weapon (9.41.270)	E
26		Homicide	
27	A+	Murder 1 (9A.32.030)	A
28	A+	Murder 2 (9A.32.050)	B+
29	B+	Manslaughter 1 (9A.32.060)	C+
30	C+	Manslaughter 2 (9A.32.070)	D+
31	B+	Vehicular Homicide (46.61.520)	C+
32		Kidnapping	
33	A	Kidnap 1 (9A.40.020)	B+
34	B+	Kidnap 2 (9A.40.030)	C+
35	C+	Unlawful Imprisonment (9A.40.040)	D+
36		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer	
2		(9A.76.020)	E
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		Public Disturbance	
10	C+	Riot with Weapon (9A.84.010)	D+
11	D+	Riot Without Weapon (9A.84.010)	E
12	E	Failure to Disperse (9A.84.020)	E
13	E	Disorderly Conduct (9A.84.030)	E
14		Sex Crimes	
15	A	Rape 1 (9A.44.040)	B+
16	A-	Rape 2 (9A.44.050)	B+
17	C+	Rape 3 (9A.44.060)	D+
18	A-	Rape of a Child 1 (9A.44.073)	B+
19	B+	Rape of a Child 2 (9A.44.076)	C+
20	B	Incest 1 (9A.64.020(1))	C
21	C	Incest 2 (9A.64.020(2))	D
22	D+	Indecent Exposure (Victim <14)	
23		(9A.88.010)	E
24	E	Indecent Exposure (Victim 14 or over)	
25		(9A.88.010)	E
26	B+	Promoting Prostitution 1 (9A.88.070)	C+
27	C+	Promoting Prostitution 2 (9A.88.080)	D+
28	E	O & A (Prostitution) (9A.88.030)	E
29	B+	Indecent Liberties (9A.44.100)	C+
30	A-	Child Molestation 1 (9A.44.083)	B+
31	B	Child Molestation 2 (9A.44.086)	C+
32		<u>Terrorism</u>	
33	A	<u>Felony Terrorism (section 3 of this act)</u>	<u>B+</u>
34	<u>B+</u>	<u>Unlawful Possession of a Weapon of Mass</u>	
35		<u>Destruction (section 4 of this act)</u>	<u>C+</u>

1	<u>B</u>	<u>Making Terrorist Threats 1 (section 5(1)(a)</u>	
2		<u>of this act)</u>	<u>C</u>
3	<u>C+</u>	<u>Providing Material Support or Resources to</u>	
4		<u>Terrorists (section 6 of this act)</u>	<u>D+</u>
5	<u>C</u>	<u>Unlawful Possession of False Identification</u>	
6		<u>for Terrorist Purposes (section 7 of this act)</u>	<u>D</u>
7	<u>D+</u>	<u>Making Terrorist Threats 2 (section 5(1)(b)</u>	
8		<u>of this act)</u>	<u>E</u>
9		Theft, Robbery, Extortion, and Forgery	
10	B	Theft 1 (9A.56.030)	C
11	C	Theft 2 (9A.56.040)	D
12	D	Theft 3 (9A.56.050)	E
13	B	Theft of Livestock (9A.56.080)	C
14	C	Forgery (9A.60.020)	D
15	A	Robbery 1 (9A.56.200)	B+
16	B+	Robbery 2 (9A.56.210)	C+
17	B+	Extortion 1 (9A.56.120)	C+
18	C+	Extortion 2 (9A.56.130)	D+
19	C	Identity Theft 1 (9.35.020(2)(a))	D
20	D	Identity Theft 2 (9.35.020(2)(b))	E
21	D	Improperly Obtaining Financial	
22		Information (9.35.010)	E
23	B	Possession of Stolen Property 1	
24		(9A.56.150)	C
25	C	Possession of Stolen Property 2	
26		(9A.56.160)	D
27	D	Possession of Stolen Property 3	
28		(9A.56.170)	E
29	C	Taking Motor Vehicle Without Permission	
30		1 and 2 (9A.56.070 (1) and (2))	D
31		Motor Vehicle Related Crimes	
32	E	Driving Without a License (46.20.005)	E
33	B+	Hit and Run - Death (46.52.020(4)(a))	C+
34	C	Hit and Run - Injury (46.52.020(4)(b))	D
35	D	Hit and Run-Attended (46.52.020(5))	E
36	E	Hit and Run-Unattended (46.52.010)	E
37	C	Vehicular Assault (46.61.522)	D

1	C	Attempting to Elude Pursuing Police	
2		Vehicle (46.61.024)	D
3	E	Reckless Driving (46.61.500)	E
4	D	Driving While Under the Influence	
5		(46.61.502 and 46.61.504)	E
6		Other	
7	B	Bomb Threat (9.61.160)	C
8	C	Escape 1 ¹ (9A.76.110)	C
9	C	Escape 2 ¹ (9A.76.120)	C
10	D	Escape 3 (9A.76.130)	E
11	E	Obscene, Harassing, Etc., Phone Calls	
12		(9.61.230)	E
13	A	Other Offense Equivalent to an Adult Class	
14		A Felony	B+
15	B	Other Offense Equivalent to an Adult Class	
16		B Felony	C
17	C	Other Offense Equivalent to an Adult Class	
18		C Felony	D
19	D	Other Offense Equivalent to an Adult	
20		Gross Misdemeanor	E
21	E	Other Offense Equivalent to an Adult	
22		Misdemeanor	E
23	V	Violation of Order of Restitution,	
24		Community Supervision, or Confinement	
25		(13.40.200) ²	V

26 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
27 and the standard range is established as follows:

28 1st escape or attempted escape during 12-month period - 4 weeks
29 confinement

30 2nd escape or attempted escape during 12-month period - 8 weeks
31 confinement

32 3rd and subsequent escape or attempted escape during 12-month
33 period - 12 weeks confinement

34 ²If the court finds that a respondent has violated terms of an order,
35 it may impose a penalty of up to 30 days of confinement.

36 **JUVENILE SENTENCING STANDARDS**

1 This schedule must be used for juvenile offenders. The court may
 2 select sentencing option A, B, or C.

3
 4 **OPTION A**
 5 **JUVENILE OFFENDER SENTENCING GRID**
 6 **STANDARD RANGE**

7
 8 A+ 180 WEEKS TO AGE 21 YEARS

9
 10 A 103 WEEKS TO 129 WEEKS

11	A-	15-36	52-65	80-100	103-129
12		WEEKS	WEEKS	WEEKS	WEEKS
13		EXCEPT			
14		30-40			
15		WEEKS FOR			
16		15-17			
17		YEAR OLDS			

18	Current	B+	15-36	52-65	80-100	103-129
19	Offense		WEEKS	WEEKS	WEEKS	WEEKS

20 Category

21	B	LOCAL			52-65
22		SANCTIONS (LS)	15-36 WEEKS		WEEKS

23	C+	LS			
24				15-36 WEEKS	

25	C	LS			15-36 WEEKS
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26 Local Sanctions:

27 0 to 30 Days

28 D+ LS 0 to 12 Months Community Supervision

29 0 to 150 Hours Community Restitution

30 D LS \$0 to \$500 Fine

31 E LS

32
 33
 34
 35
 36 0 1 2 3 4
 37 or more

38 PRIOR ADJUDICATIONS

39 NOTE: References in the grid to days or weeks mean periods of
 40 confinement.

41 (1) The vertical axis of the grid is the current offense category.

1 The current offense category is determined by the offense of
2 adjudication.

3 (2) The horizontal axis of the grid is the number of prior
4 adjudications included in the juvenile's criminal history. Each prior
5 felony adjudication shall count as one point. Each prior violation,
6 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
7 point. Fractional points shall be rounded down.

8 (3) The standard range disposition for each offense is determined
9 by the intersection of the column defined by the prior adjudications
10 and the row defined by the current offense category.

11 (4) RCW 13.40.180 applies if the offender is being sentenced for
12 more than one offense.

13 (5) A current offense that is a violation is equivalent to an
14 offense category of E. However, a disposition for a violation shall
15 not include confinement.

16 OR

17 OPTION B

18 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

19 If the juvenile offender is subject to a standard range disposition
20 of local sanctions or 15 to 36 weeks of confinement and has not
21 committed an A- or B+ offense, the court may impose a disposition
22 under RCW 13.40.160(4) and 13.40.165.

23 OR

24 OPTION C

25 MANIFEST INJUSTICE

26 If the court determines that a disposition under option A or B would
27 effectuate a manifest injustice, the court shall impose a disposition
28 outside the standard range under RCW 13.40.160(2).

29 **Sec. 15.** RCW 9.94A.030 and 2002 c 175 s 5 and 2002 c 107 s 2 are
30 each reenacted and amended to read as follows:

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Board" means the indeterminate sentence review board created
34 under chapter 9.95 RCW.

1 (2) "Collect," or any derivative thereof, "collect and remit," or
2 "collect and deliver," when used with reference to the department,
3 means that the department, either directly or through a collection
4 agreement authorized by RCW 9.94A.760, is responsible for monitoring
5 and enforcing the offender's sentence with regard to the legal
6 financial obligation, receiving payment thereof from the offender, and,
7 consistent with current law, delivering daily the entire payment to the
8 superior court clerk without depositing it in a departmental account.

9 (3) "Commission" means the sentencing guidelines commission.

10 (4) "Community corrections officer" means an employee of the
11 department who is responsible for carrying out specific duties in
12 supervision of sentenced offenders and monitoring of sentence
13 conditions.

14 (5) "Community custody" means that portion of an offender's
15 sentence of confinement in lieu of earned release time or imposed
16 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
17 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
18 community subject to controls placed on the offender's movement and
19 activities by the department. For offenders placed on community
20 custody for crimes committed on or after July 1, 2000, the department
21 shall assess the offender's risk of reoffense and may establish and
22 modify conditions of community custody, in addition to those imposed by
23 the court, based upon the risk to community safety.

24 (6) "Community custody range" means the minimum and maximum period
25 of community custody included as part of a sentence under RCW
26 9.94A.715, as established by the commission or the legislature under
27 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

28 (7) "Community placement" means that period during which the
29 offender is subject to the conditions of community custody and/or
30 postrelease supervision, which begins either upon completion of the
31 term of confinement (postrelease supervision) or at such time as the
32 offender is transferred to community custody in lieu of earned release.
33 Community placement may consist of entirely community custody, entirely
34 postrelease supervision, or a combination of the two.

35 (8) "Community restitution" means compulsory service, without
36 compensation, performed for the benefit of the community by the
37 offender.

1 (9) "Community supervision" means a period of time during which a
2 convicted offender is subject to crime-related prohibitions and other
3 sentence conditions imposed by a court pursuant to this chapter or RCW
4 16.52.200(6) or 46.61.524. Where the court finds that any offender has
5 a chemical dependency that has contributed to his or her offense, the
6 conditions of supervision may, subject to available resources, include
7 treatment. For purposes of the interstate compact for out-of-state
8 supervision of parolees and probationers, RCW 9.95.270, community
9 supervision is the functional equivalent of probation and should be
10 considered the same as probation by other states.

11 (10) "Confinement" means total or partial confinement.

12 (11) "Conviction" means an adjudication of guilt pursuant to Titles
13 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
14 acceptance of a plea of guilty.

15 (12) "Crime-related prohibition" means an order of a court
16 prohibiting conduct that directly relates to the circumstances of the
17 crime for which the offender has been convicted, and shall not be
18 construed to mean orders directing an offender affirmatively to
19 participate in rehabilitative programs or to otherwise perform
20 affirmative conduct. However, affirmative acts necessary to monitor
21 compliance with the order of a court may be required by the department.

22 (13) "Criminal history" means the list of a defendant's prior
23 convictions and juvenile adjudications, whether in this state, in
24 federal court, or elsewhere.

25 (a) The history shall include, where known, for each conviction (i)
26 whether the defendant has been placed on probation and the length and
27 terms thereof; and (ii) whether the defendant has been incarcerated and
28 the length of incarceration.

29 (b) A conviction may be removed from a defendant's criminal history
30 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
31 a similar out-of-state statute, or if the conviction has been vacated
32 pursuant to a governor's pardon.

33 (c) The determination of a defendant's criminal history is distinct
34 from the determination of an offender score. A prior conviction that
35 was not included in an offender score calculated pursuant to a former
36 version of the sentencing reform act remains part of the defendant's
37 criminal history.

1 (14) "Day fine" means a fine imposed by the sentencing court that
2 equals the difference between the offender's net daily income and the
3 reasonable obligations that the offender has for the support of the
4 offender and any dependents.

5 (15) "Day reporting" means a program of enhanced supervision
6 designed to monitor the offender's daily activities and compliance with
7 sentence conditions, and in which the offender is required to report
8 daily to a specific location designated by the department or the
9 sentencing court.

10 (16) "Department" means the department of corrections.

11 (17) "Determinate sentence" means a sentence that states with
12 exactitude the number of actual years, months, or days of total
13 confinement, of partial confinement, of community supervision, the
14 number of actual hours or days of community restitution work, or
15 dollars or terms of a legal financial obligation. The fact that an
16 offender through earned release can reduce the actual period of
17 confinement shall not affect the classification of the sentence as a
18 determinate sentence.

19 (18) "Disposable earnings" means that part of the earnings of an
20 offender remaining after the deduction from those earnings of any
21 amount required by law to be withheld. For the purposes of this
22 definition, "earnings" means compensation paid or payable for personal
23 services, whether denominated as wages, salary, commission, bonuses, or
24 otherwise, and, notwithstanding any other provision of law making the
25 payments exempt from garnishment, attachment, or other process to
26 satisfy a court-ordered legal financial obligation, specifically
27 includes periodic payments pursuant to pension or retirement programs,
28 or insurance policies of any type, but does not include payments made
29 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
30 or Title 74 RCW.

31 (19) "Drug offender sentencing alternative" is a sentencing option
32 available to persons convicted of a felony offense other than a violent
33 offense or a sex offense and who are eligible for the option under RCW
34 9.94A.660.

35 (20) "Drug offense" means:

36 (a) Any felony violation of chapter 69.50 RCW except possession of
37 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
38 controlled substance (RCW 69.50.403);

1 (b) Any offense defined as a felony under federal law that relates
2 to the possession, manufacture, distribution, or transportation of a
3 controlled substance; or

4 (c) Any out-of-state conviction for an offense that under the laws
5 of this state would be a felony classified as a drug offense under (a)
6 of this subsection.

7 (21) "Earned release" means earned release from confinement as
8 provided in RCW 9.94A.728.

9 (22) "Escape" means:

10 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
11 first degree (RCW 9A.76.110), escape in the second degree (RCW
12 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
13 willful failure to return from work release (RCW 72.65.070), or willful
14 failure to be available for supervision by the department while in
15 community custody (RCW 72.09.310); or

16 (b) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as an escape
18 under (a) of this subsection.

19 (23) "Felony traffic offense" means:

20 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
21 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
22 and-run injury-accident (RCW 46.52.020(4)); or

23 (b) Any federal or out-of-state conviction for an offense that
24 under the laws of this state would be a felony classified as a felony
25 traffic offense under (a) of this subsection.

26 (24) "Fine" means a specific sum of money ordered by the sentencing
27 court to be paid by the offender to the court over a specific period of
28 time.

29 (25) "First-time offender" means any person who has no prior
30 convictions for a felony and is eligible for the first-time offender
31 waiver under RCW 9.94A.650.

32 (26) "Home detention" means a program of partial confinement
33 available to offenders wherein the offender is confined in a private
34 residence subject to electronic surveillance.

35 (27) "Legal financial obligation" means a sum of money that is
36 ordered by a superior court of the state of Washington for legal
37 financial obligations which may include restitution to the victim,
38 statutorily imposed crime victims' compensation fees as assessed

1 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
2 court-appointed attorneys' fees, and costs of defense, fines, and any
3 other financial obligation that is assessed to the offender as a result
4 of a felony conviction. Upon conviction for vehicular assault while
5 under the influence of intoxicating liquor or any drug, RCW
6 46.61.522(1)(b), or vehicular homicide while under the influence of
7 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
8 obligations may also include payment to a public agency of the expense
9 of an emergency response to the incident resulting in the conviction,
10 subject to RCW 38.52.430.

11 (28) "Most serious offense" means any of the following felonies or
12 a felony attempt to commit any of the following felonies:

13 (a) Any felony defined under any law as a class A felony or
14 criminal solicitation of or criminal conspiracy to commit a class A
15 felony;

16 (b) Assault in the second degree;

17 (c) Assault of a child in the second degree;

18 (d) Child molestation in the second degree;

19 (e) Controlled substance homicide;

20 (f) Extortion in the first degree;

21 (g) Incest when committed against a child under age fourteen;

22 (h) Indecent liberties;

23 (i) Kidnapping in the second degree;

24 (j) Leading organized crime;

25 (k) Manslaughter in the first degree;

26 (l) Manslaughter in the second degree;

27 (m) Promoting prostitution in the first degree;

28 (n) Rape in the third degree;

29 (o) Robbery in the second degree;

30 (p) Sexual exploitation;

31 (q) Vehicular assault, when caused by the operation or driving of
32 a vehicle by a person while under the influence of intoxicating liquor
33 or any drug or by the operation or driving of a vehicle in a reckless
34 manner;

35 (r) Vehicular homicide, when proximately caused by the driving of
36 any vehicle by any person while under the influence of intoxicating
37 liquor or any drug as defined by RCW 46.61.502, or by the operation of
38 any vehicle in a reckless manner;

1 (s) Any other class B felony offense with a finding of sexual
2 motivation;

3 (t) Any other felony with a deadly weapon verdict under RCW
4 9.94A.602;

5 (u) Any felony offense in effect at any time prior to December 2,
6 1993, that is comparable to a most serious offense under this
7 subsection, or any federal or out-of-state conviction for an offense
8 that under the laws of this state would be a felony classified as a
9 most serious offense under this subsection;

10 (v)(i) A prior conviction for indecent liberties under RCW
11 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
12 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
13 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
14 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

15 (ii) A prior conviction for indecent liberties under RCW
16 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
17 if: (A) The crime was committed against a child under the age of
18 fourteen; or (B) the relationship between the victim and perpetrator is
19 included in the definition of indecent liberties under RCW
20 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
21 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
22 through July 27, 1997.

23 (29) "Nonviolent offense" means an offense which is not a violent
24 offense.

25 (30) "Offender" means a person who has committed a felony
26 established by state law and is eighteen years of age or older or is
27 less than eighteen years of age but whose case is under superior court
28 jurisdiction under RCW 13.04.030 or has been transferred by the
29 appropriate juvenile court to a criminal court pursuant to RCW
30 13.40.110. Throughout this chapter, the terms "offender" and
31 "defendant" are used interchangeably.

32 (31) "Partial confinement" means confinement for no more than one
33 year in a facility or institution operated or utilized under contract
34 by the state or any other unit of government, or, if home detention or
35 work crew has been ordered by the court, in an approved residence, for
36 a substantial portion of each day with the balance of the day spent in
37 the community. Partial confinement includes work release, home

1 detention, work crew, and a combination of work crew and home
2 detention.

3 (32) "Persistent offender" is an offender who:

4 (a)(i) Has been convicted in this state of any felony considered a
5 most serious offense; and

6 (ii) Has, before the commission of the offense under (a) of this
7 subsection, been convicted as an offender on at least two separate
8 occasions, whether in this state or elsewhere, of felonies that under
9 the laws of this state would be considered most serious offenses and
10 would be included in the offender score under RCW 9.94A.525; provided
11 that of the two or more previous convictions, at least one conviction
12 must have occurred before the commission of any of the other most
13 serious offenses for which the offender was previously convicted; or

14 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
15 of a child in the first degree, child molestation in the first degree,
16 rape in the second degree, rape of a child in the second degree, or
17 indecent liberties by forcible compulsion; (B) any of the following
18 offenses with a finding of sexual motivation: Murder in the first
19 degree, murder in the second degree, homicide by abuse, kidnapping in
20 the first degree, kidnapping in the second degree, assault in the first
21 degree, assault in the second degree, assault of a child in the first
22 degree, or burglary in the first degree; or (C) an attempt to commit
23 any crime listed in this subsection (32)(b)(i); and

24 (ii) Has, before the commission of the offense under (b)(i) of this
25 subsection, been convicted as an offender on at least one occasion,
26 whether in this state or elsewhere, of an offense listed in (b)(i) of
27 this subsection or any federal or out-of-state offense or offense under
28 prior Washington law that is comparable to the offenses listed in
29 (b)(i) of this subsection. A conviction for rape of a child in the
30 first degree constitutes a conviction under (b)(i) of this subsection
31 only when the offender was sixteen years of age or older when the
32 offender committed the offense. A conviction for rape of a child in
33 the second degree constitutes a conviction under (b)(i) of this
34 subsection only when the offender was eighteen years of age or older
35 when the offender committed the offense.

36 (33) "Postrelease supervision" is that portion of an offender's
37 community placement that is not community custody.

1 (34) "Restitution" means a specific sum of money ordered by the
2 sentencing court to be paid by the offender to the court over a
3 specified period of time as payment of damages. The sum may include
4 both public and private costs.

5 (35) "Risk assessment" means the application of an objective
6 instrument supported by research and adopted by the department for the
7 purpose of assessing an offender's risk of reoffense, taking into
8 consideration the nature of the harm done by the offender, place and
9 circumstances of the offender related to risk, the offender's
10 relationship to any victim, and any information provided to the
11 department by victims. The results of a risk assessment shall not be
12 based on unconfirmed or unconfirmable allegations.

13 (36) "Serious traffic offense" means:

14 (a) Driving while under the influence of intoxicating liquor or any
15 drug (RCW 46.61.502), actual physical control while under the influence
16 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
17 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
18 or

19 (b) Any federal, out-of-state, county, or municipal conviction for
20 an offense that under the laws of this state would be classified as a
21 serious traffic offense under (a) of this subsection.

22 (37) "Serious violent offense" is a subcategory of violent offense
23 and means:

24 (a)(i) Murder in the first degree;

25 (ii) Homicide by abuse;

26 (iii) Murder in the second degree;

27 (iv) Manslaughter in the first degree;

28 (v) Assault in the first degree;

29 (vi) Kidnapping in the first degree;

30 (vii) Rape in the first degree;

31 (viii) Assault of a child in the first degree; (~~(e)~~)

32 (ix) Felony terrorism (section 3 of this act);

33 (x) Unlawful possession of a weapon of mass destruction (section 4
34 of this act); or

35 (xi) An attempt, criminal solicitation, or criminal conspiracy to
36 commit one of these felonies; or

37 (b) Any federal or out-of-state conviction for an offense that

1 under the laws of this state would be a felony classified as a serious
2 violent offense under (a) of this subsection.

3 (38) "Sex offense" means:

4 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
5 RCW 9A.44.130(11);

6 (ii) A violation of RCW 9A.64.020;

7 (iii) A felony that is a violation of chapter 9.68A RCW other than
8 RCW 9.68A.070 or 9.68A.080; or

9 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
10 criminal solicitation, or criminal conspiracy to commit such crimes;

11 (b) Any conviction for a felony offense in effect at any time prior
12 to July 1, 1976, that is comparable to a felony classified as a sex
13 offense in (a) of this subsection;

14 (c) A felony with a finding of sexual motivation under RCW
15 9.94A.835 or 13.40.135; or

16 (d) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a sex
18 offense under (a) of this subsection.

19 (39) "Sexual motivation" means that one of the purposes for which
20 the defendant committed the crime was for the purpose of his or her
21 sexual gratification.

22 (40) "Standard sentence range" means the sentencing court's
23 discretionary range in imposing a nonappealable sentence.

24 (41) "Statutory maximum sentence" means the maximum length of time
25 for which an offender may be confined as punishment for a crime as
26 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
27 crime, or other statute defining the maximum penalty for a crime.

28 (42) "Total confinement" means confinement inside the physical
29 boundaries of a facility or institution operated or utilized under
30 contract by the state or any other unit of government for twenty-four
31 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

32 (43) "Transition training" means written and verbal instructions
33 and assistance provided by the department to the offender during the
34 two weeks prior to the offender's successful completion of the work
35 ethic camp program. The transition training shall include instructions
36 in the offender's requirements and obligations during the offender's
37 period of community custody.

1 (44) "Victim" means any person who has sustained emotional,
2 psychological, physical, or financial injury to person or property as
3 a direct result of the crime charged.

4 (45) "Violent offense" means:

5 (a) Any of the following felonies:

6 (i) Any felony defined under any law as a class A felony or an
7 attempt to commit a class A felony;

8 (ii) Criminal solicitation of or criminal conspiracy to commit a
9 class A felony;

10 (iii) Manslaughter in the first degree;

11 (iv) Manslaughter in the second degree;

12 (v) Indecent liberties if committed by forcible compulsion;

13 (vi) Kidnapping in the second degree;

14 (vii) Arson in the second degree;

15 (viii) Assault in the second degree;

16 (ix) Assault of a child in the second degree;

17 (x) Extortion in the first degree;

18 (xi) Robbery in the second degree;

19 (xii) Drive-by shooting;

20 (xiii) Vehicular assault, when caused by the operation or driving
21 of a vehicle by a person while under the influence of intoxicating
22 liquor or any drug or by the operation or driving of a vehicle in a
23 reckless manner; and

24 (xiv) Vehicular homicide, when proximately caused by the driving of
25 any vehicle by any person while under the influence of intoxicating
26 liquor or any drug as defined by RCW 46.61.502, or by the operation of
27 any vehicle in a reckless manner;

28 (b) Any conviction for a felony offense in effect at any time prior
29 to July 1, 1976, that is comparable to a felony classified as a violent
30 offense in (a) of this subsection; and

31 (c) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a violent
33 offense under (a) or (b) of this subsection.

34 (46) "Work crew" means a program of partial confinement consisting
35 of civic improvement tasks for the benefit of the community that
36 complies with RCW 9.94A.725.

37 (47) "Work ethic camp" means an alternative incarceration program
38 as provided in RCW 9.94A.690 designed to reduce recidivism and lower

1 the cost of corrections by requiring offenders to complete a
2 comprehensive array of real-world job and vocational experiences,
3 character-building work ethics training, life management skills
4 development, substance abuse rehabilitation, counseling, literacy
5 training, and basic adult education.

6 (48) "Work release" means a program of partial confinement
7 available to offenders who are employed or engaged as a student in a
8 regular course of study at school.

9 **Sec. 16.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read
10 as follows:

11 (1) Prosecutions for criminal offenses shall not be commenced after
12 the periods prescribed in this section.

13 (a) The following offenses may be prosecuted at any time after
14 their commission:

15 (i) Murder;

16 (ii) Any offense defined in chapter 9A.-- RCW (sections 1 through
17 7 and 17 through 23 of this act);

18 (iii) Homicide by abuse;

19 ~~((iii))~~ (iv) Arson if a death results;

20 ~~((iv))~~ (v) Vehicular homicide;

21 ~~((v))~~ (vi) Vehicular assault if a death results;

22 ~~((vi))~~ (vii) Hit-and-run injury-accident if a death results (RCW
23 46.52.020(4)).

24 (b) The following offenses shall not be prosecuted more than ten
25 years after their commission:

26 (i) Any felony committed by a public officer if the commission is
27 in connection with the duties of his or her office or constitutes a
28 breach of his or her public duty or a violation of the oath of office;

29 (ii) Arson if no death results; or

30 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
31 reported to a law enforcement agency within one year of its commission;
32 except that if the victim is under fourteen years of age when the rape
33 is committed and the rape is reported to a law enforcement agency
34 within one year of its commission, the violation may be prosecuted up
35 to three years after the victim's eighteenth birthday or up to ten
36 years after the rape's commission, whichever is later. If a violation
37 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape

1 may not be prosecuted: (A) More than three years after its commission
2 if the violation was committed against a victim fourteen years of age
3 or older; or (B) more than three years after the victim's eighteenth
4 birthday or more than seven years after the rape's commission,
5 whichever is later, if the violation was committed against a victim
6 under fourteen years of age.

7 (c) Violations of the following statutes shall not be prosecuted
8 more than three years after the victim's eighteenth birthday or more
9 than seven years after their commission, whichever is later: RCW
10 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
11 9A.44.100(1)(b), or 9A.64.020.

12 (d) The following offenses shall not be prosecuted more than six
13 years after their commission: Violations of RCW 9A.82.060 or
14 9A.82.080.

15 (e) The following offenses shall not be prosecuted more than five
16 years after their commission: Any class C felony under chapter 74.09,
17 82.36, or 82.38 RCW.

18 (f) Bigamy shall not be prosecuted more than three years after the
19 time specified in RCW 9A.64.010.

20 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
21 three years after the discovery of the offense when the victim is a tax
22 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

23 (h) No other felony may be prosecuted more than three years after
24 its commission; except that in a prosecution under RCW 9A.44.115, if
25 the person who was viewed, photographed, or filmed did not realize at
26 the time that he or she was being viewed, photographed, or filmed, the
27 prosecution must be commenced within two years of the time the person
28 who was viewed or in the photograph or film first learns that he or she
29 was viewed, photographed, or filmed.

30 (i) No gross misdemeanor may be prosecuted more than two years
31 after its commission.

32 (j) No misdemeanor may be prosecuted more than one year after its
33 commission.

34 (2) The periods of limitation prescribed in subsection (1) of this
35 section do not run during any time when the person charged is not
36 usually and publicly resident within this state.

37 (3) If, before the end of a period of limitation prescribed in
38 subsection (1) of this section, an indictment has been found or a

1 complaint or an information has been filed, and the indictment,
2 complaint, or information is set aside, then the period of limitation
3 is extended by a period equal to the length of time from the finding or
4 filing to the setting aside.

5 NEW SECTION. **Sec. 17.** CRIMINAL PENALTIES ADDITIONAL TO CIVIL AND
6 ADMINISTRATIVE SANCTIONS. The penalties imposed under this chapter are
7 in addition to, and not in lieu of, all other civil, administrative,
8 and other penalties and remedies provided for by other laws providing
9 penalties or remedies for actions or conduct that also constitutes a
10 violation of this chapter.

11 NEW SECTION. **Sec. 18.** ADDITIONAL PENALTIES. In addition to all
12 other penalties, criminal or civil, and any other provision of law
13 notwithstanding, the sentencing court shall order a person convicted of
14 any of the offenses described in this chapter to:

15 (1) Make restitution for actual damages sustained to those persons
16 or entities injured by the commission of any of the offenses described
17 in this chapter;

18 (2) Make restitution of all costs and expenses incurred by the
19 state or county in the investigation and prosecution of the offense,
20 including any costs of defense provided at public expense.

21 NEW SECTION. **Sec. 19.** ANTIMERGER PROVISION. A person who, in the
22 commission of an offense defined by this chapter, commits any other
23 crime may be punished for that crime, as well as for the violation of
24 this chapter, and may be prosecuted for each crime separately.

25 NEW SECTION. **Sec. 20.** SECTION CAPTIONS. Section captions as used
26 in this chapter are not part of the law.

27 NEW SECTION. **Sec. 21.** SEVERABILITY. If any provision of this act
28 or its application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 22.** SHORT TITLE. This act may be known as the
32 Washington Antiterrorism Act of 2003.

1 NEW SECTION. **Sec. 23.** EMERGENCY. Except for section 13 of this
2 act, this act is necessary for the immediate preservation of the public
3 peace, health, or safety, or support of the state government and its
4 existing public institutions, and takes effect immediately.

5 NEW SECTION. **Sec. 24.** DELAYED EFFECT. Section 13 of this act
6 takes effect July 1, 2004.

7 NEW SECTION. **Sec. 25.** EXPIRATION. Section 12 of this act expires
8 July 1, 2004.

9 NEW SECTION. **Sec. 26.** CODIFICATION INSTRUCTIONS. Sections 1
10 through 7 and 17 through 23 of this act constitute a new chapter in
11 Title 9A RCW.

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