

HOUSE BILL 1961

State of Washington

68th Legislature

2024 Regular Session

By Representatives Low, Walen, Leavitt, Eslick, Sandlin, Paul, Couture, Ramel, Ramos, Bateman, Graham, Cheney, Riccelli, Pollet, and Shavers

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1 AN ACT Relating to animal cruelty in the first degree; and
2 reenacting and amending RCW 9.94A.515.

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

4 **Sec. 1.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are
5 each reenacted and amended to read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH
8 SERIOUSNESS LEVEL

9 XVI Aggravated Murder 1 (RCW 10.95.020)

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

11 Malicious explosion 1 (RCW
12 70.74.280(1))

13 Murder 1 (RCW 9A.32.030)

14 XIV Murder 2 (RCW 9A.32.050)

15 Trafficking 1 (RCW 9A.40.100(1))

16 XIII Malicious explosion 2 (RCW
17 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Promoting Commercial Sexual Abuse of
8 a Minor (RCW 9.68A.101)
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(3))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)
18 Vehicular Homicide, by the operation of
19 any vehicle in a reckless manner
20 (RCW 46.61.520)
21 X 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 (RCW
33 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 under
7 the influence of intoxicating liquor
8 or any drug (RCW 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 VIII Arson 1 (RCW 9A.48.020)
16 Commercial Sexual Abuse of a Minor
17 (RCW 9.68A.100)
18 Homicide by Watercraft, by the
19 operation of any vessel in a reckless
20 manner (RCW 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 VII Air bag diagnostic systems (causing
26 bodily injury or death) (RCW
27 46.37.660(2)(b))
28 Air bag replacement requirements
29 (causing bodily injury or death)
30 (RCW 46.37.660(1)(b))
31 Burglary 1 (RCW 9A.52.020)
32 Child Molestation 2 (RCW 9A.44.086)
33 Civil Disorder Training (RCW
34 9A.48.120)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)

3 Dealing in depictions of minor engaged
4 in sexually explicit conduct 1
5 (RCW 9.68A.050(1))

6 Drive-by Shooting (RCW 9A.36.045)

7 False Reporting 1 (RCW
8 9A.84.040(2)(a))

9 Homicide by Watercraft, by disregard
10 for the safety of others (RCW
11 79A.60.050)

12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1)
14 (b) and (c))

15 Introducing Contraband 1 (RCW
16 9A.76.140)

17 Malicious placement of an explosive 3
18 (RCW 70.74.270(3))

19 Manufacture or import counterfeit,
20 nonfunctional, damaged, or
21 previously deployed air bag
22 (causing bodily injury or death)
23 (RCW 46.37.650(1)(b))

24 Negligently Causing Death By Use of a
25 Signal Preemption Device (RCW
26 46.37.675)

27 Sell, install, or reinstall counterfeit,
28 nonfunctional, damaged, or
29 previously deployed airbag (RCW
30 46.37.650(2)(b))

31 Sending, bringing into state depictions
32 of minor engaged in sexually
33 explicit conduct 1 (RCW
34 9.68A.060(1))

35 Unlawful Possession of a Firearm in the
36 first degree (RCW 9.41.040(1))

1 Use of a Machine Gun or Bump-fire
2 Stock in Commission of a Felony
3 (RCW 9A.41.225)
4 Vehicular Homicide, by disregard for
5 the safety of others (RCW
6 46.61.520)
7 VI Bail Jumping with Murder 1 (RCW
8 9A.76.170(3)(a))
9 Bribery (RCW 9A.68.010)
10 Incest 1 (RCW 9A.64.020(1))
11 Intimidating a Judge (RCW 9A.72.160)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Malicious placement of an imitation
15 device 2 (RCW 70.74.272(1)(b))
16 Possession of Depictions of a Minor
17 Engaged in Sexually Explicit
18 Conduct 1 (RCW 9.68A.070(1))
19 Rape of a Child 3 (RCW 9A.44.079)
20 Theft of a Firearm (RCW 9A.56.300)
21 Theft from a Vulnerable Adult 1 (RCW
22 9A.56.400(1))
23 Unlawful Storage of Ammonia (RCW
24 69.55.020)
25 V Abandonment of Dependent Person 2
26 (RCW 9A.42.070)
27 Advancing money or property for
28 extortionate extension of credit
29 (RCW 9A.82.030)
30 Air bag diagnostic systems (RCW
31 46.37.660(2)(c))
32 Air bag replacement requirements
33 (RCW 46.37.660(1)(c))
34 Bail Jumping with class A Felony
35 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)
2 Criminal Mistreatment 2 (RCW
3 9A.42.030)
4 Custodial Sexual Misconduct 2 (RCW
5 9A.44.170)
6 Dealing in Depictions of Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.050(2))
9 Domestic Violence Court Order
10 Violation (RCW 7.105.450,
11 10.99.040, 10.99.050, 26.09.300,
12 26.26B.050, or 26.52.070)
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Manufacture or import counterfeit,
22 nonfunctional, damaged, or
23 previously deployed air bag (RCW
24 46.37.650(1)(c))
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 (RCW
32 9A.76.070)
33 Sell, install, or reinstall counterfeit,
34 nonfunctional, damaged, or
35 previously deployed airbag (RCW
36 46.37.650(2)(c))

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault 4 (third domestic violence
18 offense) (RCW 9A.36.041(3))
19 Assault by Watercraft (RCW
20 79A.60.060)
21 Bribing a Witness/Bribe Received by
22 Witness (RCW 9A.72.090,
23 9A.72.100)
24 Cheating 1 (RCW 9.46.1961)
25 Commercial Bribery (RCW 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Hate Crime (RCW 9A.36.080)
33 Hit and Run—Injury (RCW
34 46.52.020(4)(b))

1 Hit and Run with Vessel—Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under Age
5 14 (subsequent sex offense) (RCW
6 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of Depictions of a Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.070(2))
15 Residential Burglary (RCW 9A.52.025)
16 Robbery 2 (RCW 9A.56.210)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Threats to Bomb (RCW 9.61.160)
19 Trafficking in Stolen Property 1 (RCW
20 9A.82.050)
21 Unlawful factoring of a credit card or
22 payment card transaction (RCW
23 9A.56.290(4)(b))
24 Unlawful transaction of health coverage
25 as a health care service contractor
26 (RCW 48.44.016(3))
27 Unlawful transaction of health coverage
28 as a health maintenance
29 organization (RCW 48.46.033(3))
30 Unlawful transaction of insurance
31 business (RCW 48.15.023(3))
32 Unlicensed practice as an insurance
33 professional (RCW 48.17.063(2))
34 Use of Proceeds of Criminal
35 Profiteering (RCW 9A.82.080 (1)
36 and (2))

1 Vehicle Prowling 2 (third or subsequent
2 offense) (RCW 9A.52.100(3))
3 Vehicular Assault, by being under the
4 influence of intoxicating liquor or
5 any drug, or by the operation or
6 driving of a vehicle in a reckless
7 manner (RCW 46.61.522)
8 Viewing of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 1 (RCW 9.68A.075(1))
11 III Animal Cruelty 1 (~~(Sexual Conduct or~~
12 ~~Contact)) (RCW 16.52.205(~~(3))~~)
13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))
17 Assault of a Child 3 (RCW 9A.36.140)
18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))
20 Burglary 2 (RCW 9A.52.030)
21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)
24 Criminal Gang Intimidation (RCW
25 9A.46.120)
26 Custodial Assault (RCW 9A.36.100)
27 Cyber Harassment (RCW
28 9A.90.120(2)(b))
29 Escape 2 (RCW 9A.76.120)
30 Extortion 2 (RCW 9A.56.130)
31 False Reporting 2 (RCW
32 9A.84.040(2)(b))
33 Harassment (RCW 9A.46.020)
34 Hazing (RCW 28B.10.901(2)(b))
35 Intimidating a Public Servant (RCW
36 9A.76.180)~~

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Manufacture of Untraceable Firearm
6 with Intent to Sell (RCW 9.41.190)
7 Manufacture or Assembly of an
8 Undetectable Firearm or
9 Untraceable Firearm (RCW
10 9.41.325)
11 Mortgage Fraud (RCW 19.144.080)
12 Negligently Causing Substantial Bodily
13 Harm By Use of a Signal
14 Preemption Device (RCW
15 46.37.674)
16 Organized Retail Theft 1 (RCW
17 9A.56.350(2))
18 Perjury 2 (RCW 9A.72.030)
19 Possession of Incendiary Device (RCW
20 9.40.120)
21 Possession of Machine Gun, Bump-Fire
22 Stock, Undetectable Firearm, or
23 Short-Barreled Shotgun or Rifle
24 (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Retail Theft with Special Circumstances
28 1 (RCW 9A.56.360(2))
29 Securities Act violation (RCW
30 21.20.400)
31 Tampering with a Witness (RCW
32 9A.72.120)
33 Telephone Harassment (subsequent
34 conviction or threat of death) (RCW
35 9.61.230(2))
36 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with the Intent to Resell 1 (RCW
2 9A.56.340(2))
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1 (RCW
6 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Fish or
10 Shellfish 1 (RCW 77.140.060(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 II Commercial Fishing Without a License
25 1 (RCW 77.15.500(3)(b))
26 Computer Trespass 1 (RCW 9A.90.040)
27 Counterfeiting (RCW 9.16.035(3))
28 Electronic Data Service Interference
29 (RCW 9A.90.060)
30 Electronic Data Tampering 1 (RCW
31 9A.90.080)
32 Electronic Data Theft (RCW 9A.90.100)
33 Engaging in Fish Dealing Activity
34 Unlicensed 1 (RCW 77.15.620(3))
35 Escape from Community Custody
36 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130 prior to June 10,
4 2010, and RCW 9A.44.132)
5 Health Care False Claims (RCW
6 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Organized Retail Theft 2 (RCW
12 9A.56.350(3))
13 Possession of Stolen Property 1 (RCW
14 9A.56.150)
15 Possession of a Stolen Vehicle (RCW
16 9A.56.068)
17 Retail Theft with Special Circumstances
18 2 (RCW 9A.56.360(3))
19 Scrap Processing, Recycling, or
20 Supplying Without a License
21 (second or subsequent offense)
22 (RCW 19.290.100)
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at \$5,000 or more) (RCW
29 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians
2 in Indian Fishery (RCW
3 77.15.570(2))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlawful Purchase or Use of a License
7 (RCW 77.15.650(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 2 (RCW
10 77.15.260(3)(a))
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Voyeurism 1 (RCW 9A.44.115)
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW 9A.48.080)
23 Mineral Trespass (RCW 78.44.330)
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Spotlighting Big Game 1 (RCW
28 77.15.450(3)(b))
29 Suspension of Department Privileges 1
30 (RCW 77.15.670(3)(b))
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)
34 Theft from a Vulnerable Adult 2 (RCW
35 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$750 or more but less
4 than \$5,000) (RCW
5 9A.56.096(5)(b))
6 Transaction of insurance business
7 beyond the scope of licensure
8 (RCW 48.17.063)
9 Unlawful Fish and Shellfish Catch
10 Accounting (RCW 77.15.630(3)(b))
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 9A.56.320)
17 Unlawful Possession of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Possession of a Personal
20 Identification Device (RCW
21 9A.56.320)
22 Unlawful Production of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Releasing, Planting,
25 Possessing, or Placing Deleterious
26 Exotic Wildlife (RCW
27 77.15.250(2)(b))
28 Unlawful Trafficking in Food Stamps
29 (RCW 9.91.142)
30 Unlawful Use of Food Stamps (RCW
31 9.91.144)
32 Unlawful Use of Net to Take Fish 1
33 (RCW 77.15.580(3)(b))
34 Vehicle Prowl 1 (RCW 9A.52.095)

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Violating Commercial Fishing Area or
Time 1 (RCW 77.15.550(3)(b))

--- **END** ---