

2 **HB 2456** - S COMM AMD
3 By Committee on Judiciary

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 9A.60.040 and 1993 c 457 s 1 are each amended to read
8 as follows:

9 (1) A person is guilty of criminal impersonation in the first
10 degree if the person:

11 (a) Assumes a ((false)) fictitious identity and does an act in his
12 or her assumed character with intent to ((defraud another or for any
13 other unlawful purpose)) commit a felony or theft in the third degree;
14 or

15 (b) Pretends to be a representative of some person or organization
16 or a public servant and does an act in his or her pretended capacity
17 with intent to defraud another or for any other unlawful purpose.

18 (2) Criminal impersonation in the first degree is a gross
19 misdemeanor.

20 (3) A person is guilty of criminal impersonation in the second
21 degree if the person:

22 (a) Claims to be a law enforcement officer or creates an impression
23 that he or she is a law enforcement officer; and

24 (b) Under circumstances not amounting to criminal impersonation in
25 the first degree, does an act with intent to convey the impression that
26 he or she is acting in an official capacity and a reasonable person
27 would believe the person is a law enforcement officer.

28 (4) Criminal impersonation in the second degree is a misdemeanor.

29 **Sec. 2.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999
30 c 45 s 4 are each reenacted and amended to read as follows:

31	TABLE 2	
32	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL	
33	XVI	Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 XIII Malicious explosion 2 (RCW 70.74.280(2))
6 Malicious placement of an explosive 1 (RCW
7 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation device
11 1 (RCW 70.74.272(1)(a))
12 Rape 1 (RCW 9A.44.040)
13 Rape of a Child 1 (RCW 9A.44.073)
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 X Child Molestation 1 (RCW 9A.44.083)
18 Indecent Liberties (with forcible
19 compulsion) (RCW 9A.44.100(1)(a))
20 Kidnapping 1 (RCW 9A.40.020)
21 Leading Organized Crime (RCW
22 9A.82.060(1)(a))
23 Malicious explosion 3 (RCW 70.74.280(3))
24 Manufacture of methamphetamine (RCW
25 69.50.401(a)(1)(ii))
26 Over 18 and deliver heroin,
27 methamphetamine, a narcotic from
28 Schedule I or II, or flunitrazepam
29 from Schedule IV to someone under 18
30 (RCW 69.50.406)
31 IX Assault of a Child 2 (RCW 9A.36.130)
32 Controlled Substance Homicide (RCW
33 69.50.415)
34 Explosive devices prohibited (RCW
35 70.74.180)

1 Homicide by Watercraft, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW ~~((88.12.029))~~)
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2 (RCW
8 70.74.270(2))
9 Over 18 and deliver narcotic from Schedule
10 III, IV, or V or a nonnarcotic, except
11 flunitrazepam or methamphetamine, from
12 Schedule I-V to someone under 18 and 3
13 years junior (RCW 69.50.406)
14 Robbery 1 (RCW 9A.56.200)
15 Sexual Exploitation (RCW 9.68A.040)
16 Vehicular Homicide, by being under the
17 influence of intoxicating liquor or
18 any drug (RCW 46.61.520)

19 VIII Arson 1 (RCW 9A.48.020)
20 Deliver or possess with intent to deliver
21 m e t h a m p h e t a m i n e (R C W
22 69.50.401(a)(1)(ii))
23 Homicide by Watercraft, by the operation of
24 any vessel in a reckless manner (RCW
25 ~~((88.12.029))~~ 79A.60.050)
26 Manslaughter 2 (RCW 9A.32.070)
27 Manufacture, deliver, or possess with
28 intent to deliver amphetamine (RCW
29 69.50.401(a)(1)(ii))
30 Manufacture, deliver, or possess with
31 intent to deliver heroin or cocaine
32 (RCW 69.50.401(a)(1)(i))
33 Possession of ephedrine or pseudoephedrine
34 with intent to manufacture
35 methamphetamine (RCW 69.50.440)
36 Promoting Prostitution 1 (RCW 9A.88.070)
37 Selling for profit (controlled or
38 counterfeit) any controlled substance
39 (RCW 69.50.410)

1 Vehicular Homicide, by the operation of any
2 vehicle in a reckless manner (RCW
3 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Dealing in depictions of minor engaged in
7 sexually explicit conduct (RCW
8 9.68A.050)
9 Drive-by Shooting (RCW 9A.36.045)
10 Homicide by Watercraft, by disregard for
11 the safety of others (RCW
12 ((88.12.029)) 79A.60.050)
13 Indecent Liberties (without forcible
14 compulsion) (RCW 9A.44.100(1) (b) and
15 (c))
16 Introducing Contraband 1 (RCW 9A.76.140)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))
19 Malicious placement of an explosive 3 (RCW
20 70.74.270(3))
21 Sending, bringing into state depictions of
22 minor engaged in sexually explicit
23 conduct (RCW 9.68A.060)
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1)(a))
26 Use of a Machine Gun in Commission of a
27 Felony (RCW 9.41.225)
28 Vehicular Homicide, by disregard for the
29 safety of others (RCW 46.61.520)

30 VI Bail Jumping with Murder 1 (RCW
31 9A.76.170(2)(a))
32 Bribery (RCW 9A.68.010)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW 9A.72.160)
35 Intimidating a Juror/Witness (RCW
36 9A.72.110, 9A.72.130)
37 Malicious placement of an imitation device
38 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW 69.50.401(a)(1)(i))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)

8 V Abandonment of dependent person 1 (RCW
9 9A.42.060)

10 Advancing money or property for
11 extortionate extension of credit (RCW
12 9A.82.030)

13 Bail Jumping with class A Felony (RCW
14 9A.76.170(2)(b))

15 Child Molestation 3 (RCW 9A.44.089)

16 Criminal Mistreatment 1 (RCW 9A.42.020)

17 Custodial Sexual Misconduct 1 (RCW
18 9A.44.160)

19 Delivery of imitation controlled substance
20 by person eighteen or over to person
21 under eighteen (RCW 69.52.030(2))

22 Extortion 1 (RCW 9A.56.120)

23 Extortionate Extension of Credit (RCW
24 9A.82.020)

25 Extortionate Means to Collect Extensions of
26 Credit (RCW 9A.82.040)

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

28 Kidnapping 2 (RCW 9A.40.030)

29 On and after July 1, 2000: No-Contact
30 Order Violation: Domestic Violence
31 Pretrial Condition (RCW 10.99.040(4)
32 (b) and (c))

33 On and after July 1, 2000: No-Contact
34 Order Violation: Domestic Violence
35 Sentence Condition (RCW 10.99.050(2))

1 On and after July 1, 2000: Protection
2 Order Violation: Domestic Violence
3 Civil Action (RCW 26.50.110 (4) and
4 (5))
5 On and after July 1, 2000: Stalking (RCW
6 9A.46.110)
7 Perjury 1 (RCW 9A.72.020)
8 Persistent prison misbehavior (RCW
9 9.94.070)
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)
12 Rape 3 (RCW 9A.44.060)
13 Rendering Criminal Assistance 1 (RCW
14 9A.76.070)
15 Sexual Misconduct with a Minor 1 (RCW
16 9A.44.093)
17 Sexually Violating Human Remains (RCW
18 9A.44.105)
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault by Watercraft (RCW ((~~88.12.032~~))
22 79A.60.060)
23 Bribing a Witness/Bribe Received by Witness
24 (RCW 9A.72.090, 9A.72.100)
25 Commercial Bribery (RCW 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Escape 1 (RCW 9A.76.110)
28 Hit and Run--Injury Accident (RCW
29 46.52.020(4))
30 Hit and Run with Vessel--Injury Accident
31 (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
32 Indecent Exposure to Person Under Age
33 Fourteen (subsequent sex offense) (RCW
34 9A.88.010)
35 Influencing Outcome of Sporting Event (RCW
36 9A.82.070)
37 Knowingly Trafficking in Stolen Property
38 (RCW 9A.82.050(2))

1 Malicious Harassment (RCW 9A.36.080)
2 Manufacture, deliver, or possess with
3 intent to deliver narcotics from
4 Schedule III, IV, or V or nonnarcotics
5 from Schedule I-V (except marijuana,
6 amphetamine, methamphetamines, or
7 flunitrazepam) (RCW 69.50.401(a)(1)
8 (iii) through (v))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Use of Proceeds of Criminal Profiteering
14 (RCW 9A.82.080 (1) and (2))
15 Vehicular Assault (RCW 46.61.522)
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)

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

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(a)(6))
4 Malicious Injury to Railroad Property (RCW
5 81.60.070)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Manufacture, distribute, or possess with
10 intent to distribute an imitation
11 controlled substance (RCW
12 69.52.030(1))
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-Barreled
19 Shotgun or Rifle (RCW 9.41.190)
20 Promoting Prostitution 2 (RCW 9A.88.080)
21 Recklessly Trafficking in Stolen Property
22 (RCW 9A.82.050(1))
23 Securities Act violation (RCW 21.20.400)
24 Tampering with a Witness (RCW 9A.72.120)
25 Telephone Harassment (subsequent conviction
26 or threat of death) (RCW 9.61.230)
27 Theft of Livestock 2 (RCW 9A.56.080)
28 Unlawful Imprisonment (RCW 9A.40.040)
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(1)(b))
31 Unlawful Use of Building for Drug Purposes
32 (RCW 69.53.010)
33 Willful Failure to Return from Work Release
34 (RCW 72.65.070)

1 II Computer Trespass 1 (RCW 9A.52.110)
2 Counterfeiting (RCW 9.16.035(3))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW
5 69.50.401(b))
6 Escape from Community Custody (RCW
7 72.09.310)
8 Health Care False Claims (RCW 48.80.030)
9 Malicious Mischief 1 (RCW 9A.48.070)
10 Possession of controlled substance that is
11 either heroin or narcotics from
12 Schedule I or II or flunitrazepam from
13 Schedule IV (RCW 69.50.401(d))
14 Possession of phencyclidine (PCP) (RCW
15 69.50.401(d))
16 Possession of Stolen Property 1 (RCW
17 9A.56.150)
18 Theft 1 (RCW 9A.56.030)
19 Theft of Rental, Leased, or Lease-purchased
20 Property (valued at one thousand five
21 hundred dollars or more) (RCW
22 9A.56.096(4))
23 Trafficking in Insurance Claims (RCW
24 48.30A.015)
25 Unlawful Practice of Law (RCW 2.48.180)
26 Unlicensed Practice of a Profession or
27 Business (RCW 18.130.190(7))
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 False Verification for Welfare (RCW
31 74.08.055)
32 Forged Prescription (RCW 69.41.020)
33 Forged Prescription for a Controlled
34 Substance (RCW 69.50.403)
35 Forgery (RCW 9A.60.020)
36 Malicious Mischief 2 (RCW 9A.48.080)
37 Possess Controlled Substance that is a
38 Narcotic from Schedule III, IV, or V
39 or Non-narcotic from Schedule I-V

1 (except phencyclidine or
2 flunitrazepam) (RCW 69.50.401(d))
3 Possession of Stolen Property 2 (RCW
4 9A.56.160)
5 Reckless Burning 1 (RCW 9A.48.040)
6 Taking Motor Vehicle Without Permission
7 (RCW 9A.56.070)
8 Theft 2 (RCW 9A.56.040)
9 Theft of Rental, Leased, or Lease-purchased
10 Property (valued at two hundred fifty
11 dollars or more but less than one
12 thousand five hundred dollars) (RCW
13 9A.56.096(4))
14 Unlawful Issuance of Checks or Drafts (RCW
15 9A.56.060)
16 Unlawful Use of Food Stamps (RCW 9.91.140
17 (2) and (3))
18 Vehicle Prowl 1 (RCW 9A.52.095)"

19 **HB 2456** - S COMM AMD
20 By Committee on Judiciary

21

22 In line 1 of the title, after "crimes;" strike the remainder of the
23 title and insert "amending RCW 9A.60.040; reenacting and amending RCW
24 9.94A.320; and prescribing penalties."

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