

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1002**

Chapter 196, Laws of 2023

68th Legislature  
2023 Regular Session

HAZING—PENALTY

EFFECTIVE DATE: July 23, 2023

Passed by the House April 13, 2023  
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 5, 2023  
Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Approved May 1, 2023 2:42 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1002** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 2, 2023

**Secretary of State  
State of Washington**

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HOUSE BILL 1002

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba, and Riccelli

Prefiled 12/05/22. Read first time 01/09/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to increasing the penalty for hazing; amending  
2 RCW 28B.10.901, 9.94A.411, 9.94A.515, and 9A.46.060; creating a new  
3 section; and prescribing penalties.

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

5 **Sec. 1.** RCW 28B.10.901 and 1993 c 514 s 2 are each amended to  
6 read as follows:

7 (1) No student, or other person in attendance at any public or  
8 private institution of higher education, or any other postsecondary  
9 educational institution, may ~~((conspire to engage in hazing or  
10 participate in hazing of))~~ intentionally haze another.

11 (2) ((A)) (a) Except as provided in (b) of this subsection, a  
12 violation of subsection (1) of this section is a gross misdemeanor,  
13 punishable as provided under RCW 9A.20.021.

14 (b) A violation of subsection (1) of this section that causes  
15 substantial bodily harm, as defined in RCW 9A.04.110, to another  
16 person is a class C felony.

17 (3) Any student organization, association, or student living  
18 group that ~~((knowingly))~~ permits hazing is strictly liable for  
19 ~~((harm))~~ damages caused to persons or property resulting from hazing.  
20 If the student organization, association, or student living group is  
21 a corporation whether for profit or nonprofit, the individual

1 directors of the corporation may be held individually liable for  
2 damages.

3 **Sec. 2.** RCW 9.94A.411 and 2021 c 215 s 98 are each amended to  
4 read as follows:

5 (1) Decision not to prosecute.

6 STANDARD: A prosecuting attorney may decline to prosecute, even  
7 though technically sufficient evidence to prosecute exists, in  
8 situations where prosecution would serve no public purpose, would  
9 defeat the underlying purpose of the law in question or would result  
10 in decreased respect for the law.

11 GUIDELINE/COMMENTARY:

12 Examples

13 The following are examples of reasons not to prosecute which  
14 could satisfy the standard.

15 (a) Contrary to Legislative Intent - It may be proper to decline  
16 to charge where the application of criminal sanctions would be  
17 clearly contrary to the intent of the legislature in enacting the  
18 particular statute.

19 (b) Antiquated Statute - It may be proper to decline to charge  
20 where the statute in question is antiquated in that:

21 (i) It has not been enforced for many years; and

22 (ii) Most members of society act as if it were no longer in  
23 existence; and

24 (iii) It serves no deterrent or protective purpose in today's  
25 society; and

26 (iv) The statute has not been recently reconsidered by the  
27 legislature.

28 This reason is not to be construed as the basis for declining  
29 cases because the law in question is unpopular or because it is  
30 difficult to enforce.

31 (c) De Minimis Violation - It may be proper to decline to charge  
32 where the violation of law is only technical or insubstantial and  
33 where no public interest or deterrent purpose would be served by  
34 prosecution.

35 (d) Confinement on Other Charges - It may be proper to decline to  
36 charge because the accused has been sentenced on another charge to a  
37 lengthy period of confinement; and

38 (i) Conviction of the new offense would not merit any additional  
39 direct or collateral punishment;

1 (ii) The new offense is either a misdemeanor or a felony which is  
2 not particularly aggravated; and

3 (iii) Conviction of the new offense would not serve any  
4 significant deterrent purpose.

5 (e) Pending Conviction on Another Charge - It may be proper to  
6 decline to charge because the accused is facing a pending prosecution  
7 in the same or another county; and

8 (i) Conviction of the new offense would not merit any additional  
9 direct or collateral punishment;

10 (ii) Conviction in the pending prosecution is imminent;

11 (iii) The new offense is either a misdemeanor or a felony which  
12 is not particularly aggravated; and

13 (iv) Conviction of the new offense would not serve any  
14 significant deterrent purpose.

15 (f) High Disproportionate Cost of Prosecution - It may be proper  
16 to decline to charge where the cost of locating or transporting, or  
17 the burden on, prosecution witnesses is highly disproportionate to  
18 the importance of prosecuting the offense in question. This reason  
19 should be limited to minor cases and should not be relied upon in  
20 serious cases.

21 (g) Improper Motives of Complainant - It may be proper to decline  
22 charges because the motives of the complainant are improper and  
23 prosecution would serve no public purpose, would defeat the  
24 underlying purpose of the law in question or would result in  
25 decreased respect for the law.

26 (h) Immunity - It may be proper to decline to charge where  
27 immunity is to be given to an accused in order to prosecute another  
28 where the accused's information or testimony will reasonably lead to  
29 the conviction of others who are responsible for more serious  
30 criminal conduct or who represent a greater danger to the public  
31 interest.

32 (i) Victim Request - It may be proper to decline to charge  
33 because the victim requests that no criminal charges be filed and the  
34 case involves the following crimes or situations:

35 (i) Assault cases where the victim has suffered little or no  
36 injury;

37 (ii) Crimes against property, not involving violence, where no  
38 major loss was suffered;

39 (iii) Where doing so would not jeopardize the safety of society.

1 Care should be taken to insure that the victim's request is  
2 freely made and is not the product of threats or pressure by the  
3 accused.

4 The presence of these factors may also justify the decision to  
5 dismiss a prosecution which has been commenced.

6 Notification

7 The prosecutor is encouraged to notify the victim, when  
8 practical, and the law enforcement personnel, of the decision not to  
9 prosecute.

10 (2) Decision to prosecute.

11 (a) STANDARD:

12 Crimes against persons will be filed if sufficient admissible  
13 evidence exists, which, when considered with the most plausible,  
14 reasonably foreseeable defense that could be raised under the  
15 evidence, would justify conviction by a reasonable and objective fact  
16 finder. With regard to offenses prohibited by RCW 9A.44.040,  
17 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,  
18 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing  
19 agreements or diversions intended to place the accused in a program  
20 of treatment or counseling, so that treatment, if determined to be  
21 beneficial, can be provided pursuant to RCW 9.94A.670.

22 Crimes against property/other crimes will be filed if the  
23 admissible evidence is of such convincing force as to make it  
24 probable that a reasonable and objective fact finder would convict  
25 after hearing all the admissible evidence and the most plausible  
26 defense that could be raised.

27 See table below for the crimes within these categories.

28 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

29 CRIMES AGAINST PERSONS

30 Aggravated Murder (RCW 10.95.020)

31 1st Degree Murder (RCW 9A.32.030)

32 2nd Degree Murder (RCW 9A.32.050)

33 1st Degree Manslaughter (RCW 9A.32.060)

34 2nd Degree Manslaughter (RCW 9A.32.070)

35 1st Degree Kidnapping (RCW 9A.40.020)

36 2nd Degree Kidnapping (RCW 9A.40.030)

37 1st Degree Assault (RCW 9A.36.011)

38 2nd Degree Assault (RCW 9A.36.021)

39 3rd Degree Assault (RCW 9A.36.031)

1 4th Degree Assault (if a violation of RCW 9A.36.041(3))  
2 1st Degree Assault of a Child (RCW 9A.36.120)  
3 2nd Degree Assault of a Child (RCW 9A.36.130)  
4 3rd Degree Assault of a Child (RCW 9A.36.140)  
5 1st Degree Rape (RCW 9A.44.040)  
6 2nd Degree Rape (RCW 9A.44.050)  
7 3rd Degree Rape (RCW 9A.44.060)  
8 1st Degree Rape of a Child (RCW 9A.44.073)  
9 2nd Degree Rape of a Child (RCW 9A.44.076)  
10 3rd Degree Rape of a Child (RCW 9A.44.079)  
11 1st Degree Robbery (RCW 9A.56.200)  
12 2nd Degree Robbery (RCW 9A.56.210)  
13 1st Degree Arson (RCW 9A.48.020)  
14 1st Degree Burglary (RCW 9A.52.020)  
15 1st Degree Identity Theft (RCW 9.35.020(2))  
16 2nd Degree Identity Theft (RCW 9.35.020(3))  
17 1st Degree Extortion (RCW 9A.56.120)  
18 2nd Degree Extortion (RCW 9A.56.130)  
19 1st Degree Criminal Mistreatment (RCW 9A.42.020)  
20 2nd Degree Criminal Mistreatment (RCW 9A.42.030)  
21 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))  
22 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))  
23 Indecent Liberties (RCW 9A.44.100)  
24 Incest (RCW 9A.64.020)  
25 Vehicular Homicide (RCW 46.61.520)  
26 Vehicular Assault (RCW 46.61.522)  
27 1st Degree Child Molestation (RCW 9A.44.083)  
28 2nd Degree Child Molestation (RCW 9A.44.086)  
29 3rd Degree Child Molestation (RCW 9A.44.089)  
30 1st Degree Promoting Prostitution (RCW 9A.88.070)  
31 Intimidating a Juror (RCW 9A.72.130)  
32 Communication with a Minor (RCW 9.68A.090)  
33 Intimidating a Witness (RCW 9A.72.110)  
34 Intimidating a Public Servant (RCW 9A.76.180)  
35 Bomb Threat (if against person) (RCW 9.61.160)  
36 Unlawful Imprisonment (RCW 9A.40.040)  
37 Promoting a Suicide Attempt (RCW 9A.36.060)  
38 Criminal Mischief (if against person) (RCW 9A.84.010)  
39 Stalking (RCW 9A.46.110)  
40 Custodial Assault (RCW 9A.36.100)

1 Domestic Violence Court Order Violation (RCW 7.105.450,  
2 10.99.040, 10.99.050, 26.09.300, (~~26.10.220,7~~) 26.26B.050, or  
3 26.52.070, or any of the former RCW 26.50.110 and 74.34.145)  
4 Counterfeiting (if a violation of RCW 9.16.035(4))  
5 Felony Driving a Motor Vehicle While Under the Influence of  
6 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))  
7 Felony Physical Control of a Motor Vehicle While Under the  
8 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))  
9 Felony Hazing (RCW 28B.10.901(2)(b))

10 CRIMES AGAINST PROPERTY/OTHER CRIMES  
11 2nd Degree Arson (RCW 9A.48.030)  
12 1st Degree Escape (RCW 9A.76.110)  
13 2nd Degree Escape (RCW 9A.76.120)  
14 2nd Degree Burglary (RCW 9A.52.030)  
15 1st Degree Theft (RCW 9A.56.030)  
16 2nd Degree Theft (RCW 9A.56.040)  
17 1st Degree Perjury (RCW 9A.72.020)  
18 2nd Degree Perjury (RCW 9A.72.030)  
19 1st Degree Introducing Contraband (RCW 9A.76.140)  
20 2nd Degree Introducing Contraband (RCW 9A.76.150)  
21 1st Degree Possession of Stolen Property (RCW 9A.56.150)  
22 2nd Degree Possession of Stolen Property (RCW 9A.56.160)  
23 Bribery (RCW 9A.68.010)  
24 Bribing a Witness (RCW 9A.72.090)  
25 Bribe received by a Witness (RCW 9A.72.100)  
26 Bomb Threat (if against property) (RCW 9.61.160)  
27 1st Degree Malicious Mischief (RCW 9A.48.070)  
28 2nd Degree Malicious Mischief (RCW 9A.48.080)  
29 1st Degree Reckless Burning (RCW 9A.48.040)  
30 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and  
31 9A.56.075)  
32 Forgery (RCW 9A.60.020)  
33 2nd Degree Promoting Prostitution (RCW 9A.88.080)  
34 Tampering with a Witness (RCW 9A.72.120)  
35 Trading in Public Office (RCW 9A.68.040)  
36 Trading in Special Influence (RCW 9A.68.050)  
37 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)  
38 Bigamy (RCW 9A.64.010)  
39 Eluding a Pursuing Police Vehicle (RCW 46.61.024)

1 Willful Failure to Return from Furlough  
2 Escape from Community Custody  
3 Criminal Mischief (if against property) (RCW 9A.84.010)  
4 1st Degree Theft of Livestock (RCW 9A.56.080)  
5 2nd Degree Theft of Livestock (RCW 9A.56.083)

6 ALL OTHER UNCLASSIFIED FELONIES

7 Selection of Charges/Degree of Charge

8 (i) The prosecutor should file charges which adequately describe  
9 the nature of defendant's conduct. Other offenses may be charged only  
10 if they are necessary to ensure that the charges:

11 (A) Will significantly enhance the strength of the state's case  
12 at trial; or

13 (B) Will result in restitution to all victims.

14 (ii) The prosecutor should not overcharge to obtain a guilty  
15 plea. Overcharging includes:

16 (A) Charging a higher degree;

17 (B) Charging additional counts.

18 This standard is intended to direct prosecutors to charge those  
19 crimes which demonstrate the nature and seriousness of a defendant's  
20 criminal conduct, but to decline to charge crimes which are not  
21 necessary to such an indication. Crimes which do not merge as a  
22 matter of law, but which arise from the same course of conduct, do  
23 not all have to be charged.

24 (b) GUIDELINES/COMMENTARY:

25 (i) Police Investigation

26 A prosecuting attorney is dependent upon law enforcement agencies  
27 to conduct the necessary factual investigation which must precede the  
28 decision to prosecute. The prosecuting attorney shall ensure that a  
29 thorough factual investigation has been conducted before a decision  
30 to prosecute is made. In ordinary circumstances the investigation  
31 should include the following:

32 (A) The interviewing of all material witnesses, together with the  
33 obtaining of written statements whenever possible;

34 (B) The completion of necessary laboratory tests; and

35 (C) The obtaining, in accordance with constitutional  
36 requirements, of the suspect's version of the events.

37 If the initial investigation is incomplete, a prosecuting  
38 attorney should insist upon further investigation before a decision



1 to prosecute is made, and specify what the investigation needs to  
2 include.

3 (ii) Exceptions

4 In certain situations, a prosecuting attorney may authorize  
5 filing of a criminal complaint before the investigation is complete  
6 if:

- 7 (A) Probable cause exists to believe the suspect is guilty; and
- 8 (B) The suspect presents a danger to the community or is likely  
9 to flee if not apprehended; or
- 10 (C) The arrest of the suspect is necessary to complete the  
11 investigation of the crime.

12 In the event that the exception to the standard is applied, the  
13 prosecuting attorney shall obtain a commitment from the law  
14 enforcement agency involved to complete the investigation in a timely  
15 manner. If the subsequent investigation does not produce sufficient  
16 evidence to meet the normal charging standard, the complaint should  
17 be dismissed.

18 (iii) Investigation Techniques

19 The prosecutor should be fully advised of the investigatory  
20 techniques that were used in the case investigation including:

- 21 (A) Polygraph testing;
- 22 (B) Hypnosis;
- 23 (C) Electronic surveillance;
- 24 (D) Use of informants.

25 (iv) Prefiling Discussions with Defendant

26 Discussions with the defendant or his/her representative  
27 regarding the selection or disposition of charges may occur prior to  
28 the filing of charges, and potential agreements can be reached.

29 (v) Prefiling Discussions with Victim(s)

30 Discussions with the victim(s) or victims' representatives  
31 regarding the selection or disposition of charges may occur before  
32 the filing of charges. The discussions may be considered by the  
33 prosecutor in charging and disposition decisions, and should be  
34 considered before reaching any agreement with the defendant regarding  
35 these decisions.

36 **Sec. 3.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to  
37 read as follows:

1 CRIMES INCLUDED WITHIN EACH  
2 SERIOUSNESS LEVEL

3 XVI Aggravated Murder 1 (RCW 10.95.020)

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

5 Malicious explosion 1 (RCW  
6 70.74.280(1))

7 Murder 1 (RCW 9A.32.030)

8 XIV Murder 2 (RCW 9A.32.050)

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

10 XIII Malicious explosion 2 (RCW  
11 70.74.280(2))

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

14 XII Assault 1 (RCW 9A.36.011)

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

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

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

20 Rape 1 (RCW 9A.44.040)

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

22 Trafficking 2 (RCW 9A.40.100(3))

23 XI Manslaughter 1 (RCW 9A.32.060)

24 Rape 2 (RCW 9A.44.050)

25 Rape of a Child 2 (RCW 9A.44.076)

26 Vehicular Homicide, by being under the  
27 influence of intoxicating liquor or  
28 any drug (RCW 46.61.520)

29 Vehicular Homicide, by the operation of  
30 any vehicle in a reckless manner  
31 (RCW 46.61.520)

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

33 Criminal Mistreatment 1 (RCW  
34 9A.42.020)

1 Indecent Liberties (with forcible  
2 compulsion) (RCW  
3 9A.44.100(1)(a))  
4 Kidnapping 1 (RCW 9A.40.020)  
5 Leading Organized Crime (RCW  
6 9A.82.060(1)(a))  
7 Malicious explosion 3 (RCW  
8 70.74.280(3))  
9 Sexually Violent Predator Escape (RCW  
10 9A.76.115)  
11 IX Abandonment of Dependent Person 1  
12 (RCW 9A.42.060)  
13 Assault of a Child 2 (RCW 9A.36.130)  
14 Explosive devices prohibited (RCW  
15 70.74.180)  
16 Hit and Run—Death (RCW  
17 46.52.020(4)(a))  
18 Homicide by Watercraft, by being under  
19 the influence of intoxicating liquor  
20 or any drug (RCW 79A.60.050)  
21 Inciting Criminal Profiteering (RCW  
22 9A.82.060(1)(b))  
23 Malicious placement of an explosive 2  
24 (RCW 70.74.270(2))  
25 Robbery 1 (RCW 9A.56.200)  
26 Sexual Exploitation (RCW 9.68A.040)  
27 VIII Arson 1 (RCW 9A.48.020)  
28 Commercial Sexual Abuse of a Minor  
29 (RCW 9.68A.100)  
30 Homicide by Watercraft, by the  
31 operation of any vessel in a reckless  
32 manner (RCW 79A.60.050)  
33 Manslaughter 2 (RCW 9A.32.070)  
34 Promoting Prostitution 1 (RCW  
35 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)  
2 VII Air bag diagnostic systems (causing  
3 bodily injury or death) (RCW  
4 46.37.660(2)(b))  
5 Air bag replacement requirements  
6 (causing bodily injury or death)  
7 (RCW 46.37.660(1)(b))  
8 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 engaged  
13 in sexually explicit conduct 1  
14 (RCW 9.68A.050(1))  
15 Drive-by Shooting (RCW 9A.36.045)  
16 False Reporting 1 (RCW  
17 9A.84.040(2)(a))  
18 Homicide by Watercraft, by disregard  
19 for the safety of others (RCW  
20 79A.60.050)  
21 Indecent Liberties (without forcible  
22 compulsion) (RCW 9A.44.100(1)  
23 (b) and (c))  
24 Introducing Contraband 1 (RCW  
25 9A.76.140)  
26 Malicious placement of an explosive 3  
27 (RCW 70.74.270(3))  
28 Manufacture or import counterfeit,  
29 nonfunctional, damaged, or  
30 previously deployed air bag  
31 (causing bodily injury or death)  
32 (RCW 46.37.650(1)(b))  
33 Negligently Causing Death By Use of a  
34 Signal Preemption Device (RCW  
35 46.37.675)

1 Sell, install, or reinstall counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed airbag (RCW  
4 46.37.650(2)(b))  
5 Sending, bringing into state depictions  
6 of minor engaged in sexually  
7 explicit conduct 1 (RCW  
8 9.68A.060(1))  
9 Unlawful Possession of a Firearm in the  
10 first degree (RCW 9.41.040(1))  
11 Use of a Machine Gun or Bump-fire  
12 Stock in Commission of a Felony  
13 (RCW 9.41.225)  
14 Vehicular Homicide, by disregard for  
15 the safety of others (RCW  
16 46.61.520)  
17 VI Bail Jumping with Murder 1 (RCW  
18 9A.76.170(3)(a))  
19 Bribery (RCW 9A.68.010)  
20 Incest 1 (RCW 9A.64.020(1))  
21 Intimidating a Judge (RCW 9A.72.160)  
22 Intimidating a Juror/Witness (RCW  
23 9A.72.110, 9A.72.130)  
24 Malicious placement of an imitation  
25 device 2 (RCW 70.74.272(1)(b))  
26 Possession of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 1 (RCW 9.68A.070(1))  
29 Rape of a Child 3 (RCW 9A.44.079)  
30 Theft of a Firearm (RCW 9A.56.300)  
31 Theft from a Vulnerable Adult 1 (RCW  
32 9A.56.400(1))  
33 Unlawful Storage of Ammonia (RCW  
34 69.55.020)  
35 V Abandonment of Dependent Person 2  
36 (RCW 9A.42.070)

1 Advancing money or property for  
2 extortionate extension of credit  
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW  
5 46.37.660(2)(c))

6 Air bag replacement requirements  
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony  
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW  
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW  
14 9A.44.160)

15 Dealing in Depictions of Minor  
16 Engaged in Sexually Explicit  
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order  
19 Violation (RCW 7.105.450,  
20 10.99.040, 10.99.050, 26.09.300,  
21 ~~((26.10.220,))~~ 26.26B.050,  
22 ~~((26.50.110,))~~ or 26.52.070(~~(, or~~  
23 74.34.145)))

24 Extortion 1 (RCW 9A.56.120)

25 Extortionate Extension of Credit (RCW  
26 9A.82.020)

27 Extortionate Means to Collect  
28 Extensions of Credit (RCW  
29 9A.82.040)

30 Incest 2 (RCW 9A.64.020(2))

31 Kidnapping 2 (RCW 9A.40.030)

32 Manufacture or import counterfeit,  
33 nonfunctional, damaged, or  
34 previously deployed air bag (RCW  
35 46.37.650(1)(c))

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 (RCW  
7 9A.76.070)  
8 Sell, install, or reinstall counterfeit,  
9 nonfunctional, damaged, or  
10 previously deployed airbag (RCW  
11 46.37.650(2)(c))  
12 Sending, Bringing into State Depictions  
13 of Minor Engaged in Sexually  
14 Explicit Conduct 2 (RCW  
15 9.68A.060(2))  
16 Sexual Misconduct with a Minor 1  
17 (RCW 9A.44.093)  
18 Sexually Violating Human Remains  
19 (RCW 9A.44.105)  
20 Stalking (RCW 9A.46.110)  
21 Taking Motor Vehicle Without  
22 Permission 1 (RCW 9A.56.070)  
23 IV Arson 2 (RCW 9A.48.030)  
24 Assault 2 (RCW 9A.36.021)  
25 Assault 3 (of a Peace Officer with a  
26 Projectile Stun Gun) (RCW  
27 9A.36.031(1)(h))  
28 Assault 4 (third domestic violence  
29 offense) (RCW 9A.36.041(3))  
30 Assault by Watercraft (RCW  
31 79A.60.060)  
32 Bribing a Witness/Bribe Received by  
33 Witness (RCW 9A.72.090,  
34 9A.72.100)  
35 Cheating 1 (RCW 9.46.1961)  
36 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))  
2 Driving While Under the Influence  
3 (RCW 46.61.502(6))  
4 Endangerment with a Controlled  
5 Substance (RCW 9A.42.100)  
6 Escape 1 (RCW 9A.76.110)  
7 Hate Crime (RCW 9A.36.080)  
8 Hit and Run—Injury (RCW  
9 46.52.020(4)(b))  
10 Hit and Run with Vessel—Injury  
11 Accident (RCW 79A.60.200(3))  
12 Identity Theft 1 (RCW 9.35.020(2))  
13 Indecent Exposure to Person Under Age  
14 14 (subsequent sex offense) (RCW  
15 9A.88.010)  
16 Influencing Outcome of Sporting Event  
17 (RCW 9A.82.070)  
18 Physical Control of a Vehicle While  
19 Under the Influence (RCW  
20 46.61.504(6))  
21 Possession of Depictions of a Minor  
22 Engaged in Sexually Explicit  
23 Conduct 2 (RCW 9.68A.070(2))  
24 Residential Burglary (RCW 9A.52.025)  
25 Robbery 2 (RCW 9A.56.210)  
26 Theft of Livestock 1 (RCW 9A.56.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Trafficking in Stolen Property 1 (RCW  
29 9A.82.050)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(b))  
33 Unlawful transaction of health coverage  
34 as a health care service contractor  
35 (RCW 48.44.016(3))



1 Unlawful transaction of health coverage  
2 as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(2))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicle Prowling 2 (third or subsequent  
12 offense) (RCW 9A.52.100(3))  
13 Vehicular Assault, by being under the  
14 influence of intoxicating liquor or  
15 any drug, or by the operation or  
16 driving of a vehicle in a reckless  
17 manner (RCW 46.61.522)  
18 Viewing of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.075(1))  
21 ~~((Willful Failure to Return from  
22 Furlough (RCW 72.66.060)))~~  
23 III Animal Cruelty 1 (Sexual Conduct or  
24 Contact) (RCW 16.52.205(3))  
25 Assault 3 (Except Assault 3 of a Peace  
26 Officer With a Projectile Stun Gun)  
27 (RCW 9A.36.031 except subsection  
28 (1)(h))  
29 Assault of a Child 3 (RCW 9A.36.140)  
30 Bail Jumping with class B or C Felony  
31 (RCW 9A.76.170(3)(c))  
32 Burglary 2 (RCW 9A.52.030)  
33 Communication with a Minor for  
34 Immoral Purposes (RCW  
35 9.68A.090)

1 Criminal Gang Intimidation (RCW  
2 9A.46.120)  
3 Custodial Assault (RCW 9A.36.100)  
4 Cyber Harassment (RCW  
5 9A.90.120(2)(b))  
6 Escape 2 (RCW 9A.76.120)  
7 Extortion 2 (RCW 9A.56.130)  
8 False Reporting 2 (RCW  
9 9A.84.040(2)(b))  
10 Harassment (RCW 9A.46.020)  
11 Hazing (RCW 28B.10.901(2)(b))  
12 Intimidating a Public Servant (RCW  
13 9A.76.180)  
14 Introducing Contraband 2 (RCW  
15 9A.76.150)  
16 Malicious Injury to Railroad Property  
17 (RCW 81.60.070)  
18 Manufacture of Untraceable Firearm  
19 with Intent to Sell (RCW 9.41.190)  
20 Manufacture or Assembly of an  
21 Undetectable Firearm or  
22 Untraceable Firearm (RCW  
23 9.41.325)  
24 Mortgage Fraud (RCW 19.144.080)  
25 Negligently Causing Substantial Bodily  
26 Harm By Use of a Signal  
27 Preemption Device (RCW  
28 46.37.674)  
29 Organized Retail Theft 1 (RCW  
30 9A.56.350(2))  
31 Perjury 2 (RCW 9A.72.030)  
32 Possession of Incendiary Device (RCW  
33 9.40.120)

1 Possession of Machine Gun, Bump-Fire  
2 Stock, Undetectable Firearm, or  
3 Short-Barreled Shotgun or Rifle  
4 (RCW 9.41.190)  
5 Promoting Prostitution 2 (RCW  
6 9A.88.080)  
7 Retail Theft with Special Circumstances  
8 1 (RCW 9A.56.360(2))  
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) (RCW  
15 9.61.230(2))  
16 Theft of Livestock 2 (RCW 9A.56.083)  
17 Theft with the Intent to Resell 1 (RCW  
18 9A.56.340(2))  
19 Trafficking in Stolen Property 2 (RCW  
20 9A.82.055)  
21 Unlawful Hunting of Big Game 1 (RCW  
22 77.15.410(3)(b))  
23 Unlawful Imprisonment (RCW  
24 9A.40.040)  
25 Unlawful Misbranding of Fish or  
26 Shellfish 1 (RCW 77.140.060(3))  
27 Unlawful possession of firearm in the  
28 second degree (RCW 9.41.040(2))  
29 Unlawful Taking of Endangered Fish or  
30 Wildlife 1 (RCW 77.15.120(3)(b))  
31 Unlawful Trafficking in Fish, Shellfish,  
32 or Wildlife 1 (RCW  
33 77.15.260(3)(b))  
34 Unlawful Use of a Nondesignated  
35 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or  
2 driving of a vehicle with disregard  
3 for the safety of others (RCW  
4 46.61.522)  
5 (~~Willful Failure to Return from Work~~  
6 ~~Release (RCW 72.65.070))~~  
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 ~~((Unlawful Use of Prohibited Aquatic  
19 Animal Species (RCW  
20 77.15.253(3))))~~  
21 Vehicle Prowl 1 (RCW 9A.52.095)  
22 Violating Commercial Fishing Area or  
23 Time 1 (RCW 77.15.550(3)(b))

24 **Sec. 4.** RCW 9A.46.060 and 2022 c 231 s 15 are each amended to  
25 read as follows:

26 As used in this chapter, "harassment" may include but is not  
27 limited to any of the following crimes:

- 28 (1) Harassment (RCW 9A.46.020);
- 29 (2) Hate crime (RCW 9A.36.080);
- 30 (3) Telephone harassment (RCW 9.61.230);
- 31 (4) Assault in the first degree (RCW 9A.36.011);
- 32 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 33 (6) Assault in the second degree (RCW 9A.36.021);
- 34 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 35 (8) Assault in the fourth degree (RCW 9A.36.041);
- 36 (9) Reckless endangerment (RCW 9A.36.050);

- 1 (10) Extortion in the first degree (RCW 9A.56.120);  
2 (11) Extortion in the second degree (RCW 9A.56.130);  
3 (12) Coercion (RCW 9A.36.070);  
4 (13) Burglary in the first degree (RCW 9A.52.020);  
5 (14) Burglary in the second degree (RCW 9A.52.030);  
6 (15) Criminal trespass in the first degree (RCW 9A.52.070);  
7 (16) Criminal trespass in the second degree (RCW 9A.52.080);  
8 (17) Malicious mischief in the first degree (RCW 9A.48.070);  
9 (18) Malicious mischief in the second degree (RCW 9A.48.080);  
10 (19) Malicious mischief in the third degree (RCW 9A.48.090);  
11 (20) Kidnapping in the first degree (RCW 9A.40.020);  
12 (21) Kidnapping in the second degree (RCW 9A.40.030);  
13 (22) Unlawful imprisonment (RCW 9A.40.040);  
14 (23) Rape in the first degree (RCW 9A.44.040);  
15 (24) Rape in the second degree (RCW 9A.44.050);  
16 (25) Rape in the third degree (RCW 9A.44.060);  
17 (26) Indecent liberties (RCW 9A.44.100);  
18 (27) Rape of a child in the first degree (RCW 9A.44.073);  
19 (28) Rape of a child in the second degree (RCW 9A.44.076);  
20 (29) Rape of a child in the third degree (RCW 9A.44.079);  
21 (30) Child molestation in the first degree (RCW 9A.44.083);  
22 (31) Child molestation in the second degree (RCW 9A.44.086);  
23 (32) Child molestation in the third degree (RCW 9A.44.089);  
24 (33) Stalking (RCW 9A.46.110);  
25 (34) Cyber harassment (RCW 9A.90.120);  
26 (35) Residential burglary (RCW 9A.52.025);  
27 (36) Violation of a temporary, permanent, or final protective  
28 order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or  
29 any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation  
30 of a domestic violence protection order, sexual assault protection  
31 order, or antiharassment protection order issued under chapter 7.105  
32 RCW;  
33 (37) Unlawful discharge of a laser in the first degree (RCW  
34 9A.49.020); (~~and~~)  
35 (38) Unlawful discharge of a laser in the second degree (RCW  
36 9A.49.030); and  
37 (39) Felony hazing (RCW 28B.10.901(2)(b)).

38 NEW SECTION. **Sec. 5.** This act may be known and cited as the Sam  
39 Martinez stop hazing law.



Passed by the House April 13, 2023.  
Passed by the Senate April 5, 2023.  
Approved by the Governor May 1, 2023.  
Filed in Office of Secretary of State May 2, 2023.

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