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SENATE BILL 6191

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Pearson and Brown

Read first time 01/17/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to increasing the seriousness level for  
2 manslaughter in the second degree; reenacting and amending RCW  
3 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 2013 c 322 s 26, 2013 c 290 s 8, 2013 c  
6 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read as  
7 follows:  
8

9 TABLE 2

10 CRIMES INCLUDED WITHIN  
11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW  
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)
- 15 Malicious explosion 1 (RCW  
16 70.74.280(1))

1 Murder 1 (RCW 9A.32.030)  
2 XIV Murder 2 (RCW 9A.32.050)  
3 Trafficking 1 (RCW 9A.40.100(1))  
4 XIII Malicious explosion 2 (RCW  
5 70.74.280(2))  
6 Malicious placement of an explosive 1  
7 (RCW 70.74.270(1))  
8 XII Assault 1 (RCW 9A.36.011)  
9 Assault of a Child 1 (RCW 9A.36.120)  
10 Malicious placement of an imitation  
11 device 1 (RCW 70.74.272(1)(a))  
12 Promoting Commercial Sexual Abuse  
13 of a Minor (RCW 9.68A.101)  
14 Rape 1 (RCW 9A.44.040)  
15 Rape of a Child 1 (RCW 9A.44.073)  
16 Trafficking 2 (RCW 9A.40.100(2))  
17 XI Manslaughter 1 (RCW 9A.32.060)  
18 Rape 2 (RCW 9A.44.050)  
19 Rape of a Child 2 (RCW 9A.44.076)  
20 Vehicular Homicide, by being under  
21 the influence of intoxicating liquor  
22 or any drug (RCW 46.61.520)  
23 X Child Molestation 1 (RCW 9A.44.083)  
24 Criminal Mistreatment 1 (RCW  
25 9A.42.020)  
26 Indecent Liberties (with forcible  
27 compulsion) (RCW  
28 9A.44.100(1)(a))  
29 Kidnapping 1 (RCW 9A.40.020)  
30 Leading Organized Crime (RCW  
31 9A.82.060(1)(a))  
32 Malicious explosion 3 (RCW  
33 70.74.280(3))  
34 Manslaughter 2 (RCW 9A.32.070)  
35 Sexually Violent Predator Escape  
36 (RCW 9A.76.115)

1 IX Abandonment of Dependent Person 1  
2 (RCW 9A.42.060)  
3 Assault of a Child 2 (RCW 9A.36.130)  
4 Explosive devices prohibited (RCW  
5 70.74.180)  
6 Hit and Run--Death (RCW  
7 46.52.020(4)(a))  
8 Homicide by Watercraft, by being  
9 under the influence of intoxicating  
10 liquor or any drug (RCW  
11 79A.60.050)  
12 Inciting Criminal Profiteering (RCW  
13 9A.82.060(1)(b))  
14 Malicious placement of an explosive 2  
15 (RCW 70.74.270(2))  
16 Robbery 1 (RCW 9A.56.200)  
17 Sexual Exploitation (RCW 9.68A.040)  
18 VIII Arson 1 (RCW 9A.48.020)  
19 Commercial Sexual Abuse of a Minor  
20 (RCW 9.68A.100)  
21 Homicide by Watercraft, by the  
22 operation of any vessel in a  
23 reckless manner (RCW  
24 79A.60.050)  
25 (~~Manslaughter 2 (RCW 9A.32.070))~~)  
26 Promoting Prostitution 1 (RCW  
27 9A.88.070)  
28 Theft of Ammonia (RCW 69.55.010)  
29 Vehicular Homicide, by the operation  
30 of any vehicle in a reckless manner  
31 (RCW 46.61.520)  
32 VII Burglary 1 (RCW 9A.52.020)  
33 Child Molestation 2 (RCW 9A.44.086)  
34 Civil Disorder Training (RCW  
35 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 the first degree (RCW 9.41.040(1))  
24 Use of a Machine Gun in Commission  
25 of a Felony (RCW 9.41.225)  
26 Vehicular Homicide, by disregard for  
27 the safety of others (RCW  
28 46.61.520)  
29 VI Bail Jumping with Murder 1 (RCW  
30 9A.76.170(3)(a))  
31 Bribery (RCW 9A.68.010)  
32 Incest 1 (RCW 9A.64.020(1))  
33 Intimidating a Judge (RCW 9A.72.160)  
34 Intimidating a Juror/Witness (RCW  
35 9A.72.110, 9A.72.130)  
36 Malicious placement of an imitation  
37 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor  
2 Engaged in Sexually Explicit  
3 Conduct 1 (RCW 9.68A.070(1))  
4 Rape of a Child 3 (RCW 9A.44.079)  
5 Theft of a Firearm (RCW 9A.56.300)  
6 Unlawful Storage of Ammonia (RCW  
7 69.55.020)  
8 V Abandonment of Dependent Person 2  
9 (RCW 9A.42.070)  
10 Advancing money or property for  
11 extortionate extension of credit  
12 (RCW 9A.82.030)  
13 Bail Jumping with class A Felony  
14 (RCW 9A.76.170(3)(b))  
15 Child Molestation 3 (RCW 9A.44.089)  
16 Criminal Mistreatment 2 (RCW  
17 9A.42.030)  
18 Custodial Sexual Misconduct 1 (RCW  
19 9A.44.160)  
20 Dealing in Depictions of Minor  
21 Engaged in Sexually Explicit  
22 Conduct 2 (RCW 9.68A.050(2))  
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 Driving While Under the Influence  
29 (RCW 46.61.502(6))  
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))  
37 Kidnapping 2 (RCW 9A.40.030)

1 Perjury 1 (RCW 9A.72.020)  
2 Persistent prison misbehavior (RCW  
3 9.94.070)  
4 Physical Control of a Vehicle While  
5 Under the Influence (RCW  
6 46.61.504(6))  
7 Possession of a Stolen Firearm (RCW  
8 9A.56.310)  
9 Rape 3 (RCW 9A.44.060)  
10 Rendering Criminal Assistance 1  
11 (RCW 9A.76.070)  
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 by Watercraft (RCW  
29 79A.60.060)  
30 Bribing a Witness/Bribe Received by  
31 Witness (RCW 9A.72.090,  
32 9A.72.100)  
33 Cheating 1 (RCW 9.46.1961)  
34 Commercial Bribery (RCW 9A.68.060)  
35 Counterfeiting (RCW 9.16.035(4))  
36 Endangerment with a Controlled  
37 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)  
2 Hit and Run--Injury (RCW  
3 46.52.020(4)(b))  
4 Hit and Run with Vessel--Injury  
5 Accident (RCW 79A.60.200(3))  
6 Identity Theft 1 (RCW 9.35.020(2))  
7 Indecent Exposure to Person Under  
8 Age Fourteen (subsequent sex  
9 offense) (RCW 9A.88.010)  
10 Influencing Outcome of Sporting Event  
11 (RCW 9A.82.070)  
12 Malicious Harassment (RCW  
13 9A.36.080)  
14 Possession of Depictions of a Minor  
15 Engaged in Sexually Explicit  
16 Conduct 2 (RCW 9.68A.070(2))  
17 Residential Burglary (RCW  
18 9A.52.025)  
19 Robbery 2 (RCW 9A.56.210)  
20 Theft of Livestock 1 (RCW 9A.56.080)  
21 Threats to Bomb (RCW 9.61.160)  
22 Trafficking in Stolen Property 1 (RCW  
23 9A.82.050)  
24 Unlawful factoring of a credit card or  
25 payment card transaction (RCW  
26 9A.56.290(4)(b))  
27 Unlawful transaction of health  
28 coverage as a health care service  
29 contractor (RCW 48.44.016(3))  
30 Unlawful transaction of health  
31 coverage as a health maintenance  
32 organization (RCW 48.46.033(3))  
33 Unlawful transaction of insurance  
34 business (RCW 48.15.023(3))  
35 Unlicensed practice as an insurance  
36 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal  
2 Profiteering (RCW 9A.82.080 (1)  
3 and (2))  
4 Vehicle Prowling 2 (third or  
5 subsequent offense) (RCW  
6 9A.52.100(3))  
7 Vehicular Assault, by being under the  
8 influence of intoxicating liquor or  
9 any drug, or by the operation or  
10 driving of a vehicle in a reckless  
11 manner (RCW 46.61.522)  
12 Viewing of Depictions of a Minor  
13 Engaged in Sexually Explicit  
14 Conduct 1 (RCW 9.68A.075(1))  
15 Willful Failure to Return from  
16 Furlough (RCW 72.66.060)  
17 III Animal Cruelty 1 (Sexual Conduct or  
18 Contact) (RCW 16.52.205(3))  
19 Assault 3 (Except Assault 3 of a Peace  
20 Officer With a Projectile Stun  
21 Gun) (RCW 9A.36.031 except  
22 subsection (1)(h))  
23 Assault of a Child 3 (RCW 9A.36.140)  
24 Bail Jumping with class B or C Felony  
25 (RCW 9A.76.170(3)(c))  
26 Burglary 2 (RCW 9A.52.030)  
27 Communication with a Minor for  
28 Immoral Purposes (RCW  
29 9.68A.090)  
30 Criminal Gang Intimidation (RCW  
31 9A.46.120)  
32 Custodial Assault (RCW 9A.36.100)  
33 Cyberstalking (subsequent conviction  
34 or threat of death) (RCW  
35 9.61.260(3))  
36 Escape 2 (RCW 9A.76.120)  
37 Extortion 2 (RCW 9A.56.130)



1 Harassment (RCW 9A.46.020)  
2 Intimidating a Public Servant (RCW  
3 9A.76.180)  
4 Introducing Contraband 2 (RCW  
5 9A.76.150)  
6 Malicious Injury to Railroad Property  
7 (RCW 81.60.070)  
8 Mortgage Fraud (RCW 19.144.080)  
9 Negligently Causing Substantial Bodily  
10 Harm By Use of a Signal  
11 Preemption Device (RCW  
12 46.37.674)  
13 Organized Retail Theft 1 (RCW  
14 9A.56.350(2))  
15 Perjury 2 (RCW 9A.72.030)  
16 Possession of Incendiary Device (RCW  
17 9.40.120)  
18 Possession of Machine Gun or Short-  
19 Barreled Shotgun or Rifle (RCW  
20 9.41.190)  
21 Promoting Prostitution 2 (RCW  
22 9A.88.080)  
23 Retail Theft with Special  
24 Circumstances 1 (RCW  
25 9A.56.360(2))  
26 Securities Act violation (RCW  
27 21.20.400)  
28 Tampering with a Witness (RCW  
29 9A.72.120)  
30 Telephone Harassment (subsequent  
31 conviction or threat of death)  
32 (RCW 9.61.230(2))  
33 Theft of Livestock 2 (RCW 9A.56.083)  
34 Theft with the Intent to Resell 1 (RCW  
35 9A.56.340(2))  
36 Trafficking in Stolen Property 2 (RCW  
37 9A.82.055)

1 Unlawful Hunting of Big Game 1  
2 (RCW 77.15.410(3)(b))  
3 Unlawful Imprisonment (RCW  
4 9A.40.040)  
5 Unlawful Misbranding of Food Fish or  
6 Shellfish 1 (RCW 69.04.938(3))  
7 Unlawful possession of firearm in the  
8 second degree (RCW 9.41.040(2))  
9 Unlawful Taking of Endangered Fish  
10 or Wildlife 1 (RCW  
11 77.15.120(3)(b))  
12 Unlawful Trafficking in Fish, Shellfish,  
13 or Wildlife 1 (RCW  
14 77.15.260(3)(b))  
15 Unlawful Use of a Nondesignated  
16 Vessel (RCW 77.15.530(4))  
17 Vehicular Assault, by the operation or  
18 driving of a vehicle with disregard  
19 for the safety of others (RCW  
20 46.61.522)  
21 Willful Failure to Return from Work  
22 Release (RCW 72.65.070)  
23 II Commercial Fishing Without a License  
24 1 (RCW 77.15.500(3)(b))  
25 Computer Trespass 1 (RCW  
26 9A.52.110)  
27 Counterfeiting (RCW 9.16.035(3))  
28 Engaging in Fish Dealing Activity  
29 Unlicensed 1 (RCW 77.15.620(3))  
30 Escape from Community Custody  
31 (RCW 72.09.310)  
32 Failure to Register as a Sex Offender  
33 (second or subsequent offense)  
34 (RCW 9A.44.132)  
35 Health Care False Claims (RCW  
36 48.80.030)  
37 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 Organized Retail Theft 2 (RCW  
6 9A.56.350(3))  
7 Possession of Stolen Property 1 (RCW  
8 9A.56.150)  
9 Possession of a Stolen Vehicle (RCW  
10 9A.56.068)  
11 Retail Theft with Special  
12 Circumstances 2 (RCW  
13 9A.56.360(3))  
14 Scrap Processing, Recycling, or  
15 Supplying Without a License  
16 (second or subsequent offense)  
17 (RCW 19.290.100)  
18 Theft 1 (RCW 9A.56.030)  
19 Theft of a Motor Vehicle (RCW  
20 9A.56.065)  
21 Theft of Rental, Leased, or Lease-  
22 purchased Property (valued at one  
23 thousand five hundred dollars or  
24 more) (RCW 9A.56.096(5)(a))  
25 Theft with the Intent to Resell 2 (RCW  
26 9A.56.340(3))  
27 Trafficking in Insurance Claims (RCW  
28 48.30A.015)  
29 Unlawful factoring of a credit card or  
30 payment card transaction (RCW  
31 9A.56.290(4)(a))  
32 Unlawful Participation of Non-Indians  
33 in Indian Fishery (RCW  
34 77.15.570(2))  
35 Unlawful Practice of Law (RCW  
36 2.48.180)

1 Unlawful Purchase or Use of a License  
2 (RCW 77.15.650(3)(b))  
3 Unlawful Trafficking in Fish, Shellfish,  
4 or Wildlife 2 (RCW  
5 77.15.260(3)(a))  
6 Unlicensed Practice of a Profession or  
7 Business (RCW 18.130.190(7))  
8 Voyeurism (RCW 9A.44.115)  
9 I Attempting to Elude a Pursuing Police  
10 Vehicle (RCW 46.61.024)  
11 False Verification for Welfare (RCW  
12 74.08.055)  
13 Forgery (RCW 9A.60.020)  
14 Fraudulent Creation or Revocation of a  
15 Mental Health Advance Directive  
16 (RCW 9A.60.060)  
17 Malicious Mischief 2 (RCW  
18 9A.48.080)  
19 Mineral Trespass (RCW 78.44.330)  
20 Possession of Stolen Property 2 (RCW  
21 9A.56.160)  
22 Reckless Burning 1 (RCW 9A.48.040)  
23 Spotlighting Big Game 1 (RCW  
24 77.15.450(3)(b))  
25 Suspension of Department Privileges 1  
26 (RCW 77.15.670(3)(b))  
27 Taking Motor Vehicle Without  
28 Permission 2 (RCW 9A.56.075)  
29 Theft 2 (RCW 9A.56.040)  
30 Theft of Rental, Leased, or Lease-  
31 purchased Property (valued at two  
32 hundred fifty dollars or more but  
33 less than one thousand five  
34 hundred dollars) (RCW  
35 9A.56.096(5)(b))

1 Transaction of insurance business  
2 beyond the scope of licensure  
3 (RCW 48.17.063)  
4 Unlawful Fish and Shellfish Catch  
5 Accounting (RCW  
6 77.15.630(3)(b))  
7 Unlawful Issuance of Checks or Drafts  
8 (RCW 9A.56.060)  
9 Unlawful Possession of Fictitious  
10 Identification (RCW 9A.56.320)  
11 Unlawful Possession of Instruments of  
12 Financial Fraud (RCW 9A.56.320)  
13 Unlawful Possession of Payment  
14 Instruments (RCW 9A.56.320)  
15 Unlawful Possession of a Personal  
16 Identification Device (RCW  
17 9A.56.320)  
18 Unlawful Production of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Release of Deleterious Exotic  
21 Wildlife (RCW 77.15.250(2)(b))  
22 Unlawful Trafficking in Food Stamps  
23 (RCW 9.91.142)  
24 Unlawful Use of Food Stamps (RCW  
25 9.91.144)  
26 Unlawful Use of Net to Take Fish 1  
27 (RCW 77.15.580(3)(b))  
28 Unlawful Use of Prohibited Aquatic  
29 Animal Species (RCW  
30 77.15.253(3))  
31 Vehicle Prowl 1 (RCW 9A.52.095)  
32 Violating Commercial Fishing Area or  
33 Time 1 (RCW 77.15.550(3)(b))

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