

## CHAPTER 405

[Senate Bill No. 5381]

## VEHICULAR HOMICIDE—PENALTY

AN ACT Relating to vehicular homicide; and reenacting and amending RCW 9.94A.320.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 62, Laws of 1988, section 12, chapter 145, Laws of 1988, and section 2, chapter 218, Laws of 1988 and RCW 9.94A-.320 are each reenacted and amended to read as follows:

## TABLE 2

## CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 ((and 3 years junior)) (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Promoting Prostitution 1 (RCW 9A.88.070)

- Selling heroin for profit (RCW 69.50.410)  
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)  
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)  
 Introducing Contraband 1 (RCW 9A.76.140)  
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))  
 Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))  
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)  
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)  
 Manslaughter 2 (RCW 9A.32.070)  
 Child Molestation 2 (RCW 9A.44.086)  
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))  
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)  
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b))  
 Incest 1 (RCW 9A.64.020(1))  
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)  
 Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))  
 Intimidating a Judge (RCW 9A.72.160)
- V Criminal Mistreatment 1 (RCW 9A.42.020)  
 Rape 3 (RCW 9A.44.060)  
 Kidnapping 2 (RCW 9A.40.030)  
 Extortion 1 (RCW 9A.56.120)  
 Incest 2 (RCW 9A.64.020(2))  
 Perjury 1 (RCW 9A.72.020)  
 Extortionate Extension of Credit (RCW 9A.82.020)  
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
 Rendering Criminal Assistance 1 (RCW 9A.76.070)

- IV      Theft of Livestock 1 (RCW 9A.56.080)  
           Robbery 2 (RCW 9A.56.210)  
           Assault 2 (RCW 9A.36.021)  
           Escape 1 (RCW 9A.76.110)  
           Arson 2 (RCW 9A.48.030)  
           Rape of a Child 3 (RCW 9A.44.079)  
           Bribing a Witness/Bribe Received by Witness (RCW 9A.72-.090, 9A.72.100)  
           Malicious Harassment (RCW 9A.36.080)  
           Willful Failure to Return from Furlough (RCW 72.66.060)  
           Hit and Run — Injury Accident (RCW 46.52.020(4))  
           Vehicular Assault (RCW 46.61.522)  
           Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I–V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))  
           Influencing Outcome of Sporting Event (RCW 9A.82.070)  
           Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
           Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III      Criminal mistreatment 2 (RCW 9A.42.030)  
           Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
           Child Molestation 3 (RCW 9A.44.089)  
           Extortion 2 (RCW 9A.56.130)  
           Unlawful Imprisonment (RCW 9A.40.040)  
           Assault 3 (RCW 9A.36.031)  
           Unlawful possession of firearm or pistol by felon (RCW 9.41.040)  
           Harassment (RCW 9A.46.020)  
           Promoting Prostitution 2 (RCW 9A.88.080)  
           Willful Failure to Return from Work Release (RCW 72.65.070)  
           Introducing Contraband 2 (RCW 9A.76.150)  
           Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
           Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
           Escape 2 (RCW 9A.76.120)  
           Perjury 2 (RCW 9A.72.030)  
           Intimidating a Public Servant (RCW 9A.76.180)  
           Tampering with a Witness (RCW 9A.72.120)  
           Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))  
           Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
           Theft of livestock 1 (RCW 9A.56.080)

- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
  
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Passed the Senate April 18, 1989.

Passed the House April 14, 1989.

Approved by the Governor May 13, 1989.

Filed in Office of Secretary of State May 13, 1989.

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## CHAPTER 406

[Substitute Senate Bill No. 5810]

### HAZARDOUS MATERIALS TRANSPORT—CLEAN-UP LIABILITY

AN ACT Relating to hazardous materials clean up; and amending RCW 4.24.314.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 165, Laws of 1984 and RCW 4.24.314 are each amended to read as follows:

(1) Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall