

1 AN ACT Relating to environmental crimes; amending RCW 90.48.020
2 and 70A.300.010; reenacting and amending RCW 70A.15.1030 and
3 9.94A.515; adding new sections to chapter 90.48 RCW; adding new
4 sections to chapter 70A.15 RCW; adding new sections to chapter
5 70A.300 RCW; repealing RCW 90.48.140, 70A.15.3150, 70A.300.100, and
6 70A.300.110; and prescribing penalties.

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

8 **Sec. 1.** RCW 90.48.020 and 2002 c 161 s 4 are each amended to
9 read as follows:

10 Whenever the word "person" is used in this chapter, it shall be
11 construed to include any political subdivision, government agency,
12 municipality, industry, public or private corporation, copartnership,
13 association, firm, individual, or any other entity whatsoever.

14 Wherever the words "waters of the state" shall be used in this
15 chapter, they shall be construed to include lakes, rivers, ponds,
16 streams, inland waters, underground waters, salt waters, and all
17 other surface waters and watercourses within the jurisdiction of the
18 state of Washington.

19 Whenever the word "pollution" is used in this chapter, it shall
20 be construed to mean such contamination, or other alteration of the
21 physical, chemical or biological properties, of any waters of the

1 state, including change in temperature, taste, color, turbidity, or
2 odor of the waters, or such discharge of any liquid, gaseous, solid,
3 radioactive, or other substance into any waters of the state as will
4 or is likely to create a nuisance or render such waters harmful,
5 detrimental or injurious to the public health, safety or welfare, or
6 to domestic, commercial, industrial, agricultural, recreational, or
7 other legitimate beneficial uses, or to livestock, wild animals,
8 birds, fish, or other aquatic life.

9 Wherever the word "department" is used in this chapter it shall
10 mean the department of ecology.

11 Whenever the word "director" is used in this chapter it shall
12 mean the director of ecology.

13 Whenever the words "aquatic noxious weed" are used in this
14 chapter, they have the meaning prescribed under RCW 17.26.020.

15 Whenever the words "general sewer plan" are used in this chapter
16 they shall be construed to include all sewerage general plans, sewer
17 general comprehensive plans, plans for a system of sewerage, and
18 other plans for sewer systems adopted by a local government entity
19 including but not limited to cities, towns, public utility districts,
20 and water-sewer districts.

21 Whenever the words "knows" or "knowingly" are used in this
22 chapter it shall be construed to mean that a person is aware of the
23 conduct that results in a violation; or he or she has information
24 that would lead a reasonable person in the same situation to believe
25 that facts exist which facts are described by a statute defining an
26 offense.

27 Whenever the words "negligent" or "negligently" are used in this
28 chapter they shall be construed to mean a failure to use such care as
29 a reasonably prudent and careful person would use under similar
30 circumstances.

31 NEW SECTION. Sec. 2. A new section is added to chapter 90.48
32 RCW to read as follows:

33 (1) A person is guilty of a violation of the water pollution
34 control act in the first degree if the person knowingly violates any
35 provisions of this chapter or chapter 90.56 RCW, or any final written
36 orders or directive of the department or a court in pursuance
37 thereof, or any permit issued under this chapter or of Title 33 of
38 the United States Code and the person knows at the time that the

1 conduct constituting the violation places another person in imminent
2 danger of death or substantial bodily harm.

3 (2) An entity is guilty of the offense if an agent of the entity
4 commits the offense while acting within the scope of his or her
5 duties and on behalf of the entity.

6 (3) Each day upon which a violation of this section occurs may be
7 deemed a separate and additional violation.

8 (4) A violation of the water pollution control act in the first
9 degree is a class B felony punishable according to chapter 9A.20 RCW.

10 (5) Unless the context clearly requires otherwise, the
11 definitions in this subsection apply throughout this section.

12 (a) "Imminent danger" means that there is a substantial
13 likelihood that harm will be experienced should the danger not be
14 eliminated.

15 (b) "Substantial bodily harm" has the same definition as under
16 RCW 9A.04.110.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48
18 RCW to read as follows:

19 (1) A person is guilty of a violation of the water pollution
20 control act in the second degree if the person, under circumstances
21 not amounting to a violation of the water pollution control act in
22 the first degree, knowingly violates any of the provisions of this
23 chapter or chapter 90.56 RCW, or any final written orders or
24 directive of the department or a court in pursuance thereof, or any
25 permit issued under this chapter or of Title 33 of the United States
26 Code.

27 (2) An entity is guilty of the offense if an agent of the entity
28 commits the offense while acting within the scope of his or her
29 duties and on behalf of the entity.

30 (3) Each day upon which a violation of this section occurs may be
31 deemed a separate and additional violation.

32 (4) A violation of the water pollution control act in the second
33 degree is a class C felony punishable according to chapter 9A.20 RCW.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48
35 RCW to read as follows:

36 (1) A person is guilty of a violation of the water pollution
37 control act in the third degree if the person, under circumstances
38 not amounting to a violation of the water pollution control act in

1 the first or second degree, negligently violates any of the
2 provisions of this chapter or chapter 90.56 RCW, or any final written
3 orders or directive of the department or a court in pursuance
4 thereof, or any permit issued under this chapter or of Title 33 of
5 the United States Code.

6 (2) An entity is guilty of the offense if an agent of the entity
7 commits the offense while acting within the scope of his or her
8 duties and on behalf of the entity.

9 (3) Each day upon which a violation of this section occurs may be
10 deemed a separate and additional violation.

11 (4) A violation of the water pollution control act in the third
12 degree is a gross misdemeanor punishable by a fine of up to \$10,000
13 and costs of prosecution, by imprisonment in the county jail for up
14 to 364 days, or by both such fine and imprisonment in the discretion
15 of the court.

16 **Sec. 5.** RCW 70A.15.1030 and 2024 c 280 s 2 are each reenacted
17 and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Air contaminant" or "air pollutant" means dust, fumes, mist,
21 smoke, other particulate matter, vapor, gas, odorous substance, or
22 any combination thereof.

23 (2) "Air pollution" is presence in the outdoor atmosphere of one
24 or more air contaminants in sufficient quantities and of such
25 characteristics and duration as is, or is likely to be, injurious to
26 human health, plant or animal life, or property, or which
27 unreasonably interfere with enjoyment of life and property. For the
28 purpose of this chapter, air pollution shall not include air
29 contaminants emitted in compliance with chapter 17.21 RCW.

30 (3) "Air quality standard" means an established concentration,
31 exposure time, and frequency of occurrence of an air contaminant or
32 multiple contaminants in the ambient air which shall not be exceeded.

33 (4) "Ambient air" means the surrounding outside air.

34 (5) "Authority" means any air pollution control agency whose
35 jurisdictional boundaries are coextensive with the boundaries of one
36 or more counties.

37 (6) "Best available control technology" (BACT) means an emission
38 limitation based on the maximum degree of reduction for each air
39 pollutant subject to regulation under this chapter emitted from or

1 that results from any new or modified stationary source, that the
2 permitting authority, on a case-by-case basis, taking into account
3 energy, environmental, and economic impacts and other costs,
4 determines is achievable for such a source or modification through
5 application of production processes and available methods, systems,
6 and techniques, including fuel cleaning, clean fuels, or treatment or
7 innovative fuel combustion techniques for control of each such a
8 pollutant. In no event shall application of "best available control
9 technology" result in emissions of any pollutants that will exceed
10 the emissions allowed by any applicable standard under 40 C.F.R. Part
11 60 and Part 61, as they exist on July 25, 1993, or their later
12 enactments as adopted by reference by the director by rule. Emissions
13 from any source utilizing clean fuels, or any other means, to comply
14 with this subsection shall not be allowed to increase above levels
15 that would have been required under the definition of BACT as it
16 existed prior to enactment of the federal clean air act amendments of
17 1990.

18 (7) "Best available retrofit technology" (BART) means an emission
19 limitation based on the degree of reduction achievable through the
20 application of the best system of continuous emission reduction for
21 each pollutant that is emitted by an existing stationary facility.
22 The emission limitation must be established, on a case-by-case basis,
23 taking into consideration the technology available, the costs of
24 compliance, the energy and nonair quality environmental impacts of
25 compliance, any pollution control equipment in use or in existence at
26 the source, the remaining useful life of the source, and the degree
27 of improvement in visibility that might reasonably be anticipated to
28 result from the use of the technology.

29 (8) "Board" means the board of directors of an authority.

30 (9) "Control officer" means the air pollution control officer of
31 any authority.

32 (10) "Department" or "ecology" means the department of ecology.

33 (11) "Emission" means a release of air contaminants into the
34 ambient air.

35 (12) "Emission standard" and "emission limitation" mean a
36 requirement established under the federal clean air act or this
37 chapter that limits the quantity, rate, or concentration of emissions
38 of air contaminants on a continuous basis, including any requirement
39 relating to the operation or maintenance of a source to assure
40 continuous emission reduction, and any design, equipment, work

1 practice, or operational standard adopted under the federal clean air
2 act or this chapter.

3 (13) "Fine particulate" means particulates with a diameter of two
4 and one-half microns and smaller.

5 (14) "Flame cap kiln" means an outdoor container used for the
6 combustion of natural vegetation from silvicultural or agricultural
7 activities that meets the following requirements:

8 (a) Has a solid or sealed bottom including, but not limited to,
9 mineral soils, so that all air for combustion comes from above;

10 (b) Is completely open on top with no restrictions;

11 (c) Is a shallow container where the width is greater than the
12 height; and

13 (d) Has a volume of 10 cubic meters or less.

14 (15) "Knows" or "knowingly" means that a person is aware of the
15 conduct that results in a violation; or he or she has information
16 that would lead a reasonable person in the same situation to believe
17 that facts exist which facts are described by a statute defining an
18 offense.

19 (16)(a) "Lowest achievable emission rate" (LAER) means for any
20 source that rate of emissions that reflects:

21 (i) The most stringent emission limitation that is contained in
22 the implementation plan of any state for such class or category of
23 source, unless the owner or operator of the proposed source
24 demonstrates that such limitations are not achievable; or

25 (ii) The most stringent emission limitation that is achieved in
26 practice by such class or category of source, whichever is more
27 stringent.

28 (b) In no event shall the application of this term permit a
29 proposed new or modified source to emit any pollutant in excess of
30 the amount allowable under applicable new source performance
31 standards.

32 (~~(16)~~) (17) "Modification" means any physical change in, or
33 change in the method of operation of, a stationary source that
34 increases the amount of any air contaminant emitted by such source or
35 that results in the emission of any air contaminant not previously
36 emitted. The term modification shall be construed consistent with the
37 definition of modification in Section 7411, Title 42, United States
38 Code, and with rules implementing that section.

39 (~~(17)~~) (18) "Multicounty authority" means an authority which
40 consists of two or more counties.

1 ~~((18))~~ (19) "Negligent" or "negligently" means a failure to use
2 such care as a reasonably prudent and careful person would use under
3 similar circumstances.

4 (20) "New source" means (a) the construction or modification of a
5 stationary source that increases the amount of any air contaminant
6 emitted by such source or that results in the emission of any air
7 contaminant not previously emitted, and (b) any other project that
8 constitutes a new source under the federal clean air act.

9 ~~((19))~~ (21) "Permit program source" means a source required to
10 apply for or to maintain an operating permit under RCW 70A.15.2260.

11 ~~((20))~~ (22) "Person" means an individual, firm, public or
12 private corporation, association, partnership, political subdivision
13 of the state, municipality, or governmental agency.

14 ~~((21))~~ (23) "Reasonably available control technology" (RACT)
15 means the lowest emission limit that a particular source or source
16 category is capable of meeting by the application of control
17 technology that is reasonably available considering technological and
18 economic feasibility. RACT is determined on a case-by-case basis for
19 an individual source or source category taking into account the
20 impact of the source upon air quality, the availability of additional
21 controls, the emission reduction to be achieved by additional
22 controls, the impact of additional controls on air quality, and the
23 capital and operating costs of the additional controls. RACT
24 requirements for a source or source category shall be adopted only
25 after notice and opportunity for comment are afforded.

26 ~~((22))~~ (24) "Silvicultural burning" means burning of wood fiber
27 on forestland or combustion of natural vegetation from silvicultural
28 activities consistent with the provisions of RCW 70A.15.5120.

29 ~~((23))~~ (25) "Source" means all of the emissions units including
30 quantifiable fugitive emissions, that are located on one or more
31 contiguous or adjacent properties, and are under the control of the
32 same person, or persons under common control, whose activities are
33 ancillary to the production of a single product or functionally
34 related group of products.

35 ~~((24))~~ (26) "Stationary source" means any building, structure,
36 facility, or installation that emits or may emit any air contaminant.

37 ~~((25))~~ (27) "Trigger level" means the ambient level of fine
38 particulates, measured in micrograms per cubic meter, that must be
39 detected prior to initiating a first or second stage of impaired air
40 quality under RCW 70A.15.3580.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 70A.15
2 RCW to read as follows:

3 (1) A person is guilty of a violation of the clean air act in the
4 first degree if the person knowingly releases into the ambient air
5 any substance listed by the department as a hazardous or toxic air
6 pollutant, other than in compliance with the terms of an applicable
7 permit or emission limit, and the person knows at the time that he or
8 she thereby places:

9 (a) Another person in imminent danger of death or substantial
10 bodily harm; or

11 (b) Any property of another person, or any natural resources
12 owned by the state of Washington, or any of its local governments, in
13 imminent danger of harm.

14 (2) An entity is guilty of the offense if an agent of the entity
15 commits the offense while acting within the scope of his or her
16 duties and on behalf of the entity.

17 (3) For the purposes of this section, air pollutant does not
18 include an odorous substance unless it is listed by the department as
19 hazardous or toxic.

20 (4) Unless the context clearly requires otherwise, the
21 definitions in this subsection apply throughout this section.

22 (a) "Imminent danger" means that there is a substantial
23 likelihood that harm will be experienced should the danger not be
24 eliminated.

25 (b) "Substantial bodily harm" has the same definition as under
26 RCW 9A.04.110.

27 (5) Each day upon which a violation of this section occurs may be
28 deemed a separate and additional violation.

29 (6) A violation of the clean air act in the first degree is a
30 class B felony punishable according to chapter 9A.20 RCW.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 70A.15
32 RCW to read as follows:

33 (1) A person is guilty of a violation of the clean air act in the
34 second degree if the person, under circumstances not amounting to a
35 violation of the clean air act in the first degree:

36 (a) Knowingly violates any of the provisions of this chapter or
37 chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance resolution,
38 or regulation in force pursuant thereto; or

1 (b) Negligently releases into the ambient air any substance
2 listed by the department as a hazardous or toxic air pollutant, other
3 than in compliance with the terms of an applicable permit or emission
4 limit, and:

5 (i) Places another person in imminent danger of death or
6 substantial bodily harm; or

7 (ii) Places any property of another person, or any natural
8 resources owned by the state of Washington, or any of its local
9 governments, in imminent danger of harm.

10 (2) An entity is guilty of the offense if an agent of the entity
11 commits the offense while acting within the scope of his or her
12 duties and on behalf of the entity.

13 (3) For the purposes of this section, air pollutant does not
14 include an odorous substance unless it is listed by the department as
15 hazardous or toxic.

16 (4) Unless the context clearly requires otherwise, the
17 definitions in this subsection apply throughout this section.

18 (a) "Imminent danger" means that there is a substantial
19 likelihood that harm will be experienced should the danger not be
20 eliminated.

21 (b) "Substantial bodily harm" has the same definition as under
22 RCW 9A.04.110.

23 (5) Each day upon which a violation of this section occurs may be
24 deemed a separate and additional violation.

25 (6) A violation of the clean air act in the second degree is a
26 class C felony punishable according to chapter 9A.20 RCW.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 70A.15
28 RCW to read as follows:

29 (1) A person is guilty of a violation of the clean air act in the
30 third degree if the person, under circumstances not amounting to a
31 violation of the clean air act in the first or second degree:

32 (a) Negligently violates any of the provisions of this chapter or
33 chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance, resolution,
34 or regulation in force pursuant thereto; or

35 (b) Knowingly fails to disclose a potential conflict of interest
36 under RCW 70A.15.2000.

37 (2) An entity is guilty of the offense if an agent of the entity
38 commits the offense while acting within the scope of his or her
39 duties and on behalf of the entity.

1 (3) Each day upon which a violation of this section occurs may be
2 deemed a separate and additional violation.

3 (4) For the purposes of this section, air pollutant does not
4 include an odorous substance unless it is listed by the department as
5 hazardous or toxic.

6 (5) A violation of the clean air act in the third degree is a
7 gross misdemeanor and upon conviction shall be punishable by a fine
8 of not more than \$10,000, by imprisonment in the county jail for up
9 to 364 days, or by both such fine and imprisonment in the discretion
10 of the court.

11 **Sec. 9.** RCW 70A.300.010 and 2020 c 20 s 1278 are each amended to
12 read as follows:

13 ~~((The words and phrases defined in this section shall have the~~
14 ~~meanings indicated when used in))~~ The definitions in this section
15 apply throughout this chapter unless the context clearly requires
16 otherwise.

17 (1) "Dangerous wastes" means any discarded, useless, unwanted, or
18 abandoned substances~~((r))~~ including, but not limited to, certain
19 pesticides, or any residues or containers of such substances which
20 are disposed of in such quantity or concentration as to pose a
21 substantial present or potential hazard to human health, wildlife, or
22 the environment because such wastes or constituents or combinations
23 of such wastes:

24 (a) Have short-lived, toxic properties that may cause death,
25 injury, or illness or have mutagenic, teratogenic, or carcinogenic
26 properties; or

27 (b) Are corrosive, explosive, flammable, or may generate pressure
28 through decomposition or other means.

29 (2) "Department" means the department of ecology.

30 (3) "Designated zone facility" means any facility that requires
31 an interim or final status permit under rules adopted under this
32 chapter and that is not a preempted facility as defined in this
33 section.

34 (4) "Director" means the director of the department of ecology or
35 the director's designee.

36 (5) "Disposal site" means a geographical site in or upon which
37 hazardous wastes are disposed of in accordance with the provisions of
38 this chapter.

1 (6) "Dispose or disposal" means the discarding or abandoning of
2 hazardous wastes or the treatment, decontamination, or recycling of
3 such wastes once they have been discarded or abandoned.

4 (7) "Extremely hazardous waste" means any dangerous waste which:

5 (a) Will persist in a hazardous form for several years or more at
6 a disposal site and which in its persistent form:

7 (i) Presents a significant environmental hazard and may be
8 concentrated by living organisms through a food chain or may affect
9 the genetic makeup of human beings or wildlife((7)); and

10 (ii) Is highly toxic to human beings or wildlife.

11 (b) If disposed of at a disposal site in such quantities as would
12 present an extreme hazard to human beings or the environment.

13 (8) "Facility" means all contiguous land and structures, other
14 appurtenances, and improvements on the land used for recycling,
15 storing, treating, incinerating, or disposing of hazardous waste.

16 (9) "Hazardous household substances" means those substances
17 identified by the department as hazardous household substances in the
18 guidelines developed under RCW 70A.300.350.

19 (10) "Hazardous substances" means any liquid, solid, gas, or
20 sludge, including any material, substance, product, commodity, or
21 waste, regardless of quantity, that exhibits any of the
22 characteristics or criteria of hazardous waste as described in rules
23 adopted under this chapter.

24 (11) "Hazardous waste" means and includes all dangerous and
25 extremely hazardous waste, including substances composed of both
26 radioactive and hazardous components.

27 (12) "Knows" or "knowingly" means that a person is aware of the
28 conduct that results in a violation; or he or she has information
29 that would lead a reasonable person in the same situation to believe
30 that facts exist which facts are described by a statute defining an
31 offense.

32 (13) "Local government" means a city, town, or county.

33 ~~((13))~~ (14) "Moderate-risk waste" means (a) any waste that
34 exhibits any of the properties of hazardous waste but is exempt from
35 regulation under this chapter solely because the waste is generated
36 in quantities below the threshold for regulation, and (b) any
37 household wastes which are generated from the disposal of substances
38 identified by the department as hazardous household substances.

1 (~~(14)~~) (15) "Negligent" or "negligently" means a failure to use
2 such care as a reasonably prudent and careful person would use under
3 similar circumstances.

4 (16) "Person" means any person, firm, association, county, public
5 or municipal or private corporation, agency, or other entity
6 whatsoever.

7 (~~(15)~~) (17) "Pesticide" shall have the meaning of the term as
8 defined in RCW 15.58.030 as now or hereafter amended.

9 (~~(16)~~) (18) "Preempted facility" means any facility that
10 includes as a significant part of its activities any of the following
11 operations: (a) Landfill, (b) incineration, (c) land treatment, (d)
12 surface impoundment to be closed as a landfill, or (e) waste pile to
13 be closed as a landfill.

14 (~~(17)~~) (19) "Service charge" means an assessment imposed under
15 RCW 70A.300.460 against those facilities that store, treat,
16 incinerate, or dispose of dangerous or extremely hazardous waste that
17 contains both a nonradioactive hazardous component and a radioactive
18 component. Service charges shall also apply to facilities undergoing
19 closure under this chapter in those instances where closure entails
20 the physical characterization of remaining wastes which contain both
21 a nonradioactive hazardous component and a radioactive component or
22 the management of such wastes through treatment or removal, except
23 any commercial low-level radioactive waste facility.

24 NEW SECTION. Sec. 10. A new section is added to chapter 70A.300
25 RCW to read as follows:

26 (1) A person is guilty of a violation of this chapter in the
27 first degree if the person knowingly transports, treats, stores,
28 handles, disposes of, or exports a hazardous substance in violation
29 of this chapter and the person knows at the time that the conduct
30 constituting the violation:

31 (a) Places another person in imminent danger of death or
32 substantial bodily harm; or

33 (b) Places any property of another person, any natural resources
34 owned by the state of Washington, or any of its local governments, in
35 imminent danger of harm.

36 (2) An entity is guilty of the offense if an agent of the entity
37 commits the offense while acting within the scope of his or her
38 duties and on behalf of the entity.

1 (3) Unless the context clearly requires otherwise, the
2 definitions in this subsection apply throughout this section.

3 (a) "Imminent danger" means that there is a substantial
4 likelihood that harm will be experienced should the danger not be
5 eliminated.

6 (b) "Substantial bodily harm" has the same definition as under
7 RCW 9A.04.110.

8 (4) Each day upon which a violation of this section occurs may be
9 deemed a separate and additional violation.

10 (5) A violation of this chapter in the first degree is a class B
11 felony punishable according to chapter 9A.20 RCW.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 70A.300
13 RCW to read as follows:

14 (1) A person is guilty of a violation of this chapter in the
15 second degree if the person, under circumstances not amounting to a
16 violation of this chapter in the first degree, knowingly violates any
17 provisions of this chapter, or of the rules implementing this
18 chapter.

19 (2) An entity is guilty of the offense if an agent of the entity
20 commits the offense while acting within the scope of his or her
21 duties and on behalf of the entity.

22 (3) Each day upon which a violation of this section occurs may be
23 deemed a separate and additional violation.

24 (4) A violation of this chapter in the second degree is a class C
25 felony punishable according to chapter 9A.20 RCW.

26 NEW SECTION. **Sec. 12.** A new section is added to chapter 70A.300
27 RCW to read as follows:

28 (1) A person is guilty of a violation of this chapter in the
29 third degree if the person, under circumstances not amounting to a
30 violation of this chapter in the first or second degree, negligently
31 violates any provisions of this chapter, or the rules implementing
32 this chapter.

33 (2) An entity is guilty of the offense if an agent of the entity
34 commits the offense while acting within the scope of his or her
35 duties and on behalf of the entity.

36 (3) Each day upon which a violation of this section occurs may be
37 deemed a separate and additional violation.

1 (4) A violation of this chapter in the third degree is a gross
2 misdemeanor and upon conviction shall be punishable by a fine of not
3 more than \$10,000, by imprisonment in the county jail for up to 364
4 days, or by both such fine and imprisonment in the discretion of the
5 court.

6 **Sec. 13.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are
7 each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH
10 SERIOUSNESS LEVEL

- 11 XVI Aggravated Murder 1 (RCW 10.95.020)
- 12 XV Homicide by abuse (RCW 9A.32.055)
- 13 Malicious explosion 1 (RCW
14 70.74.280(1))
- 15 Murder 1 (RCW 9A.32.030)
- 16 XIV Murder 2 (RCW 9A.32.050)
- 17 Trafficking 1 (RCW 9A.40.100(1))
- 18 XIII Malicious explosion 2 (RCW
19 70.74.280(2))
- 20 Malicious placement of an explosive 1
21 (RCW 70.74.270(1))
- 22 XII Assault 1 (RCW 9A.36.011)
- 23 Assault of a Child 1 (RCW 9A.36.120)
- 24 Malicious placement of an imitation
25 device 1 (RCW 70.74.272(1)(a))
- 26 Promoting Commercial Sexual Abuse
27 of a Minor (RCW 9.68A.101)
- 28 Rape 1 (RCW 9A.44.040)
- 29 Rape of a Child 1 (RCW 9A.44.073)
- 30 Trafficking 2 (RCW 9A.40.100(3))
- 31 XI Manslaughter 1 (RCW 9A.32.060)
- 32 Rape 2 (RCW 9A.44.050)
- 33 Rape of a Child 2 (RCW 9A.44.076)

1 Vehicular Homicide, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 46.61.520)
4 Vehicular Homicide, by the operation of
5 any vehicle in a reckless manner
6 (RCW 46.61.520)
7 X Child Molestation 1 (RCW 9A.44.083)
8 Criminal Mistreatment 1 (RCW
9 9A.42.020)
10 Indecent Liberties (with forcible
11 compulsion) (RCW
12 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW
17 70.74.280(3))
18 Sexually Violent Predator Escape (RCW
19 9A.76.115)
20 IX Abandonment of Dependent Person 1
21 (RCW 9A.42.060)
22 Assault of a Child 2 (RCW 9A.36.130)
23 Explosive devices prohibited (RCW
24 70.74.180)
25 Hit and Run—Death (RCW
26 46.52.020(4)(a))
27 Homicide by Watercraft, by being under
28 the influence of intoxicating liquor
29 or any drug (RCW 79A.60.050)
30 Inciting Criminal Profiteering (RCW
31 9A.82.060(1)(b))
32 Malicious placement of an explosive 2
33 (RCW 70.74.270(2))
34 Robbery 1 (RCW 9A.56.200)
35 Sexual Exploitation (RCW 9.68A.040)

1 VIII Arson 1 (RCW 9A.48.020)
2 Commercial Sexual Abuse of a Minor
3 (RCW 9.68A.100)
4 Homicide by Watercraft, by the
5 operation of any vessel in a reckless
6 manner (RCW 79A.60.050)
7 Manslaughter 2 (RCW 9A.32.070)
8 Promoting Prostitution 1 (RCW
9 9A.88.070)
10 Theft of Ammonia (RCW 69.55.010)
11 VII Air bag diagnostic systems (causing
12 bodily injury or death) (RCW
13 46.37.660(2)(b))
14 Air bag replacement requirements
15 (causing bodily injury or death)
16 (RCW 46.37.660(1)(b))
17 Burglary 1 (RCW 9A.52.020)
18 Child Molestation 2 (RCW 9A.44.086)
19 Civil Disorder Training (RCW
20 9A.48.120)
21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)
23 Dealing in depictions of minor engaged
24 in sexually explicit conduct 1
25 (RCW 9.68A.050(1))
26 Drive-by Shooting (RCW 9A.36.045)
27 False Reporting 1 (RCW
28 9A.84.040(2)(a))
29 Homicide by Watercraft, by disregard
30 for the safety of others (RCW
31 79A.60.050)
32 Indecent Liberties (without forcible
33 compulsion) (RCW 9A.44.100(1)
34 (b) and (c))
35 Introducing Contraband 1 (RCW
36 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Manufacture or import counterfeit,
4 nonfunctional, damaged, or
5 previously deployed air bag
6 (causing bodily injury or death)
7 (RCW 46.37.650(1)(b))
8 Negligently Causing Death By Use of a
9 Signal Preemption Device (RCW
10 46.37.675)
11 Sell, install, or reinstall counterfeit,
12 nonfunctional, damaged, or
13 previously deployed airbag (RCW
14 46.37.650(2)(b))
15 Sending, bringing into state depictions
16 of minor engaged in sexually
17 explicit conduct 1 (RCW
18 9.68A.060(1))
19 Unlawful Possession of a Firearm in the
20 first degree (RCW 9.41.040(1))
21 Use of a Machine Gun or Bump-fire
22 Stock in Commission of a Felony
23 (RCW 9.41.225)
24 Vehicular Homicide, by disregard for
25 the safety of others (RCW
26 46.61.520)
27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(3)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation
35 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.070(1))
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Theft from a Vulnerable Adult 1 (RCW
7 9A.56.400(1))
8 Unlawful Storage of Ammonia (RCW
9 69.55.020)
10 V Abandonment of Dependent Person 2
11 (RCW 9A.42.070)
12 Advancing money or property for
13 extortionate extension of credit
14 (RCW 9A.82.030)
15 Air bag diagnostic systems (RCW
16 46.37.660(2)(c))
17 Air bag replacement requirements
18 (RCW 46.37.660(1)(c))
19 Bail Jumping with class A Felony
20 (RCW 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Clean Air Act Violation 1 (section 6 of
23 this act)
24 Criminal Mistreatment 2 (RCW
25 9A.42.030)
26 Custodial Sexual Misconduct 2 (RCW
27 9A.44.170)
28 Dealing in Depictions of Minor
29 Engaged in Sexually Explicit
30 Conduct 2 (RCW 9.68A.050(2))
31 Domestic Violence Court Order
32 Violation (RCW 7.105.450,
33 10.99.040, 10.99.050, 26.09.300,
34 26.26B.050, or 26.52.070)
35 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit (RCW
2 9A.82.020)
3 Extortionate Means to Collect
4 Extensions of Credit (RCW
5 9A.82.040)
6 Hazardous Waste Act Violation 1
7 (section 10 of this act)
8 Incest 2 (RCW 9A.64.020(2))
9 Kidnapping 2 (RCW 9A.40.030)
10 Manufacture or import counterfeit,
11 nonfunctional, damaged, or
12 previously deployed air bag (RCW
13 46.37.650(1)(c))
14 Perjury 1 (RCW 9A.72.020)
15 Persistent prison misbehavior (RCW
16 9.94.070)
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1 (RCW
21 9A.76.070)
22 Sell, install, or reinstall counterfeit,
23 nonfunctional, damaged, or
24 previously deployed airbag (RCW
25 46.37.650(2)(c))
26 Sending, Bringing into State Depictions
27 of Minor Engaged in Sexually
28 Explicit Conduct 2 (RCW
29 9.68A.060(2))
30 Sexual Misconduct with a Minor 1
31 (RCW 9A.44.093)
32 Sexually Violating Human Remains
33 (RCW 9A.44.105)
34 Stalking (RCW 9A.46.110)
35 Taking Motor Vehicle Without
36 Permission 1 (RCW 9A.56.070)

Water Pollution Control Act Violation 1

(section 2 of this act)

- IV 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)
- 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
14 (subsequent sex offense) (RCW
9A.88.010)
- Influencing Outcome of Sporting Event
(RCW 9A.82.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of Depictions of a Minor
5 Engaged in Sexually Explicit
6 Conduct 2 (RCW 9.68A.070(2))
7 Residential Burglary (RCW 9A.52.025)
8 Robbery 2 (RCW 9A.56.210)
9 Theft of Livestock 1 (RCW 9A.56.080)
10 Threats to Bomb (RCW 9.61.160)
11 Trafficking in Catalytic Converters 1
12 (RCW 9A.82.190)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 III Animal Cruelty 1 (RCW 16.52.205)

10 Assault 3 (Except Assault 3 of a Peace
11 Officer With a Projectile Stun Gun)
12 (RCW 9A.36.031 except subsection
13 (1)(h))

14 Assault of a Child 3 (RCW 9A.36.140)

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 Clean Air Act Violation 2 (section 7 of
22 this act)

23 Criminal Gang Intimidation (RCW
24 9A.46.120)

25 Custodial Assault (RCW 9A.36.100)

26 Cyber Harassment (RCW
27 9A.90.120(2)(b))

28 Escape 2 (RCW 9A.76.120)

29 Extortion 2 (RCW 9A.56.130)

30 False Reporting 2 (RCW
31 9A.84.040(2)(b))

32 Harassment (RCW 9A.46.020)

33 Hazardous Waste Act Violation 2
34 (section 11 of this act)

35 Hazing (RCW 28B.10.901(2)(b))

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Manufacture of Untraceable Firearm
8 with Intent to Sell (RCW 9.41.190)
9 Manufacture or Assembly of an
10 Undetectable Firearm or
11 Untraceable Firearm (RCW
12 9.41.325)
13 Mortgage Fraud (RCW 19.144.080)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Organized Retail Theft 1 (RCW
19 9A.56.350(2))
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun, Bump-Fire
24 Stock, Undetectable Firearm, or
25 Short-Barreled Shotgun or Rifle
26 (RCW 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 Retail Theft with Special Circumstances
30 1 (RCW 9A.56.360(2))
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9A.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Catalytic Converters 2
8 (RCW 9A.82.200)
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1
12 (RCW 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Fish or
16 Shellfish 1 (RCW 77.140.060(3))
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish or
20 Wildlife 1 (RCW 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 Water Pollution Control Act Violation 2
31 (section 3 of this act)
32 II Commercial Fishing Without a License
33 1 (RCW 77.15.500(3)(b))
34 Computer Trespass 1 (RCW 9A.90.040)
35 Counterfeiting (RCW 9.16.035(3))

1 Electronic Data Service Interference
2 (RCW 9A.90.060)
3 Electronic Data Tampering 1 (RCW
4 9A.90.080)
5 Electronic Data Theft (RCW
6 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 Possession, sale, or offering for sale of
28 seven or more unmarked catalytic
29 converters (RCW 9A.82.180(5))
30 Retail Theft with Special Circumstances
31 2 (RCW 9A.56.360(3))
32 Scrap Processing, Recycling, or
33 Supplying Without a License
34 (second or subsequent offense)
35 (RCW 19.290.100)
36 Theft 1 (RCW 9A.56.030)

1 Theft of a Motor Vehicle (RCW
2 9A.56.065)
3 Theft of Rental, Leased, Lease-
4 purchased, or Loaned Property
5 (valued at \$5,000 or more) (RCW
6 9A.56.096(5)(a))
7 Theft with the Intent to Resell 2 (RCW
8 9A.56.340(3))
9 Trafficking in Insurance Claims (RCW
10 48.30A.015)
11 Unlawful factoring of a credit card or
12 payment card transaction (RCW
13 9A.56.290(4)(a))
14 Unlawful Participation of Non-Indians
15 in Indian Fishery (RCW
16 77.15.570(2))
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlawful Purchase or Use of a License
20 (RCW 77.15.650(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 2 (RCW
23 77.15.260(3)(a))
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 Voyeurism 1 (RCW 9A.44.115)
27 I Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive
34 (RCW 9A.60.060)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Mineral Trespass (RCW 78.44.330)

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

1 Unlawful Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))
5 Unlawful Trafficking in Food Stamps
6 (RCW 9.91.142)
7 Unlawful Use of Food Stamps (RCW
8 9.91.144)
9 Unlawful Use of Net to Take Fish 1
10 (RCW 77.15.580(3)(b))
11 Vehicle Prowl 1 (RCW 9A.52.095)
12 Violating Commercial Fishing Area or
13 Time 1 (RCW 77.15.550(3)(b))

14 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 90.48.140 (Penalty) and 2011 c 96 s 61, 2003 c 53 s 419,
17 1992 c 73 s 26, 1973 c 155 s 8, & 1945 c 216 s 20;

18 (2) RCW 70A.15.3150 (Penalties) and 2023 c 470 s 1017;

19 (3) RCW 70A.300.100 (Violations—Criminal penalties) and 2003 c 53
20 s 357 & 1989 c 2 s 15; and

21 (4) RCW 70A.300.110 (Violations—Gross misdemeanor) and 2020 c 20
22 s 1282, 2011 c 96 s 51, 1984 c 237 s 1, 1983 c 172 s 3, & 1975-'76
23 2nd ex.s. c 101 s 9.

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