

2 SSB 5449 - S AMD 137

3 By Senators Prentice and Winsley

4

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		<b>Assault and Other Crimes</b>	
6		<b>Involving Physical Harm</b>	
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		<b>Burglary and Trespass</b>	
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		<b>Drugs</b>	
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		<b>Firearms and Weapons</b>	
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		<b>Homicide</b>	
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		<b>Kidnapping</b>	
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		<b>Obstructing Governmental Operation</b>	
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		<b>Public Disturbance</b>	
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		<b>Sex Crimes</b>	
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		<b>Theft, Robbery, Extortion, and Forgery</b>	
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		<b>Motor Vehicle Related Crimes</b>	
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		<b>Other</b>	
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

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 ---