

---

**SENATE BILL 5310**

---

**State of Washington****67th Legislature****2021 Regular Session****By Senator Holy**

1       AN ACT Relating to combatting violence, disorder, and looting  
2 while ensuring protection for law enforcement; amending RCW  
3 9A.36.031, 9A.46.020, 9.94A.515, 9A.84.010, 9A.48.090, 82.14.310, and  
4 82.14.320; reenacting and amending RCW 46.61.250; adding a new  
5 section to chapter 9A.82 RCW; adding a new section to chapter 46.61  
6 RCW; adding a new section to chapter 9A.84 RCW; adding new sections  
7 to chapter 35.21 RCW; adding new sections to chapter 36.01 RCW;  
8 creating new sections; prescribing penalties; and declaring an  
9 emergency.

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

11       NEW SECTION.   **Sec. 1.** This act may be known and cited as the  
12 combatting violence, disorder, and looting and law enforcement  
13 protection act.

14       NEW SECTION.   **Sec. 2.** The legislature finds that government  
15 exists, in part, to secure rights and equal justice for all citizens,  
16 while at the same time maintain social order. Statutory and common  
17 law vests in the state the police powers essential to the  
18 preservation of social order, which it has delegated to local  
19 governments. For example, in *Chicago v. Sturges*, 222 U.S. 313 (1911),  
20 the United States supreme court held that liability may exist when a

1 local government fails to protect property destroyed by unpeaceful  
2 protests, riots, or mob violence. The legislature intends to hold  
3 local governments responsible when they willfully fail to discharge  
4 their delegated power to maintain social order. The legislature  
5 further finds that law enforcement officers and first responders are  
6 vital public servants who put their lives at risk for the betterment  
7 of their community and that intentionally withdrawing or reducing  
8 these services leads to increases in violent crime and decreases in  
9 overall public safety.

10       **Sec. 3.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to  
11 read as follows:

12       (1) A person is guilty of assault in the third degree if he or  
13 she, under circumstances not amounting to assault in the first or  
14 second degree:

15       (a) With intent to prevent or resist the execution of any lawful  
16 process or mandate of any court officer or the lawful apprehension or  
17 detention of himself, herself, or another person, assaults another;  
18 or

19       (b) Assaults a person employed as a transit operator or driver,  
20 the immediate supervisor of a transit operator or driver, a mechanic,  
21 or a security officer, by a public or private transit company or a  
22 contracted transit service provider, while that person is performing  
23 his or her official duties at the time of the assault; or

24       (c) Assaults a school bus driver, the immediate supervisor of a  
25 driver, a mechanic, or a security officer, employed by a school  
26 district transportation service or a private company under contract  
27 for transportation services with a school district, while the person  
28 is performing his or her official duties at the time of the assault;  
29 or

30       (d) With criminal negligence, causes bodily harm to another  
31 person by means of a weapon or other instrument or thing likely to  
32 produce bodily harm; or

33       (e) Assaults a firefighter or other employee of a fire  
34 department, county fire marshal's office, county fire prevention  
35 bureau, or fire protection district who was performing his or her  
36 official duties at the time of the assault; or

37       (f) With criminal negligence, causes bodily harm accompanied by  
38 substantial pain that extends for a period sufficient to cause  
39 considerable suffering; or

1       (g) Assualts a law enforcement officer or other employee of a law  
2 enforcement agency who was performing his or her official duties at  
3 the time of the assault; or

4       (h) Assualts a peace officer with a projectile stun gun; or

5       (i) Assualts a nurse, physician, or health care provider who was  
6 performing his or her nursing or health care duties at the time of  
7 the assault. For purposes of this subsection: "Nurse" means a person  
8 licensed under chapter 18.79 RCW; "physician" means a person licensed  
9 under chapter 18.57 or 18.71 RCW; and "health care provider" means a  
10 person certified under chapter 18.71 or 18.73 RCW who performs  
11 emergency medical services or a person regulated under Title 18 RCW  
12 and employed by, or contracting with, a hospital licensed under  
13 chapter 70.41 RCW; or

14       (j) Assualts a judicial officer, court-related employee, county  
15 clerk, or county clerk's employee, while that person is performing  
16 his or her official duties at the time of the assault or as a result  
17 of that person's employment within the judicial system. For purposes  
18 of this subsection, "court-related employee" includes bailiffs, court  
19 reporters, judicial assistants, court managers, court managers'  
20 employees, and any other employee, regardless of title, who is  
21 engaged in equivalent functions; or

22       (k) Assualts a person located in a courtroom, jury room, judge's  
23 chamber, or any waiting area or corridor immediately adjacent to a  
24 courtroom, jury room, or judge's chamber. This section shall apply  
25 only: (i) During the times when a courtroom, jury room, or judge's  
26 chamber is being used for judicial purposes during court proceedings;  
27 and (ii) if signage was posted in compliance with RCW 2.28.200 at the  
28 time of the assault.

29       (2) Assualt in the third degree is a class C felony.

30       (3) Notwithstanding any other provision of law, a person  
31 convicted of assaulting a law enforcement officer in furtherance of a  
32 riot or unlawful assembly prohibited under chapter 9A.84 RCW must be  
33 sentenced to a minimum term of total confinement of 180 days.

34       **Sec. 4.** RCW 9A.46.020 and 2011 c 64 s 1 are each amended to read  
35 as follows:

36       (1) A person is guilty of harassment if:

37           (a) Without lawful authority, the person knowingly threatens:

38           (i) To cause bodily injury immediately or in the future to the  
39 person threatened or to any other person; or

1       (ii) To cause physical damage to the property of a person other  
2 than the actor; or

3       (iii) To subject the person threatened or any other person to  
4 physical confinement or restraint; or

5       (iv) Maliciously to do any other act which is intended to  
6 substantially harm the person threatened or another with respect to  
7 his or her physical or mental health or safety; and

8       (b) The person by words or conduct places the person threatened  
9 in reasonable fear that the threat will be carried out. "Words or  
10 conduct" includes, in addition to any other form of communication or  
11 conduct, the sending of an electronic communication.

12      (2) (a) Except as provided in (b) of this subsection, a person who  
13 harasses another is guilty of a gross misdemeanor.

14      (b) A person who harasses another is guilty of a class C felony  
15 if any of the following apply: (i) The person has previously been  
16 convicted in this or any other state of any crime of harassment, as  
17 defined in RCW 9A.46.060, of the same victim or members of the  
18 victim's family or household or any person specifically named in a  
19 no-contact or no-harassment order; (ii) the person harasses another  
20 person under subsection (1)(a)(i) of this section by threatening to  
21 kill the person threatened or any other person; (iii) the person  
22 harasses a criminal justice participant who is performing his or her  
23 official duties at the time the threat is made; ((or)) (iv) the  
24 person harasses a criminal justice participant because of an action  
25 taken or decision made by the criminal justice participant during the  
26 performance of his or her official duties; or (v) (A) the person would  
not be capable of harassing another person unless the person crossed  
state lines within the previous 10 days; and (B) the harassment  
occurs in a place of public accommodation or private residence. For  
27 the purposes of (b)(iii) and (iv) of this subsection, the fear from  
28 the threat must be a fear that a reasonable criminal justice  
29 participant would have under all the circumstances. Threatening words  
30 do not constitute harassment if it is apparent to the criminal  
31 justice participant that the person does not have the present and  
32 future ability to carry out the threat.

33      (3) Any criminal justice participant who is a target for threats  
34 or harassment prohibited under subsection (2)(b)(iii) or (iv) of this  
35 section, and any family members residing with him or her, shall be  
36 eligible for the address confidentiality program created under RCW  
37 40.24.030.

11                   (5) The penalties provided in this section for harassment do not  
12 preclude the victim from seeking any other remedy otherwise available  
13 under law.

14           **Sec. 5.**    RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
15    read as follows:

TABLE 2

## CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

## XVI Aggravated Murder 1 (RCW 10.95.020)

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

Malicious explosion 1 (RCW  
70.74.280(1))

### Murder 1 (RCW 9A.32.030)

## XIV Murder 2 (RCW 9A.32.050)

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

### XIII Malicious explosion 2 (RCW 70.74.280(2))

## Malicious placement of an explosive 1 (RCW 70.74.270(1))

## XII    Assault 1 (RCW 9A.36.011)

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

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

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

- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(3))
- Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run—Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW  
2 9A.82.060(1)(b))  
3 Malicious placement of an explosive 2  
4 (RCW 70.74.270(2))  
5 Robbery 1 (RCW 9A.56.200)  
6 Sexual Exploitation (RCW 9.68A.040)  
7 VIII Arson 1 (RCW 9A.48.020)  
8 Commercial Sexual Abuse of a Minor  
9 (RCW 9.68A.100)  
10 Homicide by Watercraft, by the  
11 operation of any vessel in a reckless  
12 manner (RCW 79A.60.050)  
13 Manslaughter 2 (RCW 9A.32.070)  
14 Promoting Prostitution 1 (RCW  
15 9A.88.070)  
16 Theft of Ammonia (RCW 69.55.010)  
17 VII Air bag diagnostic systems (causing  
18 bodily injury or death) (RCW  
19 46.37.660(2)(b))  
20 Air bag replacement requirements  
21 (causing bodily injury or death)  
22 (RCW 46.37.660(1)(b))  
23 Burglary 1 (RCW 9A.52.020)  
24 Child Molestation 2 (RCW 9A.44.086)  
25 Civil Disorder Training (RCW  
26 9A.48.120)  
27 Dealing in depictions of minor engaged  
28 in sexually explicit conduct 1  
29 (RCW 9.68A.050(1))  
30 Drive-by Shooting (RCW 9A.36.045)  
31 False Reporting 1 (RCW  
32 9A.84.040(2)(a))  
33 Homicide by Watercraft, by disregard  
34 for the safety of others (RCW  
35 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1))

## Introducing Contraband 1 (RCW 9A.76.140)

## Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Negligently Causing Death By Use of a  
Signal Preemption Device (RCW  
46.37.675)

Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Sending, bringing into state depictions  
of minor engaged in sexually  
explicit conduct 1 (RCW  
9.68A.060(1))

## Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire  
Stock in Commission of a Felony  
(RCW 9.41.225)

Vehicular Homicide, by disregard for  
the safety of others (RCW  
46.61.520)

VI Bail Jumping with Murder 1 (RCW  
9A.76.170(3)(a))

### Bribery (RCW 9A.68.010)

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

### Intimidating a Judge (RCW 9A.72.160)

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

Leading an Organized Riot and Display  
Deadly Weapon During  
Commission (section 6(2)(a) of this  
act)

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

## Possession of Depictions of a Minor

Engaged in Sexually Explicit  
Conduct 1 (RCW 9.68A.070(1))

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

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

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

## Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2  
(RCW 9A.42.070)

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

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

## Air bag replacement requirements (RCW 46.37.660(1)(c))

Assault 3 (of a Law Enforcement Officer or Employee and Assault 3 of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1) (g) and (h))

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

### Child Molestation 3 (RCW 9A.44.089)

## Criminal Mistreatment 2 (RCW 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Dealing in Depictions of Minor  
4 Engaged in Sexually Explicit  
5 Conduct 2 (RCW 9.68A.050(2))  
6 Domestic Violence Court Order  
7 Violation (RCW 10.99.040,  
8 10.99.050, 26.09.300, 26.10.220,  
9 26.26B.050, 26.50.110, 26.52.070,  
10 or 74.34.145)  
11 Extortion 1 (RCW 9A.56.120)  
12 Extortionate Extension of Credit (RCW  
13 9A.82.020)  
14 Extortionate Means to Collect  
15 Extensions of Credit (RCW  
16 9A.82.040)  
17 Incest 2 (RCW 9A.64.020(2))  
18 Kidnapping 2 (RCW 9A.40.030)  
19 Leading an Organized Riot (section 6 of  
20 this act except subsection (2)(b))  
21 Manufacture or import counterfeit,  
22 nonfunctional, damaged, or  
23 previously deployed air bag (RCW  
24 46.37.650(1)(c))  
25 Perjury 1 (RCW 9A.72.020)  
26 Persistent prison misbehavior (RCW  
27 9.94.070)  
28 Possession of a Stolen Firearm (RCW  
29 9A.56.310)  
30 Rape 3 (RCW 9A.44.060)  
31 Rendering Criminal Assistance 1 (RCW  
32 9A.76.070)  
33 Sell, install, or reinstall counterfeit,  
34 nonfunctional, damaged, or  
35 previously deployed airbag (RCW  
36 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

((Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Harassment Crossing State Lines and in Place of Public Accommodation or Private Residence (RCW 9A.46.020(2)(b)(v))

- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance 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 subsequent  
5 offense) (RCW 9A.52.100(3))  
6 Vehicular Assault, by being under the  
7 influence of intoxicating liquor or  
8 any drug, or by the operation or  
9 driving of a vehicle in a reckless  
10 manner (RCW 46.61.522)  
11 Viewing of Depictions of a Minor  
12 Engaged in Sexually Explicit  
13 Conduct 1 (RCW 9.68A.075(1))  
14 Willful Failure to Return from Furlough  
15 (RCW 72.66.060)  
16 III Animal Cruelty 1 (Sexual Conduct or  
17 Contact) (RCW 16.52.205(3))  
18 Assault 3 (Except Assault 3 of a Law  
19 Enforcement Officer or Employee  
20 and Peace Officer With a Projectile  
21 Stun Gun) (RCW 9A.36.031 except  
22 subsection (1)(g) and (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 or  
34 threat of death) (RCW 9.61.260(3))  
35 Escape 2 (RCW 9A.76.120)  
36 Extortion 2 (RCW 9A.56.130)

1 False Reporting 2 (RCW  
2 9A.84.040(2)(b))  
3 Harassment (RCW 9A.46.020 except  
4 subsection (2)(b)(v))  
5 Intimidating a Public Servant (RCW  
6 9A.76.180)  
7 Introducing Contraband 2 (RCW  
8 9A.76.150)  
9 Malicious Injury to Railroad Property  
10 (RCW 81.60.070)  
11 Manufacture of Untraceable Firearm  
12 with Intent to Sell (RCW 9.41.190)  
13 Manufacture or Assembly of an  
14 Undetectable Firearm or  
15 Untraceable Firearm (RCW  
16 9.41.325)  
17 Mortgage Fraud (RCW 19.144.080)  
18 Negligently Causing Substantial Bodily  
19 Harm By Use of a Signal  
20 Preemption Device (RCW  
21 46.37.674)  
22 Organized Retail Theft 1 (RCW  
23 9A.56.350(2))  
24 Perjury 2 (RCW 9A.72.030)  
25 Possession of Incendiary Device (RCW  
26 9.40.120)  
27 Possession of Machine Gun, Bump-Fire  
28 Stock, Undetectable Firearm, or  
29 Short-Barreled Shotgun or Rifle  
30 (RCW 9.41.190)  
31 Promoting Prostitution 2 (RCW  
32 9A.88.080)  
33 Retail Theft with Special Circumstances  
34 1 (RCW 9A.56.360(2))  
35 Rioting (section 9 of this act)

- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)

1 Counterfeiting (RCW 9.16.035(3))  
2 Electronic Data Service Interference  
3 (RCW 9A.90.060)  
4 Electronic Data Tampering 1 (RCW  
5 9A.90.080)  
6 Electronic Data Theft (RCW 9A.90.100)  
7 Engaging in Fish Dealing Activity  
8 Unlicensed 1 (RCW 77.15.620(3))  
9 Escape from Community Custody  
10 (RCW 72.09.310)  
11 Failure to Register as a Sex Offender  
12 (second or subsequent offense)  
13 (RCW 9A.44.130 prior to June 10,  
14 2010, and RCW 9A.44.132)  
15 Health Care False Claims (RCW  
16 48.80.030)  
17 Identity Theft 2 (RCW 9.35.020(3))  
18 Improperly Obtaining Financial  
19 Information (RCW 9.35.010)  
20 Malicious Mischief 1 (RCW 9A.48.070)  
21 Organized Retail Theft 2 (RCW  
22 9A.56.350(3))  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Possession of a Stolen Vehicle (RCW  
26 9A.56.068)  
27 Retail Theft with Special Circumstances  
28 2 (RCW 9A.56.360(3))  
29 Scrap Processing, Recycling, or  
30 Supplying Without a License  
31 (second or subsequent offense)  
32 (RCW 19.290.100)  
33 Theft 1 (RCW 9A.56.030)  
34 Theft of a Motor Vehicle (RCW  
35 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism 1 (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

Criminal Mischief (RCW 9A.84.010)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Malicious Mischief 3 Armed with Deadly Weapon During Commission (RCW 9A.48.090(2)(b))

Mineral Trespass (RCW 78.44.330)

Obstructing a Highway (section 8 of this act)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

## Unlawful Possession of Payment

### Instruments (RCW 9A.56.320)

## Unlawful Possession of a Personal

## Identification Device (RCW)

9A.56.320)

## Unlawful Production of Payment

## Instruments (RCW 9A.56.320)

### Unlawful Releasing, Planting,

## Possessing, or Placing Deleterious

## Exotic Wildlife (RCW)

77.15.250(2)(b))

## Unlawful Trafficking in Food Stamps

(RCW 9.91.142)

## Unlawful Use of Food Stamps (RCW)

9.91.144)

## Unlawful Use of Net to Take Fish 1

(RCW 77.15.580(3)(b))

## Unlawful Use of Prohibited Aquatic

## Animal Species (RCW)

77.15.253(3))

## Vehicle Prowl 1 (RCW 9A.52.095)

#### Violating Commercial Fishing Area or

Time 1 (RCW 77.15.550(3)(b))

NEW SECTION. Sec. 6. A new section is added to chapter 9A.82

RCW to read as follows:

(1) A person commits the offense of leading an organized riot by:

(a) Intentionally organizing, managing, directing, supervising,

or financing any three or more persons with the intent to promote the accomplishment of a pattern of criminal mischief, harassment, or destruction of property; or

(b) Intentionally inciting or inducing others to engage in violence or intimidation with the intent to further or promote the accomplishment of a pattern of behavior which causes injury or substantial risk of injury to another person.

(2) (a) Except as provided in (b) of this subsection, leading an organized riot is a class C felony.

1       (b) Leading an organized riot is a class B felony when the person  
2 is armed with a deadly weapon and uses the deadly weapon in  
3 commission of the crime by intentionally displaying the deadly weapon  
4 in an intimidating or threatening manner during the riot.

5       **Sec. 7.** RCW 46.61.250 and 2019 c 403 s 9 and 2019 c 214 s 14 are  
6 each reenacted and amended to read as follows:

7       (1) Where sidewalks are provided and are accessible, it is  
8 unlawful for any pedestrian to walk or otherwise move along and upon  
9 an adjacent roadway. Where sidewalks are provided but wheelchair  
10 access is not available, persons with disabilities who require such  
11 access may walk or otherwise move along and upon an adjacent roadway  
12 until they reach an access point in the sidewalk.

13       (2) Where sidewalks are not provided or are inaccessible, a  
14 pedestrian walking or otherwise moving along and upon a highway, and  
15 any personal delivery device moving along and upon a highway, shall:

16       (a) When shoulders are provided and are accessible, walk or move  
17 on the shoulder of the roadway as far as is practicable from the edge  
18 of the roadway, facing traffic when a shoulder is available in this  
19 direction; or

20       (b) When shoulders are not provided or are inaccessible, walk or  
21 move as near as is practicable to the outside edge of the roadway  
22 facing traffic, and when practicable, move clear of the roadway upon  
23 meeting an oncoming vehicle.

24       (3) A pedestrian traveling to the nearest emergency reporting  
25 device on a one-way roadway of a controlled access highway is not  
26 required to travel facing traffic as otherwise required by subsection  
27 (2) of this section.

28       NEW SECTION.   **Sec. 8.** A new section is added to chapter 46.61  
29 RCW to read as follows:

30       (1) A person is guilty of obstructing a highway if the person,  
31 acting with three or more other persons:

32       (a) Having no privilege to do so, recklessly, intentionally, or  
33 knowingly obstructs the passage of motor vehicles on a highway; or

34       (b) After receiving a verbal warning to disperse by a peace  
35 officer, intentionally obstructs the passage of motor vehicles on a  
36 highway.

1       (2) For purposes of this section, "obstruct" means to render  
2 impassable or to render passage unreasonably inconvenient or  
3 hazardous.

4       (3) Obstructing a highway under this section is a class C felony.

5       (4) A person lawfully operating a motor vehicle on a highway is  
6 not liable for civil damages for injuries sustained to persons or  
7 property while reasonably attempting to avoid or flee a person who  
8 was obstructing a highway at the time of the injury.

9       NEW SECTION.   **Sec. 9.**   A new section is added to chapter 9A.84  
10 RCW to read as follows:

11       (1) A person is guilty of the crime of rioting if, acting with  
12 seven or more persons, he or she knowingly and unlawfully  
13 participates in an assembly and causes damage to property or injury  
14 to other persons or there are acts of conduct within that group which  
15 create a substantial risk of causing injury to any person, or  
16 substantial harm to property.

17       (2) (a) Except as provided in (b) of this subsection, the crime of  
18 rioting is a gross misdemeanor.

19       (b) The crime of rioting is a class C felony if the person is  
20 armed with a deadly weapon during the commission of the crime and  
21 uses the deadly weapon to cause damage to property or injury to other  
22 persons.

23       **Sec. 10.**   RCW 9A.84.010 and 2013 c 20 s 1 are each amended to  
24 read as follows:

25       (1) A person is guilty of the crime of criminal mischief if,  
26 acting with three or more other persons, he or she knowingly and  
27 unlawfully uses or threatens to use force, or in any way participates  
28 in the use of such force, against any other person or against  
29 property.

30       (2) (a) Except as provided in (b) of this subsection, the crime of  
31 criminal mischief is a ((gross misdemeanor)) class C felony.

32       (b) The crime of criminal mischief is a class ((E)) B felony if  
33 the actor is armed with a deadly weapon and uses the deadly weapon to  
34 threaten or intimidate during the commission of the crime.

35       **Sec. 11.**   RCW 9A.48.090 and 2009 c 431 s 6 are each amended to  
36 read as follows:

1       (1) A person is guilty of malicious mischief in the third degree  
2 if he or she:

3           (a) Knowingly and maliciously causes physical damage to the  
4 property of another, under circumstances not amounting to malicious  
5 mischief in the first or second degree; or

6           (b) Writes, paints, or draws any inscription, figure, or mark of  
7 any type on any public or private building or other structure or any  
8 real or personal property owned by any other person unless the person  
9 has obtained the express permission of the owner or operator of the  
10 property, under circumstances not amounting to malicious mischief in  
11 the first or second degree.

12       (2) ~~((Malicious))~~ (a) Except as provided in (b) of this  
13 subsection, malicious mischief in the third degree is a gross  
14 misdemeanor.

15       (b) Malicious mischief in the third degree is a class C felony if  
16 the person is armed with a deadly weapon and uses the deadly weapon  
17 to cause damage to property during the commission of the crime.

18       NEW SECTION. **Sec. 12.** A new section is added to chapter 35.21  
19 RCW to read as follows:

20       (1) Political subdivisions, including cities and towns, are  
21 prohibited from intentionally withdrawing law enforcement and fire  
22 and rescue services for indefinite periods of time, in specifically  
23 bounded areas, within their local jurisdiction.

24       (2) Any political subdivision that violates subsection (1) of  
25 this section may be liable for the loss of life, injury, theft,  
26 damage, or destruction of property resulting from any riot or  
27 unlawful assembly of persons engaged in disturbing the public peace  
28 if the police, or other proper authorities, have not exercised  
29 reasonable care or diligence in the prevention or suppression of such  
30 riot or assembly. In addition to other actual damages, damages may  
31 include loss of business or right of enjoyment for the failure to  
32 maintain public safety in public rights-of-way.

33       (3) In addition to any other remedies and sanctions provided in  
34 this section for a violation of subsection (1) of this section, based  
35 on a judicial finding or legislative determination, a political  
36 subdivision may be subject to a fine of \$10,000 per day until its  
37 services are brought into compliance.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 35.21

2        RCW to read as follows:

3            (1) Cities with a population of more than 50,000 inhabitants must  
4        maintain a law enforcement-to-inhabitant ratio of at least one law  
5        enforcement officer for each 1,000 inhabitants.

6            (2) Any city with a population of 50,000 or more that violates  
7        subsection (1) of this section may be liable for the loss of life,  
8        injury, theft, damage, or destruction of property resulting from any  
9        riot or unlawful assembly of persons engaged in disturbing the public  
10      peace if the police, or other proper authorities, have not exercised  
11      reasonable care or diligence in the prevention or suppression of such  
12      riot or assembly. In addition to other actual damages, damages may  
13      include loss of business or right of enjoyment for the failure to  
14      maintain public safety in public rights-of-way.

15           (3) In addition to any other remedies and sanctions provided in  
16      this section for a violation of subsection (1) of this section, based  
17      on a judicial finding or legislative determination, a city with a  
18      population of 50,000 or more may be subject to a fine of \$10,000 per  
19      day until its services are brought into compliance.

20        NEW SECTION.    **Sec. 14.**    A new section is added to chapter 36.01

21        RCW to read as follows:

22           (1) Political subdivisions, including counties, are prohibited  
23      from intentionally withdrawing law enforcement and fire and rescue  
24      services for indefinite periods of time, in specifically bounded  
25      areas, within their local jurisdiction.

26           (2) Any political subdivision that violates subsection (1) of  
27      this section may be liable for the loss of life, injury, theft,  
28      damage, or destruction of property resulting from any riot or  
29      unlawful assembly of persons engaged in disturbing the public peace  
30      if the police, or other proper authorities, have not exercised  
31      reasonable care or diligence in the prevention or suppression of such  
32      riot or assembly. In addition to other actual damages, damages may  
33      include loss of business or right of enjoyment for the failure to  
34      maintain public safety in public rights-of-way.

35           (3) In addition to any other remedies and sanctions provided in  
36      this section for a violation of subsection (1) of this section, based  
37      on a judicial finding or legislative determination, a political  
38      subdivision may be subject to a fine of \$10,000 per day until its  
39      services are brought into compliance.

1        NEW SECTION.    **Sec. 15.**    A new section is added to chapter 36.01

2    RCW to read as follows:

3        (1) Counties with a population of greater than 30,000 inhabitants  
4    must maintain a law enforcement-to-inhabitant ratio of at least one  
5    law enforcement officer for each 1,000 inhabitants.

6        (2) Any county with a population greater than 30,000 inhabitants  
7    that violates subsection (1) of this section may be liable for the  
8    loss of life, injury, theft, damage, or destruction of property  
9    resulting from any riot or unlawful assembly of persons engaged in  
10   disturbing the public peace if the police, or other proper  
11   authorities, have not exercised reasonable care or diligence in the  
12   prevention or suppression of such riot or assembly. In addition to  
13   other actual damages, damages may include loss of business or right  
14   of enjoyment for the failure to maintain public safety in public  
15   rights-of-way.

16        (3) In addition to any other remedies and sanctions provided  
17   herein for a violation of subsection (1) of this section, based on a  
18   judicial finding or legislative determination, a county with a  
19   population greater than 30,000 inhabitants may be subject to a fine  
20   of \$10,000 per day until its services are brought into compliance.

21        **Sec. 16.**    RCW 82.14.310 and 2019 c 415 s 988 are each amended to  
22   read as follows:

23        (1) The county criminal justice assistance account is created in  
24   the state treasury. Beginning in fiscal year 2000, the state  
25   treasurer must transfer into the county criminal justice assistance  
26   account from the general fund the sum of twenty-three million two  
27   hundred thousand dollars divided into four equal deposits occurring  
28   on July 1, October 1, January 1, and April 1. For each fiscal year  
29   thereafter, the state treasurer must increase the total transfer by  
30   the fiscal growth factor, as defined in RCW 43.135.025, forecast for  
31   that fiscal year by the office of financial management in November of  
32   the preceding year.

33        (2) The moneys deposited in the county criminal justice  
34   assistance account for distribution under this section, less any  
35   moneys appropriated for purposes under subsections (4) and (5) of  
36   this section, must be distributed at such times as distributions are  
37   made under RCW 82.44.150 and on the relative basis of each county's  
38   funding factor as determined under this subsection.

39        (a) A county's funding factor is the sum of:

1       (i) The population of the county, divided by one thousand, and  
2 multiplied by two-tenths;

3       (ii) The crime rate of the county, multiplied by three-tenths;  
4 and

5       (iii) The annual number of criminal cases filed in the county  
6 superior court, for each one thousand in population, multiplied by  
7 five-tenths.

8       (b) Under this section and RCW 82.14.320 and 82.14.330:

9       (i) The population of the county or city is as last determined by  
10 the office of financial management;

11       (ii) The crime rate of the county or city is the annual  
12 occurrence of specified criminal offenses, as calculated in the most  
13 recent annual report on crime in Washington state as published by the  
14 Washington association of sheriffs and police chiefs, for each one  
15 thousand in population;

16       (iii) The annual number of criminal cases filed in the county  
17 superior court must be determined by the most recent annual report of  
18 the courts of Washington, as published by the administrative office  
19 of the courts;

20       (iv) Distributions and eligibility for distributions in the  
21 1989-1991 biennium must be based on 1988 figures for both the crime  
22 rate as described under (ii) of this subsection and the annual number  
23 of criminal cases that are filed as described under (iii) of this  
24 subsection. Future distributions must be based on the most recent  
25 figures for both the crime rate as described under (ii) of this  
26 subsection and the annual number of criminal cases that are filed as  
27 described under (iii) of this subsection.

28       (3) Moneys distributed under this section must be expended  
29 exclusively for criminal justice purposes and may not be used to  
30 replace or supplant existing funding. Criminal justice purposes are  
31 defined as activities that substantially assist the criminal justice  
32 system, which may include circumstances where ancillary benefit to  
33 the civil or juvenile justice system occurs, and which includes (a)  
34 domestic violence services such as those provided by domestic  
35 violence programs, community advocates, and legal advocates, as  
36 defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal  
37 biennium, juvenile dispositional hearings relating to petitions for  
38 at-risk youth, truancy, and children in need of services. Existing  
39 funding for purposes of this subsection is defined as calendar year  
40 1989 actual operating expenditures for criminal justice purposes.

1      Calendar year 1989 actual operating expenditures for criminal justice  
2      purposes exclude the following: Expenditures for extraordinary events  
3      not likely to reoccur, changes in contract provisions for criminal  
4      justice services, beyond the control of the local jurisdiction  
5      receiving the services, and major nonrecurring capital expenditures.

6      (4) Not more than five percent of the funds deposited to the  
7      county criminal justice assistance account may be available for  
8      appropriations for enhancements to the state patrol crime laboratory  
9      system and the continuing costs related to these enhancements. Funds  
10     appropriated from this account for such enhancements may not supplant  
11     existing funds from the state general fund.

12     (5) During the 2017-2019 fiscal biennium, the sum of one hundred  
13     fifty-three thousand dollars, and during the 2019-2021 fiscal  
14     biennium, the sum of five hundred ten thousand dollars, may be  
15     appropriated for the Washington state patrol to provide investigative  
16     assistance and report services to assist local law enforcement  
17     agencies to prosecute criminals. It is the intent of the legislature  
18     that this policy will be continued in subsequent fiscal biennia.

19     (6) If a county is found, based on a valid judicial finding or  
20     legislative determination, to be in violation of section 14 of this  
21     act, the county shall lose one-half of its share of the county  
22     criminal justice assistance account for up to one year, to begin at  
23     the commencement of the next fiscal year, or until its services are  
24     brought into compliance.

25     (7) If a county with a population greater than 30,000 inhabitants  
26     is found, based on a valid judicial finding or legislative  
27     determination, to have intentionally set or maintained a law  
28     enforcement-to-inhabitant ratio of a less than one full-time law  
29     enforcement officer per 1,000 inhabitants, in violation of section 15  
30     of this act, the county shall lose up to one-half of its share of the  
31     county criminal justice assistance account for up to one year, to  
32     begin at the commencement of the fiscal year, or until services are  
33     brought into compliance.

34     **Sec. 17.**    RCW 82.14.320 and 2011 1st sp.s. c 50 s 971 are each  
35     amended to read as follows:

36     (1) The municipal criminal justice assistance account is created  
37     in the state treasury. Beginning in fiscal year 2000, the state  
38     treasurer must transfer into the municipal criminal justice  
39     assistance account for distribution under this section from the

1 general fund the sum of four million six hundred thousand dollars  
2 divided into four equal deposits occurring on July 1, October 1,  
3 January 1, and April 1. For each fiscal year thereafter, the state  
4 treasurer must increase the total transfer by the fiscal growth  
5 factor, as defined in RCW 43.135.025, forecast for that fiscal year  
6 by the office of financial management in November of the preceding  
7 year.

8 (2) No city may receive a distribution under this section from  
9 the municipal criminal justice assistance account unless:

10 (a) The city has a crime rate in excess of one hundred twenty-  
11 five percent of the statewide average as calculated in the most  
12 recent annual report on crime in Washington state as published by the  
13 Washington association of sheriffs and police chiefs;

14 (b) The city has levied the tax authorized in RCW 82.14.030(2) at  
15 the maximum rate or the tax authorized in RCW 82.46.010(3) at the  
16 maximum rate; and

17 (c) The city has a per capita yield from the tax imposed under  
18 RCW 82.14.030(1) at the maximum rate of less than one hundred fifty  
19 percent of the statewide average per capita yield for all cities from  
20 such local sales and use tax.

21 (3) The moneys deposited in the municipal criminal justice  
22 assistance account for distribution under this section, less any  
23 moneys appropriated for purposes under subsection (7) of this  
24 section, must be distributed at such times as distributions are made  
25 under RCW 82.44.150. The distributions must be made as follows:

26 (a) Unless reduced by this subsection, thirty percent of the  
27 moneys must be distributed ratably based on population as last  
28 determined by the office of financial management to those cities  
29 eligible under subsection (2) of this section that have a crime rate  
30 determined under subsection (2)(a) of this section which is greater  
31 than one hundred seventy-five percent of the statewide average crime  
32 rate. No city may receive more than fifty percent of any moneys  
33 distributed under this subsection (a) but, if a city distribution is  
34 reduced as a result of exceeding the fifty percent limitation, the  
35 amount not distributed must be distributed under (b) of this  
36 subsection.

37 (b) The remainder of the moneys, including any moneys not  
38 distributed in subsection (2)(a) of this section, must be distributed  
39 to all cities eligible under subsection (2) of this section ratably

1 based on population as last determined by the office of financial  
2 management.

3 (4) No city may receive more than thirty percent of all moneys  
4 distributed under subsection (3) of this section.

5 (5) Notwithstanding other provisions of this section, the  
6 distributions to any city that substantially decriminalizes or  
7 repeals its criminal code after July 1, 1990, and that does not  
8 reimburse the county for costs associated with criminal cases under  
9 RCW 3.50.800 or 3.50.805(2), must be made to the county in which the  
10 city is located.

11 (6) Moneys distributed under this section must be expended  
12 exclusively for criminal justice purposes and may not be used to  
13 replace or supplant existing funding. Criminal justice purposes are  
14 defined as activities that substantially assist the criminal justice  
15 system, which may include circumstances where ancillary benefit to  
16 the civil justice system occurs, and which includes domestic violence  
17 services such as those provided by domestic violence programs,  
18 community advocates, and legal advocates, as defined in RCW  
19 70.123.020, and publications and public educational efforts designed  
20 to provide information and assistance to parents in dealing with  
21 runaway or at-risk youth. Existing funding for purposes of this  
22 subsection is defined as calendar year 1989 actual operating  
23 expenditures for criminal justice purposes. Calendar year 1989 actual  
24 operating expenditures for criminal justice purposes exclude the  
25 following: Expenditures for extraordinary events not likely to  
26 reoccur, changes in contract provisions for criminal justice  
27 services, beyond the control of the local jurisdiction receiving the  
28 services, and major nonrecurring capital expenditures.

29 (7) Not more than five percent of the funds deposited to the  
30 municipal criminal justice assistance account may be available for  
31 appropriations for enhancements to the state patrol crime laboratory  
32 system and the continuing costs related to these enhancements. Funds  
33 appropriated from this account for such enhancements may not supplant  
34 existing funds from the state general fund.

35 (8) During the 2011-2013 fiscal biennium, the amount that would  
36 otherwise be transferred into the municipal criminal justice  
37 assistance account from the general fund under subsection (1) of this  
38 section must be reduced by 3.4 percent.

39 (9) If a city is found, based on a valid judicial finding or  
40 legislative determination, to be in violation of section 12 of this

1 act, the city shall lose one-half of its share of the municipal  
2 criminal justice assistance account for one year, to begin at the  
3 commencement of the next fiscal year, or until its services are  
4 brought into compliance.

5 (10) If a city with a population greater than 50,000 inhabitants  
6 is found, based on a valid judicial finding or legislative  
7 determination, to have intentionally set or maintained a law  
8 enforcement-to-inhabitant ratio of a less than one full-time law  
9 enforcement officer per 1,000 inhabitants, in violation of section 13  
10 of this act, the city shall lose up to one-half of its share of the  
11 municipal criminal justice assistance account for up to one year, to  
12 begin at the commencement of the fiscal year, or until services are  
13 brought into compliance.

14 NEW SECTION. Sec. 18. This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of  
16 the state government and its existing public institutions, and takes  
17 effect immediately.

--- END ---