

HOUSE BILL 1384

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert and Rude

1 AN ACT Relating to the seriousness levels of rape of a child and
2 child molestation offenses; 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 2020 c 344 s 4 are each amended to
5 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 Rape of a Child 1 (RCW 9A.44.073)
4 XII Assault 1 (RCW 9A.36.011)
5 Assault of a Child 1 (RCW 9A.36.120)
6 Malicious placement of an imitation
7 device 1 (RCW 70.74.272(1)(a))
8 Promoting Commercial Sexual Abuse of
9 a Minor (RCW 9.68A.101)
10 Rape 1 (RCW 9A.44.040)
11 (~~Rape of a Child 1 (RCW 9A.44.073)~~)
12 Rape of a Child 2 (RCW
13 9A.44.076)
14 Trafficking 2 (RCW 9A.40.100(3))
15 XI Child Molestation 1 (RCW 9A.44.083)
16 Manslaughter 1 (RCW 9A.32.060)
17 Rape 2 (RCW 9A.44.050)
18 (~~Rape of a Child 2 (RCW 9A.44.076)~~)
19 Vehicular Homicide, by being under the
20 influence of intoxicating liquor or
21 any drug (RCW 46.61.520)
22 Vehicular Homicide, by the operation of
23 any vehicle in a reckless manner
24 (RCW 46.61.520)
25 X (~~Child Molestation 1 (RCW~~
26 ~~9A.44.083)~~)
27 Criminal Mistreatment 1 (RCW
28 9A.42.020)
29 Indecent Liberties (with forcible
30 compulsion) (RCW
31 9A.44.100(1)(a))
32 Kidnapping 1 (RCW 9A.40.020)
33 Leading Organized Crime (RCW
34 9A.82.060(1)(a))

1 Malicious explosion 3 (RCW
2 70.74.280(3))
3 Sexually Violent Predator Escape (RCW
4 9A.76.115)
5 IX Abandonment of Dependent Person 1
6 (RCW 9A.42.060)
7 Assault of a Child 2 (RCW 9A.36.130)
8 Explosive devices prohibited (RCW
9 70.74.180)
10 Hit and Run—Death (RCW
11 46.52.020(4)(a))
12 Homicide by Watercraft, by being under
13 the influence of intoxicating liquor
14 or any drug (RCW 79A.60.050)
15 Inciting Criminal Profiteering (RCW
16 9A.82.060(1)(b))
17 Malicious placement of an explosive 2
18 (RCW 70.74.270(2))
19 Robbery 1 (RCW 9A.56.200)
20 Sexual Exploitation (RCW 9.68A.040)
21 VIII Arson 1 (RCW 9A.48.020)
22 Child Molestation 2 (RCW 9A.44.086)
23 Commercial Sexual Abuse of a Minor
24 (RCW 9.68A.100)
25 Homicide by Watercraft, by the
26 operation of any vessel in a reckless
27 manner (RCW 79A.60.050)
28 Manslaughter 2 (RCW 9A.32.070)
29 Promoting Prostitution 1 (RCW
30 9A.88.070)
31 Theft of Ammonia (RCW 69.55.010)
32 VII Air bag diagnostic systems (causing
33 bodily injury or death) (RCW
34 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 ~~((Child Molestation 2 (RCW~~
6 ~~9A.44.086)))~~
7 Civil Disorder Training (RCW
8 9A.48.120)
9 Dealing in depictions of minor engaged
10 in sexually explicit conduct 1
11 (RCW 9.68A.050(1))
12 Drive-by Shooting (RCW 9A.36.045)
13 False Reporting 1 (RCW
14 9A.84.040(2)(a))
15 Homicide by Watercraft, by disregard
16 for the safety of others (RCW
17 79A.60.050)
18 Indecent Liberties (without forcible
19 compulsion) (RCW 9A.44.100(1)
20 (b) and (c))
21 Introducing Contraband 1 (RCW
22 9A.76.140)
23 Malicious placement of an explosive 3
24 (RCW 70.74.270(3))
25 Manufacture or import counterfeit,
26 nonfunctional, damaged, or
27 previously deployed air bag
28 (causing bodily injury or death)
29 (RCW 46.37.650(1)(b))
30 Negligently Causing Death By Use of a
31 Signal Preemption Device (RCW
32 46.37.675)
33 Rape of a Child 3 (RCW 9A.44.079)

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 Child Molestation 3 (RCW 9A.44.089)

21 Incest 1 (RCW 9A.64.020(1))

22 Intimidating a Judge (RCW 9A.72.160)

23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)

25 Malicious placement of an imitation
26 device 2 (RCW 70.74.272(1)(b))

27 Possession of Depictions of a Minor
28 Engaged in Sexually Explicit
29 Conduct 1 (RCW 9.68A.070(1))

30 ~~((Rape of a Child 3 (RCW 9A.44.079)))~~

31 Theft of a Firearm (RCW 9A.56.300)

32 Theft from a Vulnerable Adult 1 (RCW
33 9A.56.400(1))

34 Unlawful Storage of Ammonia (RCW
35 69.55.020)

1 V Abandonment of Dependent Person 2
2 (RCW 9A.42.070)
3 Advancing money or property for
4 extortionate extension of credit
5 (RCW 9A.82.030)
6 Air bag diagnostic systems (RCW
7 46.37.660(2)(c))
8 Air bag replacement requirements
9 (RCW 46.37.660(1)(c))
10 Bail Jumping with class A Felony
11 (RCW 9A.76.170(3)(b))
12 ((Child Molestation 3 (RCW
13 9A.44.089)))
14 Criminal Mistreatment 2 (RCW
15 9A.42.030)
16 Custodial Sexual Misconduct 1 (RCW
17 9A.44.160)
18 Dealing in Depictions of Minor
19 Engaged in Sexually Explicit
20 Conduct 2 (RCW 9.68A.050(2))
21 Domestic Violence Court Order
22 Violation (RCW 10.99.040,
23 10.99.050, 26.09.300, 26.10.220,
24 26.26B.050, 26.50.110, 26.52.070,
25 or 74.34.145)
26 Extortion 1 (RCW 9A.56.120)
27 Extortionate Extension of Credit (RCW
28 9A.82.020)
29 Extortionate Means to Collect
30 Extensions of Credit (RCW
31 9A.82.040)
32 Incest 2 (RCW 9A.64.020(2))
33 Kidnapping 2 (RCW 9A.40.030)

1 Manufacture or import counterfeit,
2 nonfunctional, damaged, or
3 previously deployed air bag (RCW
4 46.37.650(1)(c))
5 Perjury 1 (RCW 9A.72.020)
6 Persistent prison misbehavior (RCW
7 9.94.070)
8 Possession of a Stolen Firearm (RCW
9 9A.56.310)
10 Rape 3 (RCW 9A.44.060)
11 Rendering Criminal Assistance 1 (RCW
12 9A.76.070)
13 Sell, install, or reinstall counterfeit,
14 nonfunctional, damaged, or
15 previously deployed airbag (RCW
16 46.37.650(2)(c))
17 Sending, Bringing into State Depictions
18 of Minor Engaged in Sexually
19 Explicit Conduct 2 (RCW
20 9.68A.060(2))
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 IV Arson 2 (RCW 9A.48.030)
29 Assault 2 (RCW 9A.36.021)
30 Assault 3 (of a Peace Officer with a
31 Projectile Stun Gun) (RCW
32 9A.36.031(1)(h))
33 Assault 4 (third domestic violence
34 offense) (RCW 9A.36.041(3))
35 Assault by Watercraft (RCW
36 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Driving While Under the Influence
8 (RCW 46.61.502(6))
9 Endangerment with a Controlled
10 Substance (RCW 9A.42.100)
11 Escape 1 (RCW 9A.76.110)
12 Hate Crime (RCW 9A.36.080)
13 Hit and Run—Injury (RCW
14 46.52.020(4)(b))
15 Hit and Run with Vessel—Injury
16 Accident (RCW 79A.60.200(3))
17 Identity Theft 1 (RCW 9.35.020(2))
18 Indecent Exposure to Person Under Age
19 Fourteen (subsequent sex offense)
20 (RCW 9A.88.010)
21 Influencing Outcome of Sporting Event
22 (RCW 9A.82.070)
23 Physical Control of a Vehicle While
24 Under the Influence (RCW
25 46.61.504(6))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 2 (RCW 9.68A.070(2))
29 Residential Burglary (RCW 9A.52.025)
30 Robbery 2 (RCW 9A.56.210)
31 Theft of Livestock 1 (RCW 9A.56.080)
32 Threats to Bomb (RCW 9.61.160)
33 Trafficking in Stolen Property 1 (RCW
34 9A.82.050)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health coverage
5 as a health care service contractor
6 (RCW 48.44.016(3))
7 Unlawful transaction of health coverage
8 as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
11 business (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(2))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicle Prowling 2 (third or subsequent
18 offense) (RCW 9A.52.100(3))
19 Vehicular Assault, by being under the
20 influence of intoxicating liquor or
21 any drug, or by the operation or
22 driving of a vehicle in a reckless
23 manner (RCW 46.61.522)
24 Viewing of Depictions of a Minor
25 Engaged in Sexually Explicit
26 Conduct 1 (RCW 9.68A.075(1))
27 Willful Failure to Return from Furlough
28 (RCW 72.66.060)
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 Cyberstalking (subsequent conviction or
9 threat of death) (RCW 9.61.260(3))
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 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW
18 9A.76.150)
19 Malicious Injury to Railroad Property
20 (RCW 81.60.070)
21 Manufacture of Untraceable Firearm
22 with Intent to Sell (RCW 9.41.190)
23 Manufacture or Assembly of an
24 Undetectable Firearm or
25 Untraceable Firearm (RCW
26 9.41.325)
27 Mortgage Fraud (RCW 19.144.080)
28 Negligently Causing Substantial Bodily
29 Harm By Use of a Signal
30 Preemption Device (RCW
31 46.37.674)
32 Organized Retail Theft 1 (RCW
33 9A.56.350(2))
34 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 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 II Commercial Fishing Without a License
10 1 (RCW 77.15.500(3)(b))
11 Computer Trespass 1 (RCW 9A.90.040)
12 Counterfeiting (RCW 9.16.035(3))
13 Electronic Data Service Interference
14 (RCW 9A.90.060)
15 Electronic Data Tampering 1 (RCW
16 9A.90.080)
17 Electronic Data Theft (RCW 9A.90.100)
18 Engaging in Fish Dealing Activity
19 Unlicensed 1 (RCW 77.15.620(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Failure to Register as a Sex Offender
23 (second or subsequent offense)
24 (RCW 9A.44.130 prior to June 10,
25 2010, and RCW 9A.44.132)
26 Health Care False Claims (RCW
27 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(3))
29 Improperly Obtaining Financial
30 Information (RCW 9.35.010)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Organized Retail Theft 2 (RCW
33 9A.56.350(3))
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)

1 Possession of a Stolen Vehicle (RCW
2 9A.56.068)
3 Retail Theft with Special Circumstances
4 2 (RCW 9A.56.360(3))
5 Scrap Processing, Recycling, or
6 Supplying Without a License
7 (second or subsequent offense)
8 (RCW 19.290.100)
9 Theft 1 (RCW 9A.56.030)
10 Theft of a Motor Vehicle (RCW
11 9A.56.065)
12 Theft of Rental, Leased, Lease-
13 purchased, or Loaned Property
14 (valued at five thousand dollars or
15 more) (RCW 9A.56.096(5)(a))
16 Theft with the Intent to Resell 2 (RCW
17 9A.56.340(3))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(a))
23 Unlawful Participation of Non-Indians
24 in Indian Fishery (RCW
25 77.15.570(2))
26 Unlawful Practice of Law (RCW
27 2.48.180)
28 Unlawful Purchase or Use of a License
29 (RCW 77.15.650(3)(b))
30 Unlawful Trafficking in Fish, Shellfish,
31 or Wildlife 2 (RCW
32 77.15.260(3)(a))
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Voyeurism 1 (RCW 9A.44.115)

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forgery (RCW 9A.60.020)
6 Fraudulent Creation or Revocation of a
7 Mental Health Advance Directive
8 (RCW 9A.60.060)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Mineral Trespass (RCW 78.44.330)
11 Possession of Stolen Property 2 (RCW
12 9A.56.160)
13 Reckless Burning 1 (RCW 9A.48.040)
14 Spotlighting Big Game 1 (RCW
15 77.15.450(3)(b))
16 Suspension of Department Privileges 1
17 (RCW 77.15.670(3)(b))
18 Taking Motor Vehicle Without
19 Permission 2 (RCW 9A.56.075)
20 Theft 2 (RCW 9A.56.040)
21 Theft from a Vulnerable Adult 2 (RCW
22 9A.56.400(2))
23 Theft of Rental, Leased, Lease-
24 purchased, or Loaned Property
25 (valued at seven hundred fifty
26 dollars or more but less than five
27 thousand dollars) (RCW
28 9A.56.096(5)(b))
29 Transaction of insurance business
30 beyond the scope of licensure
31 (RCW 48.17.063)
32 Unlawful Fish and Shellfish Catch
33 Accounting (RCW 77.15.630(3)(b))
34 Unlawful Issuance of Checks or Drafts
35 (RCW 9A.56.060)

1 Unlawful Possession of Fictitious
2 Identification (RCW 9A.56.320)
3 Unlawful Possession of Instruments of
4 Financial Fraud (RCW 9A.56.320)
5 Unlawful Possession of Payment
6 Instruments (RCW 9A.56.320)
7 Unlawful Possession of a Personal
8 Identification Device (RCW
9 9A.56.320)
10 Unlawful Production of Payment
11 Instruments (RCW 9A.56.320)
12 Unlawful Releasing, Planting,
13 Possessing, or Placing Deleterious
14 Exotic Wildlife (RCW
15 77.15.250(2)(b))
16 Unlawful Trafficking in Food Stamps
17 (RCW 9.91.142)
18 Unlawful Use of Food Stamps (RCW
19 9.91.144)
20 Unlawful Use of Net to Take Fish 1
21 (RCW 77.15.580(3)(b))
22 Unlawful Use of Prohibited Aquatic
23 Animal Species (RCW
24 77.15.253(3))
25 Vehicle Prowl 1 (RCW 9A.52.095)
26 Violating Commercial Fishing Area or
27 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---