

MOST SERIOUS OFFENSES (PERSISTENT OFFENDER OR “THREE STRIKES”)

RCW 9.94A.030(32)

Statute (RCW)	Offense	Class	Seriousness Level
10.95.020	Aggravated Murder 1	A	XVI
9A.48.020	Arson 1	A	VIII
9A.36.011	Assault 1	A	XII
9A.36.021(2)(a)	Assault 2	B	IV
9A.36.021(2)(b)	Assault 2 with a Finding of Sexual Motivation	A	IV
9A.36.120	Assault of a Child 1	A	XII
9A.36.130	Assault of a Child 2	B	IX
9A.76.170(3)(a)	Bail Jumping with Murder 1	A	VI
9A.52.020	Burglary 1	A	VII
9A.44.083	Child Molestation 1	A	X
9A.44.086	Child Molestation 2	B	VII
70.245.200(2)	Coerce Patient to Request Life-ending Medication	A	Unranked
69.50.415	Controlled Substance Homicide	B	DG-III
70.74.180	Explosive Devices Prohibited	A	IX
9A.56.120	Extortion 1	B	V
70.245.200(1)	Forging Request for Medication	A	Unranked
9A.32.055	Homicide by Abuse	A	XV
79A.60.050(1)(c)	Homicide by Watercraft - Disregard for the Safety of Others	A	VII
79A.60.050(1)(b)	Homicide by Watercraft – in a Reckless Manner	A	VIII
79A.60.050(1)(a)	Homicide by Watercraft – while under the Influence of Intoxicating Liquor or any Drug	A	IX
9A.64.020(1)	Incest 1 (When Committed Against a Child under 14)	B	VI
9A.64.020(2)	Incest 2 (When Committed Against a Child under 14)	C	V
9A.44.100(1)(a)	Indecent Liberties - with Forcible Compulsion	A	X
9A.44.100(1)(b-c)	Indecent Liberties - without Forcible Compulsion	B	VII
9A.44.100(1)(d-f)	Indecent Liberties - without Forcible Compulsion	B	Unranked
9A.40.020	Kidnapping 1	A	X
9A.40.030(3)(a)	Kidnapping 2	B	V
9A.40.030(3)(b)	Kidnapping 2 with a Finding of Sexual Motivation	A	V
9A.82.060(1)(b)	Leading Organized Crime - Inciting Criminal Profiteering	B	IX
9A.82.060(1)(a)	Leading Organized Crime – Organizing Criminal Profiteering	A	X
70.74.280(1)	Malicious Explosion of a Substance 1	A	XV
70.74.280(2)	Malicious Explosion of a Substance 2	A	XIII
70.74.270(1)	Malicious Placement of an Explosive 1	A	XIII

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9A.32.060	Manslaughter 1	A	XI
9A.32.070	Manslaughter 2	B	VIII
9A.32.030	Murder 1	A	XV
9A.32.050	Murder 2	A	XIV
69.50.406(1)	Over 18 and Deliver Heroin, Methamphetamine, a Narcotic from Schedule I or II, or Flunitrazepam from Schedule IV to Someone under 18	A	DG-III
9.68A.101	Promoting Commercial Sexual Abuse of a Minor	A	XII
9A.88.070	Promoting Prostitution 1	B	VIII
9A.44.040	Rape 1	A	XII
9A.44.050	Rape 2	A	XI
9A.44.060	Rape 3	C	V
9A.44.073	Rape of a Child 1	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.56.200	Robbery 1	A	IX
9.68A.040	Sexual Exploitation of a Minor	B	IX
9A.76.115	Sexually Violent Predator Escape	A	X
9A.40.100(1)	Trafficking 1	A	XIV
9A.40.100(3)	Trafficking 2	A	XII
9.82.010	Treason	A	Unranked
9.41.225	Use of a Machine Gun or Bump-fire Stock in Commission of a Felony	A	VII
46.61.522(1)(a-b)	Vehicular Assault – in a Reckless Manner or while under the Influence of Intoxicating Liquor or any Drug	B	IV
46.61.520(1)(c)	Vehicular Homicide - Disregard for the Safety of Others	A	VII
46.61.520(1)(b)	Vehicular Homicide – in a Reckless Manner	A	XI
46.61.520(1)(a)	Vehicular Homicide – while under the Influence of Intoxicating Liquor or any Drug	A	XI
Attempt to commit one of these felonies.			
Any Class A felony or criminal solicitation or criminal conspiracy to commit a Class A felony.			
Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection.			
Any other Class B felony offense with a finding of sexual motivation.			
Any other felony with a deadly weapon verdict under RCW 9.94A.825.			
Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.			
A prior conviction for indecent liberties under **RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it			

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existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988.	A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.		

PERSISTENT OFFENDER OFFENSES (“TWO STRIKES”)

RCW 9.94A.030(37)(b)

Statute (RCW)	Offense	Class	Seriousness Level
9A.36.011	Assault 1 with a Finding of Sexual Motivation	A	XII
9A.36.021(2)(b)	Assault 2 with a Finding of Sexual Motivation	A	IV
9A.36.120	Assault of a Child 1 with a Finding of Sexual Motivation	A	XII
9A.36.130	Assault of a Child 2 with a Finding of Sexual Motivation	B	IX
9A.52.020	Burglary 1 with a Finding of Sexual Motivation	A	VII
9A.44.083	Child Molestation 1	A	X
9A.32.055	Homicide by Abuse with a Finding of Sexual Motivation	A	XV
9A.44.100(1)(a)	Indecent Liberties - with Forcible Compulsion	A	X
9A.40.020	Kidnapping 1 with a Finding of Sexual Motivation	A	X
9A.40.030(3)(b)	Kidnapping 2 with a Finding of Sexual Motivation	A	V
9A.32.030	Murder 1 with a Finding of Sexual Motivation	A	XV
9A.32.050	Murder 2 with a Finding of Sexual Motivation	A	XIV
9A.44.040	Rape 1	A	XII
9A.44.050	Rape 2	A	XI
9A.44.073	Rape of a Child 1 (Where the Offender was Age 16 or Older at the Time of the Offense)	A	XII
9A.44.076	Rape of a Child 2 (Where the Offender was Age 18 or Older at the Time of the Offense)	A	XI
Attempt to commit one of these felonies.			