
HOUSE BILL 1485

State of Washington 58th Legislature 2003 Regular Session

By Representatives Lovick, O'Brien and Campbell

Read first time 01/28/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to auto theft; amending RCW 9A.56.070; reenacting
2 and amending RCW 9.94A.505, 9.94A.505, 9.94A.515, and 9.94A.515; adding
3 new sections to chapter 36.28A RCW; adding a new section to chapter
4 46.37 RCW; prescribing penalties; providing an effective date; and
5 providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW
8 to read as follows:

9 (1) The Washington association of sheriffs and police chiefs shall
10 create and facilitate the Washington state auto theft task force
11 program.

12 (2) The Washington association of sheriffs and police chiefs shall
13 appoint an auto theft task force program steering committee.

14 (a) The steering committee shall include, but is not limited to:
15 A chief of police, a county sheriff, the Washington state patrol, a
16 representative of the Washington association of prosecuting attorneys,
17 a representative of the Washington council of police and sheriffs, a
18 representative of the auto insurance industry, a representative of the

1 auto sales industry, a representative of the auto repair industry, and
2 a representative of the auto auction industry.

3 (b) The steering committee shall have the following
4 responsibilities:

5 (i) For the purpose of establishing regional auto theft task
6 forces, award grants to units of local governments or to teams
7 consisting of multiple units of local governments;

8 (ii) Develop grant criteria;

9 (iii) Develop general operational guidelines for regional auto
10 theft task forces;

11 (iv) Review all regional auto theft task force operations on an
12 annual basis;

13 (v) Produce an annual report to the legislature; and

14 (vi) Develop vehicle identification number etching program
15 objectives and auto dealer minimum standards.

16 (3) Prior to awarding any grants to regional auto theft task
17 forces, the Washington association of sheriffs and police chiefs must
18 verify that sufficient grant funding exists to cover all proposed task
19 force activities, which include but are not limited to: Regional auto
20 task force administration costs, law enforcement costs, prosecutor
21 costs, court costs, and county offender confinement costs.

22 (4) The Washington association of sheriffs and police chiefs shall
23 operate a statewide vehicle identification number etching program that
24 is consistent with the program objectives developed in subsection (2)
25 (b) of this section.

26 (5) The Washington association of sheriffs and police chiefs is not
27 required to implement this section if adequate funding is not provided.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW
29 to read as follows:

30 A unit of local government or a team consisting of multiple units
31 of local governments may apply to the Washington association of
32 sheriffs and police chiefs for the regional auto theft task force
33 grants. All grant applications must contain the following minimum
34 requirements:

35 (1) Statistically demonstrate an auto theft problem in the county
36 or counties covered in the grant application;

1 (2) Have at least one prosecuting attorney dedicated to the
2 prosecution of auto theft cases;

3 (3) County and city law enforcement officers must be
4 proportionately represented on each regional auto theft task force;

5 (4) Demonstrate a proposal to reimburse all participating units of
6 local governments for their costs, which include but are not limited
7 to: Regional auto theft task force administration costs, law
8 enforcement costs, prosecutor costs, court costs, and county offender
9 confinement costs; and

10 (5) If a regional auto theft task force crosses jurisdictional
11 boundaries, demonstrate that any necessary interlocal agreements can be
12 executed so that law enforcement officers and prosecutors can fulfill
13 the duties of the regional auto theft task force across jurisdictional
14 boundaries.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37 RCW
16 to read as follows:

17 (1) Effective July 1, 2004, all new automobiles sold in the state
18 of Washington must have a vehicle identification number etching
19 procedure completed prior to being sold. The vehicle identification
20 number etching procedure shall be consistent with the vehicle
21 identification number etching minimum standards established under
22 section 1 of this act.

23 (2) This section is advisory only unless all of the material costs
24 associated with requiring auto dealers to etch the vehicle
25 identification number on new vehicles is provided to the dealers by the
26 Washington association of sheriffs and police chiefs.

27 **Sec. 4.** RCW 9.94A.505 and 2002 c 289 s 6 and 2002 c 175 s 6 are
28 each reenacted and amended to read as follows:

29 (1) When a person is convicted of a felony, the court shall impose
30 punishment as provided in this chapter.

31 (2)(a) The court shall impose a sentence as provided in the
32 following sections and as applicable in the case:

33 (i) Unless another term of confinement applies, the court shall
34 impose a sentence within the standard sentence range established in RCW
35 9.94A.510;

36 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

- 1 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;
2 (iv) RCW 9.94A.545, relating to community custody for offenders
3 whose term of confinement is one year or less;
4 (v) RCW 9.94A.570, relating to persistent offenders;
5 (vi) RCW 9.94A.540, relating to mandatory minimum terms;
6 (vii) RCW 9.94A.650, relating to the first-time offender waiver;
7 (viii) RCW 9.94A.660, relating to the drug offender sentencing
8 alternative;
9 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
10 alternative;
11 (x) RCW 9.94A.712, relating to certain sex offenses;
12 (xi) RCW 9.94A.535, relating to exceptional sentences;
13 (xii) RCW 9.94A.589, relating to consecutive and concurrent
14 sentences.

15 (b) If a standard sentence range has not been established for the
16 offender's crime, the court shall impose a determinate sentence which
17 may include not more than one year of confinement; community
18 restitution work; until July 1, 2000, a term of community supervision
19 not to exceed one year and on and after July 1, 2000, a term of
20 community custody not to exceed one year, subject to conditions and
21 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other
22 legal financial obligations. The court may impose a sentence which
23 provides more than one year of confinement if the court finds reasons
24 justifying an exceptional sentence as provided in RCW 9.94A.535.

25 (3) If the court imposes a sentence requiring confinement of thirty
26 days or less, the court may, in its discretion, specify that the
27 sentence be served on consecutive or intermittent days. A sentence
28 requiring more than thirty days of confinement shall be served on
29 consecutive days. Local jail administrators may schedule court-ordered
30 intermittent sentences as space permits.

31 (4) If a sentence imposed includes payment of a legal financial
32 obligation, it shall be imposed as provided in RCW 9.94A.750,
33 9.94A.753, 9.94A.760, and 43.43.7541.

34 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
35 court may not impose a sentence providing for a term of confinement or
36 community supervision, community placement, or community custody which
37 exceeds the statutory maximum for the crime as provided in chapter
38 9A.20 RCW.

1 (6) The sentencing court shall give the offender credit for all
2 confinement time served before the sentencing if that confinement was
3 solely in regard to the offense for which the offender is being
4 sentenced.

5 (7) The court shall order restitution as provided in RCW 9.94A.750
6 and 9.94A.753.

7 (8) As a part of any sentence, the court may impose and enforce
8 crime-related prohibitions and affirmative conditions as provided in
9 this chapter.

10 (9) The court may order an offender whose sentence includes
11 community placement or community supervision to undergo a mental status
12 evaluation and to participate in available outpatient mental health
13 treatment, if the court finds that reasonable grounds exist to believe
14 that the offender is a mentally ill person as defined in RCW 71.24.025,
15 and that this condition is likely to have influenced the offense. An
16 order requiring mental status evaluation or treatment must be based on
17 a presentence report and, if applicable, mental status evaluations that
18 have been filed with the court to determine the offender's competency
19 or eligibility for a defense of insanity. The court may order
20 additional evaluations at a later date if deemed appropriate.

21 (10) In any sentence of partial confinement, the court may require
22 the offender to serve the partial confinement in work release, in a
23 program of home detention, on work crew, or in a combined program of
24 work crew and home detention.

25 (11) In sentencing an offender convicted of a crime of domestic
26 violence, as defined in RCW 10.99.020, if the offender has a minor
27 child, or if the victim of the offense for which the offender was
28 convicted has a minor child, the court may, as part of any term of
29 community supervision, community placement, or community custody, order
30 the offender to participate in a domestic violence perpetrator program
31 approved under RCW 26.50.150.

32 (12) For a violation of RCW 9A.56.070(2), taking a motor vehicle
33 without permission in the second degree, the minimum sentence that the
34 court shall order is thirty days of home detention.

35 **Sec. 5.** RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and
36 2002 c 175 s 6 are each reenacted and amended to read as follows:

1 (1) When a person is convicted of a felony, the court shall impose
2 punishment as provided in this chapter.

3 (2)(a) The court shall impose a sentence as provided in the
4 following sections and as applicable in the case:

5 (i) Unless another term of confinement applies, the court shall
6 impose a sentence within the standard sentence range established in RCW
7 9.94A.510 or 9.94A.517;

8 (ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

9 (iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

10 (iv) RCW 9.94A.545, relating to community custody for offenders
11 whose term of confinement is one year or less;

12 (v) RCW 9.94A.570, relating to persistent offenders;

13 (vi) RCW 9.94A.540, relating to mandatory minimum terms;

14 (vii) RCW 9.94A.650, relating to the first-time offender waiver;

15 (viii) RCW 9.94A.660, relating to the drug offender sentencing
16 alternative;

17 (ix) RCW 9.94A.670, relating to the special sex offender sentencing
18 alternative;

19 (x) RCW 9.94A.712, relating to certain sex offenses;

20 (xi) RCW 9.94A.535, relating to exceptional sentences;

21 (xii) RCW 9.94A.589, relating to consecutive and concurrent
22 sentences.

23 (b) If a standard sentence range has not been established for the
24 offender's crime, the court shall impose a determinate sentence which
25 may include not more than one year of confinement; community
26 restitution work; until July 1, 2000, a term of community supervision
27 not to exceed one year and on and after July 1, 2000, a term of
28 community custody not to exceed one year, subject to conditions and
29 sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other
30 legal financial obligations. The court may impose a sentence which
31 provides more than one year of confinement if the court finds reasons
32 justifying an exceptional sentence as provided in RCW 9.94A.535.

33 (3) If the court imposes a sentence requiring confinement of thirty
34 days or less, the court may, in its discretion, specify that the
35 sentence be served on consecutive or intermittent days. A sentence
36 requiring more than thirty days of confinement shall be served on
37 consecutive days. Local jail administrators may schedule court-ordered
38 intermittent sentences as space permits.

1 (4) If a sentence imposed includes payment of a legal financial
2 obligation, it shall be imposed as provided in RCW 9.94A.750,
3 9.94A.753, 9.94A.760, and 43.43.7541.

4 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
5 court may not impose a sentence providing for a term of confinement or
6 community supervision, community placement, or community custody which
7 exceeds the statutory maximum for the crime as provided in chapter
8 9A.20 RCW.

9 (6) The sentencing court shall give the offender credit for all
10 confinement time served before the sentencing if that confinement was
11 solely in regard to the offense for which the offender is being
12 sentenced.

13 (7) The court shall order restitution as provided in RCW 9.94A.750
14 and 9.94A.753.

15 (8) As a part of any sentence, the court may impose and enforce
16 crime-related prohibitions and affirmative conditions as provided in
17 this chapter.

18 (9) The court may order an offender whose sentence includes
19 community placement or community supervision to undergo a mental status
20 evaluation and to participate in available outpatient mental health
21 treatment, if the court finds that reasonable grounds exist to believe
22 that the offender is a mentally ill person as defined in RCW 71.24.025,
23 and that this condition is likely to have influenced the offense. An
24 order requiring mental status evaluation or treatment must be based on
25 a presentence report and, if applicable, mental status evaluations that
26 have been filed with the court to determine the offender's competency
27 or eligibility for a defense of insanity. The court may order
28 additional evaluations at a later date if deemed appropriate.

29 (10) In any sentence of partial confinement, the court may require
30 the offender to serve the partial confinement in work release, in a
31 program of home detention, on work crew, or in a combined program of
32 work crew and home detention.

33 (11) In sentencing an offender convicted of a crime of domestic
34 violence, as defined in RCW 10.99.020, if the offender has a minor
35 child, or if the victim of the offense for which the offender was
36 convicted has a minor child, the court may, as part of any term of
37 community supervision, community placement, or community custody, order

1 the offender to participate in a domestic violence perpetrator program
2 approved under RCW 26.50.150.

3 (12) For a violation of RCW 9A.56.070(2), taking a motor vehicle
4 without permission in the second degree, the minimum sentence that the
5 court shall order is thirty days of home detention.

6 **Sec. 6.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
7 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
8 s 4 are each reenacted and amended to read as follows:

9 TABLE 2

10 CRIMES INCLUDED WITHIN
11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)
15 Malicious explosion 1 (RCW
16 70.74.280(1))
17 Murder 1 (RCW 9A.32.030)
- 18 XIV Murder 2 (RCW 9A.32.050)
- 19 XIII Malicious explosion 2 (RCW
20 70.74.280(2))
21 Malicious placement of an explosive 1
22 (RCW 70.74.270(1))
- 23 XII Assault 1 (RCW 9A.36.011)
24 Assault of a Child 1 (RCW 9A.36.120)
25 Malicious placement of an imitation
26 device 1 (RCW 70.74.272(1)(a))
27 Rape 1 (RCW 9A.44.040)
28 Rape of a Child 1 (RCW 9A.44.073)
- 29 XI Manslaughter 1 (RCW 9A.32.060)
30 Rape 2 (RCW 9A.44.050)
31 Rape of a Child 2 (RCW 9A.44.076)
- 32 X Child Molestation 1 (RCW 9A.44.083)
33 Indecent Liberties (with forcible
34 compulsion) (RCW
35 9A.44.100(1)(a))

1 Kidnapping 1 (RCW 9A.40.020)
2 Leading Organized Crime (RCW
3 9A.82.060(1)(a))
4 Malicious explosion 3 (RCW
5 70.74.280(3))
6 Manufacture of methamphetamine
7 (RCW 69.50.401(a)(1)(ii))
8 Over 18 and deliver heroin,
9 methamphetamine, a narcotic
10 from Schedule I or II, or
11 flunitrazepam from Schedule IV
12 to someone under 18 (RCW
13 69.50.406)
14 Sexually Violent Predator Escape
15 (RCW 9A.76.115)
16 IX Assault of a Child 2 (RCW 9A.36.130)
17 Controlled Substance Homicide (RCW
18 69.50.415)
19 Explosive devices prohibited (RCW
20 70.74.180)
21 Hit and Run--Death (RCW
22 46.52.020(4)(a))
23 Homicide by Watercraft, by being
24 under the influence of intoxicating
25 liquor or any drug (RCW
26 79A.60.050)
27 Inciting Criminal Profiteering (RCW
28 9A.82.060(1)(b))
29 Malicious placement of an explosive 2
30 (RCW 70.74.270(2))
31 Over 18 and deliver narcotic from
32 Schedule III, IV, or V or a
33 nonnarcotic, except flunitrazepam
34 or methamphetamine, from
35 Schedule I-V to someone under 18
36 and 3 years junior (RCW
37 69.50.406)

1 Robbery 1 (RCW 9A.56.200)
2 Sexual Exploitation (RCW 9.68A.040)
3 Vehicular Homicide, by being under
4 the influence of intoxicating
5 liquor or any drug (RCW
6 46.61.520)
7 VIII Arson 1 (RCW 9A.48.020)
8 Deliver or possess with intent to
9 deliver methamphetamine (RCW
10 69.50.401(a)(1)(ii))
11 Homicide by Watercraft, by the
12 operation of any vessel in a
13 reckless manner (RCW
14 79A.60.050)
15 Manslaughter 2 (RCW 9A.32.070)
16 Manufacture, deliver, or possess with
17 intent to deliver amphetamine
18 (RCW 69.50.401(a)(1)(ii))
19 Manufacture, deliver, or possess with
20 intent to deliver heroin or cocaine
21 (when the offender has a criminal
22 history in this state or any other
23 state that includes a sex offense or
24 serious violent offense or the
25 Washington equivalent) (RCW
26 69.50.401(a)(1)(i))
27 Possession of Ephedrine or any of its
28 Salts or Isomers or Salts of
29 Isomers, Pseudoephedrine or any
30 of its Salts or Isomers or Salts of
31 Isomers, Pressurized Ammonia
32 Gas, or Pressurized Ammonia Gas
33 Solution with intent to
34 manufacture methamphetamine
35 (RCW 69.50.440)
36 Promoting Prostitution 1 (RCW
37 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 Taking Motor Vehicle Without
11 Permission 2 (RCW
12 9A.56.070(2))
13 Theft 1 (RCW 9A.56.030)
14 Theft of Rental, Leased, or Lease-
15 purchased Property (valued at one
16 thousand five hundred dollars or
17 more) (RCW 9A.56.096(4))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful Practice of Law (RCW
21 2.48.180)
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 I Attempting to Elude a Pursuing Police
25 Vehicle (RCW 46.61.024)
26 False Verification for Welfare (RCW
27 74.08.055)
28 Forged Prescription (RCW 69.41.020)
29 Forged Prescription for a Controlled
30 Substance (RCW 69.50.403)
31 Forgery (RCW 9A.60.020)
32 Malicious Mischief 2 (RCW
33 9A.48.080)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or
3 V or Non-narcotic from Schedule
4 I-V (except phencyclidine or
5 flunitrazepam) (RCW
6 69.50.401(d))
7 Possession of Stolen Property 2 (RCW
8 9A.56.160)
9 Reckless Burning 1 (RCW 9A.48.040)
10 ~~((Taking Motor Vehicle Without~~
11 ~~Permission 2 (RCW~~
12 ~~9A.56.070(2))))~~
13 Theft 2 (RCW 9A.56.040)
14 Theft of Rental, Leased, or Lease-
15 purchased Property (valued at two
16 hundred fifty dollars or more but
17 less than one thousand five
18 hundred dollars) (RCW
19 9A.56.096(4))
20 Unlawful Issuance of Checks or Drafts
21 (RCW 9A.56.060)
22 Unlawful Use of Food Stamps (RCW
23 9.91.140 (2) and (3))
24 Vehicle Prowl 1 (RCW 9A.52.095)

25 **Sec. 7.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
26 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
27 s 4 are each reenacted and amended to read as follows:

28 TABLE 2
29 CRIMES INCLUDED WITHIN
30 EACH SERIOUSNESS LEVEL
31 XVI Aggravated Murder 1 (RCW
32 10.95.020)
33 XV Homicide by abuse (RCW 9A.32.055)
34 Malicious explosion 1 (RCW
35 70.74.280(1))

1 Murder 1 (RCW 9A.32.030)
2 XIV Murder 2 (RCW 9A.32.050)
3 XIII Malicious explosion 2 (RCW
4 70.74.280(2))
5 Malicious placement of an explosive 1
6 (RCW 70.74.270(1))
7 XII Assault 1 (RCW 9A.36.011)
8 Assault of a Child 1 (RCW 9A.36.120)
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 Sexually Violent Predator Escape
26 (RCW 9A.76.115)
27 IX Assault of a Child 2 (RCW 9A.36.130)
28 Explosive devices prohibited (RCW
29 70.74.180)
30 Hit and Run--Death (RCW
31 46.52.020(4)(a))
32 Homicide by Watercraft, by being
33 under the influence of intoxicating
34 liquor or any drug (RCW
35 79A.60.050)
36 Inciting Criminal Profiteering (RCW
37 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 Vehicular Homicide, by being under
6 the influence of intoxicating
7 liquor or any drug (RCW
8 46.61.520)
9 VIII Arson 1 (RCW 9A.48.020)
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 Promoting Prostitution 1 (RCW
16 9A.88.070)
17 Theft of Ammonia (RCW 69.55.010)
18 Vehicular Homicide, by the operation
19 of any vehicle in a reckless
20 manner (RCW 46.61.520)
21 VII Burglary 1 (RCW 9A.52.020)
22 Child Molestation 2 (RCW 9A.44.086)
23 Civil Disorder Training (RCW
24 9A.48.120)
25 Dealing in depictions of minor
26 engaged in sexually explicit
27 conduct (RCW 9.68A.050)
28 Drive-by Shooting (RCW 9A.36.045)
29 Homicide by Watercraft, by disregard
30 for the safety of others (RCW
31 79A.60.050)
32 Indecent Liberties (without forcible
33 compulsion) (RCW 9A.44.100(1)
34 (b) and (c))
35 Introducing Contraband 1 (RCW
36 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Sending, bringing into state depictions
4 of minor engaged in sexually
5 explicit conduct (RCW
6 9.68A.060)
7 Unlawful Possession of a Firearm in
8 the first degree (RCW
9 9.41.040(1)(a))
10 Use of a Machine Gun in Commission
11 of a Felony (RCW 9.41.225)
12 Vehicular Homicide, by disregard for
13 the safety of others (RCW
14 46.61.520)
15 VI Bail Jumping with Murder 1 (RCW
16 9A.76.170(3)(a))
17 Bribery (RCW 9A.68.010)
18 Incest 1 (RCW 9A.64.020(1))
19 Intimidating a Judge (RCW
20 9A.72.160)
21 Intimidating a Juror/Witness (RCW
22 9A.72.110, 9A.72.130)
23 Malicious placement of an imitation
24 device 2 (RCW 70.74.272(1)(b))
25 Rape of a Child 3 (RCW 9A.44.079)
26 Theft of a Firearm (RCW 9A.56.300)
27 Unlawful Storage of Ammonia (RCW
28 69.55.020)
29 V Abandonment of dependent person 1
30 (RCW 9A.42.060)
31 Advancing money or property for
32 extortionate extension of credit
33 (RCW 9A.82.030)
34 Bail Jumping with class A Felony
35 (RCW 9A.76.170(3)(b))
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Domestic Violence Court Order
6 Violation (RCW 10.99.040,
7 10.99.050, 26.09.300, 26.10.220,
8 26.26.138, 26.50.110, 26.52.070,
9 or 74.34.145)
10 Extortion 1 (RCW 9A.56.120)
11 Extortionate Extension of Credit
12 (RCW 9A.82.020)
13 Extortionate Means to Collect
14 Extensions of Credit (RCW
15 9A.82.040)
16 Incest 2 (RCW 9A.64.020(2))
17 Kidnapping 2 (RCW 9A.40.030)
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1
25 (RCW 9A.76.070)
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW
33 9A.56.070(1))
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)
36 Assault by Watercraft (RCW
37 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW
6 9A.68.060)
7 Counterfeiting (RCW 9.16.035(4))
8 Endangerment with a Controlled
9 Substance (RCW 9A.42.100)
10 Escape 1 (RCW 9A.76.110)
11 Hit and Run--Injury (RCW
12 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury
14 Accident (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2)(a))
16 Indecent Exposure to Person Under
17 Age Fourteen (subsequent sex
18 offense) (RCW 9A.88.010)
19 Influencing Outcome of Sporting
20 Event (RCW 9A.82.070)
21 Knowingly Trafficking in Stolen
22 Property (RCW 9A.82.050(2))
23 Malicious Harassment (RCW
24 9A.36.080)
25 Residential Burglary (RCW
26 9A.52.025)
27 Robbery 2 (RCW 9A.56.210)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Threats to Bomb (RCW 9.61.160)
30 Use of Proceeds of Criminal
31 Profiteering (RCW 9A.82.080 (1)
32 and (2))
33 Vehicular Assault, by being under the
34 influence of intoxicating liquor or
35 any drug, or by the operation or
36 driving of a vehicle in a reckless
37 manner (RCW 46.61.522)

1 Willful Failure to Return from
2 Furlough (RCW 72.66.060)
3 III Abandonment of dependent person 2
4 (RCW 9A.42.070)
5 Assault 3 (RCW 9A.36.031)
6 Assault of a Child 3 (RCW 9A.36.140)
7 Bail Jumping with class B or C Felony
8 (RCW 9A.76.170(3)(c))
9 Burglary 2 (RCW 9A.52.030)
10 Communication with a Minor for
11 Immoral Purposes (RCW
12 9.68A.090)
13 Criminal Gang Intimidation (RCW
14 9A.46.120)
15 Criminal Mistreatment 2 (RCW
16 9A.42.030)
17 Custodial Assault (RCW 9A.36.100)
18 Escape 2 (RCW 9A.76.120)
19 Extortion 2 (RCW 9A.56.130)
20 Harassment (RCW 9A.46.020)
21 Intimidating a Public Servant (RCW
22 9A.76.180)
23 Introducing Contraband 2 (RCW
24 9A.76.150)
25 Malicious Injury to Railroad Property
26 (RCW 81.60.070)
27 Patronizing a Juvenile Prostitute
28 (RCW 9.68A.100)
29 Perjury 2 (RCW 9A.72.030)
30 Possession of Incendiary Device (RCW
31 9.40.120)
32 Possession of Machine Gun or Short-
33 Barreled Shotgun or Rifle (RCW
34 9.41.190)
35 Promoting Prostitution 2 (RCW
36 9A.88.080)

1 Recklessly Trafficking in Stolen
2 Property (RCW 9A.82.050(1))
3 Securities Act violation (RCW
4 21.20.400)
5 Tampering with a Witness (RCW
6 9A.72.120)
7 Telephone Harassment (subsequent
8 conviction or threat of death)
9 (RCW 9.61.230)
10 Theft of Livestock 2 (RCW 9A.56.080)
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful possession of firearm in the
14 second degree (RCW
15 9.41.040(1)(b))
16 Vehicular Assault, by the operation or
17 driving of a vehicle with disregard
18 for the safety of others (RCW
19 46.61.522)
20 Willful Failure to Return from Work
21 Release (RCW 72.65.070)
22 II Computer Trespass 1 (RCW
23 9A.52.110)
24 Counterfeiting (RCW 9.16.035(3))
25 Escape from Community Custody
26 (RCW 72.09.310)
27 Health Care False Claims (RCW
28 48.80.030)
29 Identity Theft 2 (RCW 9.35.020(2)(b))
30 Improperly Obtaining Financial
31 Information (RCW 9.35.010)
32 Malicious Mischief 1 (RCW
33 9A.48.070)
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)

1 Taking Motor Vehicle Without
2 Permission 2 (RCW
3 9A.56.070(2))
4 Theft 1 (RCW 9A.56.030)
5 Theft of Rental, Leased, or Lease-
6 purchased Property (valued at one
7 thousand five hundred dollars or
8 more) (RCW 9A.56.096(4))
9 Trafficking in Insurance Claims (RCW
10 48.30A.015)
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlicensed Practice of a Profession or
14 Business (RCW 18.130.190(7))
15 I Attempting to Elude a Pursuing Police
16 Vehicle (RCW 46.61.024)
17 False Verification for Welfare (RCW
18 74.08.055)
19 Forgery (RCW 9A.60.020)
20 Malicious Mischief 2 (RCW
21 9A.48.080)
22 Possession of Stolen Property 2 (RCW
23 9A.56.160)
24 Reckless Burning 1 (RCW 9A.48.040)
25 ~~((Taking Motor Vehicle Without~~
26 ~~Permission 2 (RCW~~
27 ~~9A.56.070(2))))~~
28 Theft 2 (RCW 9A.56.040)
29 Theft of Rental, Leased, or Lease-
30 purchased Property (valued at two
31 hundred fifty dollars or more but
32 less than one thousand five
33 hundred dollars) (RCW
34 9A.56.096(4))
35 Unlawful Issuance of Checks or Drafts
36 (RCW 9A.56.060)

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2
3
4 **Sec. 8.** RCW 9A.56.070 and 2002 c 324 s 1 are each amended to read
5 as follows:

6 (1)(a) A person is guilty of taking a motor vehicle without
7 permission in the first degree if he or she, without the permission of
8 the owner or person entitled to possession, intentionally takes or
9 drives away an automobile or motor vehicle, whether propelled by steam,
10 electricity, or internal combustion engine, that is the property of
11 another, and he or she:

12 (i) Alters the motor vehicle for the purpose of changing its
13 appearance or primary identification, including obscuring, removing, or
14 changing the manufacturer's serial number or the vehicle identification
15 number plates;

16 (ii) Removes, or participates in the removal of, parts from the
17 motor vehicle with the intent to sell the parts;

18 (iii) Exports, or attempts to export, the motor vehicle across
19 state lines or out of the United States for profit;

20 (iv) Intends to sell the motor vehicle; or

21 (v) Is engaged in a conspiracy and the central object of the
22 conspiratorial agreement is the theft of motor vehicles for sale to
23 others for profit.

24 (b) Taking a motor vehicle without permission in the first degree
25 is a class B felony.

26 (2)(a) A person is guilty of taking a motor vehicle without
27 permission in the second degree if he or she, without the permission of
28 the owner or person entitled to possession, intentionally takes or
29 drives away any automobile or motor vehicle, whether propelled by
30 steam, electricity, or internal combustion engine, that is the property
31 of another, or he or she voluntarily rides in or upon the automobile or
32 motor vehicle with knowledge of the fact that the automobile or motor
33 vehicle was unlawfully taken.

34 (b) Taking a motor vehicle without permission in the second degree
35 is a class C felony.

36 (3) In any prosecution under this section, any person who is in
37 possession of a motor vehicle taken without the permission of the owner

1 may be inferred to have acted with the intent to commit the offense,
2 unless the possession shall be explained by evidence satisfactory to
3 the trier of fact to have been made without such criminal intent.

4 NEW SECTION. **Sec. 9.** Sections 4 and 6 of this act expire July 1,
5 2004.

6 NEW SECTION. **Sec. 10.** Sections 5 and 7 of this act take effect
7 July 1, 2004.

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