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SENATE BILL 6491

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Kline, Johnson, Hargrove, Esser and Oke

Read first time 01/13/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to taking a motor vehicle without permission;  
2 amending RCW 9A.56.075; reenacting and amending RCW 9.94A.515; and  
3 prescribing penalties.

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

5            **Sec. 1.** RCW 9A.56.075 and 2003 c 53 s 73 are each amended to read  
6 as follows:

7            (1) A person is guilty of taking a motor vehicle without permission  
8 in the second degree if he or she, without the permission of the owner  
9 or person entitled to possession, intentionally takes or drives away  
10 any automobile or motor vehicle, whether propelled by steam,  
11 electricity, or internal combustion engine, that is the property of  
12 another, or he or she voluntarily rides in or upon the automobile or  
13 motor vehicle with knowledge of the fact that the automobile or motor  
14 vehicle was unlawfully taken.

15            (2)(a) Taking a motor vehicle without permission in the second  
16 degree is a gross misdemeanor.

17            (b) Taking a motor vehicle without permission in the second degree  
18 is a class C felony if the person cumulatively has two or more prior

1 convictions for taking a motor vehicle without permission in the first  
2 degree and/or taking a motor vehicle without permission in the second  
3 degree.

4 **Sec. 2.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are  
5 each reenacted and amended to read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN  
8 EACH SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW  
10 10.95.020)
- 11 XV Homicide by abuse (RCW 9A.32.055)  
12 Malicious explosion 1 (RCW  
13 70.74.280(1))  
14 Murder 1 (RCW 9A.32.030)
- 15 XIV Murder 2 (RCW 9A.32.050)  
16 Trafficking 1 (RCW 9A.40.100(1))
- 17 XIII Malicious explosion 2 (RCW  
18 70.74.280(2))  
19 Malicious placement of an explosive 1  
20 (RCW 70.74.270(1))
- 21 XII Assault 1 (RCW 9A.36.011)  
22 Assault of a Child 1 (RCW 9A.36.120)  
23 Malicious placement of an imitation  
24 device 1 (RCW 70.74.272(1)(a))  
25 Rape 1 (RCW 9A.44.040)  
26 Rape of a Child 1 (RCW 9A.44.073)  
27 Trafficking 2 (RCW 9A.40.100(2))
- 28 XI Manslaughter 1 (RCW 9A.32.060)  
29 Rape 2 (RCW 9A.44.050)  
30 Rape of a Child 2 (RCW 9A.44.076)
- 31 X Child Molestation 1 (RCW 9A.44.083)  
32 Indecent Liberties (with forcible  
33 compulsion) (RCW  
34 9A.44.100(1)(a))  
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape  
6 (RCW 9A.76.115)  
7 IX Assault of a Child 2 (RCW 9A.36.130)  
8 Explosive devices prohibited (RCW  
9 70.74.180)  
10 Hit and Run--Death (RCW  
11 46.52.020(4)(a))  
12 Homicide by Watercraft, by being  
13 under the influence of intoxicating  
14 liquor or any drug (RCW  
15 79A.60.050)  
16 Inciting Criminal Profiteering (RCW  
17 9A.82.060(1)(b))  
18 Malicious placement of an explosive 2  
19 (RCW 70.74.270(2))  
20 Robbery 1 (RCW 9A.56.200)  
21 Sexual Exploitation (RCW 9.68A.040)  
22 Vehicular Homicide, by being under  
23 the influence of intoxicating liquor  
24 or any drug (RCW 46.61.520)  
25 VIII Arson 1 (RCW 9A.48.020)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a  
28 reckless manner (RCW  
29 79A.60.050)  
30 Manslaughter 2 (RCW 9A.32.070)  
31 Promoting Prostitution 1 (RCW  
32 9A.88.070)  
33 Theft of Ammonia (RCW 69.55.010)  
34 Vehicular Homicide, by the operation  
35 of any vehicle in a reckless  
36 manner (RCW 46.61.520)  
37 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)  
2 Civil Disorder Training (RCW  
3 9A.48.120)  
4 Dealing in depictions of minor  
5 engaged in sexually explicit  
6 conduct (RCW 9.68A.050)  
7 Drive-by Shooting (RCW 9A.36.045)  
8 Homicide by Watercraft, by disregard  
9 for the safety of others (RCW  
10 79A.60.050)  
11 Indecent Liberties (without forcible  
12 compulsion) (RCW 9A.44.100(1)  
13 (b) and (c))  
14 Introducing Contraband 1 (RCW  
15 9A.76.140)  
16 Malicious placement of an explosive 3  
17 (RCW 70.74.270(3))  
18 Negligently Causing Death By Use of a  
19 Signal Preemption Device (RCW  
20 ..... (section 7, chapter 183, Laws  
21 of 2005))  
22 Sending, bringing into state depictions  
23 of minor engaged in sexually  
24 explicit conduct (RCW  
25 9.68A.060)  
26 Unlawful Possession of a Firearm in  
27 the first degree (RCW  
28 9.41.040(1))  
29 Use of a Machine Gun in Commission  
30 of a Felony (RCW 9.41.225)  
31 Vehicular Homicide, by disregard for  
32 the safety of others (RCW  
33 46.61.520)  
34 VI Bail Jumping with Murder 1 (RCW  
35 9A.76.170(3)(a))  
36 Bribery (RCW 9A.68.010)  
37 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW  
2 9A.72.160)  
3 Intimidating a Juror/Witness (RCW  
4 9A.72.110, 9A.72.130)  
5 Malicious placement of an imitation  
6 device 2 (RCW 70.74.272(1)(b))  
7 Rape of a Child 3 (RCW 9A.44.079)  
8 Theft of a Firearm (RCW 9A.56.300)  
9 Unlawful Storage of Ammonia (RCW  
10 69.55.020)  
11 V Abandonment of dependent person 1  
12 (RCW 9A.42.060)  
13 Advancing money or property for  
14 extortionate extension of credit  
15 (RCW 9A.82.030)  
16 Bail Jumping with class A Felony  
17 (RCW 9A.76.170(3)(b))  
18 Child Molestation 3 (RCW 9A.44.089)  
19 Criminal Mistreatment 1 (RCW  
20 9A.42.020)  
21 Custodial Sexual Misconduct 1 (RCW  
22 9A.44.160)  
23 Domestic Violence Court Order  
24 Violation (RCW 10.99.040,  
25 10.99.050, 26.09.300, 26.10.220,  
26 26.26.138, 26.50.110, 26.52.070,  
27 or 74.34.145)  
28 Extortion 1 (RCW 9A.56.120)  
29 Extortionate Extension of Credit  
30 (RCW 9A.82.020)  
31 Extortionate Means to Collect  
32 Extensions of Credit (RCW  
33 9A.82.040)  
34 Incest 2 (RCW 9A.64.020(2))  
35 Kidnapping 2 (RCW 9A.40.030)  
36 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Possession of a Stolen Firearm (RCW  
4 9A.56.310)  
5 Rape 3 (RCW 9A.44.060)  
6 Rendering Criminal Assistance 1  
7 (RCW 9A.76.070)  
8 Sexual Misconduct with a Minor 1  
9 (RCW 9A.44.093)  
10 Sexually Violating Human Remains  
11 (RCW 9A.44.105)  
12 Stalking (RCW 9A.46.110)  
13 Taking Motor Vehicle Without  
14 Permission 1 (RCW 9A.56.070)  
15 IV Arson 2 (RCW 9A.48.030)  
16 Assault 2 (RCW 9A.36.021)  
17 Assault 3 (of a Peace Officer with a  
18 Projectile Stun Gun) (RCW  
19 9A.36.031(1)(h))  
20 Assault by Watercraft (RCW  
21 79A.60.060)  
22 Bribing a Witness/Bribe Received by  
23 Witness (RCW 9A.72.090,  
24 9A.72.100)  
25 Cheating 1 (RCW 9.46.1961)  
26 Commercial Bribery (RCW  
27 9A.68.060)  
28 Counterfeiting (RCW 9.16.035(4))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Hit and Run--Injury (RCW  
33 46.52.020(4)(b))  
34 Hit and Run with Vessel--Injury  
35 Accident (RCW 79A.60.200(3))  
36 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under  
2 Age Fourteen (subsequent sex  
3 offense) (RCW 9A.88.010)  
4 Influencing Outcome of Sporting  
5 Event (RCW 9A.82.070)  
6 Malicious Harassment (RCW  
7 9A.36.080)  
8 Residential Burglary (RCW  
9 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health  
19 coverage as a health care service  
20 contractor (RCW 48.44.016(3))  
21 Unlawful transaction of health  
22 coverage as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(3))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicular Assault, by being under the  
32 influence of intoxicating liquor or  
33 any drug, or by the operation or  
34 driving of a vehicle in a reckless  
35 manner (RCW 46.61.522)  
36 Willful Failure to Return from  
37 Furlough (RCW 72.66.060)

1 III Abandonment of dependent person 2  
2 (RCW 9A.42.070)  
3 Assault 3 (Except Assault 3 of a Peace  
4 Officer With a Projectile Stun  
5 Gun) (RCW 9A.36.031 except  
6 subsection (1)(h))  
7 Assault of a Child 3 (RCW 9A.36.140)  
8 Bail Jumping with class B or C Felony  
9 (RCW 9A.76.170(3)(c))  
10 Burglary 2 (RCW 9A.52.030)  
11 Communication with a Minor for  
12 Immoral Purposes (RCW  
13 9.68A.090)  
14 Criminal Gang Intimidation (RCW  
15 9A.46.120)  
16 Criminal Mistreatment 2 (RCW  
17 9A.42.030)  
18 Custodial Assault (RCW 9A.36.100)  
19 Cyberstalking (subsequent conviction  
20 or threat of death) (RCW  
21 9.61.260(3))  
22 Escape 2 (RCW 9A.76.120)  
23 Extortion 2 (RCW 9A.56.130)  
24 Harassment (RCW 9A.46.020)  
25 Intimidating a Public Servant (RCW  
26 9A.76.180)  
27 Introducing Contraband 2 (RCW  
28 9A.76.150)  
29 Malicious Injury to Railroad Property  
30 (RCW 81.60.070)  
31 Negligently Causing Substantial Bodily  
32 Harm By Use of a Signal  
33 Preemption Device (RCW .....  
34 (section 6, chapter 183, Laws of  
35 2005))  
36 Patronizing a Juvenile Prostitute  
37 (RCW 9.68A.100)



1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun or Short-  
5 Barreled Shotgun or Rifle (RCW  
6 9.41.190)  
7 Promoting Prostitution 2 (RCW  
8 9A.88.080)  
9 Securities Act violation (RCW  
10 21.20.400)  
11 Tampering with a Witness (RCW  
12 9A.72.120)  
13 Telephone Harassment (subsequent  
14 conviction or threat of death)  
15 (RCW 9.61.230(2))  
16 Theft of Livestock 2 (RCW 9A.56.083)  
17 Trafficking in Stolen Property 2 (RCW  
18 9A.82.055)  
19 Unlawful Imprisonment (RCW  
20 9A.40.040)  
21 Unlawful possession of firearm in the  
22 second degree (RCW 9.41.040(2))  
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(3))

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(5)(a))  
12 Trafficking in Insurance Claims (RCW  
13 48.30A.015)  
14 Unlawful factoring of a credit card or  
15 payment card transaction (RCW  
16 9A.56.290(4)(a))  
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 Forgery (RCW 9A.60.020)  
26 Fraudulent Creation or Revocation of a  
27 Mental Health Advance Directive  
28 (RCW 9A.60.060)  
29 Malicious Mischief 2 (RCW  
30 9A.48.080)  
31 Mineral Trespass (RCW 78.44.330)  
32 Possession of Stolen Property 2 (RCW  
33 9A.56.160)  
34 Reckless Burning 1 (RCW 9A.48.040)  
35 Taking Motor Vehicle Without  
36 Permission 2 (two or more prior  
37 offenses) (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)  
2 Theft of Rental, Leased, or Lease-  
3 purchased Property (valued at two  
4 hundred fifty dollars or more but  
5 less than one thousand five  
6 hundred dollars) (RCW  
7 9A.56.096(5)(b))  
8 Transaction of insurance business  
9 beyond the scope of licensure  
10 (RCW 48.17.063(4))  
11 Unlawful Issuance of Checks or Drafts  
12 (RCW 9A.56.060)  
13 Unlawful Possession of Fictitious  
14 Identification (RCW 9A.56.320)  
15 Unlawful Possession of Instruments of  
16 Financial Fraud (RCW  
17 9A.56.320)  
18 Unlawful Possession of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Possession of a Personal  
21 Identification Device (RCW  
22 9A.56.320)  
23 Unlawful Production of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Trafficking in Food Stamps  
26 (RCW 9.91.142)  
27 Unlawful Use of Food Stamps (RCW  
28 9.91.144)  
29 Vehicle Prowl 1 (RCW 9A.52.095)

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