

HOUSE BILL 1642

State of Washington

65th Legislature

2017 Regular Session

By Representatives Irwin, Pellicciotti, Hayes, Orwall, Rodne, and McCabe

1 AN ACT Relating to the crime of attempting to elude a pursuing
2 police vehicle; reenacting and amending RCW 9.94A.515; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and
6 2016 c 6 s 1 are each reenacted and amended to read as follows:

7 TABLE 2

8 CRIMES INCLUDED WITHIN EACH
9 SERIOUSNESS LEVEL

10 XVI Aggravated Murder 1 (RCW 10.95.020)

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

12 Malicious explosion 1 (RCW
13 70.74.280(1))

14 Murder 1 (RCW 9A.32.030)

15 XIV Murder 2 (RCW 9A.32.050)

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

17 XIII Malicious explosion 2 (RCW
18 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 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 Manufacture or import counterfeit,
16 nonfunctional, damaged, or
17 previously deployed air bag
18 (causing bodily injury or death)
19 (RCW 46.37.650(1)(b))
20 Negligently Causing Death By Use of a
21 Signal Preemption Device (RCW
22 46.37.675)
23 Sale, install, ~~((for))~~ or reinstall
24 counterfeit, nonfunctional,
25 damaged, or previously deployed
26 airbag (RCW 46.37.650(2)(b))
27 Sending, bringing into state depictions
28 of minor engaged in sexually
29 explicit conduct 1 (RCW
30 9.68A.060(1))
31 Unlawful Possession of a Firearm in the
32 first degree (RCW 9.41.040(1))
33 Use of a Machine Gun in Commission
34 of a Felony (RCW 9.41.225)
35 Vehicular Homicide, by disregard for
36 the safety of others (RCW
37 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Unlawful Storage of Ammonia (RCW
16 69.55.020)
17 V Abandonment of Dependent Person 2
18 (RCW 9A.42.070)
19 Advancing money or property for
20 extortionate extension of credit
21 (RCW 9A.82.030)
22 Air bag diagnostic systems (RCW
23 46.37.660(2)(c))
24 Air bag replacement requirements
25 (RCW 46.37.660(1)(c))
26 Bail Jumping with class A Felony
27 (RCW 9A.76.170(3)(b))
28 Child Molestation 3 (RCW 9A.44.089)
29 Criminal Mistreatment 2 (RCW
30 9A.42.030)
31 Custodial Sexual Misconduct 1 (RCW
32 9A.44.160)
33 Dealing in Depictions of Minor
34 Engaged in Sexually Explicit
35 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070, or
5 74.34.145)
6 Driving While Under the Influence
7 (RCW 46.61.502(6))
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Manufacture or import counterfeit,
17 nonfunctional, damaged, or
18 previously deployed air bag (RCW
19 46.37.650(1)(c))
20 Perjury 1 (RCW 9A.72.020)
21 Persistent prison misbehavior (RCW
22 9.94.070)
23 Physical Control of a Vehicle While
24 Under the Influence (RCW
25 46.61.504(6))
26 Possession of a Stolen Firearm (RCW
27 9A.56.310)
28 Rape 3 (RCW 9A.44.060)
29 Rendering Criminal Assistance 1 (RCW
30 9A.76.070)
31 Sale, install, ~~((for))~~ or reinstall
32 counterfeit, nonfunctional,
33 damaged, or previously deployed
34 airbag (RCW 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 by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9.46.1961)
23 Commercial Bribery (RCW 9A.68.060)
24 Counterfeiting (RCW 9.16.035(4))
25 Endangerment with a Controlled
26 Substance (RCW 9A.42.100)
27 Escape 1 (RCW 9A.76.110)
28 Hit and Run—Injury (RCW
29 46.52.020(4)(b))
30 Hit and Run with Vessel—Injury
31 Accident (RCW 79A.60.200(3))
32 Identity Theft 1 (RCW 9.35.020(2))
33 Indecent Exposure to Person Under Age
34 Fourteen (subsequent sex offense)
35 (RCW 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Malicious Harassment (RCW
4 9A.36.080)
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct 2 (RCW 9.68A.070(2))
8 Residential Burglary (RCW 9A.52.025)
9 Robbery 2 (RCW 9A.56.210)
10 Theft of Livestock 1 (RCW 9A.56.080)
11 Threats to Bomb (RCW 9.61.160)
12 Trafficking in Stolen Property 1 (RCW
13 9A.82.050)
14 Unlawful factoring of a credit card or
15 payment card transaction (RCW
16 9A.56.290(4)(b))
17 Unlawful transaction of health coverage
18 as a health care service contractor
19 (RCW 48.44.016(3))
20 Unlawful transaction of health coverage
21 as a health maintenance
22 organization (RCW 48.46.033(3))
23 Unlawful transaction of insurance
24 business (RCW 48.15.023(3))
25 Unlicensed practice as an insurance
26 professional (RCW 48.17.063(2))
27 Use of Proceeds of Criminal
28 Profiteering (RCW 9A.82.080 (1)
29 and (2))
30 Vehicle Prowling 2 (third or subsequent
31 offense) (RCW 9A.52.100(3))
32 Vehicular Assault, by being under the
33 influence of intoxicating liquor or
34 any drug, or by the operation or
35 driving of a vehicle in a reckless
36 manner (RCW 46.61.522)

1 Viewing of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.075(1))
4 Willful Failure to Return from Furlough
5 (RCW 72.66.060)
6 III Animal Cruelty 1 (Sexual Conduct or
7 Contact) (RCW 16.52.205(3))
8 Assault 3 (Except Assault 3 of a Peace
9 Officer With a Projectile Stun Gun)
10 (RCW 9A.36.031 except subsection
11 (1)(h))
12 Assault of a Child 3 (RCW 9A.36.140)
13 Attempting to Elude a Pursuing Police
14 Vehicle (RCW 46.61.024)
15 Bail Jumping with class B or C Felony
16 (RCW 9A.76.170(3)(c))
17 Burglary 2 (RCW 9A.52.030)
18 Communication with a Minor for
19 Immoral Purposes (RCW
20 9.68A.090)
21 Criminal Gang Intimidation (RCW
22 9A.46.120)
23 Custodial Assault (RCW 9A.36.100)
24 Cyberstalking (subsequent conviction or
25 threat of death) (RCW 9.61.260(3))
26 Escape 2 (RCW 9A.76.120)
27 Extortion 2 (RCW 9A.56.130)
28 Harassment (RCW 9A.46.020)
29 Intimidating a Public Servant (RCW
30 9A.76.180)
31 Introducing Contraband 2 (RCW
32 9A.76.150)
33 Malicious Injury to Railroad Property
34 (RCW 81.60.070)
35 Mortgage Fraud (RCW 19.144.080)

1 Negligently Causing Substantial Bodily
2 Harm By Use of a Signal
3 Preemption Device (RCW
4 46.37.674)
5 Organized Retail Theft 1 (RCW
6 9A.56.350(2))
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun or Short-
11 Barreled Shotgun or Rifle (RCW
12 9.41.190)
13 Promoting Prostitution 2 (RCW
14 9A.88.080)
15 Retail Theft with Special Circumstances
16 1 (RCW 9A.56.360(2))
17 Securities Act violation (RCW
18 21.20.400)
19 Tampering with a Witness (RCW
20 9A.72.120)
21 Telephone Harassment (subsequent
22 conviction or threat of death) (RCW
23 9.61.230(2))
24 Theft of Livestock 2 (RCW 9A.56.083)
25 Theft with the Intent to Resell 1 (RCW
26 9A.56.340(2))
27 Trafficking in Stolen Property 2 (RCW
28 9A.82.055)
29 Unlawful Hunting of Big Game 1 (RCW
30 77.15.410(3)(b))
31 Unlawful Imprisonment (RCW
32 9A.40.040)
33 Unlawful Misbranding of Food Fish or
34 Shellfish 1 (RCW 69.04.938(3))
35 Unlawful possession of firearm in the
36 second degree (RCW 9.41.040(2))

1 Unlawful Taking of Endangered Fish or
2 Wildlife 1 (RCW 77.15.120(3)(b))
3 Unlawful Trafficking in Fish, Shellfish,
4 or Wildlife 1 (RCW
5 77.15.260(3)(b))
6 Unlawful Use of a Nondesignated
7 Vessel (RCW 77.15.530(4))
8 Vehicular Assault, by the operation or
9 driving of a vehicle with disregard
10 for the safety of others (RCW
11 46.61.522)
12 Willful Failure to Return from Work
13 Release (RCW 72.65.070)
14 II Commercial Fishing Without a License
15 1 (RCW 77.15.500(3)(b))
16 Computer Trespass 1 (RCW 9A.90.040)
17 Counterfeiting (RCW 9.16.035(3))
18 Electronic Data Service Interference
19 (RCW 9A.90.060)
20 Electronic Data Tampering 1 (RCW
21 9A.90.080)
22 Electronic Data Theft (RCW 9A.90.100)
23 Engaging in Fish Dealing Activity
24 Unlicensed 1 (RCW 77.15.620(3))
25 Escape from Community Custody
26 (RCW 72.09.310)
27 Failure to Register as a Sex Offender
28 (second or subsequent offense)
29 (RCW 9A.44.130 prior to June 10,
30 2010, and RCW 9A.44.132)
31 Health Care False Claims (RCW
32 48.80.030)
33 Identity Theft 2 (RCW 9.35.020(3))
34 Improperly Obtaining Financial
35 Information (RCW 9.35.010)
36 Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW
2 9A.56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Possession of a Stolen Vehicle (RCW
6 9A.56.068)
7 Retail Theft with Special Circumstances
8 2 (RCW 9A.56.360(3))
9 Scrap Processing, Recycling, or
10 Supplying Without a License
11 (second or subsequent offense)
12 (RCW 19.290.100)
13 Theft 1 (RCW 9A.56.030)
14 Theft of a Motor Vehicle (RCW
15 9A.56.065)
16 Theft of Rental, Leased, Lease-
17 purchased, or Loaned Property
18 (valued at five thousand dollars or
19 more) (RCW 9A.56.096(5)(a))
20 Theft with the Intent to Resell 2 (RCW
21 9A.56.340(3))
22 Trafficking in Insurance Claims (RCW
23 48.30A.015)
24 Unlawful factoring of a credit card or
25 payment card transaction (RCW
26 9A.56.290(4)(a))
27 Unlawful Participation of Non-Indians
28 in Indian Fishery (RCW
29 77.15.570(2))
30 Unlawful Practice of Law (RCW
31 2.48.180)
32 Unlawful Purchase or Use of a License
33 (RCW 77.15.650(3)(b))
34 Unlawful Trafficking in Fish, Shellfish,
35 or Wildlife 2 (RCW
36 77.15.260(3)(a))

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 Voyeurism (RCW 9A.44.115)
4 I ((Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)))
6 False Verification for Welfare (RCW
7 74.08.055)
8 Forgery (RCW 9A.60.020)
9 Fraudulent Creation or Revocation of a
10 Mental Health Advance Directive
11 (RCW 9A.60.060)
12 Malicious Mischief 2 (RCW 9A.48.080)
13 Mineral Trespass (RCW 78.44.330)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Reckless Burning 1 (RCW 9A.48.040)
17 Spotlighting Big Game 1 (RCW
18 77.15.450(3)(b))
19 Suspension of Department Privileges 1
20 (RCW 77.15.670(3)(b))
21 Taking Motor Vehicle Without
22 Permission 2 (RCW 9A.56.075)
23 Theft 2 (RCW 9A.56.040)
24 Theft of Rental, Leased, Lease-
25 purchased, or Loaned Property
26 (valued at seven hundred fifty
27 dollars or more but less than five
28 thousand dollars) (RCW
29 9A.56.096(5)(b))
30 Transaction of insurance business
31 beyond the scope of licensure
32 (RCW 48.17.063)
33 Unlawful Fish and Shellfish Catch
34 Accounting (RCW 77.15.630(3)(b))
35 Unlawful Issuance of Checks or Drafts
36 (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** ---