

2SSB 6006 - H AMD TO CSJR COMM AMD (H-3302.2/24) **1221**  
By Representative Graham

**NOT ADOPTED 02/29/2024**

1 On page 6, after line 10, insert the following:

2 "NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.40  
3 RCW to read as follows:

4 (1) A person convicted of any of the following offenses shall be  
5 sentenced under subsection (2) of this section if the victim was a  
6 minor at the time of the offense:

7 (a) Trafficking in the first degree under RCW 9A.40.100(1)(a)(i)  
8 involving a sexually explicit act or a commercial sex act;

9 (b) Trafficking in the first degree under RCW 9A.40.100(1)(a)(ii)  
10 involving a sexually explicit act or commercial sex act;

11 (c) Trafficking in the first degree under RCW  
12 9A.40.100(1)(b)(ii);

13 (d) Trafficking in the second degree under RCW 9A.40.100(3)(a)  
14 involving a sexually explicit act or a commercial sex act; or

15 (e) Trafficking in the second degree under RCW 9A.40.100(3)(b)  
16 involving a sexually explicit act or a commercial sex act.

17 (2) A person convicted under subsection (1) of this section who:

18 (a) Was 18 years of age or older at the time of the offense shall  
19 be sentenced to life imprisonment without the opportunity for parole.  
20 A person sentenced under this subsection shall not have that sentence  
21 suspended, deferred, or commuted by any judicial officer and the  
22 indeterminate sentence review board or its successor may not parole  
23 such prisoner nor reduce the period of confinement in any manner  
24 whatsoever including but not limited to any sort of good-time  
25 calculation;

26 (b) Was less than 18 years old at the time of the offense shall  
27 be sentenced to a maximum term of life imprisonment and a minimum  
28 term of total confinement of no less than 25 years. In setting a  
29 minimum term, the court must take into account mitigating factors  
30 that account for the diminished culpability of youth as provided  
31 in *Miller v. Alabama*, 132 S.Ct. 2455 (2012) including, but not  
32 limited to, the age of the individual, the youth's childhood and life

1 experience, the degree of responsibility the youth was capable of  
2 exercising, and the youth's chances of becoming rehabilitated.

3 **Sec. 3.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are  
4 each reenacted and amended to read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH  
7 SERIOUSNESS LEVEL

8 XVI Aggravated Murder 1 (RCW 10.95.020)

9 Trafficking 1 (if the victim was a minor  
10 and the offense involved a sexually  
11 explicit act or a commercial sex act)  
12 (RCW 9A.40.100(1)(a)(i))

13 Trafficking 1 (if the victim was a minor  
14 and the offense involved a sexually  
15 explicit act or a commercial sex act)  
16 (RCW 9A.40.100(1)(a)(ii))

17 Trafficking 1 (if the victim was a minor)  
18 (RCW 9A.40.100(1)(b)(ii))

19 Trafficking 2 (if the victim was a minor  
20 and the offense involved a sexually  
21 explicit act or a commercial sex act)  
22 (RCW 9A.40.100(3)(a))

23 Trafficking 2 (if the victim was a minor  
24 and the offense involved a sexually  
25 explicit act or a commercial sex act)  
26 (RCW 9A.40.100(3)(b))

27 XV Homicide by abuse (RCW 9A.32.055)

28 Malicious explosion 1 (RCW  
29 70.74.280(1))

30 Murder 1 (RCW 9A.32.030)

31 XIV Murder 2 (RCW 9A.32.050)

1 Trafficking 1 (except Trafficking 1  
2 where the victim is a minor under  
3 RCW 9A.40.100(1) (a)(ii) or (b)(ii)  
4 or where the victim is a minor and  
5 the offense involved a sexually  
6 explicit act or a commercial sex act  
7 under RCW 9A.40.100(1)(a)(i)  
8 (RCW 9A.40.100(1))

9 XIII Malicious explosion 2 (RCW  
10 70.74.280(2))

11 Malicious placement of an explosive 1  
12 (RCW 70.74.270(1))

13 XII Assault 1 (RCW 9A.36.011)

14 Assault of a Child 1 (RCW 9A.36.120)

15 Malicious placement of an imitation  
16 device 1 (RCW 70.74.272(1)(a))

17 Promoting Commercial Sexual Abuse of  
18 a Minor (RCW 9.68A.101)

19 Rape 1 (RCW 9A.44.040)

20 Rape of a Child 1 (RCW 9A.44.073)

21 Trafficking 2 (except Trafficking 2  
22 where the victim is a minor under  
23 RCW 9A.40.100(3)(b) or the victim  
24 is a minor and the offense involved  
25 a sexually explicit act or a  
26 commercial sex act under RCW  
27 9A.40.100(3)(a)) (RCW  
28 9A.40.100(3))

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 Vehicular Homicide, by being under the  
33 influence of intoxicating liquor or  
34 any drug (RCW 46.61.520)

1 Vehicular Homicide, by the operation of  
2 any vehicle in a reckless manner  
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)

7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW  
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW  
16 9A.76.115)

17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW  
21 70.74.180)

22 Hit and Run—Death (RCW  
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under  
25 the influence of intoxicating liquor  
26 or any drug (RCW 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 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor  
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a reckless  
3 manner (RCW 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Promoting Prostitution 1 (RCW  
6 9A.88.070)  
7 Theft of Ammonia (RCW 69.55.010)  
8 VII Air bag diagnostic systems (causing  
9 bodily injury or death) (RCW  
10 46.37.660(2)(b))  
11 Air bag replacement requirements  
12 (causing bodily injury or death)  
13 (RCW 46.37.660(1)(b))  
14 Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Custodial Sexual Misconduct 1 (RCW  
19 9A.44.160)  
20 Dealing in depictions of minor engaged  
21 in sexually explicit conduct 1  
22 (RCW 9.68A.050(1))  
23 Drive-by Shooting (RCW 9A.36.045)  
24 False Reporting 1 (RCW  
25 9A.84.040(2)(a))  
26 Homicide by Watercraft, by disregard  
27 for the safety of others (RCW  
28 79A.60.050)  
29 Indecent Liberties (without forcible  
30 compulsion) (RCW 9A.44.100(1)  
31 (b) and (c))  
32 Introducing Contraband 1 (RCW  
33 9A.76.140)  
34 Malicious placement of an explosive 3  
35 (RCW 70.74.270(3))

1 Manufacture or import counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed air bag  
4 (causing bodily injury or death)  
5 (RCW 46.37.650(1)(b))  
6 Negligently Causing Death By Use of a  
7 Signal Preemption Device (RCW  
8 46.37.675)  
9 Sell, install, or reinstall counterfeit,  
10 nonfunctional, damaged, or  
11 previously deployed airbag (RCW  
12 46.37.650(2)(b))  
13 Sending, bringing into state depictions  
14 of minor engaged in sexually  
15 explicit conduct 1 (RCW  
16 9.68A.060(1))  
17 Unlawful Possession of a Firearm in the  
18 first degree (RCW 9.41.040(1))  
19 Use of a Machine Gun or Bump-fire  
20 Stock in Commission of a Felony  
21 (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for  
23 the safety of others (RCW  
24 46.61.520)  
25 VI Bail Jumping with Murder 1 (RCW  
26 9A.76.170(3)(a))  
27 Bribery (RCW 9A.68.010)  
28 Incest 1 (RCW 9A.64.020(1))  
29 Intimidating a Judge (RCW 9A.72.160)  
30 Intimidating a Juror/Witness (RCW  
31 9A.72.110, 9A.72.130)  
32 Malicious placement of an imitation  
33 device 2 (RCW 70.74.272(1)(b))  
34 Possession of Depictions of a Minor  
35 Engaged in Sexually Explicit  
36 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)  
2 Theft of a Firearm (RCW 9A.56.300)  
3 Theft from a Vulnerable Adult 1 (RCW  
4 9A.56.400(1))  
5 Unlawful Storage of Ammonia (RCW  
6 69.55.020)  
7 V Abandonment of Dependent Person 2  
8 (RCW 9A.42.070)  
9 Advancing money or property for  
10 extortionate extension of credit  
11 (RCW 9A.82.030)  
12 Air bag diagnostic systems (RCW  
13 46.37.660(2)(c))  
14 Air bag replacement requirements  
15 (RCW 46.37.660(1)(c))  
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 2 (RCW  
20 9A.42.030)  
21 Custodial Sexual Misconduct 2 (RCW  
22 9A.44.170)  
23 Dealing in Depictions of Minor  
24 Engaged in Sexually Explicit  
25 Conduct 2 (RCW 9.68A.050(2))  
26 Domestic Violence Court Order  
27 Violation (RCW 7.105.450,  
28 10.99.040, 10.99.050, 26.09.300,  
29 26.26B.050, or 26.52.070)  
30 Extortion 1 (RCW 9A.56.120)  
31 Extortionate Extension of Credit (RCW  
32 9A.82.020)  
33 Extortionate Means to Collect  
34 Extensions of Credit (RCW  
35 9A.82.040)  
36 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)  
2 Manufacture or import counterfeit,  
3 nonfunctional, damaged, or  
4 previously deployed air bag (RCW  
5 46.37.650(1)(c))  
6 Perjury 1 (RCW 9A.72.020)  
7 Persistent prison misbehavior (RCW  
8 9.94.070)  
9 Possession of a Stolen Firearm (RCW  
10 9A.56.310)  
11 Rape 3 (RCW 9A.44.060)  
12 Rendering Criminal Assistance 1 (RCW  
13 9A.76.070)  
14 Sell, install, or reinstall counterfeit,  
15 nonfunctional, damaged, or  
16 previously deployed airbag (RCW  
17 46.37.650(2)(c))  
18 Sending, Bringing into State Depictions  
19 of Minor Engaged in Sexually  
20 Explicit Conduct 2 (RCW  
21 9.68A.060(2))  
22 Sexual Misconduct with a Minor 1  
23 (RCW 9A.44.093)  
24 Sexually Violating Human Remains  
25 (RCW 9A.44.105)  
26 Stalking (RCW 9A.46.110)  
27 Taking Motor Vehicle Without  
28 Permission 1 (RCW 9A.56.070)  
29 IV Arson 2 (RCW 9A.48.030)  
30 Assault 2 (RCW 9A.36.021)  
31 Assault 3 (of a Peace Officer with a  
32 Projectile Stun Gun) (RCW  
33 9A.36.031(1)(h))  
34 Assault 4 (third domestic violence  
35 offense) (RCW 9A.36.041(3))



1 Assault by Watercraft (RCW  
2 79A.60.060)  
3 Bribing a Witness/Bribe Received by  
4 Witness (RCW 9A.72.090,  
5 9A.72.100)  
6 Cheating 1 (RCW 9.46.1961)  
7 Commercial Bribery (RCW 9A.68.060)  
8 Counterfeiting (RCW 9.16.035(4))  
9 Driving While Under the Influence  
10 (RCW 46.61.502(6))  
11 Endangerment with a Controlled  
12 Substance (RCW 9A.42.100)  
13 Escape 1 (RCW 9A.76.110)  
14 Hate Crime (RCW 9A.36.080)  
15 Hit and Run—Injury (RCW  
16 46.52.020(4)(b))  
17 Hit and Run with Vessel—Injury  
18 Accident (RCW 79A.60.200(3))  
19 Identity Theft 1 (RCW 9.35.020(2))  
20 Indecent Exposure to Person Under Age  
21 14 (subsequent sex offense) (RCW  
22 9A.88.010)  
23 Influencing Outcome of Sporting Event  
24 (RCW 9A.82.070)  
25 Physical Control of a Vehicle While  
26 Under the Influence (RCW  
27 46.61.504(6))  
28 Possession of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 2 (RCW 9.68A.070(2))  
31 Residential Burglary (RCW 9A.52.025)  
32 Robbery 2 (RCW 9A.56.210)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW  
2 9A.82.050)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(b))  
6 Unlawful transaction of health coverage  
7 as a health care service contractor  
8 (RCW 48.44.016(3))  
9 Unlawful transaction of health coverage  
10 as a health maintenance  
11 organization (RCW 48.46.033(3))  
12 Unlawful transaction of insurance  
13 business (RCW 48.15.023(3))  
14 Unlicensed practice as an insurance  
15 professional (RCW 48.17.063(2))  
16 Use of Proceeds of Criminal  
17 Profiteering (RCW 9A.82.080 (1)  
18 and (2))  
19 Vehicle Prowling 2 (third or subsequent  
20 offense) (RCW 9A.52.100(3))  
21 Vehicular Assault, by being under the  
22 influence of intoxicating liquor or  
23 any drug, or by the operation or  
24 driving of a vehicle in a reckless  
25 manner (RCW 46.61.522)  
26 Viewing of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 1 (RCW 9.68A.075(1))  
29 III Animal Cruelty 1 (Sexual Conduct or  
30 Contact) (RCW 16.52.205(3))  
31 Assault 3 (Except Assault 3 of a Peace  
32 Officer With a Projectile Stun Gun)  
33 (RCW 9A.36.031 except subsection  
34 (1)(h))  
35 Assault of a Child 3 (RCW 9A.36.140)  
36 Bail Jumping with class B or C Felony  
37 (RCW 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)  
2 Communication with a Minor for  
3 Immoral Purposes (RCW  
4 9.68A.090)  
5 Criminal Gang Intimidation (RCW  
6 9A.46.120)  
7 Custodial Assault (RCW 9A.36.100)  
8 Cyber Harassment (RCW  
9 9A.90.120(2)(b))  
10 Escape 2 (RCW 9A.76.120)  
11 Extortion 2 (RCW 9A.56.130)  
12 False Reporting 2 (RCW  
13 9A.84.040(2)(b))  
14 Harassment (RCW 9A.46.020)  
15 Hazing (RCW 28B.10.901(2)(b))  
16 Intimidating a Public Servant (RCW  
17 9A.76.180)  
18 Introducing Contraband 2 (RCW  
19 9A.76.150)  
20 Malicious Injury to Railroad Property  
21 (RCW 81.60.070)  
22 Manufacture of Untraceable Firearm  
23 with Intent to Sell (RCW 9.41.190)  
24 Manufacture or Assembly of an  
25 Undetectable Firearm or  
26 Untraceable Firearm (RCW  
27 9.41.325)  
28 Mortgage Fraud (RCW 19.144.080)  
29 Negligently Causing Substantial Bodily  
30 Harm By Use of a Signal  
31 Preemption Device (RCW  
32 46.37.674)  
33 Organized Retail Theft 1 (RCW  
34 9A.56.350(2))  
35 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun, Bump-Fire  
4 Stock, Undetectable Firearm, or  
5 Short-Barreled Shotgun or Rifle  
6 (RCW 9.41.190)  
7 Promoting Prostitution 2 (RCW  
8 9A.88.080)  
9 Retail Theft with Special Circumstances  
10 1 (RCW 9A.56.360(2))  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Tampering with a Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment (subsequent  
16 conviction or threat of death) (RCW  
17 9.61.230(2))  
18 Theft of Livestock 2 (RCW 9A.56.083)  
19 Theft with the Intent to Resell 1 (RCW  
20 9A.56.340(2))  
21 Trafficking in Stolen Property 2 (RCW  
22 9A.82.055)  
23 Unlawful Hunting of Big Game 1 (RCW  
24 77.15.410(3)(b))  
25 Unlawful Imprisonment (RCW  
26 9A.40.040)  
27 Unlawful Misbranding of Fish or  
28 Shellfish 1 (RCW 77.140.060(3))  
29 Unlawful possession of firearm in the  
30 second degree (RCW 9.41.040(2))  
31 Unlawful Taking of Endangered Fish or  
32 Wildlife 1 (RCW 77.15.120(3)(b))  
33 Unlawful Trafficking in Fish, Shellfish,  
34 or Wildlife 1 (RCW  
35 77.15.260(3)(b))

1 Unlawful Use of a Nondesignated  
2 Vessel (RCW 77.15.530(4))  
3 Vehicular Assault, by the operation or  
4 driving of a vehicle with disregard  
5 for the safety of others (RCW  
6 46.61.522)  
7 II Commercial Fishing Without a License  
8 1 (RCW 77.15.500(3)(b))  
9 Computer Trespass 1 (RCW 9A.90.040)  
10 Counterfeiting (RCW 9.16.035(3))  
11 Electronic Data Service Interference  
12 (RCW 9A.90.060)  
13 Electronic Data Tampering 1 (RCW  
14 9A.90.080)  
15 Electronic Data Theft (RCW 9A.90.100)  
16 Engaging in Fish Dealing Activity  
17 Unlicensed 1 (RCW 77.15.620(3))  
18 Escape from Community Custody  
19 (RCW 72.09.310)  
20 Failure to Register as a Sex Offender  
21 (second or subsequent offense)  
22 (RCW 9A.44.130 prior to June 10,  
23 2010, and RCW 9A.44.132)  
24 Health Care False Claims (RCW  
25 48.80.030)  
26 Identity Theft 2 (RCW 9.35.020(3))  
27 Improperly Obtaining Financial  
28 Information (RCW 9.35.010)  
29 Malicious Mischief 1 (RCW 9A.48.070)  
30 Organized Retail Theft 2 (RCW  
31 9A.56.350(3))  
32 Possession of Stolen Property 1 (RCW  
33 9A.56.150)  
34 Possession of a Stolen Vehicle (RCW  
35 9A.56.068)

1 Retail Theft with Special Circumstances  
2 2 (RCW 9A.56.360(3))  
3 Scrap Processing, Recycling, or  
4 Supplying Without a License  
5 (second or subsequent offense)  
6 (RCW 19.290.100)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft of a Motor Vehicle (RCW  
9 9A.56.065)  
10 Theft of Rental, Leased, Lease-  
11 purchased, or Loaned Property  
12 (valued at \$5,000 or more) (RCW  
13 9A.56.096(5)(a))  
14 Theft with the Intent to Resell 2 (RCW  
15 9A.56.340(3))  
16 Trafficking in Insurance Claims (RCW  
17 48.30A.015)  
18 Unlawful factoring of a credit card or  
19 payment card transaction (RCW  
20 9A.56.290(4)(a))  
21 Unlawful Participation of Non-Indians  
22 in Indian Fishery (RCW  
23 77.15.570(2))  
24 Unlawful Practice of Law (RCW  
25 2.48.180)  
26 Unlawful Purchase or Use of a License  
27 (RCW 77.15.650(3)(b))  
28 Unlawful Trafficking in Fish, Shellfish,  
29 or Wildlife 2 (RCW  
30 77.15.260(3)(a))  
31 Unlicensed Practice of a Profession or  
32 Business (RCW 18.130.190(7))  
33 Voyeurism 1 (RCW 9A.44.115)  
34 I Attempting to Elude a Pursuing Police  
35 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW  
2 74.08.055)  
3 Forgery (RCW 9A.60.020)  
4 Fraudulent Creation or Revocation of a  
5 Mental Health Advance Directive  
6 (RCW 9A.60.060)  
7 Malicious Mischief 2 (RCW 9A.48.080)  
8 Mineral Trespass (RCW 78.44.330)  
9 Possession of Stolen Property 2 (RCW  
10 9A.56.160)  
11 Reckless Burning 1 (RCW 9A.48.040)  
12 Spotlighting Big Game 1 (RCW  
13 77.15.450(3)(b))  
14 Suspension of Department Privileges 1  
15 (RCW 77.15.670(3)(b))  
16 Taking Motor Vehicle Without  
17 Permission 2 (RCW 9A.56.075)  
18 Theft 2 (RCW 9A.56.040)  
19 Theft from a Vulnerable Adult 2 (RCW  
20 9A.56.400(2))  
21 Theft of Rental, Leased, Lease-  
22 purchased, or Loaned Property  
23 (valued at \$750 or more but less  
24 than \$5,000) (RCW  
25 9A.56.096(5)(b))  
26 Transaction of insurance business  
27 beyond the scope of licensure  
28 (RCW 48.17.063)  
29 Unlawful Fish and Shellfish Catch  
30 Accounting (RCW 77.15.630(3)(b))  
31 Unlawful Issuance of Checks or Drafts  
32 (RCW 9A.56.060)  
33 Unlawful Possession of Fictitious  
34 Identification (RCW 9A.56.320)  
35 Unlawful Possession of Instruments of  
36 Financial Fraud (RCW 9A.56.320)

1 Unlawful Possession of Payment  
2 Instruments (RCW 9A.56.320)  
3 Unlawful Possession of a Personal  
4 Identification Device (RCW  
5 9A.56.320)  
6 Unlawful Production of Payment  
7 Instruments (RCW 9A.56.320)  
8 Unlawful Releasing, Planting,  
9 Possessing, or Placing Deleterious  
10 Exotic Wildlife (RCW  
11 77.15.250(2)(b))  
12 Unlawful Trafficking in Food Stamps  
13 (RCW 9.91.142)  
14 Unlawful Use of Food Stamps (RCW  
15 9.91.144)  
16 Unlawful Use of Net to Take Fish 1  
17 (RCW 77.15.580(3)(b))  
18 Vehicle Prowl 1 (RCW 9A.52.095)  
19 Violating Commercial Fishing Area or  
20 Time 1 (RCW 77.15.550(3)(b))"

21 Renumber the remaining sections consecutively, correct any  
22 internal references accordingly, and correct the title.

EFFECT: Provides that persons convicted of certain trafficking crimes involving sexual conduct where the victim was a minor must be sentenced to either (1) life without parole if the person was over 18 years old at the time of the offense, or (2) a minimum of no less than 25 years and a maximum of life if the person was under 18 years old at the time of the offense.

--- END ---