

2 SSB 5449 - S AMD 137

3 By Senators Prentice and Winsley

4 ADOPTED 03/13/01

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

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

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

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

14 (a) Account numbers and balances;

15 (b) Transactional information concerning an account; and

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

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

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

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

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

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

6 INFORMATION AVAILABLE TO VICTIM. (1) A person, financial
7 information repository, financial service provider, merchant,
8 corporation, trust, partnership, or unincorporated association
9 possessing information relating to an actual or potential violation of
10 this chapter, and who may have entered into a transaction, provided
11 credit, products, goods, or services, accepted payment, or otherwise
12 done business with a person who has used the victim's means of
13 identification, must, upon written request of the victim, provide
14 copies of all relevant application and transaction information related
15 to the transaction being alleged as a potential or actual violation of
16 this chapter. Nothing in this section requires the information
17 provider to disclose information that it is otherwise prohibited from
18 disclosing by law, except that a law that prohibits disclosing a
19 person's information to third parties shall not be used to deny
20 disclosure of such information to the victim under this section.

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

24 (a) The showing of a government issued photo identification card
25 or, if providing proof by mail, a copy of a government issued photo
26 identification card;

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

29 (c) The written statement from the state patrol showing that the
30 state patrol has on file documentation of the victim's identity
31 pursuant to the personal identification procedures in RCW 43.43.760.

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

34 (4) No person, financial information repository, financial service
35 provider, merchant, corporation, trust, partnership, or unincorporated
36 association may be held liable for an action taken in good faith to
37 provide information regarding potential or actual violations of this
38 chapter to other financial information repositories, financial service

1 providers, merchants, law enforcement authorities, victims, or any
2 persons alleging to be a victim who comply with subsection (2) of this
3 section which evidences the alleged victim's claim for the purpose of
4 identification and prosecution of violators of this chapter, or to
5 assist a victim in recovery of fines, restitution, rehabilitation of
6 the victim's credit, or such other relief as may be appropriate.

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

12 (6) Nothing in this section creates an obligation on the part of a
13 person, financial information repository, financial services provider,
14 merchant, corporation, trust, partnership, or unincorporated
15 association to retain or maintain information or records that they are
16 not otherwise required to retain or maintain in the ordinary course of
17 its business.

18 (7) The legislature finds that the practices covered by this
19 section are matters vitally affecting the public interest for the
20 purpose of applying the consumer protection act, chapter 19.86 RCW.
21 Violations of this section are not reasonable in relation to the
22 development and preservation of business. It is an unfair or deceptive
23 act in trade or commerce and an unfair method of competition for the
24 purpose of applying the consumer protection act, chapter 19.86 RCW.
25 The burden of proof in an action alleging a violation of this section
26 shall be by a preponderance of the evidence, and the applicable statute
27 of limitation shall be as set forth in RCW 19.182.120. For purposes of
28 a judgment awarded pursuant to an action by a consumer under chapter
29 19.86 RCW, the consumer shall be awarded actual damages. However,
30 where there has been willful failure to comply with any requirement
31 imposed under this section, the consumer shall be awarded actual
32 damages, a monetary penalty of one thousand dollars, and the costs of
33 the action together with reasonable attorneys' fees as determined by
34 the court.

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

37 (1) Whenever a resident of this state appears before any law
38 enforcement agency and requests an impression of his or her

1 fingerprints to be made, such agency may comply with his or her request
2 and make the required copies of the impressions on forms marked
3 "Personal Identification". The required copies shall be forwarded to
4 the section and marked "for personal identification only".

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

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

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

21 The statement provided to the victim shall state clearly in twelve-
22 point print:

23 "The person holding this statement has claimed to be a victim of
24 identity theft. Pursuant to chapter 9.35 RCW, a business is required
25 by law to provide this victim with copies of all relevant application
26 and transaction information related to the transaction being alleged as
27 a potential or actual identity theft. A business must provide this
28 information once the victim makes a request in writing, shows this
29 statement, any government issued photo identification card, and a copy
30 of a police report."

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

33 (3) Whenever any person is an applicant for appointment to any
34 position or is an applicant for employment or is an applicant for a
35 license to be issued by any governmental agency, and the law or a
36 regulation of such governmental agency requires that the applicant be
37 of good moral character or not have been convicted of a crime, or is an
38 applicant for appointment to or employment with a criminal justice

1 agency, or the department, the applicant may request any law
2 enforcement agency to make an impression of his or her fingerprints to
3 be submitted to the section. The law enforcement agency may comply
4 with such request and make copies of the impressions on forms marked
5 "applicant", and submit such copies to the section.

6 The section shall accept such fingerprints and shall cause its
7 files to be examined and shall promptly send to the appointing
8 authority, employer, or licensing authority indicated on the form of
9 application, a transcript of the record of previous crimes committed by
10 the person described on the data submitted, or a transcript of the
11 dependency record information regarding the person described on the
12 data submitted, or if there is no record of his or her commission of
13 any crimes, or if there is no dependency record information, a
14 statement to that effect.

15 ~~((3))~~ (4) The Washington state patrol shall charge fees for
16 processing of noncriminal justice system requests for criminal history
17 record information pursuant to this section which will cover, as nearly
18 as practicable, the direct and indirect costs to the patrol of
19 processing such requests.

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

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

25 No licensee or employee of a licensee shall:

26 (1) Directly or indirectly aid or abet any unlicensed person to
27 engage in business as a collection agency in this state or receive
28 compensation from such unlicensed person: PROVIDED, That nothing in
29 this chapter shall prevent a licensee from accepting, as forwarder,
30 claims for collection from a collection agency or attorney whose place
31 of business is outside the state.

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

35 (3) Publish or post or cause to be published or posted, any list of
36 debtors commonly known as "bad debt lists" or threaten to do so. For
37 purposes of this chapter, a "bad debt list" means any list of natural
38 persons alleged to fail to honor their lawful debts. However, nothing

1 herein shall be construed to prohibit a licensee from communicating to
2 its customers or clients by means of a coded list, the existence of a
3 check dishonored because of insufficient funds, not sufficient funds or
4 closed account by the financial institution servicing the debtor's
5 checking account: PROVIDED, That the debtor's identity is not readily
6 apparent: PROVIDED FURTHER, That the licensee complies with the
7 requirements of subsection (9)(e) of this section.

8 (4) Have in his possession or make use of any badge, use a uniform
9 of any law enforcement agency or any simulation thereof, or make any
10 statements which might be construed as indicating an official
11 connection with any federal, state, county, or city law enforcement
12 agency, or any other governmental agency, while engaged in collection
13 agency business.

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

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

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

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

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

30 (b) The name of the original creditor to whom the debtor owed the
31 claim if such name is known to the licensee or employee: PROVIDED, That
32 upon written request of the debtor, the licensee shall make a
33 reasonable effort to obtain the name of such person and provide this
34 name to the debtor;

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

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

3 (ii) Interest or service charge, collection costs, or late payment
4 charges, if any, added to the original obligation by the original
5 creditor, customer or assignor before it was received by the licensee
6 for collection, if such information is known by the licensee or
7 employee: PROVIDED, That upon written request of the debtor, the
8 licensee shall make a reasonable effort to obtain information on such
9 items and provide this information to the debtor;

10 (iii) Interest or service charge, if any, added by the licensee or
11 customer or assignor after the obligation was received by the licensee
12 for collection;

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

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

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

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

25 (a) A licensee or employee of a licensee may inform a credit
26 reporting bureau of the existence of a claim: PROVIDED, That if the
27 licensee or employee of a licensee reports a claim to a credit
28 reporting bureau, the licensee shall upon receipt of written notice
29 from the debtor that any part of the claim is disputed, forward a copy
30 of such written notice to the credit reporting bureau;

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

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

37 (i) The licensee or employee has notified or attempted to notify
38 the debtor in writing at his last known address or place of employment
39 concerning the claim and the debtor after a reasonable time has failed

1 to pay the claim or has failed to agree to make payments on the claim
2 in a manner acceptable to the licensee, and

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

8 (d) A licensee may for the purpose of locating the debtor or
9 locating assets of the debtor communicate the existence of a claim to
10 any person who might reasonably be expected to have knowledge of the
11 whereabouts of a debtor or the location of assets of the debtor if the
12 claim is reduced to judgment, or if not reduced to judgment, when:

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

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

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

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

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

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

30 (11) Communicate with the debtor after notification in writing from
31 an attorney representing such debtor that all further communications
32 relative to a claim should be addressed to the attorney: PROVIDED,
33 That if a licensee requests in writing information from an attorney
34 regarding such claim and the attorney does not respond within a
35 reasonable time, the licensee may communicate directly with the debtor
36 until he or it again receives notification in writing that an attorney
37 is representing the debtor.

38 (12) Communicate with a debtor or anyone else in such a manner as
39 to harass, intimidate, threaten, or embarrass a debtor, including but

1 not limited to communication at an unreasonable hour, with unreasonable
2 frequency, by threats of force or violence, by threats of criminal
3 prosecution, and by use of offensive language. A communication shall
4 be presumed to have been made for the purposes of harassment if:

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

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

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

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

15 (14) Communicate with the debtor and represent or imply that the
16 existing obligation of the debtor may be or has been increased by the
17 addition of attorney fees, investigation fees, service fees, or any
18 other fees or charges when in fact such fees or charges may not legally
19 be added to the existing obligation of such debtor.

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

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

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

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

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

38 (20) Upon notification by a debtor that the debtor disputes all
39 debts arising from a series of dishonored checks, automated

1 clearinghouse transactions on a demand deposit account, or other
2 preprinted written instruments, initiate oral contact with a debtor
3 more than one time in an attempt to collect from the debtor debts
4 arising from the identified series of dishonored checks, automated
5 clearinghouse transactions on a demand deposit account, or other
6 preprinted written instruments when: (a) Within the previous one
7 hundred eighty days, in response to the licensee's attempt to collect
8 the initial debt assigned to the licensee and arising from the
9 identified series of dishonored checks, automated clearinghouse
10 transactions on a demand deposit account, or other preprinted written
11 instruments, the debtor in writing notified the licensee that the
12 debtor's checkbook or other series of preprinted written instruments
13 was stolen or fraudulently created; (b) the licensee has received from
14 the debtor a certified copy of a police report referencing the theft or
15 fraudulent creation of the checkbook, automated clearinghouse
16 transactions on a demand deposit account, or series of preprinted
17 written instruments; (c) in the written notification to the licensee or
18 in the police report, the debtor identified the financial institution
19 where the account was maintained, the account number, the magnetic ink
20 character recognition number, the full bank routing and transit number,
21 and the check numbers of the stolen checks, automated clearinghouse
22 transactions on a demand deposit account, or other preprinted written
23 instruments, which check numbers included the number of the check that
24 is the subject of the licensee's collection efforts; (d) the debtor
25 provides, or within the previous one hundred eighty days provided, to
26 the licensee a legible copy of a government-issued photo identification
27 which contains the debtor's signature and which was issued prior to the
28 date of the theft or fraud identified in the police report; (e) the
29 debtor advised the licensee that the subject debt is disputed because
30 the identified check, automated clearinghouse transaction on a demand
31 deposit account, or other preprinted written instrument underlying the
32 debt is a stolen or fraudulently created check or instrument; and (f)
33 information on the checks, automated clearinghouse transactions on a
34 demand deposit account, or other preprinted written instruments are
35 currently in the licensee's files that identically match the
36 information provided by the debtor in (c) of this subsection.

37 The licensee is not in violation of this subsection if the licensee
38 initiates oral contact with the debtor more than one time in an attempt
39 to collect debts arising from the identified series of dishonored

1 checks, automated clearinghouse transactions on a demand deposit
2 account, or other preprinted written instruments when: (i) The
3 licensee acted in good faith and relied on their established practices
4 and procedures for batching or packeting debtor accounts, and the
5 licensee inadvertently initiates oral contact with the debtor in an
6 attempt to collect debts in the identified series subsequent to the
7 initial debt assigned to the licensee; (ii) the licensee is following
8 up on collection of a debt assigned to the licensee, and the debtor has
9 previously requested more information from the licensee regarding the
10 subject debt; (iii) the debtor has notified the licensee that the
11 debtor disputes only some, but not all the debts arising from the
12 identified series of dishonored checks, automated clearinghouse
13 transactions on a demand deposit account, or other preprinted written
14 instruments, in which case the licensee shall be allowed to initiate
15 oral contact with the debtor one time for each debt arising from the
16 series of identified checks, automated clearinghouse transactions on a
17 demand deposit account, or written instruments and initiate additional
18 oral contact for those debts that the debtor acknowledges do not arise
19 from stolen or fraudulently created checks or written instruments; or
20 (iv) the oral contact is in the context of a judicial, administrative,
21 arbitration, mediation, or similar proceeding.

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

24 No licensee or employee of a licensee shall:

25 (1) Directly or indirectly aid or abet any unlicensed person to
26 engage in business as a collection agency in this state or receive
27 compensation from such unlicensed person: PROVIDED, That nothing in
28 this chapter shall prevent a licensee from accepting, as forwarder,
29 claims for collection from a collection agency or attorney whose place
30 of business is outside the state.

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

34 (3) Publish or post or cause to be published or posted, any list of
35 debtors commonly known as "bad debt lists" or threaten to do so. For
36 purposes of this chapter, a "bad debt list" means any list of natural
37 persons alleged to fail to honor their lawful debts. However, nothing
38 herein shall be construed to prohibit a licensee from communicating to

1 its customers or clients by means of a coded list, the existence of a
2 check dishonored because of insufficient funds, not sufficient funds or
3 closed account by the financial institution servicing the debtor's
4 checking account: PROVIDED, That the debtor's identity is not readily
5 apparent: PROVIDED FURTHER, That the licensee complies with the
6 requirements of subsection (9)(e) of this section.

7 (4) Have in his possession or make use of any badge, use a uniform
8 of any law enforcement agency or any simulation thereof, or make any
9 statements which might be construed as indicating an official
10 connection with any federal, state, county, or city law enforcement
11 agency, or any other governmental agency, while engaged in collection
12 agency business.

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

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

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

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

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

29 (b) The name of the original creditor to whom the debtor owed the
30 claim if such name is known to the licensee or employee: PROVIDED, That
31 upon written request of the debtor, the licensee shall make a
32 reasonable effort to obtain the name of such person and provide this
33 name to the debtor;

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

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

1 (ii) Interest or service charge, collection costs, or late payment
2 charges, if any, added to the original obligation by the original
3 creditor, customer or assignor before it was received by the licensee
4 for collection, if such information is known by the licensee or
5 employee: PROVIDED, That upon written request of the debtor, the
6 licensee shall make a reasonable effort to obtain information on such
7 items and provide this information to the debtor;

8 (iii) Interest or service charge, if any, added by the licensee or
9 customer or assignor after the obligation was received by the licensee
10 for collection;

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

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

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

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

23 (a) A licensee or employee of a licensee may inform a credit
24 reporting bureau of the existence of a claim: PROVIDED, That if the
25 licensee or employee of a licensee reports a claim to a credit
26 reporting bureau, the licensee shall upon receipt of written notice
27 from the debtor that any part of the claim is disputed, forward a copy
28 of such written notice to the credit reporting bureau;

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

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

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

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

6 (d) A licensee may for the purpose of locating the debtor or
7 locating assets of the debtor communicate the existence of a claim to
8 any person who might reasonably be expected to have knowledge of the
9 whereabouts of a debtor or the location of assets of the debtor if the
10 claim is reduced to judgment, or if not reduced to judgment, when:

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

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

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

20 (i) The licensee has notified or attempted to notify the debtor in
21 writing at his last known address or last known 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 disputed any part of the claim.

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

28 (11) Communicate with the debtor after notification in writing from
29 an attorney representing such debtor that all further communications
30 relative to a claim should be addressed to the attorney: PROVIDED,
31 That if a licensee requests in writing information from an attorney
32 regarding such claim and the attorney does not respond within a
33 reasonable time, the licensee may communicate directly with the debtor
34 until he or it again receives notification in writing that an attorney
35 is representing the debtor.

36 (12) Communicate with a debtor or anyone else in such a manner as
37 to harass, intimidate, threaten, or embarrass a debtor, including but
38 not limited to communication at an unreasonable hour, with unreasonable
39 frequency, by threats of force or violence, by threats of criminal

1 prosecution, and by use of offensive language. A communication shall
2 be presumed to have been made for the purposes of harassment if:

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

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

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

9 (13) Communicate with the debtor through use of forms or
10 instruments that simulate the form or appearance of judicial process,
11 the form or appearance of government documents, or the simulation of a
12 form or appearance of a telegraphic or emergency message.

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

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

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

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

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

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

36 (20) Upon notification by a debtor that the debtor disputes all
37 debts arising from a series of dishonored checks, automated
38 clearinghouse transactions on a demand deposit account, or other
39 preprinted written instruments, initiate oral contact with a debtor

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

31 The licensee is not in violation of this subsection if the licensee
32 initiates oral contact with the debtor more than one time in an attempt
33 to collect debts arising from the identified series of dishonored
34 checks, automated clearinghouse transactions on a demand deposit
35 account, or other preprinted written instruments when: (i) The
36 licensee acted in good faith and relied on their established practices
37 and procedures for batching or packeting debtor accounts, and the
38 licensee inadvertently initiates oral contact with the debtor in an
39 attempt to collect debts in the identified series subsequent to the

1 initial debt assigned to the licensee; (ii) the licensee is following
2 up on collection of a debt assigned to the licensee, and the debtor has
3 previously requested more information from the licensee regarding the
4 subject debt; (iii) the debtor has notified the licensee that the
5 debtor disputes only some, but not all the debts arising from the
6 identified series of dishonored checks, automated clearinghouse
7 transactions on a demand deposit account, or other preprinted written
8 instruments, in which case the licensee shall be allowed to initiate
9 oral contact with the debtor one time for each debt arising from the
10 series of identified checks, automated clearinghouse transactions on a
11 demand deposit account, or written instruments and initiate additional
12 oral contact for those debts that the debtor acknowledges do not arise
13 from stolen or fraudulently created checks or written instruments; or
14 (iv) the oral contact is in the context of a judicial, administrative,
15 arbitration, mediation, or similar proceeding.

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

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

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

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

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

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

1 services, or moneys as a result of the blocked transaction or
2 transactions.

3 (3) If the block of information is declined or rescinded under this
4 section, the consumer shall be notified promptly in the same manner as
5 consumers are notified of the reinsertion of information pursuant to
6 section 611 of the fair credit reporting act, 15 U.S.C. Sec. 1681I, as
7 amended. The prior presence of the blocked information in the consumer
8 reporting agency's file on the consumer is not evidence of whether the
9 consumer knew or should have known that he or she obtained possession
10 of any goods, services, or moneys.

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

13 The legislature finds that the practices covered by RCW 19.16.250,
14 9.35.010, and 9.35.020 are matters vitally affecting the public
15 interest for the purpose of applying the consumer protection act,
16 chapter 19.86 RCW. Violations of RCW 19.16.250, 9.35.010, and 9.35.020
17 are not reasonable in relation to the development and preservation of
18 business. A violation of RCW 19.16.250, 9.35.010, and 9.35.020 is an
19 unfair or deceptive act in trade or commerce and an unfair method of
20 competition for the purpose of applying the consumer protection act,
21 chapter 19.86 RCW.

22 Nothing in RCW 19.16.250, 9.35.010, and 9.35.020 limits a victim's
23 ability to receive treble damages under RCW 19.86.090.

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

26 (1) No person may obtain or attempt to obtain, or cause to be
27 disclosed or attempt to cause to be disclosed to any person, financial
28 information from a financial information repository, financial services
29 provider, merchant, corporation, trust, partnership, or unincorporated
30 association:

31 (a) By knowingly making a false, fictitious, or fraudulent
32 statement or representation to an officer, employee, or agent of a
33 financial information repository with the intent to deceive the
34 officer, employee, or agent into relying on that statement or
35 representation for purposes of releasing the financial information;

36 (b) By knowingly making a false, fictitious, or fraudulent
37 statement or representation to a customer of a financial information

1 repository, financial services provider, merchant, corporation, trust,
2 partnership, or unincorporated association with the intent to deceive
3 the customer into releasing financial information or authorizing the
4 release of such information;

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

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

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

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

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

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

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

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

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

1 ~~(4))~~) No provision of this section shall be construed so as to
2 prevent any action by a law enforcement agency, or any officer,
3 employee, or agent of such agency, or any action of an agent of the
4 financial information repository, financial services provider,
5 merchant, corporation, trust, partnership, or unincorporated
6 association when working in conjunction with a law enforcement agency.

7 ~~((5))~~) (4) This section does not apply to:

8 (a) Efforts by the financial information repository to test
9 security procedures or systems of the financial institution repository
10 for maintaining the confidentiality of customer information;

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

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

15 ~~((6))~~) (5) Violation of this section is a class C felony.

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

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

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

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

1 information which could be used to identify the person, including
2 unique biometric data)) crime.

3 ~~((3))~~ (2)(a) Violation of this section when the accused or an
4 accomplice uses the victim's means of identification or financial
5 information and obtains an aggregate total of credit, money, goods,
6 services, or anything else of value in excess of one thousand five
7 hundred dollars in value shall constitute identity theft in the first
8 degree. Identity theft in the first degree is a class B felony.

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

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

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

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

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

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

3 (1) It is unlawful for any person to knowingly use a means of
4 identification or financial information of another person to solicit
5 undesired mail with the intent to annoy, harass, intimidate, torment,
6 or embarrass that person.

7 (2) (~~For purposes of this section, "means of identification" has~~
8 ~~the meaning provided in RCW 9.35.020.~~

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

10 ~~((4))~~ (3) Additionally, a person who violates this section is
11 liable for civil damages of five hundred dollars or actual damages,
12 including costs to repair the person's credit record, whichever is
13 greater, and reasonable attorneys' fees as determined by the court.

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

16 Unless the context requires the contrary, the definitions in this
17 section apply throughout this chapter.

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

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

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

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

28 (b) "Beneficial interest" does not include the interest of a
29 stockholder in a corporation or the interest of a partner in a general
30 partnership or limited partnership.

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

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

35 (3) "Creditor" means a person making an extension of credit or a
36 person claiming by, under, or through a person making an extension of
37 credit.

1 (4) "Criminal profiteering" means any act, including any
2 anticipatory or completed offense, committed for financial gain, that
3 is chargeable or indictable under the laws of the state in which the
4 act occurred and, if the act occurred in a state other than this state,
5 would be chargeable or indictable under the laws of this state had the
6 act occurred in this state and punishable as a felony and by
7 imprisonment for more than one year, regardless of whether the act is
8 charged or indicted, as any of the following:

9 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
10 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
11 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
12 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
13 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and
14 9A.56.080;

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

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

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

20 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
21 9A.68.050;

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

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

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

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

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

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

30 (p) Delivery or manufacture of controlled substances or possession
31 with intent to deliver or manufacture controlled substances under
32 chapter 69.50 RCW;

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

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

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

36 (t) Obstructing criminal investigations or prosecutions in
37 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
38 9A.76.070, or 9A.76.180;

1 (u) Fraud in the purchase or sale of securities, as defined in RCW
2 21.20.010;

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

4 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,
5 9.68A.050, and 9.68A.060;

6 (x) Promoting prostitution, as defined in RCW 9A.88.070 and
7 9A.88.080;

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

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

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

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

12 (cc) Commercial telephone solicitation in violation of RCW
13 19.158.040(1);

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

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

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

17 (gg) Health care false claims, as defined in RCW 48.80.030; (~~or~~)

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

20 (ii) Improperly obtaining financial information, as defined in RCW
21 9.35.010; or

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

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

25 (6) "Debtor" means a person to whom an extension of credit is made
26 or a person who guarantees the repayment of an extension of credit or
27 in any manner undertakes to indemnify the creditor against loss
28 resulting from the failure of a person to whom an extension is made to
29 repay the same.

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

35 (8) "Enterprise" includes any individual, sole proprietorship,
36 partnership, corporation, business trust, or other profit or nonprofit
37 legal entity, and includes any union, association, or group of
38 individuals associated in fact although not a legal entity, and both

1 illicit and licit enterprises and governmental and nongovernmental
2 entities.

3 (9) "Extortionate extension of credit" means an extension of credit
4 with respect to which it is the understanding of the creditor and the
5 debtor at the time the extension is made that delay in making repayment
6 or failure to make repayment could result in the use of violence or
7 other criminal means to cause harm to the person, reputation, or
8 property of any person.

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

12 (11) "Financial institution" means any bank, trust company, savings
13 and loan association, savings bank, mutual savings bank, credit union,
14 or loan company under the jurisdiction of the state or an agency of the
15 United States.

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

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

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

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

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

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

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

15 (19) "Traffic" means to sell, transfer, distribute, dispense, or
16 otherwise dispose of stolen property to another person, or to buy,
17 receive, possess, or obtain control of stolen property, with intent to
18 sell, transfer, distribute, dispense, or otherwise dispose of the
19 property to another person.

20 (20)(a) "Trustee" means:

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

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

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

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

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

30 (ii) A trustee of any testamentary trust;

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

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

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

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

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

- 1 (ii) Chapter 9.46 RCW relating to gambling;
 2 (b) In a gambling activity in violation of federal law; or
 3 (c) In connection with the business of lending money or a thing of
 4 value at a rate that is at least twice the permitted rate under the
 5 applicable state or federal law relating to usury.

6 **Sec. 12.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
 7 2000 c 66 s 2 are each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

10	XVI	Aggravated Murder 1 (RCW 10.95.020)
11	XV	Homicide by abuse (RCW 9A.32.055)
12		Malicious explosion 1 (RCW 70.74.280(1))
13		Murder 1 (RCW 9A.32.030)
14	XIV	Murder 2 (RCW 9A.32.050)
15	XIII	Malicious explosion 2 (RCW 70.74.280(2))
16		Malicious placement of an explosive 1 (RCW
17		70.74.270(1))
18	XII	Assault 1 (RCW 9A.36.011)
19		Assault of a Child 1 (RCW 9A.36.120)
20		Malicious placement of an imitation device
21		1 (RCW 70.74.272(1)(a))
22		Rape 1 (RCW 9A.44.040)
23		Rape of a Child 1 (RCW 9A.44.073)
24	XI	Manslaughter 1 (RCW 9A.32.060)
25		Rape 2 (RCW 9A.44.050)
26		Rape of a Child 2 (RCW 9A.44.076)
27	X	Child Molestation 1 (RCW 9A.44.083)
28		Indecent Liberties (with forcible
29		compulsion) (RCW 9A.44.100(1)(a))
30		Kidnapping 1 (RCW 9A.40.020)
31		Leading Organized Crime (RCW
32		9A.82.060(1)(a))
33		Malicious explosion 3 (RCW 70.74.280(3))

1 Manufacture of methamphetamine (RCW
2 69.50.401(a)(1)(ii))
3 Over 18 and deliver heroin,
4 methamphetamine, a narcotic from
5 Schedule I or II, or flunitrazepam
6 from Schedule IV to someone under 18
7 (RCW 69.50.406)

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

30 VIII Arson 1 (RCW 9A.48.020)
31 Deliver or possess with intent to deliver
32 m e t h a m p h e t a m i n e (R C W
33 69.50.401(a)(1)(ii))
34 Hit and Run--Death (RCW 46.52.020(4)(a))
35 Homicide by Watercraft, by the operation of
36 any vessel in a reckless manner (RCW
37 79A.60.050)
38 Manslaughter 2 (RCW 9A.32.070)

1 Manufacture, deliver, or possess with
2 intent to deliver amphetamine (RCW
3 69.50.401(a)(1)(ii))
4 Manufacture, deliver, or possess with
5 intent to deliver heroin or cocaine
6 (RCW 69.50.401(a)(1)(i))
7 Possession of Ephedrine, Pseudoephedrine,
8 or Anhydrous Ammonia with intent to
9 manufacture methamphetamine (RCW
10 69.50.440)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Theft of Anhydrous Ammonia (RCW 69.55.010)
16 Vehicular Homicide, by the operation of any
17 vehicle in a reckless manner (RCW
18 46.61.520)

19 VII Burglary 1 (RCW 9A.52.020)
20 Child Molestation 2 (RCW 9A.44.086)
21 Dealing in depictions of minor engaged in
22 sexually explicit conduct (RCW
23 9.68A.050)
24 Drive-by Shooting (RCW 9A.36.045)
25 Homicide by Watercraft, by disregard for
26 the safety of others (RCW 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1) (b) and
29 (c))
30 Introducing Contraband 1 (RCW 9A.76.140)
31 Involving a minor in drug dealing (RCW
32 69.50.401(f))
33 Malicious placement of an explosive 3 (RCW
34 70.74.270(3))
35 Sending, bringing into state depictions of
36 minor engaged in sexually explicit
37 conduct (RCW 9.68A.060)
38 Unlawful Possession of a Firearm in the
39 first degree (RCW 9.41.040(1)(a))

1 Use of a Machine Gun in Commission of a
2 Felony (RCW 9.41.225)
3 Vehicular Homicide, by disregard for the
4 safety of others (RCW 46.61.520)

5 VI Bail Jumping with Murder 1 (RCW
6 9A.76.170(2)(a))
7 Bribery (RCW 9A.68.010)
8 Incest 1 (RCW 9A.64.020(1))
9 Intimidating a Judge (RCW 9A.72.160)
10 Intimidating a Juror/Witness (RCW
11 9A.72.110, 9A.72.130)
12 Malicious placement of an imitation device
13 2 (RCW 70.74.272(1)(b))
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule I or II (except heroin or
17 cocaine) or flunitrazepam from
18 Schedule IV (RCW 69.50.401(a)(1)(i))
19 Rape of a Child 3 (RCW 9A.44.079)
20 Theft of a Firearm (RCW 9A.56.300)
21 Unlawful Storage of Anhydrous Ammonia (RCW
22 69.55.020)

23 V Abandonment of dependent person 1 (RCW
24 9A.42.060)
25 Advancing money or property for
26 extortionate extension of credit (RCW
27 9A.82.030)
28 Bail Jumping with class A Felony (RCW
29 9A.76.170(2)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 Criminal Mistreatment 1 (RCW 9A.42.020)
32 Custodial Sexual Misconduct 1 (RCW
33 9A.44.160)
34 Delivery of imitation controlled substance
35 by person eighteen or over to person
36 under eighteen (RCW 69.52.030(2))
37 Domestic Violence Court Order Violation
38 (RCW 10.99.040, 10.99.050, 26.09.300,

1 26.10.220, 26.26.138, 26.50.110,
2 26.52.070, or 74.34.145)
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect Extensions of
7 Credit (RCW 9A.82.040)
8 Incest 2 (RCW 9A.64.020(2))
9 Kidnapping 2 (RCW 9A.40.030)
10 Perjury 1 (RCW 9A.72.020)
11 Persistent prison misbehavior (RCW
12 9.94.070)
13 Possession of a Stolen Firearm (RCW
14 9A.56.310)
15 Rape 3 (RCW 9A.44.060)
16 Rendering Criminal Assistance 1 (RCW
17 9A.76.070)
18 Sexual Misconduct with a Minor 1 (RCW
19 9A.44.093)
20 Sexually Violating Human Remains (RCW
21 9A.44.105)
22 Stalking (RCW 9A.46.110)

23 IV Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault by Watercraft (RCW 79A.60.060)
26 Bribing a Witness/Bribe Received by Witness
27 (RCW 9A.72.090, 9A.72.100)
28 Commercial Bribery (RCW 9A.68.060)
29 Counterfeiting (RCW 9.16.035(4))
30 Escape 1 (RCW 9A.76.110)
31 Hit and Run--Injury (RCW 46.52.020(4)(b))
32 Hit and Run with Vessel--Injury Accident
33 (RCW 79A.60.200(3))
34 Identity Theft 1 (RCW 9.35.020(2)(a))
35 Indecent Exposure to Person Under Age
36 Fourteen (subsequent sex offense) (RCW
37 9A.88.010)
38 Influencing Outcome of Sporting Event (RCW
39 9A.82.070)

1 Knowingly Trafficking in Stolen Property
2 (RCW 9A.82.050(2))
3 Malicious Harassment (RCW 9A.36.080)
4 Manufacture, deliver, or possess with
5 intent to deliver narcotics from
6 Schedule III, IV, or V or nonnarcotics
7 from Schedule I-V (except marijuana,
8 amphetamine, methamphetamines, or
9 flunitrazepam) (RCW 69.50.401(a)(1)
10 (iii) through (v))
11 Residential Burglary (RCW 9A.52.025)
12 Robbery 2 (RCW 9A.56.210)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Threats to Bomb (RCW 9.61.160)
15 Use of Proceeds of Criminal Profiteering
16 (RCW 9A.82.080 (1) and (2))
17 Vehicular Assault (RCW 46.61.522)
18 Willful Failure to Return from Furlough
19 (RCW 72.66.060)

20 III Abandonment of dependent person 2 (RCW
21 9A.42.070)
22 Assault 3 (RCW 9A.36.031)
23 Assault of a Child 3 (RCW 9A.36.140)
24 Bail Jumping with class B or C Felony (RCW
25 9A.76.170(2)(c))
26 Burglary 2 (RCW 9A.52.030)
27 Communication with a Minor for Immoral
28 Purposes (RCW 9.68A.090)
29 Criminal Gang Intimidation (RCW 9A.46.120)
30 Criminal Mistreatment 2 (RCW 9A.42.030)
31 Custodial Assault (RCW 9A.36.100)
32 Delivery of a material in lieu of a
33 controlled substance (RCW
34 69.50.401(c))
35 Escape 2 (RCW 9A.76.120)
36 Extortion 2 (RCW 9A.56.130)
37 Harassment (RCW 9A.46.020)
38 Intimidating a Public Servant (RCW
39 9A.76.180)

1 Introducing Contraband 2 (RCW 9A.76.150)
2 Maintaining a Dwelling or Place for
3 Controlled Substances (RCW
4 69.50.402(a)(6))
5 Malicious Injury to Railroad Property (RCW
6 81.60.070)
7 Manufacture, deliver, or possess with
8 intent to deliver marijuana (RCW
9 69.50.401(a)(1)(iii))
10 Manufacture, distribute, or possess with
11 intent to distribute an imitation
12 controlled substance (RCW
13 69.52.030(1))
14 Patronizing a Juvenile Prostitute (RCW
15 9.68A.100)
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun or Short-Barreled
20 Shotgun or Rifle (RCW 9.41.190)
21 Promoting Prostitution 2 (RCW 9A.88.080)
22 Recklessly Trafficking in Stolen Property
23 (RCW 9A.82.050(1))
24 Securities Act violation (RCW 21.20.400)
25 Tampering with a Witness (RCW 9A.72.120)
26 Telephone Harassment (subsequent conviction
27 or threat of death) (RCW 9.61.230)
28 Theft of Livestock 2 (RCW 9A.56.080)
29 Unlawful Imprisonment (RCW 9A.40.040)
30 Unlawful possession of firearm in the
31 second degree (RCW 9.41.040(1)(b))
32 Unlawful Use of Building for Drug Purposes
33 (RCW 69.53.010)
34 Willful Failure to Return from Work Release
35 (RCW 72.65.070)
36 II Computer Trespass 1 (RCW 9A.52.110)
37 Counterfeiting (RCW 9.16.035(3))

1 Create, deliver, or possess a counterfeit
2 controlled substance (RCW
3 69.50.401(b))
4 Escape from Community Custody (RCW
5 72.09.310)
6 Health Care False Claims (RCW 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(2)(b))
8 Improperly Obtaining Financial Information
9 (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of controlled substance that is
12 either heroin or narcotics from
13 Schedule I or II or flunitrazepam from
14 Schedule IV (RCW 69.50.401(d))
15 Possession of phencyclidine (PCP) (RCW
16 69.50.401(d))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Theft 1 (RCW 9A.56.030)
20 Theft of Rental, Leased, or Lease-purchased
21 Property (valued at one thousand five
22 hundred dollars or more) (RCW
23 9A.56.096(4))
24 Trafficking in Insurance Claims (RCW
25 48.30A.015)
26 Unlawful Practice of Law (RCW 2.48.180)
27 Unlicensed Practice of a Profession or
28 Business (RCW 18.130.190(7))
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 Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)
36 Forgery (RCW 9A.60.020)
37 Malicious Mischief 2 (RCW 9A.48.080)
38 Possess Controlled Substance that is a
39 Narcotic from Schedule III, IV, or V

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

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

22 **DESCRIPTION AND OFFENSE CATEGORY**

23	JUVENILE		JUVENILE DISPOSITION
24	DISPOSITION		CATEGORY FOR ATTEMPT,
25	OFFENSE		BAILJUMP, CONSPIRACY,
26	CATEGORY	DESCRIPTION (RCW CITATION)	OR SOLICITATION
27		

28 **Arson and Malicious Mischief**

29	A	Arson 1 (9A.48.020)	B+
30	B	Arson 2 (9A.48.030)	C
31	C	Reckless Burning 1 (9A.48.040)	D
32	D	Reckless Burning 2 (9A.48.050)	E
33	B	Malicious Mischief 1 (9A.48.070)	C
34	C	Malicious Mischief 2 (9A.48.080)	D
35	D	Malicious Mischief 3 (<\$50 is	
36		E class) (9A.48.090)	E

1	E	Tampering with Fire Alarm	
2		Apparatus (9.40.100)	E
3	A	Possession of Incendiary Device	
4		(9.40.120)	B+
5		Assault and Other Crimes	
6		Involving Physical Harm	
7	A	Assault 1 (9A.36.011)	B+
8	B+	Assault 2 (9A.36.021)	C+
9	C+	Assault 3 (9A.36.031)	D+
10	D+	Assault 4 (9A.36.041)	E
11	B+	Drive-By Shooting	
12		(9A.36.045)	C+
13	D+	Reckless Endangerment	
14		(9A.36.050)	E
15	C+	Promoting Suicide Attempt	
16		(9A.36.060)	D+
17	D+	Coercion (9A.36.070)	E
18	C+	Custodial Assault (9A.36.100)	D+
19		Burglary and Trespass	
20	B+	Burglary 1 (9A.52.020)	C+
21	B	Residential Burglary	
22		(9A.52.025)	C
23	B	Burglary 2 (9A.52.030)	C
24	D	Burglary Tools (Possession of)	
25		(9A.52.060)	E
26	D	Criminal Trespass 1 (9A.52.070)	E
27	E	Criminal Trespass 2 (9A.52.080)	E
28	C	Vehicle Prowling 1 (9A.52.095)	D
29	D	Vehicle Prowling 2 (9A.52.100)	E
30		Drugs	
31	E	Possession/Consumption of Alcohol	
32		(66.44.270)	E
33	C	Illegally Obtaining Legend Drug	
34		(69.41.020)	D
35	C+	Sale, Delivery, Possession of Legend	
36		Drug with Intent to Sell	
37		(69.41.030)	D+

1	E	Possession of Legend Drug	
2		(69.41.030)	E
3	B+	Violation of Uniform Controlled	
4		Substances Act - Narcotic,	
5		Methamphetamine, or Flunitrazepam	
6		Sale (69.50.401(a)(1) (i) or (ii))	B+
7	C	Violation of Uniform Controlled	
8		Substances Act - Nonnarcotic Sale	
9		(69.50.401(a)(1)(iii))	C
10	E	Possession of Marihuana <40 grams	
11		(69.50.401(e))	E
12	C	Fraudulently Obtaining Controlled	
13		Substance (69.50.403)	C
14	C+	Sale of Controlled Substance	
15		for Profit (69.50.410)	C+
16	E	Unlawful Inhalation (9.47A.020)	E
17	B	Violation of Uniform Controlled	
18		Substances Act - Narcotic,	
19		Methamphetamine, or Flunitrazepam	
20		Counterfeit Substances	
21		(69.50.401(b)(1) (i) or (ii))	B
22	C	Violation of Uniform Controlled	
23		Substances Act - Nonnarcotic	
24		Counterfeit Substances	
25		(69.50.401(b)(1) (iii), (iv), (v))	C
26	C	Violation of Uniform Controlled	
27		Substances Act - Possession of a	
28		Controlled Substance	
29		(69.50.401(d))	C
30	C	Violation of Uniform Controlled	
31		Substances Act - Possession of a	
32		Controlled Substance	
33		(69.50.401(c))	C
34		Firearms and Weapons	
35	B	Theft of Firearm (9A.56.300)	C
36	B	Possession of Stolen Firearm	
37		(9A.56.310)	C

1	E	Carrying Loaded Pistol Without	
2		Permit (9.41.050)	E
3	C	Possession of Firearms by Minor (<18)	
4		(9.41.040(1)(b)(iii))	C
5	D+	Possession of Dangerous Weapon	
6		(9.41.250)	E
7	D	Intimidating Another Person by use	
8		of Weapon (9.41.270)	E
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment	
19		(9A.40.040)	D+
20		Obstructing Governmental Operation	
21	D	Obstructing a Law Enforcement	
22		Officer (9A.76.020)	E
23	E	Resisting Arrest (9A.76.040)	E
24	B	Introducing Contraband 1	
25		(9A.76.140)	C
26	C	Introducing Contraband 2	
27		(9A.76.150)	D
28	E	Introducing Contraband 3	
29		(9A.76.160)	E
30	B+	Intimidating a Public Servant	
31		(9A.76.180)	C+
32	B+	Intimidating a Witness	
33		(9A.72.110)	C+
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010)	D+
36	D+	Riot Without Weapon	
37		(9A.84.010)	E

1	E	Failure to Disperse (9A.84.020)	E
2	E	Disorderly Conduct (9A.84.030)	E
3		Sex Crimes	
4	A	Rape 1 (9A.44.040)	B+
5	A-	Rape 2 (9A.44.050)	B+
6	C+	Rape 3 (9A.44.060)	D+
7	A-	Rape of a Child 1 (9A.44.073)	B+
8	B+	Rape of a Child 2 (9A.44.076)	C+
9	B	Incest 1 (9A.64.020(1))	C
10	C	Incest 2 (9A.64.020(2))	D
11	D+	Indecent Exposure	
12		(Victim <14) (9A.88.010)	E
13	E	Indecent Exposure	
14		(Victim 14 or over) (9A.88.010)	E
15	B+	Promoting Prostitution 1	
16		(9A.88.070)	C+
17	C+	Promoting Prostitution 2	
18		(9A.88.080)	D+
19	E	O & A (Prostitution) (9A.88.030)	E
20	B+	Indecent Liberties (9A.44.100)	C+
21	A-	Child Molestation 1 (9A.44.083)	B+
22	B	Child Molestation 2 (9A.44.086)	C+
23		Theft, Robbery, Extortion, and Forgery	
24	B	Theft 1 (9A.56.030)	C
25	C	Theft 2 (9A.56.040)	D
26	D	Theft 3 (9A.56.050)	E
27	B	Theft of Livestock (9A.56.080)	C
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200)	B+
30	B+	Robbery 2 (9A.56.210)	C+
31	B+	Extortion 1 (9A.56.120)	C+
32	C+	Extortion 2 (9A.56.130)	D+
33	<u>C</u>	<u>Identity Theft 1 (9.35.020(2)(a))</u>	<u>D</u>
34	<u>D</u>	<u>Identity Theft 2 (9.35.020(2)(b))</u>	<u>E</u>
35	<u>D</u>	<u>Improperly Obtaining Financial</u>	
36		<u>Information</u>	<u>E</u>
37	B	Possession of Stolen Property 1	
38		(9A.56.150)	C

1	C	Possession of Stolen Property 2	
2		(9A.56.160)	D
3	D	Possession of Stolen Property 3	
4		(9A.56.170)	E
5	C	Taking Motor Vehicle Without	
6		Owner's Permission (9A.56.070)	D
7		Motor Vehicle Related Crimes	
8	E	Driving Without a License	
9		(46.20.005)	E
10	B+	Hit and Run - Death	
11		(46.52.020(4)(a))	C+
12	C	Hit and Run - Injury	
13		(46.52.020(4)(b))	D
14	D	Hit and Run-Attended	
15		(46.52.020(5))	E
16	E	Hit and Run-Unattended	
17		(46.52.010)	E
18	C	Vehicular Assault (46.61.522)	D
19	C	Attempting to Elude Pursuing	
20		Police Vehicle (46.61.024)	D
21	E	Reckless Driving (46.61.500)	E
22	D	Driving While Under the Influence	
23		(46.61.502 and 46.61.504)	E
24		Other	
25	B	Bomb Threat (9.61.160)	C
26	C	Escape 1 (9A.76.110)	C
27	C	Escape 2 (9A.76.120)	C
28	D	Escape 3 (9A.76.130)	E
29	E	Obscene, Harassing, Etc.,	
30		Phone Calls (9.61.230)	E
31	A	Other Offense Equivalent to an	
32		Adult Class A Felony	B+
33	B	Other Offense Equivalent to an	
34		Adult Class B Felony	C
35	C	Other Offense Equivalent to an	
36		Adult Class C Felony	D
37	D	Other Offense Equivalent to an	
38		Adult Gross Misdemeanor	E

1	E	Other Offense Equivalent to an	
2		Adult Misdemeanor	E
3	V	Violation of Order of Restitution,	
4		Community Supervision, or	
5		Confinement (13.40.200)	V

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

8 1st escape or attempted escape during 12-month period - 4 weeks
9 confinement

10 2nd escape or attempted escape during 12-month period - 8 weeks
11 confinement

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

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

16 **JUVENILE SENTENCING STANDARDS**

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

OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

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	A+	180 WEEKS TO AGE 21 YEARS				
	A	103 WEEKS TO 129 WEEKS				
	A-	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
		EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS				
Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
	B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS		
	C+	LS	15-36 WEEKS			
	C	LS	15-36 WEEKS			
		Local Sanctions: 0 to 30 Days				
	D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Service			
	D	LS	\$0 to \$500 Fine			
	E	LS				
		0	1	2	3	4 or more
		PRIOR ADJUDICATIONS				

36 NOTE: References in the grid to days or weeks mean periods of
37 confinement.

38 (1) The vertical axis of the grid is the current offense category.
39 The current offense category is determined by the offense of
40 adjudication.

41 (2) The horizontal axis of the grid is the number of prior
42 adjudications included in the juvenile's criminal history. Each prior
43 felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
2 point. Fractional points shall be rounded down.

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

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

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

11 OR

12 OPTION B

13 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

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

18 OR

19 OPTION C

20 MANIFEST INJUSTICE

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

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

26 NEW SECTION. **Sec. 15.** Section 4 of this act expires April 1,
27 2004.

28 NEW SECTION. **Sec. 16.** Section 5 of this act takes effect April 1,
29 2004."

1 **SSB 5449** - S AMD 137
2 By Senators Prentice and Winsley

3 ADOPTED 03/13/01

4 On page 1, line 1 of the title, after "theft;" strike the remainder
5 of the title and insert "amending RCW 43.43.760, 19.16.250, 19.16.250,
6 9.35.010, 9.35.020, 9.35.030, 9A.82.010, and 13.40.0357; reenacting and
7 amending RCW 9.94A.320; adding new sections to chapter 9.35 RCW; adding
8 a new section to chapter 19.182 RCW; creating a new section;
9 prescribing penalties; providing an effective date; and providing an
10 expiration date."

--- END ---