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**SUBSTITUTE HOUSE BILL 2424**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives O'Brien, Pearson, Hurst, Takko, Herrera, Chandler, Ross, Rodne, Dammeier, Condotta, Shea, Klippert, Smith, Walsh, Parker, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Sullivan, Conway, Kagi, Roach, Kristiansen, Bailey, Haler, Schmick, Ericks, Warnick, Ormsby, Moeller, and Hope; by request of Attorney General)

READ FIRST TIME 01/26/10.

1           AN ACT Relating to protecting children from sexual exploitation and  
2 abuse; amending RCW 9.68.001, 9.68A.110, 9.68A.011, 9.68A.050,  
3 9.68A.060, and 9.68A.070; reenacting and amending RCW 9.94A.515; adding  
4 a new section to chapter 9.68A RCW; and prescribing penalties.

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

6           **Sec. 1.** RCW 9.68A.001 and 2007 c 368 s 1 are each amended to read  
7 as follows:

8           The legislature finds that the prevention of sexual exploitation  
9 and abuse of children constitutes a government objective of surpassing  
10 importance. The care of children is a sacred trust and should not be  
11 abused by those who seek commercial gain or personal gratification  
12 based on the exploitation of children.

13           The legislature further finds that the protection of children from  
14 sexual exploitation can be accomplished without infringing on a  
15 constitutionally protected activity. The definition of "sexually  
16 explicit conduct" and other operative definitions demarcate a line  
17 between protected and prohibited conduct and should not inhibit  
18 legitimate scientific, medical, or educational activities.

1 The legislature further finds that children engaged in sexual  
2 conduct for financial compensation are frequently the victims of sexual  
3 abuse. Approximately eighty to ninety percent of children engaged in  
4 sexual activity for financial compensation have a history of sexual  
5 abuse victimization. It is the intent of the legislature to encourage  
6 these children to engage in prevention and intervention services and to  
7 hold those who pay to engage in the sexual abuse of children  
8 accountable for the trauma they inflict on children.

9 The legislature further finds that due to the changing nature of  
10 technology, offenders are now able to access child pornography in  
11 different ways and in increasing quantities. By amending current  
12 statutes governing depictions of a minor engaged in sexually explicit  
13 conduct, it is the intent of the legislature to ensure that intentional  
14 viewing of and trading in child pornography over the internet is  
15 subject to a criminal penalty without limiting the scope of existing  
16 prohibitions on the possession of or dealing in child pornography,  
17 including the possession of electronic depictions of a minor engaged in  
18 sexually explicit conduct. It is also the intent of the legislature to  
19 clarify, in response to *State v. Sutherby*, 204 P.3d 916 (2009), and  
20 other recent case law, that each individual item of visual or printed  
21 matter constitutes a separate violation for purposes of determining the  
22 unit of prosecution under the statutes governing possession of and  
23 trading in depictions of a minor engaged in sexually explicit conduct.  
24 Furthermore, it is the intent of the legislature to set a different  
25 unit of prosecution for the new crime of intentionally viewing over the  
26 internet a visual or printed matter depicting a minor engaged in  
27 sexually explicit conduct such that each separate internet session of  
28 intentionally viewing over the internet of a visual or printed matter  
29 depicting a minor engaged in sexually explicit conduct constitutes a  
30 separate offense.

31 **Sec. 2.** RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read  
32 as follows:

33 (1) In a prosecution under RCW 9.68A.040, it is not a defense that  
34 the defendant was involved in activities of law enforcement and  
35 prosecution agencies in the investigation and prosecution of criminal  
36 offenses. Law enforcement and prosecution agencies shall not employ

1 minors to aid in the investigation of a violation of RCW 9.68A.090 or  
2 9.68A.100. This chapter does not apply to lawful conduct between  
3 spouses.

4 (2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or  
5 9.68A.080, it is not a defense that the defendant did not know the age  
6 of the child depicted in the visual or printed matter: PROVIDED, That  
7 it is a defense, which the defendant must prove by a preponderance of  
8 the evidence, that at the time of the offense the defendant was not in  
9 possession of any facts on the basis of which he or she should  
10 reasonably have known that the person depicted was a minor.

11 (3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.101, or  
12 9.68A.102, it is not a defense that the defendant did not know the  
13 alleged victim's age: PROVIDED, That it is a defense, which the  
14 defendant must prove by a preponderance of the evidence, that at the  
15 time of the offense, the defendant made a reasonable bona fide attempt  
16 to ascertain the true age of the minor by requiring production of a  
17 driver's license, marriage license, birth certificate, or other  
18 governmental or educational identification card or paper and did not  
19 rely solely on the oral allegations or apparent age of the minor.

20 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,  
21 it shall be an affirmative defense that the defendant was a law  
22 enforcement officer or a person specifically authorized, in writing, to  
23 assist a law enforcement officer and acting at the direction of a law  
24 enforcement officer in the process of conducting an official  
25 investigation of a sex-related crime against a minor, or that the  
26 defendant was providing individual case treatment as a recognized  
27 medical facility or as a psychiatrist or psychologist licensed under  
28 Title 18 RCW.

29 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,  
30 the state is not required to establish the identity of the alleged  
31 victim.

32 **Sec. 3.** RCW 9.68A.011 and 2002 c 70 s 1 are each amended to read  
33 as follows:

34 Unless the context clearly indicates otherwise, the definitions in  
35 this section apply throughout this chapter.

36 (1) An "internet session" means a period of time during which an

1 internet user using a specific internet protocol address visits or is  
2 logged into an internet site for a sequential and uninterrupted period  
3 of time.

4 (2) To "photograph" means to make a print, negative, slide, digital  
5 image, motion picture, or videotape. A "photograph" means anything  
6 tangible or intangible produced by photographing.

7 ~~((+2))~~ (3) "Visual or printed matter" means ~~((any))~~ a photograph  
8 or other material that contains a reproduction of a photograph.

9 ~~((+3))~~ (4) "Sexually explicit conduct" means actual or simulated:

10 (a) Sexual intercourse, including genital-genital, oral-genital,  
11 anal-genital, or oral-anal, whether between persons of the same or  
12 opposite sex or between humans and animals;

13 (b) Penetration of the vagina or rectum by any object;

14 (c) Masturbation;

15 (d) Sadomasochistic abuse for the purpose of sexual stimulation of  
16 the viewer;

17 (e) ~~((Exhibition))~~ Depiction of the genitals or unclothed pubic or  
18 rectal areas of any minor, or the unclothed breast of a female minor,  
19 for the purpose of sexual stimulation of the viewer. For purposes of  
20 this subsection (4)(e), it is not necessary that the minor know that he  
21 or she is participating in the described conduct, or any aspect of it;

22 (f) Defecation or urination for the purpose of sexual stimulation  
23 of the viewer; and

24 (g) Touching of a person's clothed or unclothed genitals, pubic  
25 area, buttocks, or breast area for the purpose of sexual stimulation of  
26 the viewer.

27 ~~((+4))~~ (5) "Minor" means any person under eighteen years of age.

28 ~~((+5))~~ (6) "Live performance" means any play, show, skit, dance,  
29 or other exhibition performed or presented to or before an audience of  
30 one or more, with or without consideration.

31 **Sec. 4.** RCW 9.68A.050 and 1989 c 32 s 3 are each amended to read  
32 as follows:

33 A person who:

34 (1) Knowingly develops, duplicates, publishes, prints,  
35 disseminates, exchanges, finances, attempts to finance, or sells  
36 ~~((any))~~ a visual or printed matter that depicts a minor engaged in an  
37 act of sexually explicit conduct; or

1 (2) Possesses with intent to develop, duplicate, publish, print,  
2 disseminate, exchange, or sell (~~(any)~~) a visual or printed matter that  
3 depicts a minor engaged in an act of sexually explicit conduct  
4 is guilty of a class C felony punishable under chapter 9A.20 RCW.

5 (3) For the purposes of this section, each depiction or image of  
6 visual or printed matter constitutes a separate offense.

7 **Sec. 5.** RCW 9.68A.060 and 1989 c 32 s 4 are each amended to read  
8 as follows:

9 (1) A person who knowingly sends or causes to be sent, or brings or  
10 causes to be brought, into this state for sale or distribution, (~~(any)~~)  
11 a visual or printed matter that depicts a minor engaged in sexually  
12 explicit conduct is guilty of a class C felony punishable under chapter  
13 9A.20 RCW.

14 (2) For the purposes of this section, each depiction or image of  
15 visual or printed matter constitutes a separate offense.

16 **Sec. 6.** RCW 9.68A.070 and 2006 c 139 s 3 are each amended to read  
17 as follows:

18 (1) A person who knowingly possesses a visual or printed matter  
19 depicting a minor engaged in sexually explicit conduct is guilty of a  
20 class B felony.

21 (2) For the purposes of this section, each depiction or image of  
22 visual or printed matter constitutes a separate offense.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 9.68A RCW  
24 to read as follows:

25 (1) A person who intentionally views over the internet visual or  
26 printed matter depicting a minor engaged in sexually explicit conduct  
27 is guilty of a class B felony. For purposes of determining whether a  
28 person intentionally viewed over the internet a visual or printed  
29 matter depicting a minor engaged in sexually explicit conduct, the  
30 trier of fact shall consider the title, text, and content of the visual  
31 or printed matter, as well as the internet history, search terms,  
32 thumbnail images, downloading activity, expert computer forensic  
33 testimony, number of visual or printed matters depicting minors engaged  
34 in sexually explicit conduct, defendant's access to and control over

1 the electronic device and its contents upon which the visual or printed  
2 matter was found, or any other relevant evidence.

3 (2) For purposes of this section, each separate internet session of  
4 intentionally viewing over the internet visual or printed matter  
5 depicting a minor engaged in sexually explicit conduct constitutes a  
6 separate offense.

7 (3) This section shall not be construed to authorize warrantless  
8 internet surveillance by a commissioned law enforcement officer in the  
9 process of conducting an official investigation of a sex-related crime  
10 against a minor if the surveillance would violate Article I, section 7  
11 of the state Constitution.

12 **Sec. 8.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are  
13 each reenacted and amended to read as follows:

14  
15 TABLE 2

16 CRIMES INCLUDED WITHIN  
17 EACH SERIOUSNESS LEVEL

- 18 XVI Aggravated Murder 1 (RCW  
19 10.95.020)
- 20 XV Homicide by abuse (RCW 9A.32.055)  
21 Malicious explosion 1 (RCW  
22 70.74.280(1))  
23 Murder 1 (RCW 9A.32.030)
- 24 XIV Murder 2 (RCW 9A.32.050)  
25 Trafficking 1 (RCW 9A.40.100(1))
- 26 XIII Malicious explosion 2 (RCW  
27 70.74.280(2))  
28 Malicious placement of an explosive 1  
29 (RCW 70.74.270(1))
- 30 XII Assault 1 (RCW 9A.36.011)  
31 Assault of a Child 1 (RCW 9A.36.120)  
32 Malicious placement of an imitation  
33 device 1 (RCW 70.74.272(1)(a))  
34 Rape 1 (RCW 9A.44.040)  
35 Rape of a Child 1 (RCW 9A.44.073)  
36 Trafficking 2 (RCW 9A.40.100(2))

1 XI Manslaughter 1 (RCW 9A.32.060)  
2 Rape 2 (RCW 9A.44.050)  
3 Rape of a Child 2 (RCW 9A.44.076)  
4 X Child Molestation 1 (RCW 9A.44.083)  
5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)  
7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))  
10 Kidnapping 1 (RCW 9A.40.020)  
11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))  
13 Malicious explosion 3 (RCW  
14 70.74.280(3))  
15 Sexually Violent Predator Escape  
16 (RCW 9A.76.115)  
17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)  
19 Assault of a Child 2 (RCW 9A.36.130)  
20 Explosive devices prohibited (RCW  
21 70.74.180)  
22 Hit and Run--Death (RCW  
23 46.52.020(4)(a))  
24 Homicide by Watercraft, by being  
25 under the influence of intoxicating  
26 liquor or any drug (RCW  
27 79A.60.050)  
28 Inciting Criminal Profiteering (RCW  
29 9A.82.060(1)(b))  
30 Malicious placement of an explosive 2  
31 (RCW 70.74.270(2))  
32 Robbery 1 (RCW 9A.56.200)  
33 Sexual Exploitation (RCW 9.68A.040)  
34 Vehicular Homicide, by being under  
35 the influence of intoxicating liquor  
36 or any drug (RCW 46.61.520)  
37 VIII Arson 1 (RCW 9A.48.020)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a  
3 reckless manner (RCW  
4 79A.60.050)  
5 Manslaughter 2 (RCW 9A.32.070)  
6 Promoting Commercial Sexual Abuse  
7 of a Minor (RCW 9.68A.101)  
8 Promoting Prostitution 1 (RCW  
9 9A.88.070)  
10 Theft of Ammonia (RCW 69.55.010)  
11 Vehicular Homicide, by the operation  
12 of any vehicle in a reckless manner  
13 (RCW 46.61.520)  
14 VII Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct (RCW  
20 9.68A.050)  
21 Drive-by Shooting (RCW 9A.36.045)  
22 Homicide by Watercraft, by disregard  
23 for the safety of others (RCW  
24 79A.60.050)  
25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1)  
27 (b) and (c))  
28 Introducing Contraband 1 (RCW  
29 9A.76.140)  
30 Malicious placement of an explosive 3  
31 (RCW 70.74.270(3))  
32 Negligently Causing Death By Use of a  
33 Signal Preemption Device (RCW  
34 46.37.675)  
35 Sending, bringing into state depictions  
36 of minor engaged in sexually  
37 explicit conduct (RCW 9.68A.060)



1 Unlawful Possession of a Firearm in  
2 the first degree (RCW 9A.41.040(1))  
3 Use of a Machine Gun in Commission  
4 of a Felony (RCW 9A.41.225)  
5 Vehicular Homicide, by disregard for  
6 the safety of others (RCW  
7 46.61.520)  
8 VI Bail Jumping with Murder 1 (RCW  
9 9A.76.170(3)(a))  
10 Bribery (RCW 9A.68.010)  
11 Incest 1 (RCW 9A.64.020(1))  
12 Intimidating a Judge (RCW 9A.72.160)  
13 Intimidating a Juror/Witness (RCW  
14 9A.72.110, 9A.72.130)  
15 Malicious placement of an imitation  
16 device 2 (RCW 70.74.272(1)(b))  
17 Possession of Depictions of a Minor  
18 Engaged in Sexually Explicit  
19 Conduct (RCW 9.68A.070)  
20 Rape of a Child 3 (RCW 9A.44.079)  
21 Theft of a Firearm (RCW 9A.56.300)  
22 Unlawful Storage of Ammonia (RCW  
23 69.55.020)  
24 V Abandonment of Dependent Person 2  
25 (RCW 9A.42.070)  
26 Advancing money or property for  
27 extortionate extension of credit  
28 (RCW 9A.82.030)  
29 Bail Jumping with class A Felony  
30 (RCW 9A.76.170(3)(b))  
31 Child Molestation 3 (RCW 9A.44.089)  
32 Criminal Mistreatment 2 (RCW  
33 9A.42.030)  
34 Custodial Sexual Misconduct 1 (RCW  
35 9A.44.160)

1 Domestic Violence Court Order  
2 Violation (RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220,  
4 26.26.138, 26.50.110, 26.52.070,  
5 or 74.34.145)  
6 Driving While Under the Influence  
7 (RCW 46.61.502(6))  
8 Extortion 1 (RCW 9A.56.120)  
9 Extortionate Extension of Credit (RCW  
10 9A.82.020)  
11 Extortionate Means to Collect  
12 Extensions of Credit (RCW  
13 9A.82.040)  
14 Incest 2 (RCW 9A.64.020(2))  
15 Kidnapping 2 (RCW 9A.40.030)  
16 Perjury 1 (RCW 9A.72.020)  
17 Persistent prison misbehavior (RCW  
18 9.94.070)  
19 Physical Control of a Vehicle While  
20 Under the Influence (RCW  
21 46.61.504(6))  
22 Possession of a Stolen Firearm (RCW  
23 9A.56.310)  
24 Rape 3 (RCW 9A.44.060)  
25 Rendering Criminal Assistance 1  
26 (RCW 9A.76.070)  
27 Sexual Misconduct with a Minor 1  
28 (RCW 9A.44.093)  
29 Sexually Violating Human Remains  
30 (RCW 9A.44.105)  
31 Stalking (RCW 9A.46.110)  
32 Taking Motor Vehicle Without  
33 Permission 1 (RCW 9A.56.070)  
34 IV Arson 2 (RCW 9A.48.030)  
35 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a  
2 Projectile Stun Gun) (RCW  
3 9A.36.031(1)(h))  
4 Assault by Watercraft (RCW  
5 79A.60.060)  
6 Bribing a Witness/Bribe Received by  
7 Witness (RCW 9A.72.090,  
8 9A.72.100)  
9 Cheating 1 (RCW 9.46.1961)  
10 Commercial Bribery (RCW 9A.68.060)  
11 Counterfeiting (RCW 9.16.035(4))  
12 Endangerment with a Controlled  
13 Substance (RCW 9A.42.100)  
14 Escape 1 (RCW 9A.76.110)  
15 Hit and Run--Injury (RCW  
16 46.52.020(4)(b))  
17 Hit and Run with Vessel--Injury  
18 Accident (RCW 79A.60.200(3))  
19 Identity Theft 1 (RCW 9.35.020(2))  
20 Indecent Exposure to Person Under  
21 Age Fourteen (subsequent sex  
22 offense) (RCW 9A.88.010)  
23 Influencing Outcome of Sporting Event  
24 (RCW 9A.82.070)  
25 Malicious Harassment (RCW  
26 9A.36.080)  
27 Residential Burglary (RCW  
28 9A.52.025)  
29 Robbery 2 (RCW 9A.56.210)  
30 Theft of Livestock 1 (RCW 9A.56.080)  
31 Threats to Bomb (RCW 9.61.160)  
32 Trafficking in Stolen Property 1 (RCW  
33 9A.82.050)  
34 Unlawful factoring of a credit card or  
35 payment card transaction (RCW  
36 9A.56.290(4)(b))

1 Unlawful transaction of health  
2 coverage as a health care service  
3 contractor (RCW 48.44.016(3))  
4 Unlawful transaction of health  
5 coverage as a health maintenance  
6 organization (RCW 48.46.033(3))  
7 Unlawful transaction of insurance  
8 business (RCW 48.15.023(3))  
9 Unlicensed practice as an insurance  
10 professional (RCW  
11 48.17.063(~~(3)~~) (2))  
12 Use of Proceeds of Criminal  
13 Profiteering (RCW 9A.82.080 (1)  
14 and (2))  
15 Vehicular Assault, by being under the  
16 influence of intoxicating liquor or  
17 any drug, or by the operation or  
18 driving of a vehicle in a reckless  
19 manner (RCW 46.61.522)  
20 Viewing of Depictions of a Minor  
21 Engaged in Sexually Explicit  
22 Conduct (section 7 of this act)  
23 Willful Failure to Return from  
24 Furlough (RCW 72.66.060)  
25 III Animal Cruelty 1 (Sexual Conduct or  
26 Contact) (RCW 16.52.205(3))  
27 Assault 3 (Except Assault 3 of a Peace  
28 Officer With a Projectile Stun  
29 Gun) (RCW 9A.36.031 except  
30 subsection (1)(h))  
31 Assault of a Child 3 (RCW 9A.36.140)  
32 Bail Jumping with class B or C Felony  
33 (RCW 9A.76.170(3)(c))  
34 Burglary 2 (RCW 9A.52.030)  
35 Commercial Sexual Abuse of a Minor  
36 (RCW 9.68A.100)

1 Communication with a Minor for  
2 Immoral Purposes (RCW  
3 9.68A.090)  
4 Criminal Gang Intimidation (RCW  
5 9A.46.120)  
6 Custodial Assault (RCW 9A.36.100)  
7 Cyberstalking (subsequent conviction  
8 or threat of death) (RCW  
9 9.61.260(3))  
10 Escape 2 (RCW 9A.76.120)  
11 Extortion 2 (RCW 9A.56.130)  
12 Harassment (RCW 9A.46.020)  
13 Intimidating a Public Servant (RCW  
14 9A.76.180)  
15 Introducing Contraband 2 (RCW  
16 9A.76.150)  
17 Malicious Injury to Railroad Property  
18 (RCW 81.60.070)  
19 Mortgage Fraud (RCW 19.144.080)  
20 Negligently Causing Substantial Bodily  
21 Harm By Use of a Signal  
22 Preemption Device (RCW  
23 46.37.674)  
24 Organized Retail Theft 1 (RCW  
25 9A.56.350(2))  
26 Perjury 2 (RCW 9A.72.030)  
27 Possession of Incendiary Device (RCW  
28 9.40.120)  
29 Possession of Machine Gun or Short-  
30 Barreled Shotgun or Rifle (RCW  
31 9.41.190)  
32 Promoting Prostitution 2 (RCW  
33 9A.88.080)  
34 Retail Theft with Extenuating  
35 Circumstances 1 (RCW  
36 9A.56.360(2))

1 Securities Act violation (RCW  
2 21.20.400)  
3 Tampering with a Witness (RCW  
4 9A.72.120)  
5 Telephone Harassment (subsequent  
6 conviction or threat of death)  
7 (RCW 9.61.230(2))  
8 Theft of Livestock 2 (RCW 9A.56.083)  
9 Theft with the Intent to Resell 1 (RCW  
10 9A.56.340(2))  
11 Trafficking in Stolen Property 2 (RCW  
12 9A.82.055)  
13 Unlawful Imprisonment (RCW  
14 9A.40.040)  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(2))  
17 Vehicular Assault, by the operation or  
18 driving of a vehicle with disregard  
19 for the safety of others (RCW  
20 46.61.522)  
21 Willful Failure to Return from Work  
22 Release (RCW 72.65.070)  
23 II Computer Trespass 1 (RCW  
24 9A.52.110)  
25 Counterfeiting (RCW 9.16.035(3))  
26 Escape from Community Custody  
27 (RCW 72.09.310)  
28 Failure to Register as a Sex Offender  
29 (second or subsequent offense)  
30 (RCW 9A.44.130(11)(a))  
31 Health Care False Claims (RCW  
32 48.80.030)  
33 Identity Theft 2 (RCW 9.35.020(3))  
34 Improperly Obtaining Financial  
35 Information (RCW 9.35.010)  
36 Malicious Mischief 1 (RCW  
37 9A.48.070)

1 Organized Retail Theft 2 (RCW  
2 9A.56.350(3))  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Possession of a Stolen Vehicle (RCW  
6 9A.56.068)  
7 Retail Theft with Extenuating  
8 Circumstances 2 (RCW  
9 9A.56.360(3))  
10 Theft 1 (RCW 9A.56.030)  
11 Theft of a Motor Vehicle (RCW  
12 9A.56.065)  
13 Theft of Rental, Leased, or Lease-  
14 purchased Property (valued at one  
15 thousand five hundred dollars or  
16 more) (RCW 9A.56.096(5)(a))  
17 Theft with the Intent to Resell 2 (RCW  
18 9A.56.340(3))  
19 Trafficking in Insurance Claims (RCW  
20 48.30A.015)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(a))  
24 Unlawful Practice of Law (RCW  
25 2.48.180)  
26 Unlicensed Practice of a Profession or  
27 Business (RCW 18.130.190(7))  
28 Voyeurism (RCW 9A.44.115)  
29 I Attempting to Elude a Pursuing Police  
30 Vehicle (RCW 46.61.024)  
31 False Verification for Welfare (RCW  
32 74.08.055)  
33 Forgery (RCW 9A.60.020)  
34 Fraudulent Creation or Revocation of a  
35 Mental Health Advance Directive  
36 (RCW 9A.60.060)

1 Malicious Mischief 2 (RCW  
2 9A.48.080)  
3 Mineral Trespass (RCW 78.44.330)  
4 Possession of Stolen Property 2 (RCW  
5 9A.56.160)  
6 Reckless Burning 1 (RCW 9A.48.040)  
7 Taking Motor Vehicle Without  
8 Permission 2 (RCW 9A.56.075)  
9 Theft 2 (RCW 9A.56.040)  
10 Theft of Rental, Leased, or Lease-  
11 purchased Property (valued at two  
12 hundred fifty dollars or more but  
13 less than one thousand five  
14 hundred dollars) (RCW  
15 9A.56.096(5)(b))  
16 Transaction of insurance business  
17 beyond the scope of licensure  
18 (RCW 48.17.063(((+))))  
19 Unlawful Issuance of Checks or Drafts  
20 (RCW 9A.56.060)  
21 Unlawful Possession of Fictitious  
22 Identification (RCW 9A.56.320)  
23 Unlawful Possession of Instruments of  
24 Financial Fraud (RCW 9A.56.320)  
25 Unlawful Possession of Payment  
26 Instruments (RCW 9A.56.320)  
27 Unlawful Possession of a Personal  
28 Identification Device (RCW  
29 9A.56.320)  
30 Unlawful Production of Payment  
31 Instruments (RCW 9A.56.320)  
32 Unlawful Trafficking in Food Stamps  
33 (RCW 9.91.142)  
34 Unlawful Use of Food Stamps (RCW  
35 9.91.144)  
36 Vehicle Prowl 1 (RCW 9A.52.095)

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