
HOUSE BILL 1002

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba, and Riccelli

Prefiled 12/05/22. Read first time 01/09/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to increasing the penalty for hazing; amending
2 RCW 28B.10.901, 9.94A.411, 9.94A.515, and 9A.46.060; creating a new
3 section; and prescribing penalties.

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

5 **Sec. 1.** RCW 28B.10.901 and 1993 c 514 s 2 are each amended to
6 read as follows:

7 (1) No student, or other person in attendance at any public or
8 private institution of higher education, or any other postsecondary
9 educational institution, may ~~((conspire to engage in hazing or~~
10 ~~participate in hazing of)) intentionally haze another.~~

11 (2) ((A)) (a) Except as provided in (b) of this subsection, a
12 violation of subsection (1) of this section is a gross misdemeanor,
13 punishable as provided under RCW 9A.20.021.

14 (b) A violation of subsection (1) of this section that causes
15 substantial bodily harm, as defined in RCW 9A.04.110, to another
16 person is a class C felony.

17 (3) Any student organization, association, or student living
18 group that ~~((knowingly))~~ permits hazing is strictly liable for
19 ~~((harm))~~ damages caused to persons or property resulting from hazing.
20 If the student organization, association, or student living group is
21 a corporation whether for profit or nonprofit, the individual

1 directors of the corporation may be held individually liable for
2 damages.

3 **Sec. 2.** RCW 9.94A.411 and 2021 c 215 s 98 are each amended to
4 read as follows:

5 (1) Decision not to prosecute.

6 STANDARD: A prosecuting attorney may decline to prosecute, even
7 though technically sufficient evidence to prosecute exists, in
8 situations where prosecution would serve no public purpose, would
9 defeat the underlying purpose of the law in question or would result
10 in decreased respect for the law.

11 GUIDELINE/COMMENTARY:

12 Examples

13 The following are examples of reasons not to prosecute which
14 could satisfy the standard.

15 (a) Contrary to Legislative Intent - It may be proper to decline
16 to charge where the application of criminal sanctions would be
17 clearly contrary to the intent of the legislature in enacting the
18 particular statute.

19 (b) Antiquated Statute - It may be proper to decline to charge
20 where the statute in question is antiquated in that:

21 (i) It has not been enforced for many years; and

22 (ii) Most members of society act as if it were no longer in
23 existence; and

24 (iii) It serves no deterrent or protective purpose in today's
25 society; and

26 (iv) The statute has not been recently reconsidered by the
27 legislature.

28 This reason is not to be construed as the basis for declining
29 cases because the law in question is unpopular or because it is
30 difficult to enforce.

31 (c) De Minimis Violation - It may be proper to decline to charge
32 where the violation of law is only technical or insubstantial and
33 where no public interest or deterrent purpose would be served by
34 prosecution.

35 (d) Confinement on Other Charges - It may be proper to decline to
36 charge because the accused has been sentenced on another charge to a
37 lengthy period of confinement; and

38 (i) Conviction of the new offense would not merit any additional
39 direct or collateral punishment;

1 (ii) The new offense is either a misdemeanor or a felony which is
2 not particularly aggravated; and

3 (iii) Conviction of the new offense would not serve any
4 significant deterrent purpose.

5 (e) Pending Conviction on Another Charge - It may be proper to
6 decline to charge because the accused is facing a pending prosecution
7 in the same or another county; and

8 (i) Conviction of the new offense would not merit any additional
9 direct or collateral punishment;

10 (ii) Conviction in the pending prosecution is imminent;

11 (iii) The new offense is either a misdemeanor or a felony which
12 is not particularly aggravated; and

13 (iv) Conviction of the new offense would not serve any
14 significant deterrent purpose.

15 (f) High Disproportionate Cost of Prosecution - It may be proper
16 to decline to charge where the cost of locating or transporting, or
17 the burden on, prosecution witnesses is highly disproportionate to
18 the importance of prosecuting the offense in question. This reason
19 should be limited to minor cases and should not be relied upon in
20 serious cases.

21 (g) Improper Motives of Complainant - It may be proper to decline
22 charges because the motives of the complainant are improper and
23 prosecution would serve no public purpose, would defeat the
24 underlying purpose of the law in question or would result in
25 decreased respect for the law.

26 (h) Immunity - It may be proper to decline to charge where
27 immunity is to be given to an accused in order to prosecute another
28 where the accused's information or testimony will reasonably lead to
29 the conviction of others who are responsible for more serious
30 criminal conduct or who represent a greater danger to the public
31 interest.

32 (i) Victim Request - It may be proper to decline to charge
33 because the victim requests that no criminal charges be filed and the
34 case involves the following crimes or situations:

35 (i) Assault cases where the victim has suffered little or no
36 injury;

37 (ii) Crimes against property, not involving violence, where no
38 major loss was suffered;

39 (iii) Where doing so would not jeopardize the safety of society.

1 Care should be taken to insure that the victim's request is
2 freely made and is not the product of threats or pressure by the
3 accused.

4 The presence of these factors may also justify the decision to
5 dismiss a prosecution which has been commenced.

6 Notification

7 The prosecutor is encouraged to notify the victim, when
8 practical, and the law enforcement personnel, of the decision not to
9 prosecute.

10 (2) Decision to prosecute.

11 (a) STANDARD:

12 Crimes against persons will be filed if sufficient admissible
13 evidence exists, which, when considered with the most plausible,
14 reasonably foreseeable defense that could be raised under the
15 evidence, would justify conviction by a reasonable and objective fact
16 finder. With regard to offenses prohibited by RCW 9A.44.040,
17 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
18 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing
19 agreements or diversions intended to place the accused in a program
20 of treatment or counseling, so that treatment, if determined to be
21 beneficial, can be provided pursuant to RCW 9.94A.670.

22 Crimes against property/other crimes will be filed if the
23 admissible evidence is of such convincing force as to make it
24 probable that a reasonable and objective fact finder would convict
25 after hearing all the admissible evidence and the most plausible
26 defense that could be raised.

27 See table below for the crimes within these categories.

28 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

29 CRIMES AGAINST PERSONS

30 Aggravated Murder (RCW 10.95.020)

31 1st Degree Murder (RCW 9A.32.030)

32 2nd Degree Murder (RCW 9A.32.050)

33 1st Degree Manslaughter (RCW 9A.32.060)

34 2nd Degree Manslaughter (RCW 9A.32.070)

35 1st Degree Kidnapping (RCW 9A.40.020)

36 2nd Degree Kidnapping (RCW 9A.40.030)

37 1st Degree Assault (RCW 9A.36.011)

38 2nd Degree Assault (RCW 9A.36.021)

39 3rd Degree Assault (RCW 9A.36.031)

1 4th Degree Assault (if a violation of RCW 9A.36.041(3))
2 1st Degree Assault of a Child (RCW 9A.36.120)
3 2nd Degree Assault of a Child (RCW 9A.36.130)
4 3rd Degree Assault of a Child (RCW 9A.36.140)
5 1st Degree Rape (RCW 9A.44.040)
6 2nd Degree Rape (RCW 9A.44.050)
7 3rd Degree Rape (RCW 9A.44.060)
8 1st Degree Rape of a Child (RCW 9A.44.073)
9 2nd Degree Rape of a Child (RCW 9A.44.076)
10 3rd Degree Rape of a Child (RCW 9A.44.079)
11 1st Degree Robbery (RCW 9A.56.200)
12 2nd Degree Robbery (RCW 9A.56.210)
13 1st Degree Arson (RCW 9A.48.020)
14 1st Degree Burglary (RCW 9A.52.020)
15 1st Degree Identity Theft (RCW 9.35.020(2))
16 2nd Degree Identity Theft (RCW 9.35.020(3))
17 1st Degree Extortion (RCW 9A.56.120)
18 2nd Degree Extortion (RCW 9A.56.130)
19 1st Degree Criminal Mistreatment (RCW 9A.42.020)
20 2nd Degree Criminal Mistreatment (RCW 9A.42.030)
21 1st Degree Theft from a Vulnerable Adult (RCW 9A.56.400(1))
22 2nd Degree Theft from a Vulnerable Adult (RCW 9A.56.400(2))
23 Indecent Liberties (RCW 9A.44.100)
24 Incest (RCW 9A.64.020)
25 Vehicular Homicide (RCW 46.61.520)
26 Vehicular Assault (RCW 46.61.522)
27 1st Degree Child Molestation (RCW 9A.44.083)
28 2nd Degree Child Molestation (RCW 9A.44.086)
29 3rd Degree Child Molestation (RCW 9A.44.089)
30 1st Degree Promoting Prostitution (RCW 9A.88.070)
31 Intimidating a Juror (RCW 9A.72.130)
32 Communication with a Minor (RCW 9.68A.090)
33 Intimidating a Witness (RCW 9A.72.110)
34 Intimidating a Public Servant (RCW 9A.76.180)
35 Bomb Threat (if against person) (RCW 9.61.160)
36 Unlawful Imprisonment (RCW 9A.40.040)
37 Promoting a Suicide Attempt (RCW 9A.36.060)
38 Criminal Mischief (if against person) (RCW 9A.84.010)
39 Stalking (RCW 9A.46.110)
40 Custodial Assault (RCW 9A.36.100)

1 Domestic Violence Court Order Violation (RCW 7.105.450,
2 10.99.040, 10.99.050, 26.09.300, (~~26.10.220,7~~) 26.26B.050, or
3 26.52.070, or any of the former RCW 26.50.110 and 74.34.145)
4 Counterfeiting (if a violation of RCW 9.16.035(4))
5 Felony Driving a Motor Vehicle While Under the Influence of
6 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
7 Felony Physical Control of a Motor Vehicle While Under the
8 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
9 Felony Hazing (RCW 28B.10.901(2)(b))

10 CRIMES AGAINST PROPERTY/OTHER CRIMES

11 2nd Degree Arson (RCW 9A.48.030)
12 1st Degree Escape (RCW 9A.76.110)
13 2nd Degree Escape (RCW 9A.76.120)
14 2nd Degree Burglary (RCW 9A.52.030)
15 1st Degree Theft (RCW 9A.56.030)
16 2nd Degree Theft (RCW 9A.56.040)
17 1st Degree Perjury (RCW 9A.72.020)
18 2nd Degree Perjury (RCW 9A.72.030)
19 1st Degree Introducing Contraband (RCW 9A.76.140)
20 2nd Degree Introducing Contraband (RCW 9A.76.150)
21 1st Degree Possession of Stolen Property (RCW 9A.56.150)
22 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
23 Bribery (RCW 9A.68.010)
24 Bribing a Witness (RCW 9A.72.090)
25 Bribe received by a Witness (RCW 9A.72.100)
26 Bomb Threat (if against property) (RCW 9.61.160)
27 1st Degree Malicious Mischief (RCW 9A.48.070)
28 2nd Degree Malicious Mischief (RCW 9A.48.080)
29 1st Degree Reckless Burning (RCW 9A.48.040)
30 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and
31 9A.56.075)
32 Forgery (RCW 9A.60.020)
33 2nd Degree Promoting Prostitution (RCW 9A.88.080)
34 Tampering with a Witness (RCW 9A.72.120)
35 Trading in Public Office (RCW 9A.68.040)
36 Trading in Special Influence (RCW 9A.68.050)
37 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)
38 Bigamy (RCW 9A.64.010)
39 Eluding a Pursuing Police Vehicle (RCW 46.61.024)

1 Willful Failure to Return from Furlough
2 Escape from Community Custody
3 Criminal Mischief (if against property) (RCW 9A.84.010)
4 1st Degree Theft of Livestock (RCW 9A.56.080)
5 2nd Degree Theft of Livestock (RCW 9A.56.083)

6 ALL OTHER UNCLASSIFIED FELONIES

7 Selection of Charges/Degree of Charge

8 (i) The prosecutor should file charges which adequately describe
9 the nature of defendant's conduct. Other offenses may be charged only
10 if they are necessary to ensure that the charges:

11 (A) Will significantly enhance the strength of the state's case
12 at trial; or

13 (B) Will result in restitution to all victims.

14 (ii) The prosecutor should not overcharge to obtain a guilty
15 plea. Overcharging includes:

16 (A) Charging a higher degree;

17 (B) Charging additional counts.

18 This standard is intended to direct prosecutors to charge those
19 crimes which demonstrate the nature and seriousness of a defendant's
20 criminal conduct, but to decline to charge crimes which are not
21 necessary to such an indication. Crimes which do not merge as a
22 matter of law, but which arise from the same course of conduct, do
23 not all have to be charged.

24 (b) GUIDELINES/COMMENTARY:

25 (i) Police Investigation

26 A prosecuting attorney is dependent upon law enforcement agencies
27 to conduct the necessary factual investigation which must precede the
28 decision to prosecute. The prosecuting attorney shall ensure that a
29 thorough factual investigation has been conducted before a decision
30 to prosecute is made. In ordinary circumstances the investigation
31 should include the following:

32 (A) The interviewing of all material witnesses, together with the
33 obtaining of written statements whenever possible;

34 (B) The completion of necessary laboratory tests; and

35 (C) The obtaining, in accordance with constitutional
36 requirements, of the suspect's version of the events.

37 If the initial investigation is incomplete, a prosecuting
38 attorney should insist upon further investigation before a decision

1 to prosecute is made, and specify what the investigation needs to
2 include.

3 (ii) Exceptions

4 In certain situations, a prosecuting attorney may authorize
5 filing of a criminal complaint before the investigation is complete
6 if:

- 7 (A) Probable cause exists to believe the suspect is guilty; and
- 8 (B) The suspect presents a danger to the community or is likely
9 to flee if not apprehended; or
- 10 (C) The arrest of the suspect is necessary to complete the
11 investigation of the crime.

12 In the event that the exception to the standard is applied, the
13 prosecuting attorney shall obtain a commitment from the law
14 enforcement agency involved to complete the investigation in a timely
15 manner. If the subsequent investigation does not produce sufficient
16 evidence to meet the normal charging standard, the complaint should
17 be dismissed.

18 (iii) Investigation Techniques

19 The prosecutor should be fully advised of the investigatory
20 techniques that were used in the case investigation including:

- 21 (A) Polygraph testing;
- 22 (B) Hypnosis;
- 23 (C) Electronic surveillance;
- 24 (D) Use of informants.

25 (iv) Prefiling Discussions with Defendant

26 Discussions with the defendant or his/her representative
27 regarding the selection or disposition of charges may occur prior to
28 the filing of charges, and potential agreements can be reached.

29 (v) Prefiling Discussions with Victim(s)

30 Discussions with the victim(s) or victims' representatives
31 regarding the selection or disposition of charges may occur before
32 the filing of charges. The discussions may be considered by the
33 prosecutor in charging and disposition decisions, and should be
34 considered before reaching any agreement with the defendant regarding
35 these decisions.

36 **Sec. 3.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
37 read as follows:

1 CRIMES INCLUDED WITHIN EACH
2 SERIOUSNESS LEVEL

3 XVI Aggravated Murder 1 (RCW 10.95.020)

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

5 Malicious explosion 1 (RCW
6 70.74.280(1))

7 Murder 1 (RCW 9A.32.030)

8 XIV Murder 2 (RCW 9A.32.050)

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

10 XIII Malicious explosion 2 (RCW
11 70.74.280(2))

12 Malicious placement of an explosive 1
13 (RCW 70.74.270(1))

14 XII Assault 1 (RCW 9A.36.011)

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

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

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

20 Rape 1 (RCW 9A.44.040)

21 Rape of a Child 1 (RCW 9A.44.073)

22 Trafficking 2 (RCW 9A.40.100(3))

23 XI Manslaughter 1 (RCW 9A.32.060)

24 Rape 2 (RCW 9A.44.050)

25 Rape of a Child 2 (RCW 9A.44.076)

26 Vehicular Homicide, by being under the
27 influence of intoxicating liquor or
28 any drug (RCW 46.61.520)

29 Vehicular Homicide, by the operation of
30 any vehicle in a reckless manner
31 (RCW 46.61.520)

32 X Child Molestation 1 (RCW 9A.44.083)

33 Criminal Mistreatment 1 (RCW
34 9A.42.020)

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape (RCW
10 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run—Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 79A.60.050)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 Malicious placement of an explosive 2
24 (RCW 70.74.270(2))
25 Robbery 1 (RCW 9A.56.200)
26 Sexual Exploitation (RCW 9.68A.040)
27 VIII Arson 1 (RCW 9A.48.020)
28 Commercial Sexual Abuse of a Minor
29 (RCW 9.68A.100)
30 Homicide by Watercraft, by the
31 operation of any vessel in a reckless
32 manner (RCW 79A.60.050)
33 Manslaughter 2 (RCW 9A.32.070)
34 Promoting Prostitution 1 (RCW
35 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 VII Air bag diagnostic systems (causing
3 bodily injury or death) (RCW
4 46.37.660(2)(b))
5 Air bag replacement requirements
6 (causing bodily injury or death)
7 (RCW 46.37.660(1)(b))
8 Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor engaged
13 in sexually explicit conduct 1
14 (RCW 9.68A.050(1))
15 Drive-by Shooting (RCW 9A.36.045)
16 False Reporting 1 (RCW
17 9A.84.040(2)(a))
18 Homicide by Watercraft, by disregard
19 for the safety of others (RCW
20 79A.60.050)
21 Indecent Liberties (without forcible
22 compulsion) (RCW 9A.44.100(1)
23 (b) and (c))
24 Introducing Contraband 1 (RCW
25 9A.76.140)
26 Malicious placement of an explosive 3
27 (RCW 70.74.270(3))
28 Manufacture or import counterfeit,
29 nonfunctional, damaged, or
30 previously deployed air bag
31 (causing bodily injury or death)
32 (RCW 46.37.650(1)(b))
33 Negligently Causing Death By Use of a
34 Signal Preemption Device (RCW
35 46.37.675)

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 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW 9A.72.160)
22 Intimidating a Juror/Witness (RCW
23 9A.72.110, 9A.72.130)
24 Malicious placement of an imitation
25 device 2 (RCW 70.74.272(1)(b))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.070(1))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Theft from a Vulnerable Adult 1 (RCW
32 9A.56.400(1))
33 Unlawful Storage of Ammonia (RCW
34 69.55.020)
35 V Abandonment of Dependent Person 2
36 (RCW 9A.42.070)

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

4 Air bag diagnostic systems (RCW
5 46.37.660(2)(c))

6 Air bag replacement requirements
7 (RCW 46.37.660(1)(c))

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

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)

15 Dealing in Depictions of Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order
19 Violation (RCW 7.105.450,
20 10.99.040, 10.99.050, 26.09.300,
21 ((~~26.10.220~~),) 26.26B.050,
22 ((~~26.50.110~~),) or 26.52.070(~~(, or~~
23 74.34.145)))

24 Extortion 1 (RCW 9A.56.120)

25 Extortionate Extension of Credit (RCW
26 9A.82.020)

27 Extortionate Means to Collect
28 Extensions of Credit (RCW
29 9A.82.040)

30 Incest 2 (RCW 9A.64.020(2))

31 Kidnapping 2 (RCW 9A.40.030)

32 Manufacture or import counterfeit,
33 nonfunctional, damaged, or
34 previously deployed air bag (RCW
35 46.37.650(1)(c))

36 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sell, install, or reinstall counterfeit,
9 nonfunctional, damaged, or
10 previously deployed airbag (RCW
11 46.37.650(2)(c))
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 4 (third domestic violence
29 offense) (RCW 9A.36.041(3))
30 Assault by Watercraft (RCW
31 79A.60.060)
32 Bribing a Witness/Bribe Received by
33 Witness (RCW 9A.72.090,
34 9A.72.100)
35 Cheating 1 (RCW 9.46.1961)
36 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))
2 Driving While Under the Influence
3 (RCW 46.61.502(6))
4 Endangerment with a Controlled
5 Substance (RCW 9A.42.100)
6 Escape 1 (RCW 9A.76.110)
7 Hate Crime (RCW 9A.36.080)
8 Hit and Run—Injury (RCW
9 46.52.020(4)(b))
10 Hit and Run with Vessel—Injury
11 Accident (RCW 79A.60.200(3))
12 Identity Theft 1 (RCW 9.35.020(2))
13 Indecent Exposure to Person Under Age
14 14 (subsequent sex offense) (RCW
15 9A.88.010)
16 Influencing Outcome of Sporting Event
17 (RCW 9A.82.070)
18 Physical Control of a Vehicle While
19 Under the Influence (RCW
20 46.61.504(6))
21 Possession of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 2 (RCW 9.68A.070(2))
24 Residential Burglary (RCW 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Trafficking in Stolen Property 1 (RCW
29 9A.82.050)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(b))
33 Unlawful transaction of health coverage
34 as a health care service contractor
35 (RCW 48.44.016(3))

1 Unlawful transaction of health coverage
2 as a health maintenance
3 organization (RCW 48.46.033(3))
4 Unlawful transaction of insurance
5 business (RCW 48.15.023(3))
6 Unlicensed practice as an insurance
7 professional (RCW 48.17.063(2))
8 Use of Proceeds of Criminal
9 Profiteering (RCW 9A.82.080 (1)
10 and (2))
11 Vehicle Prowling 2 (third or subsequent
12 offense) (RCW 9A.52.100(3))
13 Vehicular Assault, by being under the
14 influence of intoxicating liquor or
15 any drug, or by the operation or
16 driving of a vehicle in a reckless
17 manner (RCW 46.61.522)
18 Viewing of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.075(1))
21 ~~((Willful Failure to Return from
22 Furlough (RCW 72.66.060)))~~
23 III Animal Cruelty 1 (Sexual Conduct or
24 Contact) (RCW 16.52.205(3))
25 Assault 3 (Except Assault 3 of a Peace
26 Officer With a Projectile Stun Gun)
27 (RCW 9A.36.031 except subsection
28 (1)(h))
29 Assault of a Child 3 (RCW 9A.36.140)
30 Bail Jumping with class B or C Felony
31 (RCW 9A.76.170(3)(c))
32 Burglary 2 (RCW 9A.52.030)
33 Communication with a Minor for
34 Immoral Purposes (RCW
35 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Custodial Assault (RCW 9A.36.100)
4 Cyber Harassment (RCW
5 9A.90.120(2)(b))
6 Escape 2 (RCW 9A.76.120)
7 Extortion 2 (RCW 9A.56.130)
8 False Reporting 2 (RCW
9 9A.84.040(2)(b))
10 Harassment (RCW 9A.46.020)
11 Hazing (RCW 28B.10.901(2)(b))
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Manufacture of Untraceable Firearm
19 with Intent to Sell (RCW 9.41.190)
20 Manufacture or Assembly of an
21 Undetectable Firearm or
22 Untraceable Firearm (RCW
23 9.41.325)
24 Mortgage Fraud (RCW 19.144.080)
25 Negligently Causing Substantial Bodily
26 Harm By Use of a Signal
27 Preemption Device (RCW
28 46.37.674)
29 Organized Retail Theft 1 (RCW
30 9A.56.350(2))
31 Perjury 2 (RCW 9A.72.030)
32 Possession of Incendiary Device (RCW
33 9.40.120)

1 Possession of Machine Gun, Bump-Fire
2 Stock, Undetectable Firearm, or
3 Short-Barreled Shotgun or Rifle
4 (RCW 9.41.190)
5 Promoting Prostitution 2 (RCW
6 9A.88.080)
7 Retail Theft with Special Circumstances
8 1 (RCW 9A.56.360(2))
9 Securities Act violation (RCW
10 21.20.400)
11 Tampering with a Witness (RCW
12 9A.72.120)
13 Telephone Harassment (subsequent
14 conviction or threat of death) (RCW
15 9.61.230(2))
16 Theft of Livestock 2 (RCW 9A.56.083)
17 Theft with the Intent to Resell 1 (RCW
18 9A.56.340(2))
19 Trafficking in Stolen Property 2 (RCW
20 9A.82.055)
21 Unlawful Hunting of Big Game 1 (RCW
22 77.15.410(3)(b))
23 Unlawful Imprisonment (RCW
24 9A.40.040)
25 Unlawful Misbranding of Fish or
26 Shellfish 1 (RCW 77.140.060(3))
27 Unlawful possession of firearm in the
28 second degree (RCW 9.41.040(2))
29 Unlawful Taking of Endangered Fish or
30 Wildlife 1 (RCW 77.15.120(3)(b))
31 Unlawful Trafficking in Fish, Shellfish,
32 or Wildlife 1 (RCW
33 77.15.260(3)(b))
34 Unlawful Use of a Nondesignated
35 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)
5 (~~Willful Failure to Return from Work~~
6 ~~Release (RCW 72.65.070))~~
7 II Commercial Fishing Without a License
8 1 (RCW 77.15.500(3)(b))
9 Computer Trespass 1 (RCW 9A.90.040)
10 Counterfeiting (RCW 9.16.035(3))
11 Electronic Data Service Interference
12 (RCW 9A.90.060)
13 Electronic Data Tampering 1 (RCW
14 9A.90.080)
15 Electronic Data Theft (RCW 9A.90.100)
16 Engaging in Fish Dealing Activity
17 Unlicensed 1 (RCW 77.15.620(3))
18 Escape from Community Custody
19 (RCW 72.09.310)
20 Failure to Register as a Sex Offender
21 (second or subsequent offense)
22 (RCW 9A.44.130 prior to June 10,
23 2010, and RCW 9A.44.132)
24 Health Care False Claims (RCW
25 48.80.030)
26 Identity Theft 2 (RCW 9.35.020(3))
27 Improperly Obtaining Financial
28 Information (RCW 9.35.010)
29 Malicious Mischief 1 (RCW 9A.48.070)
30 Organized Retail Theft 2 (RCW
31 9A.56.350(3))
32 Possession of Stolen Property 1 (RCW
33 9A.56.150)
34 Possession of a Stolen Vehicle (RCW
35 9A.56.068)

1 Retail Theft with Special Circumstances
2 2 (RCW 9A.56.360(3))
3 Scrap Processing, Recycling, or
4 Supplying Without a License
5 (second or subsequent offense)
6 (RCW 19.290.100)
7 Theft 1 (RCW 9A.56.030)
8 Theft of a Motor Vehicle (RCW
9 9A.56.065)
10 Theft of Rental, Leased, Lease-
11 purchased, or Loaned Property
12 (valued at \$5,000 or more) (RCW
13 9A.56.096(5)(a))
14 Theft with the Intent to Resell 2 (RCW
15 9A.56.340(3))
16 Trafficking in Insurance Claims (RCW
17 48.30A.015)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(a))
21 Unlawful Participation of Non-Indians
22 in Indian Fishery (RCW
23 77.15.570(2))
24 Unlawful Practice of Law (RCW
25 2.48.180)
26 Unlawful Purchase or Use of a License
27 (RCW 77.15.650(3)(b))
28 Unlawful Trafficking in Fish, Shellfish,
29 or Wildlife 2 (RCW
30 77.15.260(3)(a))
31 Unlicensed Practice of a Profession or
32 Business (RCW 18.130.190(7))
33 Voyeurism 1 (RCW 9A.44.115)
34 I Attempting to Elude a Pursuing Police
35 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW
2 74.08.055)
3 Forgery (RCW 9A.60.020)
4 Fraudulent Creation or Revocation of a
5 Mental Health Advance Directive
6 (RCW 9A.60.060)
7 Malicious Mischief 2 (RCW 9A.48.080)
8 Mineral Trespass (RCW 78.44.330)
9 Possession of Stolen Property 2 (RCW
10 9A.56.160)
11 Reckless Burning 1 (RCW 9A.48.040)
12 Spotlighting Big Game 1 (RCW
13 77.15.450(3)(b))
14 Suspension of Department Privileges 1
15 (RCW 77.15.670(3)(b))
16 Taking Motor Vehicle Without
17 Permission 2 (RCW 9A.56.075)
18 Theft 2 (RCW 9A.56.040)
19 Theft from a Vulnerable Adult 2 (RCW
20 9A.56.400(2))
21 Theft of Rental, Leased, Lease-
22 purchased, or Loaned Property
23 (valued at \$750 or more but less
24 than \$5,000) (RCW
25 9A.56.096(5)(b))
26 Transaction of insurance business
27 beyond the scope of licensure
28 (RCW 48.17.063)
29 Unlawful Fish and Shellfish Catch
30 Accounting (RCW 77.15.630(3)(b))
31 Unlawful Issuance of Checks or Drafts
32 (RCW 9A.56.060)
33 Unlawful Possession of Fictitious
34 Identification (RCW 9A.56.320)
35 Unlawful Possession of Instruments of
36 Financial Fraud (RCW 9A.56.320)

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

24 **Sec. 4.** RCW 9A.46.060 and 2022 c 231 s 15 are each amended to
25 read as follows:

26 As used in this chapter, "harassment" may include but is not
27 limited to any of the following crimes:

- 28 (1) Harassment (RCW 9A.46.020);
- 29 (2) Hate crime (RCW 9A.36.080);
- 30 (3) Telephone harassment (RCW 9.61.230);
- 31 (4) Assault in the first degree (RCW 9A.36.011);
- 32 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 33 (6) Assault in the second degree (RCW 9A.36.021);
- 34 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 35 (8) Assault in the fourth degree (RCW 9A.36.041);
- 36 (9) Reckless endangerment (RCW 9A.36.050);

1 (10) Extortion in the first degree (RCW 9A.56.120);
2 (11) Extortion in the second degree (RCW 9A.56.130);
3 (12) Coercion (RCW 9A.36.070);
4 (13) Burglary in the first degree (RCW 9A.52.020);
5 (14) Burglary in the second degree (RCW 9A.52.030);
6 (15) Criminal trespass in the first degree (RCW 9A.52.070);
7 (16) Criminal trespass in the second degree (RCW 9A.52.080);
8 (17) Malicious mischief in the first degree (RCW 9A.48.070);
9 (18) Malicious mischief in the second degree (RCW 9A.48.080);
10 (19) Malicious mischief in the third degree (RCW 9A.48.090);
11 (20) Kidnapping in the first degree (RCW 9A.40.020);
12 (21) Kidnapping in the second degree (RCW 9A.40.030);
13 (22) Unlawful imprisonment (RCW 9A.40.040);
14 (23) Rape in the first degree (RCW 9A.44.040);
15 (24) Rape in the second degree (RCW 9A.44.050);
16 (25) Rape in the third degree (RCW 9A.44.060);
17 (26) Indecent liberties (RCW 9A.44.100);
18 (27) Rape of a child in the first degree (RCW 9A.44.073);
19 (28) Rape of a child in the second degree (RCW 9A.44.076);
20 (29) Rape of a child in the third degree (RCW 9A.44.079);
21 (30) Child molestation in the first degree (RCW 9A.44.083);
22 (31) Child molestation in the second degree (RCW 9A.44.086);
23 (32) Child molestation in the third degree (RCW 9A.44.089);
24 (33) Stalking (RCW 9A.46.110);
25 (34) Cyber harassment (RCW 9A.90.120);
26 (35) Residential burglary (RCW 9A.52.025);
27 (36) Violation of a temporary, permanent, or final protective
28 order issued pursuant to chapter 9A.44, 9A.46, 10.99, or 26.09 RCW or
29 any of the former chapters 7.90, 10.14, and 26.50 RCW, or violation
30 of a domestic violence protection order, sexual assault protection
31 order, or antiharassment protection order issued under chapter 7.105
32 RCW;
33 (37) Unlawful discharge of a laser in the first degree (RCW
34 9A.49.020); (~~and~~)
35 (38) Unlawful discharge of a laser in the second degree (RCW
36 9A.49.030); and
37 (39) Felony hazing (RCW 28B.10.901(2)(b)).

1 NEW SECTION. **Sec. 5.** This act may be known and cited as the Sam
2 Martinez stop hazing law.

--- **END** ---