## HOUSE BILL 2705

Sta	ate	of	Washir	igtor	1	64t	h Leg:	isla	ature		20	16	Regu	llar	Sess	ion
Ву	Re	pres	entati	ves	Klippe	rt, F	layes,	Wil	lson,	Griff	ey,	Mu	ıri,	and	Smitl	h
Rea	ad	firs	st time	e 01,	/19/16.	Ref	erred	to	Comm	ittee	on	Puk	olic	Safe	ety.	

AN ACT Relating to increasing the seriousness level of first degree rape and first degree rape of a child; amending RCW 9.94A.515; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to 6 read as follows:

7	TABLE 2
8	CRIMES INCLUDED WITHIN
9	EACH SERIOUSNESS LEVEL
10 XVI	Aggravated Murder 1 (RCW
11	10.95.020)
12 XV	Homicide by abuse (RCW 9A.32.055)
13	Malicious explosion 1 (RCW
14	70.74.280(1))
15	Murder 1 (RCW 9A.32.030)
16	Rape 1 (RCW 9A.44.040)
17	Rape of a Child 1 (RCW 9A.44.073)
18 XIV	Murder 2 (RCW 9A.32.050)

1		Trafficking 1 (RCW 9A.40.100(1))
2	XIII	Malicious explosion 2 (RCW
3		70.74.280(2))
4		Malicious placement of an explosive 1
5		(RCW 70.74.270(1))
6	XII	Assault 1 (RCW 9A.36.011)
7		Assault of a Child 1 (RCW 9A.36.120)
8		Malicious placement of an imitation
9		device 1 (RCW 70.74.272(1)(a))
10		Promoting Commercial Sexual Abuse
11		of a Minor (RCW 9.68A.101)
12		((Rape 1 (RCW 9A.44.040)
13		Rape of a Child 1 (RCW 9A.44.073)))
14		Trafficking 2 (RCW 9A.40.100(3))
15	XI	Manslaughter 1 (RCW 9A.32.060)
16		Rape 2 (RCW 9A.44.050)
17		Rape of a Child 2 (RCW 9A.44.076)
18		Vehicular Homicide, by being under
19		the influence of intoxicating liquor
20		or any drug (RCW 46.61.520)
21	Х	Child Molestation 1 (RCW 9A.44.083)
22		Criminal Mistreatment 1 (RCW
23		9A.42.020)
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		Sexually Violent Predator Escape
33		(RCW 9A.76.115)
34	IX	Abandonment of Dependent Person 1
35		(RCW 9A.42.060)

1		Assault of a Child 2 (RCW 9A.36.130)
2		Explosive devices prohibited (RCW
3		70.74.180)
4		Hit and Run—Death (RCW
5		46.52.020(4)(a))
6		Homicide by Watercraft, by being
7		under the influence of intoxicating
8		liquor or any drug (RCW
9		79A.60.050)
10		Inciting Criminal Profiteering (RCW
11		9A.82.060(1)(b))
12		Malicious placement of an explosive 2
13		(RCW 70.74.270(2))
14		Robbery 1 (RCW 9A.56.200)
15		Sexual Exploitation (RCW 9.68A.040)
16	VIII	Arson 1 (RCW 9A.48.020)
17		Commercial Sexual Abuse of a Minor
18		(RCW 9.68A.100)
19		Homicide by Watercraft, by the
20		operation of any vessel in a
21		reckless manner (RCW
22		79A.60.050)
23		Manslaughter 2 (RCW 9A.32.070)
24		Promoting Prostitution 1 (RCW
25		9A.88.070)
26		Theft of Ammonia (RCW 69.55.010)
27		Vehicular Homicide, by the operation
28		of any vehicle in a reckless
29		manner (RCW 46.61.520)
30	VII	Burglary 1 (RCW 9A.52.020)
31		Child Molestation 2 (RCW 9A.44.086)
32		Civil Disorder Training (RCW
33		9A.48.120)

1	Dealing in depictions of minor engaged
2	in sexually explicit conduct 1
3	(RCW 9.68A.050(1))
4	Drive-by Shooting (RCW 9A.36.045)
5	Homicide by Watercraft, by disregard
6	for the safety of others (RCW
7	79A.60.050)
8	Indecent Liberties (without forcible
9	compulsion) (RCW 9A.44.100(1)
10	(b) and (c))
11	Introducing Contraband 1 (RCW
12	9A.76.140)
13	Malicious placement of an explosive 3
14	(RCW 70.74.270(3))
15	Negligently Causing Death By Use of a
16	Signal Preemption Device (RCW
17	46.37.675)
18	Sending, bringing into state depictions
19	of minor engaged in sexually
20	explicit conduct 1 (RCW
21	9.68A.060(1))
22	Unlawful Possession of a Firearm in
23 24	the first degree (RCW
	9.41.040(1))
25	Use of a Machine Gun in Commission
26	of a Felony (RCW 9.41.225)
27 28	Vehicular Homicide, by disregard for
28	the safety of others (RCW 46.61.520)
30 VI 31	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
32	Bribery (RCW 9A.68.010)
33	Incest 1 (RCW 9A.64.020(1))
34	Intimidating a Judge (RCW 9A.72.160)
35	Intimidating a Juror/Witness (RCW
36	9A.72.110, 9A.72.130)

1		Malicious placement of an imitation
2		device 2 (RCW 70.74.272(1)(b))
3		Possession of Depictions of a Minor
4		Engaged in Sexually Explicit
5		Conduct 1 (RCW 9.68A.070(1))
6		Rape of a Child 3 (RCW 9A.44.079)
7		Theft of a Firearm (RCW 9A.56.300)
8		Unlawful Storage of Ammonia (RCW
9		69.55.020)
10	V	Abandonment of Dependent Person 2
11		(RCW 9A.42.070)
12		Advancing money or property for
13		extortionate extension of credit
14		(RCW 9A.82.030)
15		Bail Jumping with class A Felony
16		(RCW 9A.76.170(3)(b))
17		Child Molestation 3 (RCW 9A.44.089)
18		Criminal Mistreatment 2 (RCW
19		9A.42.030)
20		Custodial Sexual Misconduct 1 (RCW
21		9A.44.160)
22		Dealing in Depictions of Minor
23		Engaged in Sexually Explicit
24		Conduct 2 (RCW 9.68A.050(2))
25		Domestic Violence Court Order
26		Violation (RCW 10.99.040,
27		10.99.050, 26.09.300, 26.10.220,
28		26.26.138, 26.50.110, 26.52.070,
29		or 74.34.145)
30		Driving While Under the Influence
31		(RCW 46.61.502(6))
32		Extortion 1 (RCW 9A.56.120)
33		Extortionate Extension of Credit (RCW
34		9A.82.020)

1		Extortionate Means to Collect
2		Extensions of Credit (RCW
3		9A.82.040)
4		Incest 2 (RCW 9A.64.020(2))
5		Kidnapping 2 (RCW 9A.40.030)
6		Perjury 1 (RCW 9A.72.020)
7		Persistent prison misbehavior (RCW
8		9.94.070)
9		Physical Control of a Vehicle While
10		Under the Influence (RCW
11		46.61.504(6))
12		Possession of a Stolen Firearm (RCW
13		9A.56.310)
14		Rape 3 (RCW 9A.44.060)
15		Rendering Criminal Assistance 1
16		(RCW 9A.76.070)
17		Sending, Bringing into State
18		Depictions of Minor Engaged in
19		Sexually Explicit Conduct 2
20		(RCW 9.68A.060(2))
21		Sexual Misconduct with a Minor 1
22		(RCW 9A.44.093)
23		Sexually Violating Human Remains
24		(RCW 9A.44.105)
25		Stalking (RCW 9A.46.110)
26		Taking Motor Vehicle Without
27		Permission 1 (RCW 9A.56.070)
28	IV	Arson 2 (RCW 9A.48.030)
29		Assault 2 (RCW 9A.36.021)
30		Assault 3 (of a Peace Officer with a
31		Projectile Stun Gun) (RCW
32		9A.36.031(1)(h))
33		Assault by Watercraft (RCW
34		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
б	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))
16	Indecent Exposure to Person Under
17	Age Fourteen (subsequent sex
18	offense) (RCW 9A.88.010)
19	Influencing Outcome of Sporting Event
20	(RCW 9A.82.070)
21	Malicious Harassment (RCW
22	9A.36.080)
23	Possession of Depictions of a Minor
24	Engaged in Sexually Explicit
25	Conduct 2 (RCW 9.68A.070(2))
26	Residential Burglary (RCW
27	9A.52.025)
28	Robbery 2 (RCW 9A.56.210)
29	Theft of Livestock 1 (RCW 9A.56.080)
30	Threats to Bomb (RCW 9.61.160)
31	Trafficking in Stolen Property 1 (RCW
32	9A.82.050)
33	Unlawful factoring of a credit card or
34	payment card transaction (RCW
35	9A.56.290(4)(b))

1		Unlawful transaction of health
2		coverage as a health care service
3		contractor (RCW 48.44.016(3))
4		Unlawful transaction of health
5		coverage as a health maintenance
6		organization (RCW 48.46.033(3))
7		Unlawful transaction of insurance
8		business (RCW 48.15.023(3))
9		Unlicensed practice as an insurance
10		professional (RCW 48.17.063(2))
11		Use of Proceeds of Criminal
12		Profiteering (RCW 9A.82.080 (1)
13		and (2))
14		Vehicle Prowling 2 (third or
15		subsequent offense) (RCW
16		9A.52.100(3))
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		Viewing of Depictions of a Minor
23		Engaged in Sexually Explicit
24		Conduct 1 (RCW 9.68A.075(1))
25		Willful Failure to Return from
26		Furlough (RCW 72.66.060)
27	III	Animal Cruelty 1 (Sexual Conduct or
28		Contact) (RCW 16.52.205(3))
29		Assault 3 (Except Assault 3 of a Peace
30		Officer With a Projectile Stun
31		Gun) (RCW 9A.36.031 except
32		subsection (1)(h))
33		Assault of a Child 3 (RCW 9A.36.140)
34		Bail Jumping with class B or C Felony
35		(RCW 9A.76.170(3)(c))
36		Burglary 2 (RCW 9A.52.030)

1	Communication with a Minor for
2	Immoral Purposes (RCW
3	9.68A.090)
4	Criminal Gang Intimidation (RCW
5	9A.46.120)
6	Custodial Assault (RCW 9A.36.100)
7	Cyberstalking (subsequent conviction
8	or threat of death) (RCW
9	9.61.260(3))
10	Escape 2 (RCW 9A.76.120)
11	Extortion 2 (RCW 9A.56.130)
12	Harassment (RCW 9A.46.020)
13	Intimidating a Public Servant (RCW
14	9A.76.180)
15	Introducing Contraband 2 (RCW
16	9A.76.150)
17	Malicious Injury to Railroad Property
18	(RCW 81.60.070)
19	Mortgage Fraud (RCW 19.144.080)
20	Negligently Causing Substantial
21	Bodily Harm By Use of a Signal
22	Preemption Device (RCW
23	46.37.674)
24	Organized Retail Theft 1 (RCW
25	9A.56.350(2))
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	Retail Theft with Special
35	Circumstances 1 (RCW
36	9A.56.360(2))

1		Securities Act violation (RCW
2		21.20.400)
3		Tampering with a Witness (RCW
4		9A.72.120)
5		Telephone Harassment (subsequent
б		conviction or threat of death)
7		(RCW 9.61.230(2))
8		Theft of Livestock 2 (RCW 9A.56.083)
9		Theft with the Intent to Resell 1 (RCW
10		9A.56.340(2))
11		Trafficking in Stolen Property 2 (RCW
12		9A.82.055)
13		Unlawful Hunting of Big Game 1
14		(RCW 77.15.410(3)(b))
15		Unlawful Imprisonment (RCW
16		9A.40.040)
17		Unlawful Misbranding of Food Fish or
18		Shellfish 1 (RCW 69.04.938(3))
19		Unlawful possession of firearm in the
20		second degree (RCW 9.41.040(2))
21		Unlawful Taking of Endangered Fish
22		or Wildlife 1 (RCW
23		77.15.120(3)(b))
24		Unlawful Trafficking in Fish, Shellfish,
25		or Wildlife 1 (RCW
26		77.15.260(3)(b))
27		Unlawful Use of a Nondesignated
28		Vessel (RCW 77.15.530(4))
29		Vehicular Assault, by the operation or
30		driving of a vehicle with disregard
31		for the safety of others (RCW
32		46.61.522)
33		Willful Failure to Return from Work
34		Release (RCW 72.65.070)
35	Π	Commercial Fishing Without a License
36		1 (RCW 77.15.500(3)(b))

1	Computer Trespass 1 (RCW
2	9A.52.110)
3	Counterfeiting (RCW 9.16.035(3))
4	Engaging in Fish Dealing Activity
5	Unlicensed 1 (RCW 77.15.620(3))
6	Escape from Community Custody
7	(RCW 72.09.310)
8	Failure to Register as a Sex Offender
9	(second or subsequent offense)
10	(RCW 9A.44.130 prior to June 10,
11	2010, and RCW 9A.44.132)
12	Health Care False Claims (RCW
13	48.80.030)
14	Identity Theft 2 (RCW 9.35.020(3))
15	Improperly Obtaining Financial
16	Information (RCW 9.35.010)
17	Malicious Mischief 1 (RCW
18	9A.48.070)
19	Organized Retail Theft 2 (RCW
20	9A.56.350(3))
21	Possession of Stolen Property 1 (RCW
22	9A.56.150)
23	Possession of a Stolen Vehicle (RCW
24	9A.56.068)
25	Retail Theft with Special
26	Circumstances 2 (RCW
27	9A.56.360(3))
28	Scrap Processing, Recycling, or
29	Supplying Without a License
30	(second or subsequent offense)
31	(RCW 19.290.100)
32	Theft 1 (RCW 9A.56.030)
33	Theft of a Motor Vehicle (RCW
34	9A.56.065)

1		Theft of Rental, Leased, ((0+)) Lease-
2		purchased, or Loaned Property
3		(valued at $((one))$ ) <u>five</u> thousand
4		((five hundred)) dollars or more)
5		(RCW 9A.56.096(5)(a))
6		Theft with the Intent to Resell 2 (RCW
7		9A.56.340(3))
8		Trafficking in Insurance Claims (RCW
9		48.30A.015)
10		Unlawful factoring of a credit card or
11		payment card transaction (RCW
12		9A.56.290(4)(a))
13		Unlawful Participation of Non-Indians
14		in Indian Fishery (RCW
15		77.15.570(2))
16		Unlawful Practice of Law (RCW
17		2.48.180)
18		Unlawful Purchase or Use of a License
19		(RCW 77.15.650(3)(b))
20		Unlawful Trafficking in Fish, Shellfish,
21		or Wildlife 2 (RCW
22		77.15.260(3)(a))
23		Unlicensed Practice of a Profession or
24		Business (RCW 18.130.190(7))
25		Voyeurism (RCW 9A.44.115)
26	I	Attempting to Elude a Pursuing Police
27		Vehicle (RCW 46.61.024)
28		False Verification for Welfare (RCW
29		74.08.055)
30		Forgery (RCW 9A.60.020)
31		Fraudulent Creation or Revocation of a
32		Mental Health Advance Directive
33		(RCW 9A.60.060)
34		Malicious Mischief 2 (RCW
35		9A.48.080)
36		Mineral Trespass (RCW 78.44.330)

1	Possession of Stolen Property 2 (RCW
2	9A.56.160)
3	Reckless Burning 1 (RCW 9A.48.040)
4	Spotlighting Big Game 1 (RCW
5	77.15.450(3)(b))
6	Suspension of Department Privileges 1
7	(RCW 77.15.670(3)(b))
8	Taking Motor Vehicle Without
9	Permission 2 (RCW 9A.56.075)
10	Theft 2 (RCW 9A.56.040)
11	Theft of Rental, Leased, ((or)) Lease-
12	purchased, or Loaned Property
13	(valued at ((two)) seven hundred
14	fifty dollars or more but less than
15	((one)) five thousand ((five
16	hundred)) dollars) (RCW
17	9A.56.096(5)(b))
18	Transaction of insurance business
19	beyond the scope of licensure
20	(RCW 48.17.063)
21	Unlawful Fish and Shellfish Catch
22	Accounting (RCW
23	77.15.630(3)(b))
24	Unlawful Issuance of Checks or Drafts
25	(RCW 9A.56.060)
26	Unlawful Possession of Fictitious
27	Identification (RCW 9A.56.320)
28	Unlawful Possession of Instruments of
29	Financial Fraud (RCW 9A.56.320)
30	Unlawful Possession of Payment
31	Instruments (RCW 9A.56.320)
32	Unlawful Possession of a Personal
33	Identification Device (RCW
34	9A.56.320)
35	Unlawful Production of Payment
36	Instruments (RCW 9A.56.320)

1	Unlawful Releasing, Planting,
2	Possessing, or Placing Deleterious
3	Exotic Wildlife (RCW
4	77.15.250(2)(b))
5	Unlawful Trafficking in Food Stamps
6	(RCW 9.91.142)
7	Unlawful Use of Food Stamps (RCW
8	9.91.144)
9	Unlawful Use of Net to Take Fish 1
10	(RCW 77.15.580(3)(b))
11	Unlawful Use of Prohibited Aquatic
12	Animal Species (RCW
13	77.15.253(3))
14	Vehicle Prowl 1 (RCW 9A.52.095)
15	Violating Commercial Fishing Area or
16	Time 1 (RCW 77.15.550(3)(b))

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