

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5449**

Chapter 217, Laws of 2001

57th Legislature  
2001 Regular Session

IDENTITY THEFT

EFFECTIVE DATE: 7/22/01 - Except section 5, which becomes effective 4/1/04.

Passed by the Senate April 16, 2001  
YEAS 46 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 11, 2001  
YEAS 97 NAYS 0

FRANK CHOPP  
**Speaker of the  
House of Representatives**

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Approved May 9, 2001

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5449** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

May 9, 2001 - 8:38 a.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5449

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AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senators Prentice, Long, Winsley, Gardner,  
Franklin, Costa, Rasmussen and Kohl-Welles; by request of Attorney  
General)

READ FIRST TIME 03/05/01.

1       AN ACT Relating to identity theft; amending RCW 43.43.760,  
2 19.16.250, 19.16.250, 9.35.010, 9.35.020, 9.35.030, 9A.82.010, and  
3 13.40.0357; reenacting and amending RCW 9.94A.320; adding new sections  
4 to chapter 9.35 RCW; adding a new section to chapter 19.182 RCW;  
5 creating a new section; prescribing penalties; providing an effective  
6 date; and providing an expiration date.

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

8       NEW SECTION.   **Sec. 1.** A new section is added to chapter 9.35 RCW  
9 to read as follows:

10       DEFINITIONS. The definitions in this section apply throughout this  
11 chapter unless the context clearly requires otherwise.

12       (1) "Financial information" means any of the following information  
13 identifiable to the individual that concerns the amount and conditions  
14 of an individual's assets, liabilities, or credit:

15       (a) Account numbers and balances;

16       (b) Transactional information concerning an account; and

17       (c) Codes, passwords, social security numbers, tax identification  
18 numbers, driver's license or permit numbers, state identicard numbers

1 issued by the department of licensing, and other information held for  
2 the purpose of account access or transaction initiation.

3 (2) "Financial information repository" means a person engaged in  
4 the business of providing services to customers who have a credit,  
5 deposit, trust, stock, or other financial account or relationship with  
6 the person.

7 (3) "Means of identification" means information or an item that is  
8 not describing finances or credit but is personal to or identifiable  
9 with an individual or other person, including: A current or former  
10 name of the person, telephone number, an electronic address, or  
11 identifier of the individual or a member of his or her family,  
12 including the ancestor of the person; information relating to a change  
13 in name, address, telephone number, or electronic address or identifier  
14 of the individual or his or her family; a social security, driver's  
15 license, or tax identification number of the individual or a member of  
16 his or her family; and other information that could be used to identify  
17 the person, including unique biometric data.

18 (4) "Person" means a person as defined in RCW 9A.04.110.

19 (5) "Victim" means a person whose means of identification or  
20 financial information has been used or transferred with the intent to  
21 commit, or to aid or abet, any unlawful activity.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.35 RCW  
23 to read as follows:

24 INFORMATION AVAILABLE TO VICTIM. (1) A person, financial  
25 information repository, financial service provider, merchant,  
26 corporation, trust, partnership, or unincorporated association  
27 possessing information relating to an actual or potential violation of  
28 this chapter, and who may have entered into a transaction, provided  
29 credit, products, goods, or services, accepted payment, or otherwise  
30 done business with a person who has used the victim's means of  
31 identification, must, upon written request of the victim, provide  
32 copies of all relevant application and transaction information related  
33 to the transaction being alleged as a potential or actual violation of  
34 this chapter. Nothing in this section requires the information  
35 provider to disclose information that it is otherwise prohibited from  
36 disclosing by law, except that a law that prohibits disclosing a  
37 person's information to third parties shall not be used to deny  
38 disclosure of such information to the victim under this section.

1 (2) Unless the information provider is otherwise willing to verify  
2 the victim's identification, the victim shall provide the following as  
3 proof of positive identification:

4 (a) The showing of a government-issued photo identification card  
5 or, if providing proof by mail, a copy of a government-issued photo  
6 identification card;

7 (b) A copy of a filed police report evidencing the victim's claim;  
8 and

9 (c) A written statement from the state patrol showing that the  
10 state patrol has on file documentation of the victim's identity  
11 pursuant to the personal identification procedures in RCW 43.43.760.

12 (3) The provider may require compensation for the reasonable cost  
13 of providing the information requested.

14 (4) No person, financial information repository, financial service  
15 provider, merchant, corporation, trust, partnership, or unincorporated  
16 association may be held liable for an action taken in good faith to  
17 provide information regarding potential or actual violations of this  
18 chapter to other financial information repositories, financial service  
19 providers, merchants, law enforcement authorities, victims, or any  
20 persons alleging to be a victim who comply with subsection (2) of this  
21 section which evidences the alleged victim's claim for the purpose of  
22 identification and prosecution of violators of this chapter, or to  
23 assist a victim in recovery of fines, restitution, rehabilitation of  
24 the victim's credit, or such other relief as may be appropriate.

25 (5) A person, financial information repository, financial service  
26 provider, merchant, corporation, trust, partnership, or unincorporated  
27 association may decline to provide information pursuant to this section  
28 when, in the exercise of good faith and reasonable judgment, it  
29 believes this section does not require disclosure of the information.

30 (6) Nothing in this section creates an obligation on the part of a  
31 person, financial information repository, financial services provider,  
32 merchant, corporation, trust, partnership, or unincorporated  
33 association to retain or maintain information or records that they are  
34 not otherwise required to retain or maintain in the ordinary course of  
35 its business.

36 (7) The legislature finds that the practices covered by this  
37 section are matters vitally affecting the public interest for the  
38 purpose of applying the consumer protection act, chapter 19.86 RCW.  
39 Violations of this section are not reasonable in relation to the

1 development and preservation of business. It is an unfair or deceptive  
2 act in trade or commerce and an unfair method of competition for the  
3 purpose of applying the consumer protection act, chapter 19.86 RCW.  
4 The burden of proof in an action alleging a violation of this section  
5 shall be by a preponderance of the evidence, and the applicable statute  
6 of limitation shall be as set forth in RCW 19.182.120. For purposes of  
7 a judgment awarded pursuant to an action by a consumer under chapter  
8 19.86 RCW, the consumer shall be awarded actual damages. However,  
9 where there has been willful failure to comply with any requirement  
10 imposed under this section, the consumer shall be awarded actual  
11 damages, a monetary penalty of one thousand dollars, and the costs of  
12 the action together with reasonable attorneys' fees as determined by  
13 the court.

14       **Sec. 3.** RCW 43.43.760 and 1985 c 201 s 15 are each amended to read  
15 as follows:

16       (1) Whenever a resident of this state appears before any law  
17 enforcement agency and requests an impression of his or her  
18 fingerprints to be made, such agency may comply with his or her request  
19 and make the required copies of the impressions on forms marked  
20 "Personal Identification". The required copies shall be forwarded to  
21 the section and marked "for personal identification only".

22       The section shall accept and file such fingerprints submitted  
23 voluntarily by such resident, for the purpose of securing a more  
24 certain and easy identification in case of death, injury, loss of  
25 memory, or other similar circumstances. Upon the request of such  
26 person, the section shall return his or her identification data.

27       (2) Whenever a person claiming to be a victim of identity theft  
28 appears before any law enforcement agency and requests an impression of  
29 his or her fingerprints to be made, such agency may comply with this  
30 request and make the required copies of the impressions on forms marked  
31 "Personal Identification." The required copies shall be forwarded to  
32 the section and marked "for personal identification only."

33       The section shall accept and file such fingerprints submitted by  
34 such resident, for the purpose of securing a more certain and easy  
35 identification in cases of identity theft. The section shall provide  
36 a statement showing that the victim's impression of fingerprints has  
37 been accepted and filed with the section.

1       The statement provided to the victim shall state clearly in twelve-  
2 point print:

3       "The person holding this statement has claimed to be a victim of  
4 identity theft. Pursuant to chapter 9.35 RCW, a business is required  
5 by law to provide this victim with copies of all relevant application  
6 and transaction information related to the transaction being alleged as  
7 a potential or actual identity theft. A business must provide this  
8 information once the victim makes a request in writing, shows this  
9 statement, any government issued photo identification card, and a copy  
10 of a police report."

11       Upon the request of such person, the section shall return his or  
12 her identification data.

13       (3) Whenever any person is an applicant for appointment to any  
14 position or is an applicant for employment or is an applicant for a  
15 license to be issued by any governmental agency, and the law or a  
16 regulation of such governmental agency requires that the applicant be  
17 of good moral character or not have been convicted of a crime, or is an  
18 applicant for appointment to or employment with a criminal justice  
19 agency, or the department, the applicant may request any law  
20 enforcement agency to make an impression of his or her fingerprints to  
21 be submitted to the section. The law enforcement agency may comply  
22 with such request and make copies of the impressions on forms marked  
23 "applicant", and submit such copies to the section.

24       The section shall accept such fingerprints and shall cause its  
25 files to be examined and shall promptly send to the appointing  
26 authority, employer, or licensing authority indicated on the form of  
27 application, a transcript of the record of previous crimes committed by  
28 the person described on the data submitted, or a transcript of the  
29 dependency record information regarding the person described on the  
30 data submitted, or if there is no record of his or her commission of  
31 any crimes, or if there is no dependency record information, a  
32 statement to that effect.

33       ((+3+)) (4) The Washington state patrol shall charge fees for  
34 processing of noncriminal justice system requests for criminal history  
35 record information pursuant to this section which will cover, as nearly  
36 as practicable, the direct and indirect costs to the patrol of  
37 processing such requests.

1 Any law enforcement agency may charge a fee not to exceed five  
2 dollars for the purpose of taking fingerprint impressions or searching  
3 its files of identification for noncriminal purposes.

4 **Sec. 4.** RCW 19.16.250 and 1983 c 107 s 1 are each amended to read  
5 as follows:

6 No licensee or employee of a licensee shall:

7 (1) Directly or indirectly aid or abet any unlicensed person to  
8 engage in business as a collection agency in this state or receive  
9 compensation from such unlicensed person: PROVIDED, That nothing in  
10 this chapter shall prevent a licensee from accepting, as forwarder,  
11 claims for collection from a collection agency or attorney whose place  
12 of business is outside the state.

13 (2) Collect or attempt to collect a claim by the use of any means  
14 contrary to the postal laws and regulations of the United States postal  
15 department.

16 (3) Publish or post or cause to be published or posted, any list of  
17 debtors commonly known as "bad debt lists" or threaten to do so. For  
18 purposes of this chapter, a "bad debt list" means any list of natural  
19 persons alleged to fail to honor their lawful debts. However, nothing  
20 herein shall be construed to prohibit a licensee from communicating to  
21 its customers or clients by means of a coded list, the existence of a  
22 check dishonored because of insufficient funds, not sufficient funds or  
23 closed account by the financial institution servicing the debtor's  
24 checking account: PROVIDED, That the debtor's identity is not readily  
25 apparent: PROVIDED FURTHER, That the licensee complies with the  
26 requirements of subsection (9)(e) of this section.

27 (4) Have in his possession or make use of any badge, use a uniform  
28 of any law enforcement agency or any simulation thereof, or make any  
29 statements which might be construed as indicating an official  
30 connection with any federal, state, county, or city law enforcement  
31 agency, or any other governmental agency, while engaged in collection  
32 agency business.

33 (5) Perform any act or acts, either directly or indirectly,  
34 constituting the practice of law.

35 (6) Advertise for sale or threaten to advertise for sale any claim  
36 as a means of endeavoring to enforce payment thereof or agreeing to do  
37 so for the purpose of soliciting claims, except where the licensee has

1 acquired claims as an assignee for the benefit of creditors or where  
2 the licensee is acting under court order.

3 (7) Use any name while engaged in the making of a demand for any  
4 claim other than the name set forth on his or its current license  
5 issued hereunder.

6 (8) Give or send to any debtor or cause to be given or sent to any  
7 debtor, any notice, letter, message, or form which represents or  
8 implies that a claim exists unless it shall indicate in clear and  
9 legible type:

10 (a) The name of the licensee and the city, street, and number at  
11 which he is licensed to do business;

12 (b) The name of the original creditor to whom the debtor owed the  
13 claim if such name is known to the licensee or employee: PROVIDED, That  
14 upon written request of the debtor, the licensee shall make a  
15 reasonable effort to obtain the name of such person and provide this  
16 name to the debtor;

17 (c) If the notice, letter, message, or form is the first notice to  
18 the debtor or if the licensee is attempting to collect a different  
19 amount than indicated in his or its first notice to the debtor, an  
20 itemization of the claim asserted must be made including:

21 (i) Amount owing on the original obligation at the time it was  
22 received by the licensee for collection or by assignment;

23 (ii) Interest or service charge, collection costs, or late payment  
24 charges, if any, added to the original obligation by the original  
25 creditor, customer or assignor before it was received by the licensee  
26 for collection, if such information is known by the licensee or  
27 employee: PROVIDED, That upon written request of the debtor, the  
28 licensee shall make a reasonable effort to obtain information on such  
29 items and provide this information to the debtor;

30 (iii) Interest or service charge, if any, added by the licensee or  
31 customer or assignor after the obligation was received by the licensee  
32 for collection;

33 (iv) Collection costs, if any, that the licensee is attempting to  
34 collect;

35 (v) Attorneys' fees, if any, that the licensee is attempting to  
36 collect on his or its behalf or on the behalf of a customer or  
37 assignor;



1 (vi) Any other charge or fee that the licensee is attempting to  
2 collect on his or its own behalf or on the behalf of a customer or  
3 assignor.

4 (9) Communicate or threaten to communicate, the existence of a  
5 claim to a person other than one who might be reasonably expected to be  
6 liable on the claim in any manner other than through proper legal  
7 action, process, or proceedings except under the following conditions:

8 (a) A licensee or employee of a licensee may inform a credit  
9 reporting bureau of the existence of a claim: PROVIDED, That if the  
10 licensee or employee of a licensee reports a claim to a credit  
11 reporting bureau, the licensee shall upon receipt of written notice  
12 from the debtor that any part of the claim is disputed, forward a copy  
13 of such written notice to the credit reporting bureau;

14 (b) A licensee or employee in collecting or attempting to collect  
15 a claim may communicate the existence of a claim to a debtor's employer  
16 if the claim has been reduced to a judgment;

17 (c) A licensee or employee in collecting or attempting to collect  
18 a claim that has not been reduced to judgment, may communicate the  
19 existence of a claim to a debtor's employer if:

20 (i) The licensee or employee has notified or attempted to notify  
21 the debtor in writing at his last known address or place of employment  
22 concerning the claim and the debtor after a reasonable time has failed  
23 to pay the claim or has failed to agree to make payments on the claim  
24 in a manner acceptable to the licensee, and

25 (ii) The debtor has not in writing to the licensee disputed any  
26 part of the claim: PROVIDED, That the licensee or employee may only  
27 communicate the existence of a claim which has not been reduced to  
28 judgment to the debtor's employer once unless the debtor's employer has  
29 agreed to additional communications.

30 (d) A licensee may for the purpose of locating the debtor or  
31 locating assets of the debtor communicate the existence of a claim to  
32 any person who might reasonably be expected to have knowledge of the  
33 whereabouts of a debtor or the location of assets of the debtor if the  
34 claim is reduced to judgment, or if not reduced to judgment, when:

35 (i) The licensee or employee has notified or attempted to notify  
36 the debtor in writing at his last known address or last known place of  
37 employment concerning the claim and the debtor after a reasonable time  
38 has failed to pay the claim or has failed to agree to make payments on  
39 the claim in a manner acceptable to the licensee, and

1 (ii) The debtor has not in writing disputed any part of the claim.

2 (e) A licensee may communicate the existence of a claim to its  
3 customers or clients if the claim is reduced to judgment, or if not  
4 reduced to judgment, when:

5 (i) The licensee has notified or attempted to notify the debtor in  
6 writing at his last known address or last known place of employment  
7 concerning the claim and the debtor after a reasonable time has failed  
8 to pay the claim or has failed to agree to make payments on the claim  
9 in a manner acceptable to the licensee, and

10 (ii) The debtor has not in writing disputed any part of the claim.

11 (10) Threaten the debtor with impairment of his credit rating if a  
12 claim is not paid.

13 (11) Communicate with the debtor after notification in writing from  
14 an attorney representing such debtor that all further communications  
15 relative to a claim should be addressed to the attorney: PROVIDED,  
16 That if a licensee requests in writing information from an attorney  
17 regarding such claim and the attorney does not respond within a  
18 reasonable time, the licensee may communicate directly with the debtor  
19 until he or it again receives notification in writing that an attorney  
20 is representing the debtor.

21 (12) Communicate with a debtor or anyone else in such a manner as  
22 to harass, intimidate, threaten, or embarrass a debtor, including but  
23 not limited to communication at an unreasonable hour, with unreasonable  
24 frequency, by threats of force or violence, by threats of criminal  
25 prosecution, and by use of offensive language. A communication shall  
26 be presumed to have been made for the purposes of harassment if:

27 (a) It is made with a debtor or spouse in any form, manner, or  
28 place, more than three times in a single week;

29 (b) It is made with a debtor at his or her place of employment more  
30 than one time in a single week;

31 (c) It is made with the debtor or spouse at his or her place of  
32 residence between the hours of 9:00 p.m. and 7:30 a.m.

33 (13) Communicate with the debtor through use of forms or  
34 instruments that simulate the form or appearance of judicial process,  
35 the form or appearance of government documents, or the simulation of a  
36 form or appearance of a telegraphic or emergency message.

37 (14) Communicate with the debtor and represent or imply that the  
38 existing obligation of the debtor may be or has been increased by the  
39 addition of attorney fees, investigation fees, service fees, or any

1 other fees or charges when in fact such fees or charges may not legally  
2 be added to the existing obligation of such debtor.

3 (15) Threaten to take any action against the debtor which the  
4 licensee cannot legally take at the time the threat is made.

5 (16) Send any telegram or make any telephone calls to a debtor or  
6 concerning a debt or for the purpose of demanding payment of a claim or  
7 seeking information about a debtor, for which the charges are payable  
8 by the addressee or by the person to whom the call is made.

9 (17) In any manner convey the impression that the licensee is  
10 vouched for, bonded to or by, or is an instrumentality of the state of  
11 Washington or any agency or department thereof.

12 (18) Collect or attempt to collect in addition to the principal  
13 amount of a claim any sum other than allowable interest, collection  
14 costs or handling fees expressly authorized by statute, and, in the  
15 case of suit, attorney's fees and taxable court costs.

16 (19) Procure from a debtor or collect or attempt to collect on any  
17 written note, contract, stipulation, promise or acknowledgment under  
18 which a debtor may be required to pay any sum other than principal,  
19 allowable interest, and, in the case of suit, attorney's fees and  
20 taxable court costs.

21 (20) Upon notification by a debtor that the debtor disputes all  
22 debts arising from a series of dishonored checks, automated  
23 clearinghouse transactions on a demand deposit account, or other  
24 preprinted written instruments, initiate oral contact with a debtor  
25 more than one time in an attempt to collect from the debtor debts  
26 arising from the identified series of dishonored checks, automated  
27 clearinghouse transactions on a demand deposit account, or other  
28 preprinted written instruments when: (a) Within the previous one  
29 hundred eighty days, in response to the licensee's attempt to collect  
30 the initial debt assigned to the licensee and arising from the  
31 identified series of dishonored checks, automated clearinghouse  
32 transactions on a demand deposit account, or other preprinted written  
33 instruments, the debtor in writing notified the licensee that the  
34 debtor's checkbook or other series of preprinted written instruments  
35 was stolen or fraudulently created; (b) the licensee has received from  
36 the debtor a certified copy of a police report referencing the theft or  
37 fraudulent creation of the checkbook, automated clearinghouse  
38 transactions on a demand deposit account, or series of preprinted  
39 written instruments; (c) in the written notification to the licensee or

1 in the police report, the debtor identified the financial institution  
2 where the account was maintained, the account number, the magnetic ink  
3 character recognition number, the full bank routing and transit number,  
4 and the check numbers of the stolen checks, automated clearinghouse  
5 transactions on a demand deposit account, or other preprinted written  
6 instruments, which check numbers included the number of the check that  
7 is the subject of the licensee's collection efforts; (d) the debtor  
8 provides, or within the previous one hundred eighty days provided, to  
9 the licensee a legible copy of a government-issued photo  
10 identification, which contains the debtor's signature and which was  
11 issued prior to the date of the theft or fraud identified in the police  
12 report; (e) the debtor advised the licensee that the subject debt is  
13 disputed because the identified check, automated clearinghouse  
14 transaction on a demand deposit account, or other preprinted written  
15 instrument underlying the debt is a stolen or fraudulently created  
16 check or instrument; and (f) information on the checks, automated  
17 clearinghouse transactions on a demand deposit account, or other  
18 preprinted written instruments are currently in the licensee's files  
19 that identically match the information provided by the debtor in (c) of  
20 this subsection.

21 The licensee is not in violation of this subsection if the licensee  
22 initiates oral contact with the debtor more than one time in an attempt  
23 to collect debts arising from the identified series of dishonored  
24 checks, automated clearinghouse transactions on a demand deposit  
25 account, or other preprinted written instruments when: (i) The  
26 licensee acted in good faith and relied on their established practices  
27 and procedures for batching, recording, or packeting debtor accounts,  
28 and the licensee inadvertently initiates oral contact with the debtor  
29 in an attempt to collect debts in the identified series subsequent to  
30 the initial debt assigned to the licensee; (ii) the licensee is  
31 following up on collection of a debt assigned to the licensee, and the  
32 debtor has previously requested more information from the licensee  
33 regarding the subject debt; (iii) the debtor has notified the licensee  
34 that the debtor disputes only some, but not all the debts arising from  
35 the identified series of dishonored checks, automated clearinghouse  
36 transactions on a demand deposit account, or other preprinted written  
37 instruments, in which case the licensee shall be allowed to initiate  
38 oral contact with the debtor one time for each debt arising from the  
39 series of identified checks, automated clearinghouse transactions on a

1 demand deposit account, or written instruments and initiate additional  
2 oral contact for those debts that the debtor acknowledges do not arise  
3 from stolen or fraudulently created checks or written instruments; (iv)  
4 the oral contact is in the context of a judicial, administrative,  
5 arbitration, mediation, or similar proceeding; or (v) the oral contact  
6 is made for the purpose of investigating, confirming, or authenticating  
7 the information received from the debtor, to provide additional  
8 information to the debtor, or to request additional information from  
9 the debtor needed by the licensee to accurately record the debtor's  
10 information in the licensee's records.

11       **Sec. 5.** RCW 19.16.250 and 1983 c 107 s 1 are each amended to read  
12 as follows:

13       No licensee or employee of a licensee shall:

14       (1) Directly or indirectly aid or abet any unlicensed person to  
15 engage in business as a collection agency in this state or receive  
16 compensation from such unlicensed person: PROVIDED, That nothing in  
17 this chapter shall prevent a licensee from accepting, as forwarder,  
18 claims for collection from a collection agency or attorney whose place  
19 of business is outside the state.

20       (2) Collect or attempt to collect a claim by the use of any means  
21 contrary to the postal laws and regulations of the United States postal  
22 department.

23       (3) Publish or post or cause to be published or posted, any list of  
24 debtors commonly known as "bad debt lists" or threaten to do so. For  
25 purposes of this chapter, a "bad debt list" means any list of natural  
26 persons alleged to fail to honor their lawful debts. However, nothing  
27 herein shall be construed to prohibit a licensee from communicating to  
28 its customers or clients by means of a coded list, the existence of a  
29 check dishonored because of insufficient funds, not sufficient funds or  
30 closed account by the financial institution servicing the debtor's  
31 checking account: PROVIDED, That the debtor's identity is not readily  
32 apparent: PROVIDED FURTHER, That the licensee complies with the  
33 requirements of subsection (9)(e) of this section.

34       (4) Have in his possession or make use of any badge, use a uniform  
35 of any law enforcement agency or any simulation thereof, or make any  
36 statements which might be construed as indicating an official  
37 connection with any federal, state, county, or city law enforcement

1 agency, or any other governmental agency, while engaged in collection  
2 agency business.

3 (5) Perform any act or acts, either directly or indirectly,  
4 constituting the practice of law.

5 (6) Advertise for sale or threaten to advertise for sale any claim  
6 as a means of endeavoring to enforce payment thereof or agreeing to do  
7 so for the purpose of soliciting claims, except where the licensee has  
8 acquired claims as an assignee for the benefit of creditors or where  
9 the licensee is acting under court order.

10 (7) Use any name while engaged in the making of a demand for any  
11 claim other than the name set forth on his or its current license  
12 issued hereunder.

13 (8) Give or send to any debtor or cause to be given or sent to any  
14 debtor, any notice, letter, message, or form which represents or  
15 implies that a claim exists unless it shall indicate in clear and  
16 legible type:

17 (a) The name of the licensee and the city, street, and number at  
18 which he is licensed to do business;

19 (b) The name of the original creditor to whom the debtor owed the  
20 claim if such name is known to the licensee or employee: PROVIDED, That  
21 upon written request of the debtor, the licensee shall make a  
22 reasonable effort to obtain the name of such person and provide this  
23 name to the debtor;

24 (c) If the notice, letter, message, or form is the first notice to  
25 the debtor or if the licensee is attempting to collect a different  
26 amount than indicated in his or its first notice to the debtor, an  
27 itemization of the claim asserted must be made including:

28 (i) Amount owing on the original obligation at the time it was  
29 received by the licensee for collection or by assignment;

30 (ii) Interest or service charge, collection costs, or late payment  
31 charges, if any, added to the original obligation by the original  
32 creditor, customer or assignor before it was received by the licensee  
33 for collection, if such information is known by the licensee or  
34 employee: PROVIDED, That upon written request of the debtor, the  
35 licensee shall make a reasonable effort to obtain information on such  
36 items and provide this information to the debtor;

37 (iii) Interest or service charge, if any, added by the licensee or  
38 customer or assignor after the obligation was received by the licensee  
39 for collection;

1 (iv) Collection costs, if any, that the licensee is attempting to  
2 collect;

3 (v) Attorneys' fees, if any, that the licensee is attempting to  
4 collect on his or its behalf or on the behalf of a customer or  
5 assignor;

6 (vi) Any other charge or fee that the licensee is attempting to  
7 collect on his or its own behalf or on the behalf of a customer or  
8 assignor.

9 (9) Communicate or threaten to communicate, the existence of a  
10 claim to a person other than one who might be reasonably expected to be  
11 liable on the claim in any manner other than through proper legal  
12 action, process, or proceedings except under the following conditions:

13 (a) A licensee or employee of a licensee may inform a credit  
14 reporting bureau of the existence of a claim: PROVIDED, That if the  
15 licensee or employee of a licensee reports a claim to a credit  
16 reporting bureau, the licensee shall upon receipt of written notice  
17 from the debtor that any part of the claim is disputed, forward a copy  
18 of such written notice to the credit reporting bureau;

19 (b) A licensee or employee in collecting or attempting to collect  
20 a claim may communicate the existence of a claim to a debtor's employer  
21 if the claim has been reduced to a judgment;

22 (c) A licensee or employee in collecting or attempting to collect  
23 a claim that has not been reduced to judgment, may communicate the  
24 existence of a claim to a debtor's employer if:

25 (i) The licensee or employee has notified or attempted to notify  
26 the debtor in writing at his last known address or place of employment  
27 concerning the claim and the debtor after a reasonable time has failed  
28 to pay the claim or has failed to agree to make payments on the claim  
29 in a manner acceptable to the licensee, and

30 (ii) The debtor has not in writing to the licensee disputed any  
31 part of the claim: PROVIDED, That the licensee or employee may only  
32 communicate the existence of a claim which has not been reduced to  
33 judgment to the debtor's employer once unless the debtor's employer has  
34 agreed to additional communications.

35 (d) A licensee may for the purpose of locating the debtor or  
36 locating assets of the debtor communicate the existence of a claim to  
37 any person who might reasonably be expected to have knowledge of the  
38 whereabouts of a debtor or the location of assets of the debtor if the  
39 claim is reduced to judgment, or if not reduced to judgment, when:

1 (i) The licensee or employee has notified or attempted to notify  
2 the debtor in writing at his last known address or last known place of  
3 employment concerning the claim and the debtor after a reasonable time  
4 has failed to pay the claim or has failed to agree to make payments on  
5 the claim in a manner acceptable to the licensee, and

6 (ii) The debtor has not in writing disputed any part of the claim.

7 (e) A licensee may communicate the existence of a claim to its  
8 customers or clients if the claim is reduced to judgment, or if not  
9 reduced to judgment, when:

10 (i) The licensee has notified or attempted to notify the debtor in  
11 writing at his last known address or last known place of employment  
12 concerning the claim and the debtor after a reasonable time has failed  
13 to pay the claim or has failed to agree to make payments on the claim  
14 in a manner acceptable to the licensee, and

15 (ii) The debtor has not in writing disputed any part of the claim.

16 (10) Threaten the debtor with impairment of his credit rating if a  
17 claim is not paid.

18 (11) Communicate with the debtor after notification in writing from  
19 an attorney representing such debtor that all further communications  
20 relative to a claim should be addressed to the attorney: PROVIDED,  
21 That if a licensee requests in writing information from an attorney  
22 regarding such claim and the attorney does not respond within a  
23 reasonable time, the licensee may communicate directly with the debtor  
24 until he or it again receives notification in writing that an attorney  
25 is representing the debtor.

26 (12) Communicate with a debtor or anyone else in such a manner as  
27 to harass, intimidate, threaten, or embarrass a debtor, including but  
28 not limited to communication at an unreasonable hour, with unreasonable  
29 frequency, by threats of force or violence, by threats of criminal  
30 prosecution, and by use of offensive language. A communication shall  
31 be presumed to have been made for the purposes of harassment if:

32 (a) It is made with a debtor or spouse in any form, manner, or  
33 place, more than three times in a single week;

34 (b) It is made with a debtor at his or her place of employment more  
35 than one time in a single week;

36 (c) It is made with the debtor or spouse at his or her place of  
37 residence between the hours of 9:00 p.m. and 7:30 a.m.

38 (13) Communicate with the debtor through use of forms or  
39 instruments that simulate the form or appearance of judicial process,



1 the form or appearance of government documents, or the simulation of a  
2 form or appearance of a telegraphic or emergency message.

3 (14) Communicate with the debtor and represent or imply that the  
4 existing obligation of the debtor may be or has been increased by the  
5 addition of attorney fees, investigation fees, service fees, or any  
6 other fees or charges when in fact such fees or charges may not legally  
7 be added to the existing obligation of such debtor.

8 (15) Threaten to take any action against the debtor which the  
9 licensee cannot legally take at the time the threat is made.

10 (16) Send any telegram or make any telephone calls to a debtor or  
11 concerning a debt or for the purpose of demanding payment of a claim or  
12 seeking information about a debtor, for which the charges are payable  
13 by the addressee or by the person to whom the call is made.

14 (17) In any manner convey the impression that the licensee is  
15 vouched for, bonded to or by, or is an instrumentality of the state of  
16 Washington or any agency or department thereof.

17 (18) Collect or attempt to collect in addition to the principal  
18 amount of a claim any sum other than allowable interest, collection  
19 costs or handling fees expressly authorized by statute, and, in the  
20 case of suit, attorney's fees and taxable court costs.

21 (19) Procure from a debtor or collect or attempt to collect on any  
22 written note, contract, stipulation, promise or acknowledgment under  
23 which a debtor may be required to pay any sum other than principal,  
24 allowable interest, and, in the case of suit, attorney's fees and  
25 taxable court costs.

26 (20) Upon notification by a debtor that the debtor disputes all  
27 debts arising from a series of dishonored checks, automated  
28 clearinghouse transactions on a demand deposit account, or other  
29 preprinted written instruments, initiate oral contact with a debtor  
30 more than one time in an attempt to collect from the debtor debts  
31 arising from the identified series of dishonored checks, automated  
32 clearinghouse transactions on a demand deposit account, or other  
33 preprinted written instruments when: (a) Within the previous one  
34 hundred eighty days, in response to the licensee's attempt to collect  
35 the initial debt assigned to the licensee and arising from the  
36 identified series of dishonored checks, automated clearinghouse  
37 transactions on a demand deposit account, or other preprinted written  
38 instruments, the debtor in writing notified the licensee that the  
39 debtor's checkbook or other series of preprinted written instruments

1 was stolen or fraudulently created; (b) the licensee has received from  
2 the debtor a certified copy of a police report referencing the theft or  
3 fraudulent creation of the checkbook, automated clearinghouse  
4 transactions on a demand deposit account, or series of preprinted  
5 written instruments; (c) in the written notification to the licensee or  
6 in the police report, the debtor identified the financial institution  
7 where the account was maintained, the account number, the magnetic ink  
8 character recognition number, the full bank routing and transit number,  
9 and the check numbers of the stolen checks, automated clearinghouse  
10 transactions on a demand deposit account, or other preprinted written  
11 instruments, which check numbers included the number of the check that  
12 is the subject of the licensee's collection efforts; (d) the debtor  
13 provides, or within the previous one hundred eighty days provided, to  
14 the licensee a legible copy of a government-issued photo  
15 identification, which contains the debtor's signature and which was  
16 issued prior to the date of the theft or fraud identified in the police  
17 report; and (e) the debtor advised the licensee that the subject debt  
18 is disputed because the identified check, automated clearinghouse  
19 transaction on a demand deposit account, or other preprinted written  
20 instrument underlying the debt is a stolen or fraudulently created  
21 check or instrument.

22 The licensee is not in violation of this subsection if the licensee  
23 initiates oral contact with the debtor more than one time in an attempt  
24 to collect debts arising from the identified series of dishonored  
25 checks, automated clearinghouse transactions on a demand deposit  
26 account, or other preprinted written instruments when: (i) The  
27 licensee acted in good faith and relied on their established practices  
28 and procedures for batching, recording, or packeting debtor accounts,  
29 and the licensee inadvertently initiates oral contact with the debtor  
30 in an attempt to collect debts in the identified series subsequent to  
31 the initial debt assigned to the licensee; (ii) the licensee is  
32 following up on collection of a debt assigned to the licensee, and the  
33 debtor has previously requested more information from the licensee  
34 regarding the subject debt; (iii) the debtor has notified the licensee  
35 that the debtor disputes only some, but not all the debts arising from  
36 the identified series of dishonored checks, automated clearinghouse  
37 transactions on a demand deposit account, or other preprinted written  
38 instruments, in which case the licensee shall be allowed to initiate  
39 oral contact with the debtor one time for each debt arising from the

1 series of identified checks, automated clearinghouse transactions on a  
2 demand deposit account, or written instruments and initiate additional  
3 oral contact for those debts that the debtor acknowledges do not arise  
4 from stolen or fraudulently created checks or written instruments; (iv)  
5 the oral contact is in the context of a judicial, administrative,  
6 arbitration, mediation, or similar proceeding; or (v) the oral contact  
7 is made for the purpose of investigating, confirming, or authenticating  
8 the information received from the debtor, to provide additional  
9 information to the debtor, or to request additional information from  
10 the debtor needed by the licensee to accurately record the debtor's  
11 information in the licensee's records.

12 NEW SECTION. Sec. 6. A new section is added to chapter 19.182 RCW  
13 to read as follows:

14 BLOCK OF INFORMATION APPEARING AS A RESULT OF IDENTITY THEFT. (1)  
15 Within thirty days of receipt of proof of the consumer's identification  
16 and a copy of a filed police report evidencing the consumer's claim to  
17 be a victim of a violation of RCW 9.35.020, a consumer reporting agency  
18 shall permanently block reporting any information the consumer  
19 identifies on his or her consumer report is a result of a violation of  
20 RCW 9.35.020, so that the information cannot be reported, except as  
21 provided in subsection (2) of this section. The consumer reporting  
22 agency shall promptly notify the furnisher of the information that a  
23 police report has been filed, that a block has been requested, and the  
24 effective date of the block.

25 (2) A consumer reporting agency may decline to block or may rescind  
26 any block of consumer information if, in the exercise of good faith and  
27 reasonable judgment, the consumer reporting agency believes:

28 (a) The information was blocked due to a misrepresentation of fact  
29 by the consumer relevant to the request to block under this section;

30 (b) The consumer agrees that the blocked information or portions of  
31 the blocked information were blocked in error; or

32 (c) The consumer knowingly obtained possession of goods, services,  
33 or moneys as a result of the blocked transaction or transactions or the  
34 consumer should have known that he or she obtained possession of goods,  
35 services, or moneys as a result of the blocked transaction or  
36 transactions.

37 (3) If the block of information is declined or rescinded under this  
38 section, the consumer shall be notified promptly in the same manner as

1 consumers are notified of the reinsertion of information pursuant to  
2 section 611 of the fair credit reporting act, 15 U.S.C. Sec. 1681I, as  
3 amended. The prior presence of the blocked information in the consumer  
4 reporting agency's file on the consumer is not evidence of whether the  
5 consumer knew or should have known that he or she obtained possession  
6 of any goods, services, or moneys.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 9.35 RCW  
8 to read as follows:

9 The legislature finds that the practices covered by RCW 9.35.010  
10 and 9.35.020 are matters vitally affecting the public interest for the  
11 purpose of applying the consumer protection act, chapter 19.86 RCW.  
12 Violations of RCW 9.35.010 or 9.35.020 are not reasonable in relation  
13 to the development and preservation of business. A violation of RCW  
14 9.35.010 or 9.35.020 is an unfair or deceptive act in trade or commerce  
15 and an unfair method of competition for the purpose of applying the  
16 consumer protection act, chapter 19.86 RCW.

17 Nothing in RCW 9.35.010 or 9.35.020 limits a victim's ability to  
18 receive treble damages under RCW 19.86.090.

19 **Sec. 8.** RCW 9.35.010 and 1999 c 368 s 2 are each amended to read  
20 as follows:

21 (1) No person may obtain or attempt to obtain, or cause to be  
22 disclosed or attempt to cause to be disclosed to any person, financial  
23 information from a financial information repository, financial services  
24 provider, merchant, corporation, trust, partnership, or unincorporated  
25 association:

26 (a) By knowingly making a false, fictitious, or fraudulent  
27 statement or representation to an officer, employee, or agent of a  
28 financial information repository with the intent to deceive the  
29 officer, employee, or agent into relying on that statement or  
30 representation for purposes of releasing the financial information;

31 (b) By knowingly making a false, fictitious, or fraudulent  
32 statement or representation to a customer of a financial information  
33 repository, financial services provider, merchant, corporation, trust,  
34 partnership, or unincorporated association with the intent to deceive  
35 the customer into releasing financial information or authorizing the  
36 release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association in any manner described in subsection (1) of this section.

~~(3) ((As used in this section, unless the context clearly requires otherwise:~~

~~(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:~~

~~(i) Account numbers and balances;~~

~~(ii) Transactional information concerning any account; and~~

~~(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identification numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.~~

~~(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.~~

~~(c) "Person" means an individual, partnership, corporation, or association.~~

~~(4))~~ No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository, financial services provider,

1 merchant, corporation, trust, partnership, or unincorporated  
2 association when working in conjunction with a law enforcement agency.

3 ~~((+5+))~~ (4) This section does not apply to:

4 (a) Efforts by the financial information repository to test  
5 security procedures or systems of the financial institution repository  
6 for maintaining the confidentiality of customer information;

7 (b) Investigation of alleged employee misconduct or negligence; or

8 (c) Efforts to recover financial or personal information of the  
9 financial institution obtained or received by another person in any  
10 manner described in subsection (1) or (2) of this section.

11 ~~((+6+))~~ (5) Violation of this section is a class C felony.

12 ~~((+7+))~~ (6) A person ~~((that-[who]))~~ who violates this section is  
13 liable for five hundred dollars or actual damages, whichever is  
14 greater, and reasonable attorneys' fees. ~~((If the person violating~~  
15 ~~this section is a business that repeatedly violates this section, that~~  
16 ~~person also violates the Consumer Protection Act, chapter 19.86 RCW.))~~

17 **Sec. 9.** RCW 9.35.020 and 1999 c 368 s 3 are each amended to read  
18 as follows:

19 (1) No person may knowingly obtain, possess, use, or ~~((knowingly))~~  
20 transfer a means of identification or financial information of another  
21 person, living or dead, with the intent to commit, or to aid or abet,  
22 any ~~((unlawful activity harming or intending to harm the person whose~~  
23 ~~identity is used, or for committing any felony.~~

24 ~~(2) For purposes of this section, "means of identification" means~~  
25 ~~any information or item that is not describing finances or credit but~~  
26 ~~is personal to or identifiable with any individual or other person,~~  
27 ~~including any current or former name of the person, telephone number,~~  
28 ~~and electronic address or identifier of the individual or any member of~~  
29 ~~his or her family, including the ancestor of such person; any~~  
30 ~~information relating to a change in name, address, telephone number, or~~  
31 ~~electronic address or identifier of the individual or his or her~~  
32 ~~family; any social security, driver's license, or tax identification~~  
33 ~~number of the individual or any member of his or her family; and other~~  
34 ~~information which could be used to identify the person, including~~  
35 ~~unique biometric data))~~ crime.

36 ~~((+3+))~~ (2)(a) Violation of this section when the accused or an  
37 accomplice uses the victim's means of identification or financial  
38 information and obtains an aggregate total of credit, money, goods,

1 services, or anything else of value in excess of one thousand five  
2 hundred dollars in value shall constitute identity theft in the first  
3 degree. Identity theft in the first degree is a class B felony.

4 (b) Violation of this section when the accused or an accomplice  
5 uses the victim's means of identification or financial information and  
6 obtains an aggregate total of credit, money, goods, services, or  
7 anything else of value that is less than one thousand five hundred  
8 dollars in value, or when no credit, money, goods, services, or  
9 anything of value is obtained shall constitute identity theft in the  
10 second degree. Identity theft in the second degree is a class C  
11 felony.

12 ((+4)) (3) A person ((that-[who])) who violates this section is  
13 liable for civil damages of five hundred dollars or actual damages,  
14 whichever is greater, including costs to repair the ((person's))  
15 victim's credit record, ((whichever is greater,)) and reasonable  
16 attorneys' fees((- If the person violating this section is a business  
17 that repeatedly violates this section, that person also violates the  
18 Consumer Protection Act, chapter 19.86 RCW)) as determined by the  
19 court.

20 (4) In a proceeding under this section, the crime will be  
21 considered to have been committed in any locality where the person  
22 whose means of identification or financial information was appropriated  
23 resides, or in which any part of the offense took place, regardless of  
24 whether the defendant was ever actually in that locality.

25 (5) The provisions of this section do not apply to any person who  
26 obtains another person's driver's license or other form of  
27 identification for the sole purpose of misrepresenting his or her age.

28 (6) In a proceeding under this section in which a person's means of  
29 identification or financial information was used without that person's  
30 authorization, and when there has been a conviction, the sentencing  
31 court may issue such orders as are necessary to correct a public record  
32 that contains false information resulting from a violation of this  
33 section.

34 **Sec. 10.** RCW 9.35.030 and 2000 c 77 s 1 are each amended to read  
35 as follows:

36 (1) It is unlawful for any person to knowingly use a means of  
37 identification or financial information of another person to solicit

1 undesired mail with the intent to annoy, harass, intimidate, torment,  
2 or embarrass that person.

3       ~~((For purposes of this section, "means of identification" has~~  
4 ~~the meaning provided in RCW 9.35.020.~~

5       ~~(3))~~ Violation of this section is a misdemeanor.

6       ~~((4))~~ (3) Additionally, a person who violates this section is  
7 liable for civil damages of five hundred dollars or actual damages,  
8 including costs to repair the person's credit record, whichever is  
9 greater, and reasonable attorneys' fees as determined by the court.

10       **Sec. 11.** RCW 9A.82.010 and 1999 c 143 s 40 are each amended to  
11 read as follows:

12       Unless the context requires the contrary, the definitions in this  
13 section apply throughout this chapter.

14       (1)(a) "Beneficial interest" means:

15       (i) The interest of a person as a beneficiary under a trust  
16 established under Title 11 RCW in which the trustee for the trust holds  
17 legal or record title to real property;

18       (ii) The interest of a person as a beneficiary under any other  
19 trust arrangement under which a trustee holds legal or record title to  
20 real property for the benefit of the beneficiary; or

21       (iii) The interest of a person under any other form of express  
22 fiduciary arrangement under which one person holds legal or record  
23 title to real property for the benefit of the other person.

24       (b) "Beneficial interest" does not include the interest of a  
25 stockholder in a corporation or the interest of a partner in a general  
26 partnership or limited partnership.

27       (c) A beneficial interest is considered to be located where the  
28 real property owned by the trustee is located.

29       (2) "Control" means the possession of a sufficient interest to  
30 permit substantial direction over the affairs of an enterprise.

31       (3) "Creditor" means a person making an extension of credit or a  
32 person claiming by, under, or through a person making an extension of  
33 credit.

34       (4) "Criminal profiteering" means any act, including any  
35 anticipatory or completed offense, committed for financial gain, that  
36 is chargeable or indictable under the laws of the state in which the  
37 act occurred and, if the act occurred in a state other than this state,  
38 would be chargeable or indictable under the laws of this state had the



1 act occurred in this state and punishable as a felony and by  
2 imprisonment for more than one year, regardless of whether the act is  
3 charged or indicted, as any of the following:

4 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

5 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

6 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

7 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

8 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and  
9 9A.56.080;

10 (f) Unlawful sale of subscription television services, as defined  
11 in RCW 9A.56.230;

12 (g) Theft of telecommunication services or unlawful manufacture of  
13 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

14 (h) Child selling or child buying, as defined in RCW 9A.64.030;

15 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and  
16 9A.68.050;

17 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

18 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

19 (l) Extortionate extension of credit, as defined in RCW 9A.82.020;

20 (m) Advancing money for use in an extortionate extension of credit,  
21 as defined in RCW 9A.82.030;

22 (n) Collection of an extortionate extension of credit, as defined  
23 in RCW 9A.82.040;

24 (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;

25 (p) Delivery or manufacture of controlled substances or possession  
26 with intent to deliver or manufacture controlled substances under  
27 chapter 69.50 RCW;

28 (q) Trafficking in stolen property, as defined in RCW 9A.82.050;

29 (r) Leading organized crime, as defined in RCW 9A.82.060;

30 (s) Money laundering, as defined in RCW 9A.83.020;

31 (t) Obstructing criminal investigations or prosecutions in  
32 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,  
33 9A.76.070, or 9A.76.180;

34 (u) Fraud in the purchase or sale of securities, as defined in RCW  
35 21.20.010;

36 (v) Promoting pornography, as defined in RCW 9.68.140;

37 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,  
38 9.68A.050, and 9.68A.060;

1 (x) Promoting prostitution, as defined in RCW 9A.88.070 and  
2 9A.88.080;

3 (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

4 (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

5 (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

6 (bb) A pattern of equity skimming, as defined in RCW 61.34.020;

7 (cc) Commercial telephone solicitation in violation of RCW  
8 19.158.040(1);

9 (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;

10 (ee) Unlawful practice of law, as defined in RCW 2.48.180;

11 (ff) Commercial bribery, as defined in RCW 9A.68.060;

12 (gg) Health care false claims, as defined in RCW 48.80.030; (~~(ee)~~)

13 (hh) Unlicensed practice of a profession or business, as defined in  
14 RCW 18.130.190(7);

15 (ii) Improperly obtaining financial information, as defined in RCW  
16 9.35.010; or

17 (jj) Identity theft, as defined in RCW 9.35.020.

18 (5) "Dealer in property" means a person who buys and sells property  
19 as a business.

20 (6) "Debtor" means a person to whom an extension of credit is made  
21 or a person who guarantees the repayment of an extension of credit or  
22 in any manner undertakes to indemnify the creditor against loss  
23 resulting from the failure of a person to whom an extension is made to  
24 repay the same.

25 (7) "Documentary material" means any book, paper, document,  
26 writing, drawing, graph, chart, photograph, phonograph record, magnetic  
27 tape, computer printout, other data compilation from which information  
28 can be obtained or from which information can be translated into usable  
29 form, or other tangible item.

30 (8) "Enterprise" includes any individual, sole proprietorship,  
31 partnership, corporation, business trust, or other profit or nonprofit  
32 legal entity, and includes any union, association, or group of  
33 individuals associated in fact although not a legal entity, and both  
34 illicit and licit enterprises and governmental and nongovernmental  
35 entities.

36 (9) "Extortionate extension of credit" means an extension of credit  
37 with respect to which it is the understanding of the creditor and the  
38 debtor at the time the extension is made that delay in making repayment  
39 or failure to make repayment could result in the use of violence or

1 other criminal means to cause harm to the person, reputation, or  
2 property of any person.

3 (10) "Extortionate means" means the use, or an express or implicit  
4 threat of use, of violence or other criminal means to cause harm to the  
5 person, reputation, or property of any person.

6 (11) "Financial institution" means any bank, trust company, savings  
7 and loan association, savings bank, mutual savings bank, credit union,  
8 or loan company under the jurisdiction of the state or an agency of the  
9 United States.

10 (12) "Pattern of criminal profiteering activity" means engaging in  
11 at least three acts of criminal profiteering, one of which occurred  
12 after July 1, 1985, and the last of which occurred within five years,  
13 excluding any period of imprisonment, after the commission of the  
14 earliest act of criminal profiteering. In order to constitute a  
15 pattern, the three acts must have the same or similar intent, results,  
16 accomplices, principals, victims, or methods of commission, or be  
17 otherwise interrelated by distinguishing characteristics including a  
18 nexus to the same enterprise, and must not be isolated events.  
19 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by  
20 any person other than the attorney general or county prosecuting  
21 attorney in which one or more acts of fraud in the purchase or sale of  
22 securities are asserted as acts of criminal profiteering activity, it  
23 is a condition to civil liability under RCW 9A.82.100 that the  
24 defendant has been convicted in a criminal proceeding of fraud in the  
25 purchase or sale of securities under RCW 21.20.400 or under the laws of  
26 another state or of the United States requiring the same elements of  
27 proof, but such conviction need not relate to any act or acts asserted  
28 as acts of criminal profiteering activity in such civil action under  
29 RCW 9A.82.100.

30 (13) "Real property" means any real property or interest in real  
31 property, including but not limited to a land sale contract, lease, or  
32 mortgage of real property.

33 (14) "Records" means any book, paper, writing, record, computer  
34 program, or other material.

35 (15) "Repayment of an extension of credit" means the repayment,  
36 satisfaction, or discharge in whole or in part of a debt or claim,  
37 acknowledged or disputed, valid or invalid, resulting from or in  
38 connection with that extension of credit.

1       (16) "Stolen property" means property that has been obtained by  
2 theft, robbery, or extortion.

3       (17) "To collect an extension of credit" means to induce in any way  
4 a person to make repayment thereof.

5       (18) "To extend credit" means to make or renew a loan or to enter  
6 into an agreement, tacit or express, whereby the repayment or  
7 satisfaction of a debt or claim, whether acknowledged or disputed,  
8 valid or invalid, and however arising, may or shall be deferred.

9       (19) "Traffic" means to sell, transfer, distribute, dispense, or  
10 otherwise dispose of stolen property to another person, or to buy,  
11 receive, possess, or obtain control of stolen property, with intent to  
12 sell, transfer, distribute, dispense, or otherwise dispose of the  
13 property to another person.

14       (20)(a) "Trustee" means:

15       (i) A person acting as a trustee under a trust established under  
16 Title 11 RCW in which the trustee holds legal or record title to real  
17 property;

18       (ii) A person who holds legal or record title to real property in  
19 which another person has a beneficial interest; or

20       (iii) A successor trustee to a person who is a trustee under (a)(i)  
21 or (ii) of this subsection.

22       (b) "Trustee" does not mean a person appointed or acting as:

23       (i) A personal representative under Title 11 RCW;

24       (ii) A trustee of any testamentary trust;

25       (iii) A trustee of any indenture of trust under which a bond is  
26 issued; or

27       (iv) A trustee under a deed of trust.

28       (21) "Unlawful debt" means any money or other thing of value  
29 constituting principal or interest of a debt that is legally  
30 unenforceable in the state in full or in part because the debt was  
31 incurred or contracted:

32       (a) In violation of any one of the following:

33       (i) Chapter 67.16 RCW relating to horse racing;

34       (ii) Chapter 9.46 RCW relating to gambling;

35       (b) In a gambling activity in violation of federal law; or

36       (c) In connection with the business of lending money or a thing of  
37 value at a rate that is at least twice the permitted rate under the  
38 applicable state or federal law relating to usury.

**Sec. 12.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and 2000 c 66 s 2 are each reenacted and amended to 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)
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)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) 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)) Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii)) Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

1 IX Assault of a Child 2 (RCW 9A.36.130)  
 2 Controlled Substance Homicide (RCW  
 3 69.50.415)  
 4 Explosive devices prohibited (RCW  
 5 70.74.180)  
 6 Homicide by Watercraft, by being under the  
 7 influence of intoxicating liquor or  
 8 any drug (RCW 79A.60.050)  
 9 Inciting Criminal Profiteering (RCW  
 10 9A.82.060(1)(b))  
 11 Malicious placement of an explosive 2 (RCW  
 12 70.74.270(2))  
 13 Over 18 and deliver narcotic from Schedule  
 14 III, IV, or V or a nonnarcotic, except  
 15 flunitrazepam or methamphetamine, from  
 16 Schedule I-V to someone under 18 and 3  
 17 years junior (RCW 69.50.406)  
 18 Robbery 1 (RCW 9A.56.200)  
 19 Sexual Exploitation (RCW 9.68A.040)  
 20 Vehicular Homicide, by being under the  
 21 influence of intoxicating liquor or  
 22 any drug (RCW 46.61.520)

23 VIII Arson 1 (RCW 9A.48.020)  
 24 Deliver or possess with intent to deliver  
 25 m e t h a m p h e t a m i n e ( R C W  
 26 69.50.401(a)(1)(ii))  
 27 Hit and Run--Death (RCW 46.52.020(4)(a))  
 28 Homicide by Watercraft, by the operation of  
 29 any vessel in a reckless manner (RCW  
 30 79A.60.050)  
 31 Manslaughter 2 (RCW 9A.32.070)  
 32 Manufacture, deliver, or possess with  
 33 intent to deliver amphetamine (RCW  
 34 69.50.401(a)(1)(ii))  
 35 Manufacture, deliver, or possess with  
 36 intent to deliver heroin or cocaine  
 37 (RCW 69.50.401(a)(1)(i))  
 38 Possession of Ephedrine, Pseudoephedrine,  
 39 or Anhydrous Ammonia with intent to

1 manufacture methamphetamine (RCW  
 2 69.50.440)  
 3 Promoting Prostitution 1 (RCW 9A.88.070)  
 4 Selling for profit (controlled or  
 5 counterfeit) any controlled substance  
 6 (RCW 69.50.410)  
 7 Theft of Anhydrous Ammonia (RCW 69.55.010)  
 8 Vehicular Homicide, by the operation of any  
 9 vehicle in a reckless manner (RCW  
 10 46.61.520)  
 11 VII Burglary 1 (RCW 9A.52.020)  
 12 Child Molestation 2 (RCW 9A.44.086)  
 13 Dealing in depictions of minor engaged in  
 14 sexually explicit conduct (RCW  
 15 9.68A.050)  
 16 Drive-by Shooting (RCW 9A.36.045)  
 17 Homicide by Watercraft, by disregard for  
 18 the safety of others (RCW 79A.60.050)  
 19 Indecent Liberties (without forcible  
 20 compulsion) (RCW 9A.44.100(1) (b) and  
 21 (c))  
 22 Introducing Contraband 1 (RCW 9A.76.140)  
 23 Involving a minor in drug dealing (RCW  
 24 69.50.401(f))  
 25 Malicious placement of an explosive 3 (RCW  
 26 70.74.270(3))  
 27 Sending, bringing into state depictions of  
 28 minor engaged in sexually explicit  
 29 conduct (RCW 9.68A.060)  
 30 Unlawful Possession of a Firearm in the  
 31 first degree (RCW 9.41.040(1)(a))  
 32 Use of a Machine Gun in Commission of a  
 33 Felony (RCW 9.41.225)  
 34 Vehicular Homicide, by disregard for the  
 35 safety of others (RCW 46.61.520)  
 36 VI Bail Jumping with Murder 1 (RCW  
 37 9A.76.170(2)(a))  
 38 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))  
2 Intimidating a Judge (RCW 9A.72.160)  
3 Intimidating a Juror/Witness (RCW  
4 9A.72.110, 9A.72.130)  
5 Malicious placement of an imitation device  
6 2 (RCW 70.74.272(1)(b))  
7 Manufacture, deliver, or possess with  
8 intent to deliver narcotics from  
9 Schedule I or II (except heroin or  
10 cocaine) or flunitrazepam from  
11 Schedule IV (RCW 69.50.401(a)(1)(i))  
12 Rape of a Child 3 (RCW 9A.44.079)  
13 Theft of a Firearm (RCW 9A.56.300)  
14 Unlawful Storage of Anhydrous Ammonia (RCW  
15 69.55.020)  
  
16 V Abandonment of dependent person 1 (RCW  
17 9A.42.060)  
18 Advancing money or property for  
19 extortionate extension of credit (RCW  
20 9A.82.030)  
21 Bail Jumping with class A Felony (RCW  
22 9A.76.170(2)(b))  
23 Child Molestation 3 (RCW 9A.44.089)  
24 Criminal Mistreatment 1 (RCW 9A.42.020)  
25 Custodial Sexual Misconduct 1 (RCW  
26 9A.44.160)  
27 Delivery of imitation controlled substance  
28 by person eighteen or over to person  
29 under eighteen (RCW 69.52.030(2))  
30 Domestic Violence Court Order Violation  
31 (RCW 10.99.040, 10.99.050, 26.09.300,  
32 26.10.220, 26.26.138, 26.50.110,  
33 26.52.070, or 74.34.145)  
34 Extortion 1 (RCW 9A.56.120)  
35 Extortionate Extension of Credit (RCW  
36 9A.82.020)  
37 Extortionate Means to Collect Extensions of  
38 Credit (RCW 9A.82.040)  
39 Incest 2 (RCW 9A.64.020(2))



1 Kidnapping 2 (RCW 9A.40.030)  
2 Perjury 1 (RCW 9A.72.020)  
3 Persistent prison misbehavior (RCW  
4 9.94.070)  
5 Possession of a Stolen Firearm (RCW  
6 9A.56.310)  
7 Rape 3 (RCW 9A.44.060)  
8 Rendering Criminal Assistance 1 (RCW  
9 9A.76.070)  
10 Sexual Misconduct with a Minor 1 (RCW  
11 9A.44.093)  
12 Sexually Violating Human Remains (RCW  
13 9A.44.105)  
14 Stalking (RCW 9A.46.110)  
  
15 IV Arson 2 (RCW 9A.48.030)  
16 Assault 2 (RCW 9A.36.021)  
17 Assault by Watercraft (RCW 79A.60.060)  
18 Bribing a Witness/Bribe Received by Witness  
19 (RCW 9A.72.090, 9A.72.100)  
20 Commercial Bribery (RCW 9A.68.060)  
21 Counterfeiting (RCW 9.16.035(4))  
22 Escape 1 (RCW 9A.76.110)  
23 Hit and Run--Injury (RCW 46.52.020(4)(b))  
24 Hit and Run with Vessel--Injury Accident  
25 (RCW 79A.60.200(3))  
26 Identity Theft 1 (RCW 9.35.020(2)(a))  
27 Indecent Exposure to Person Under Age  
28 Fourteen (subsequent sex offense) (RCW  
29 9A.88.010)  
30 Influencing Outcome of Sporting Event (RCW  
31 9A.82.070)  
32 Knowingly Trafficking in Stolen Property  
33 (RCW 9A.82.050(2))  
34 Malicious Harassment (RCW 9A.36.080)  
35 Manufacture, deliver, or possess with  
36 intent to deliver narcotics from  
37 Schedule III, IV, or V or nonnarcotics  
38 from Schedule I-V (except marijuana,  
39 amphetamine, methamphetamines, or

1 flunitrazepam) (RCW 69.50.401(a)(1)  
2 (iii) through (v))  
3 Residential Burglary (RCW 9A.52.025)  
4 Robbery 2 (RCW 9A.56.210)  
5 Theft of Livestock 1 (RCW 9A.56.080)  
6 Threats to Bomb (RCW 9.61.160)  
7 Use of Proceeds of Criminal Profiteering  
8 (RCW 9A.82.080 (1) and (2))  
9 Vehicular Assault (RCW 46.61.522)  
10 Willful Failure to Return from Furlough  
11 (RCW 72.66.060)

12 III Abandonment of dependent person 2 (RCW  
13 9A.42.070)  
14 Assault 3 (RCW 9A.36.031)  
15 Assault of a Child 3 (RCW 9A.36.140)  
16 Bail Jumping with class B or C Felony (RCW  
17 9A.76.170(2)(c))  
18 Burglary 2 (RCW 9A.52.030)  
19 Communication with a Minor for Immoral  
20 Purposes (RCW 9.68A.090)  
21 Criminal Gang Intimidation (RCW 9A.46.120)  
22 Criminal Mistreatment 2 (RCW 9A.42.030)  
23 Custodial Assault (RCW 9A.36.100)  
24 Delivery of a material in lieu of a  
25 controlled substance (RCW  
26 69.50.401(c))  
27 Escape 2 (RCW 9A.76.120)  
28 Extortion 2 (RCW 9A.56.130)  
29 Harassment (RCW 9A.46.020)  
30 Intimidating a Public Servant (RCW  
31 9A.76.180)  
32 Introducing Contraband 2 (RCW 9A.76.150)  
33 Maintaining a Dwelling or Place for  
34 Controlled Substances (RCW  
35 69.50.402(a)(6))  
36 Malicious Injury to Railroad Property (RCW  
37 81.60.070)

1 Manufacture, deliver, or possess with  
2 intent to deliver marijuana (RCW  
3 69.50.401(a)(1)(iii))  
4 Manufacture, distribute, or possess with  
5 intent to distribute an imitation  
6 controlled substance (RCW  
7 69.52.030(1))  
8 Patronizing a Juvenile Prostitute (RCW  
9 9.68A.100)  
10 Perjury 2 (RCW 9A.72.030)  
11 Possession of Incendiary Device (RCW  
12 9.40.120)  
13 Possession of Machine Gun or Short-Barreled  
14 Shotgun or Rifle (RCW 9.41.190)  
15 Promoting Prostitution 2 (RCW 9A.88.080)  
16 Recklessly Trafficking in Stolen Property  
17 (RCW 9A.82.050(1))  
18 Securities Act violation (RCW 21.20.400)  
19 Tampering with a Witness (RCW 9A.72.120)  
20 Telephone Harassment (subsequent conviction  
21 or threat of death) (RCW 9.61.230)  
22 Theft of Livestock 2 (RCW 9A.56.080)  
23 Unlawful Imprisonment (RCW 9A.40.040)  
24 Unlawful possession of firearm in the  
25 second degree (RCW 9.41.040(1)(b))  
26 Unlawful Use of Building for Drug Purposes  
27 (RCW 69.53.010)  
28 Willful Failure to Return from Work Release  
29 (RCW 72.65.070)  
30 II Computer Trespass 1 (RCW 9A.52.110)  
31 Counterfeiting (RCW 9.16.035(3))  
32 Create, deliver, or possess a counterfeit  
33 controlled substance (RCW  
34 69.50.401(b))  
35 Escape from Community Custody (RCW  
36 72.09.310)  
37 Health Care False Claims (RCW 48.80.030)  
38 Identity Theft 2 (RCW 9.35.020(2)(b))

1           Improperly Obtaining Financial Information  
2           (RCW 9.35.010)  
3           Malicious Mischief 1 (RCW 9A.48.070)  
4           Possession of controlled substance that is  
5           either heroin or narcotics from  
6           Schedule I or II or flunitrazepam from  
7           Schedule IV (RCW 69.50.401(d))  
8           Possession of phencyclidine (PCP) (RCW  
9           69.50.401(d))  
10          Possession of Stolen Property 1 (RCW  
11          9A.56.150)  
12          Theft 1 (RCW 9A.56.030)  
13          Theft of Rental, Leased, or Lease-purchased  
14          Property (valued at one thousand five  
15          hundred dollars or more) (RCW  
16          9A.56.096(4))  
17          Trafficking in Insurance Claims (RCW  
18          48.30A.015)  
19          Unlawful Practice of Law (RCW 2.48.180)  
20          Unlicensed Practice of a Profession or  
21          Business (RCW 18.130.190(7))  
  
22          I       Attempting to Elude a Pursuing Police  
23                  Vehicle (RCW 46.61.024)  
24          False Verification for Welfare (RCW  
25          74.08.055)  
26          Forged Prescription (RCW 69.41.020)  
27          Forged Prescription for a Controlled  
28          Substance (RCW 69.50.403)  
29          Forgery (RCW 9A.60.020)  
30          Malicious Mischief 2 (RCW 9A.48.080)  
31          Possess Controlled Substance that is a  
32          Narcotic from Schedule III, IV, or V  
33          or Non-narcotic from Schedule I-V  
34          (except phencyclidine or  
35          flunitrazepam) (RCW 69.50.401(d))  
36          Possession of Stolen Property 2 (RCW  
37          9A.56.160)  
38          Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission  
(RCW 9A.56.070)  
Theft 2 (RCW 9A.56.040)  
Theft of Rental, Leased, or Lease-purchased  
Property (valued at two hundred fifty  
dollars or more but less than one  
thousand five hundred dollars) (RCW  
9A.56.096(4))  
Unlawful Issuance of Checks or Drafts (RCW  
9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140  
(2) and (3))  
Vehicle Prowl 1 (RCW 9A.52.095)

**Sec. 13.** RCW 13.40.0357 and 2000 c 66 s 3 are each amended to read  
as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION OFFENSE CATEGORY	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
DESCRIPTION (RCW CITATION)	
.....	

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes**

**Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
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1	B+	Assault 2 (9A.36.021)	C+
2	C+	Assault 3 (9A.36.031)	D+
3	D+	Assault 4 (9A.36.041)	E
4	B+	Drive-By Shooting	
5		(9A.36.045)	C+
6	D+	Reckless Endangerment	
7		(9A.36.050)	E
8	C+	Promoting Suicide Attempt	
9		(9A.36.060)	D+
10	D+	Coercion (9A.36.070)	E
11	C+	Custodial Assault (9A.36.100)	D+
12		<b>Burglary and Trespass</b>	
13	B+	Burglary 1 (9A.52.020)	C+
14	B	Residential Burglary	
15		(9A.52.025)	C
16	B	Burglary 2 (9A.52.030)	C
17	D	Burglary Tools (Possession of)	
18		(9A.52.060)	E
19	D	Criminal Trespass 1 (9A.52.070)	E
20	E	Criminal Trespass 2 (9A.52.080)	E
21	C	Vehicle Prowling 1 (9A.52.095)	D
22	D	Vehicle Prowling 2 (9A.52.100)	E
23		<b>Drugs</b>	
24	E	Possession/Consumption of Alcohol	
25		(66.44.270)	E
26	C	Illegally Obtaining Legend Drug	
27		(69.41.020)	D
28	C+	Sale, Delivery, Possession of Legend	
29		Drug with Intent to Sell	
30		(69.41.030)	D+
31	E	Possession of Legend Drug	
32		(69.41.030)	E
33	B+	Violation of Uniform Controlled	
34		Substances Act - Narcotic,	
35		Methamphetamine, or Flunitrazepam	
36		Sale (69.50.401(a)(1) (i) or (ii))	B+

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(a)(1)(iii))	C
4	E	Possession of Marihuana <40 grams	
5		(69.50.401(e))	E
6	C	Fraudulently Obtaining Controlled	
7		Substance (69.50.403)	C
8	C+	Sale of Controlled Substance	
9		for Profit (69.50.410)	C+
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances	
15		(69.50.401(b)(1) (i) or (ii))	B
16	C	Violation of Uniform Controlled	
17		Substances Act - Nonnarcotic	
18		Counterfeit Substances	
19		(69.50.401(b)(1) (iii), (iv), (v))	C
20	C	Violation of Uniform Controlled	
21		Substances Act - Possession of a	
22		Controlled Substance	
23		(69.50.401(d))	C
24	C	Violation of Uniform Controlled	
25		Substances Act - Possession of a	
26		Controlled Substance	
27		(69.50.401(c))	C
28		<b>Firearms and Weapons</b>	
29	B	Theft of Firearm (9A.56.300)	C
30	B	Possession of Stolen Firearm	
31		(9A.56.310)	C
32	E	Carrying Loaded Pistol Without	
33		Permit (9.41.050)	E
34	C	Possession of Firearms by Minor (<18)	
35		(9.41.040(1)(b)(iii))	C
36	D+	Possession of Dangerous Weapon	
37		(9.41.250)	E

1	D	Intimidating Another Person by use	
2		of Weapon (9A.41.270)	E
3		<b>Homicide</b>	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		<b>Kidnapping</b>	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment	
13		(9A.40.040)	D+
14		<b>Obstructing Governmental Operation</b>	
15	D	Obstructing a Law Enforcement	
16		Officer (9A.76.020)	E
17	E	Resisting Arrest (9A.76.040)	E
18	B	Introducing Contraband 1	
19		(9A.76.140)	C
20	C	Introducing Contraband 2	
21		(9A.76.150)	D
22	E	Introducing Contraband 3	
23		(9A.76.160)	E
24	B+	Intimidating a Public Servant	
25		(9A.76.180)	C+
26	B+	Intimidating a Witness	
27		(9A.72.110)	C+
28		<b>Public Disturbance</b>	
29	C+	Riot with Weapon (9A.84.010)	D+
30	D+	Riot Without Weapon	
31		(9A.84.010)	E
32	E	Failure to Disperse (9A.84.020)	E
33	E	Disorderly Conduct (9A.84.030)	E
34		<b>Sex Crimes</b>	
35	A	Rape 1 (9A.44.040)	B+
36	A-	Rape 2 (9A.44.050)	B+
37	C+	Rape 3 (9A.44.060)	D+



1	A-	Rape of a Child 1 (9A.44.073)	B+
2	B+	Rape of a Child 2 (9A.44.076)	C+
3	B	Incest 1 (9A.64.020(1))	C
4	C	Incest 2 (9A.64.020(2))	D
5	D+	Indecent Exposure	
6		(Victim <14) (9A.88.010)	E
7	E	Indecent Exposure	
8		(Victim 14 or over) (9A.88.010)	E
9	B+	Promoting Prostitution 1	
10		(9A.88.070)	C+
11	C+	Promoting Prostitution 2	
12		(9A.88.080)	D+
13	E	O & A (Prostitution) (9A.88.030)	E
14	B+	Indecent Liberties (9A.44.100)	C+
15	A-	Child Molestation 1 (9A.44.083)	B+
16	B	Child Molestation 2 (9A.44.086)	C+
17		<b>Theft, Robbery, Extortion, and Forgery</b>	
18	B	Theft 1 (9A.56.030)	C
19	C	Theft 2 (9A.56.040)	D
20	D	Theft 3 (9A.56.050)	E
21	B	Theft of Livestock (9A.56.080)	C
22	C	Forgery (9A.60.020)	D
23	A	Robbery 1 (9A.56.200)	B+
24	B+	Robbery 2 (9A.56.210)	C+
25	B+	Extortion 1 (9A.56.120)	C+
26	C+	Extortion 2 (9A.56.130)	D+
27	<u>C</u>	<u>Identity Theft 1 (9.35.020(2)(a))</u>	<u>D</u>
28	<u>D</u>	<u>Identity Theft 2 (9.35.020(2)(b))</u>	<u>E</u>
29	<u>D</u>	<u>Improperly Obtaining Financial</u>	
30		<u>Information</u>	<u>E</u>
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E
37	C	Taking Motor Vehicle Without	
38		Owner's Permission (9A.56.070)	D

1		<b>Motor Vehicle Related Crimes</b>	
2	E	Driving Without a License	
3		(46.20.005)	E
4	B+	Hit and Run - Death	
5		(46.52.020(4)(a))	C+
6	C	Hit and Run - Injury	
7		(46.52.020(4)(b))	D
8	D	Hit and Run-Attended	
9		(46.52.020(5))	E
10	E	Hit and Run-Unattended	
11		(46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing	
14		Police Vehicle (46.61.024)	D
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	
17		(46.61.502 and 46.61.504)	E
18		<b>Other</b>	
19	B	Bomb Threat (9.61.160)	C
20	C	Escape 1 (9A.76.110)	C
21	C	Escape 2 (9A.76.120)	C
22	D	Escape 3 (9A.76.130)	E
23	E	Obscene, Harassing, Etc.,	
24		Phone Calls (9.61.230)	E
25	A	Other Offense Equivalent to an	
26		Adult Class A Felony	B+
27	B	Other Offense Equivalent to an	
28		Adult Class B Felony	C
29	C	Other Offense Equivalent to an	
30		Adult Class C Felony	D
31	D	Other Offense Equivalent to an	
32		Adult Gross Misdemeanor	E
33	E	Other Offense Equivalent to an	
34		Adult Misdemeanor	E
35	V	Violation of Order of Restitution,	
36		Community Supervision, or	
37		Confinement (13.40.200)	V

1 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
2 and the standard range is established as follows:

3 1st escape or attempted escape during 12-month period - 4 weeks  
4 confinement

5 2nd escape or attempted escape during 12-month period - 8 weeks  
6 confinement

7 3rd and subsequent escape or attempted escape during 12-month  
8 period - 12 weeks confinement

9 If the court finds that a respondent has violated terms of an order,  
10 it may impose a penalty of up to 30 days of confinement.

11 **JUVENILE SENTENCING STANDARDS**

12 This schedule must be used for juvenile offenders. The court may  
13 select sentencing option A, B, or C.

14 **OPTION A**  
15 **JUVENILE OFFENDER SENTENCING GRID**  
16 **STANDARD RANGE**

17						
18	A+	180 WEEKS TO AGE 21 YEARS				
19						
20	A	103 WEEKS TO 129 WEEKS				
21						
22	A-	15-36	52-65	80-100	103-129	
23		WEEKS	WEEKS	WEEKS	WEEKS	
24		EXCEPT				
25		30-40				
26		WEEKS FOR				
27		15-17				
28		YEAR OLDS				
29						
30	Current	B+	15-36	52-65	80-100	103-129
31	Offense		WEEKS	WEEKS	WEEKS	WEEKS
32	Category					
33		B	LOCAL			52-65
34			SANCTIONS (LS)	15-36 WEEKS		WEEKS
35						
36		C+	LS			
37				15-36 WEEKS		
38						
39		C	LS		15-36 WEEKS	
40			Local Sanctions:			

1			0 to 30 Days	
2	D+	LS	0 to 12 Months Community Supervision	
3			0 to 150 Hours Community Service	
4	D	LS	\$0 to \$500 Fine	
5	E	LS		
6				
7			0	1
8			2	3
			4 or more	
			PRIOR ADJUDICATIONS	

9 NOTE: References in the grid to days or weeks mean periods of  
10 confinement.

11 (1) The vertical axis of the grid is the current offense category.  
12 The current offense category is determined by the offense of  
13 adjudication.

14 (2) The horizontal axis of the grid is the number of prior  
15 adjudications included in the juvenile's criminal history. Each prior  
16 felony adjudication shall count as one point. Each prior violation,  
17 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
18 point. Fractional points shall be rounded down.

19 (3) The standard range disposition for each offense is determined  
20 by the intersection of the column defined by the prior adjudications  
21 and the row defined by the current offense category.

22 (4) RCW 13.40.180 applies if the offender is being sentenced for  
23 more than one offense.

24 (5) A current offense that is a violation is equivalent to an  
25 offense category of E. However, a disposition for a violation shall  
26 not include confinement.

27 OR

28 OPTION B

29 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

30 If the juvenile offender is subject to a standard range disposition  
31 of local sanctions or 15 to 36 weeks of confinement and has not  
32 committed an A- or B+ offense, the court may impose a disposition under  
33 RCW 13.40.160(4) and 13.40.165.

34 OR

35 OPTION C

36 MANIFEST INJUSTICE

1 If the court determines that a disposition under option A or B would  
2 effectuate a manifest injustice, the court shall impose a disposition  
3 outside the standard range under RCW 13.40.160(2).

4 NEW SECTION. **Sec. 14.** Captions used in this act are not any part  
5 of the law.

6 NEW SECTION. **Sec. 15.** Section 4 of this act expires April 1,  
7 2004.

8 NEW SECTION. **Sec. 16.** Section 5 of this act takes effect April 1,  
9 2004.

Passed the Senate April 16, 2001.

Passed the House April 11, 2001.

Approved by the Governor May 9, 2001.

Filed in Office of Secretary of State May 9, 2001.