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HOUSE BILL 1272

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Ballasiotes, O'Brien and Conway

Read first time 01/22/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to identity crimes; amending RCW 9A.60.040;  
2 reenacting and amending RCW 9.94A.320; and prescribing penalties.

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

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

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

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

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

15 (2) Criminal impersonation in the first degree is a ((gross  
16 misdemeanor)) class C felony.

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

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

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

7 (4) Criminal impersonation in the second degree is a gross  
8 misdemeanor.

9 **Sec. 2.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and  
10 2000 c 66 s 2 are each reenacted and amended to read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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

1           Leading     Organized     Crime     (RCW  
2                     9A.82.060(1)(a))  
3           Malicious explosion 3 (RCW 70.74.280(3))  
4           Manufacture     of     methamphetamine     (RCW  
5                     69.50.401(a)(1)(ii))  
6           Over     18     and     deliver     heroin,  
7                     methamphetamine,     a     narcotic     from  
8                     Schedule I or II, or flunitrazepam  
9                     from Schedule IV to someone under 18  
10                    (RCW 69.50.406)

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

33    VIII          Arson 1 (RCW 9A.48.020)  
34           Deliver or possess with intent to deliver  
35                     m e t h a m p h e t a m i n e     ( R C W  
36                     69.50.401(a)(1)(ii))  
37           Hit and Run--Death (RCW 46.52.020(4)(a))

1 Homicide by Watercraft, by the operation of  
2 any vessel in a reckless manner (RCW  
3 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Manufacture, deliver, or possess with  
6 intent to deliver amphetamine (RCW  
7 69.50.401(a)(1)(ii))  
8 Manufacture, deliver, or possess with  
9 intent to deliver heroin or cocaine  
10 (RCW 69.50.401(a)(1)(i))  
11 Possession of Ephedrine, Pseudoephedrine,  
12 or Anhydrous Ammonia with intent to  
13 manufacture methamphetamine (RCW  
14 69.50.440)  
15 Promoting Prostitution 1 (RCW 9A.88.070)  
16 Selling for profit (controlled or  
17 counterfeit) any controlled substance  
18 (RCW 69.50.410)  
19 Theft of Anhydrous Ammonia (RCW 69.55.010)  
20 Vehicular Homicide, by the operation of any  
21 vehicle in a reckless manner (RCW  
22 46.61.520)

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

1 Sending, bringing into state depictions of  
2 minor engaged in sexually explicit  
3 conduct (RCW 9.68A.060)  
4 Unlawful Possession of a Firearm in the  
5 first degree (RCW 9.41.040(1)(a))  
6 Use of a Machine Gun in Commission of a  
7 Felony (RCW 9.41.225)  
8 Vehicular Homicide, by disregard for the  
9 safety of others (RCW 46.61.520)

10 VI Bail Jumping with Murder 1 (RCW  
11 9A.76.170(2)(a))  
12 Bribery (RCW 9A.68.010)  
13 Incest 1 (RCW 9A.64.020(1))  
14 Intimidating a Judge (RCW 9A.72.160)  
15 Intimidating a Juror/Witness (RCW  
16 9A.72.110, 9A.72.130)  
17 Malicious placement of an imitation device  
18 2 (RCW 70.74.272(1)(b))  
19 Manufacture, deliver, or possess with  
20 intent to deliver narcotics from  
21 Schedule I or II (except heroin or  
22 cocaine) or flunitrazepam from  
23 Schedule IV (RCW 69.50.401(a)(1)(i))  
24 Rape of a Child 3 (RCW 9A.44.079)  
25 Theft of a Firearm (RCW 9A.56.300)  
26 Unlawful Storage of Anhydrous Ammonia (RCW  
27 69.55.020)

28 V Abandonment of dependent person 1 (RCW  
29 9A.42.060)  
30 Advancing money or property for  
31 extortionate extension of credit (RCW  
32 9A.82.030)  
33 Bail Jumping with class A Felony (RCW  
34 9A.76.170(2)(b))  
35 Child Molestation 3 (RCW 9A.44.089)  
36 Criminal Mistreatment 1 (RCW 9A.42.020)  
37 Custodial Sexual Misconduct 1 (RCW  
38 9A.44.160)

1 Delivery of imitation controlled substance  
2 by person eighteen or over to person  
3 under eighteen (RCW 69.52.030(2))  
4 Domestic Violence Court Order Violation  
5 (RCW 10.99.040, 10.99.050, 26.09.300,  
6 26.10.220, 26.26.138, 26.50.110,  
7 26.52.070, or 74.34.145)  
8 Extortion 1 (RCW 9A.56.120)  
9 Extortionate Extension of Credit (RCW  
10 9A.82.020)  
11 Extortionate Means to Collect Extensions of  
12 Credit (RCW 9A.82.040)  
13 Incest 2 (RCW 9A.64.020(2))  
14 Kidnapping 2 (RCW 9A.40.030)  
15 Perjury 1 (RCW 9A.72.020)  
16 Persistent prison misbehavior (RCW  
17 9.94.070)  
18 Possession of a Stolen Firearm (RCW  
19 9A.56.310)  
20 Rape 3 (RCW 9A.44.060)  
21 Rendering Criminal Assistance 1 (RCW  
22 9A.76.070)  
23 Sexual Misconduct with a Minor 1 (RCW  
24 9A.44.093)  
25 Sexually Violating Human Remains (RCW  
26 9A.44.105)  
27 Stalking (RCW 9A.46.110)  
28 IV Arson 2 (RCW 9A.48.030)  
29 Assault 2 (RCW 9A.36.021)  
30 Assault by Watercraft (RCW 79A.60.060)  
31 Bribing a Witness/Bribe Received by Witness  
32 (RCW 9A.72.090, 9A.72.100)  
33 Commercial Bribery (RCW 9A.68.060)  
34 Counterfeiting (RCW 9.16.035(4))  
35 Criminal Impersonation 1 (RCW 9A.60.040(1))  
36 Escape 1 (RCW 9A.76.110)  
37 Hit and Run--Injury (RCW 46.52.020(4)(b))  
38 Hit and Run with Vessel--Injury Accident  
39 (RCW 79A.60.200(3))

1            Identity Theft (RCW 9.35.020)  
2            Indecent Exposure to Person Under Age  
3            Fourteen (subsequent sex offense) (RCW  
4            9A.88.010)  
5            Influencing Outcome of Sporting Event (RCW  
6            9A.82.070)  
7            Knowingly Trafficking in Stolen Property  
8            (RCW 9A.82.050(2))  
9            Malicious Harassment (RCW 9A.36.080)  
10           Manufacture, deliver, or possess with  
11           intent to deliver narcotics from  
12           Schedule III, IV, or V or nonnarcotics  
13           from Schedule I-V (except marijuana,  
14           amphetamine, methamphetamines, or  
15           flunitrazepam) (RCW 69.50.401(a)(1)  
16           (iii) through (v))  
17           Residential Burglary (RCW 9A.52.025)  
18           Robbery 2 (RCW 9A.56.210)  
19           Theft of Livestock 1 (RCW 9A.56.080)  
20           Threats to Bomb (RCW 9.61.160)  
21           Use of Proceeds of Criminal Profiteering  
22           (RCW 9A.82.080 (1) and (2))  
23           Vehicular Assault (RCW 46.61.522)  
24           Willful Failure to Return from Furlough  
25           (RCW 72.66.060)  
  
26    III       Abandonment of dependent person 2 (RCW  
27               9A.42.070)  
28               Assault 3 (RCW 9A.36.031)  
29               Assault of a Child 3 (RCW 9A.36.140)  
30               Bail Jumping with class B or C Felony (RCW  
31               9A.76.170(2)(c))  
32               Burglary 2 (RCW 9A.52.030)  
33               Communication with a Minor for Immoral  
34               Purposes (RCW 9.68A.090)  
35               Criminal Gang Intimidation (RCW 9A.46.120)  
36               Criminal Mistreatment 2 (RCW 9A.42.030)  
37               Custodial Assault (RCW 9A.36.100)

1 Delivery of a material in lieu of a  
2 controlled substance (RCW  
3 69.50.401(c))  
4 Escape 2 (RCW 9A.76.120)  
5 Extortion 2 (RCW 9A.56.130)  
6 Harassment (RCW 9A.46.020)  
7 Intimidating a Public Servant (RCW  
8 9A.76.180)  
9 Introducing Contraband 2 (RCW 9A.76.150)  
10 Maintaining a Dwelling or Place for  
11 Controlled Substances (RCW  
12 69.50.402(a)(6))  
13 Malicious Injury to Railroad Property (RCW  
14 81.60.070)  
15 Manufacture, deliver, or possess with  
16 intent to deliver marijuana (RCW  
17 69.50.401(a)(1)(iii))  
18 Manufacture, distribute, or possess with  
19 intent to distribute an imitation  
20 controlled substance (RCW  
21 69.52.030(1))  
22 Patronizing a Juvenile Prostitute (RCW  
23 9.68A.100)  
24 Perjury 2 (RCW 9A.72.030)  
25 Possession of Incendiary Device (RCW  
26 9.40.120)  
27 Possession of Machine Gun or Short-Barreled  
28 Shotgun or Rifle (RCW 9.41.190)  
29 Promoting Prostitution 2 (RCW 9A.88.080)  
30 Recklessly Trafficking in Stolen Property  
31 (RCW 9A.82.050(1))  
32 Securities Act violation (RCW 21.20.400)  
33 Tampering with a Witness (RCW 9A.72.120)  
34 Telephone Harassment (subsequent conviction  
35 or threat of death) (RCW 9.61.230)  
36 Theft of Livestock 2 (RCW 9A.56.080)  
37 Unlawful Imprisonment (RCW 9A.40.040)  
38 Unlawful possession of firearm in the  
39 second degree (RCW 9.41.040(1)(b))



1 Unlawful Use of Building for Drug Purposes  
2 (RCW 69.53.010)  
3 Willful Failure to Return from Work Release  
4 (RCW 72.65.070)

5 II Computer Trespass 1 (RCW 9A.52.110)  
6 Counterfeiting (RCW 9.16.035(3))  
7 Create, deliver, or possess a counterfeit  
8 controlled substance (RCW  
9 69.50.401(b))

10 Escape from Community Custody (RCW  
11 72.09.310)

12 Health Care False Claims (RCW 48.80.030)

13 Malicious Mischief 1 (RCW 9A.48.070)

14 Possession of controlled substance that is  
15 either heroin or narcotics from  
16 Schedule I or II or flunitrazepam from  
17 Schedule IV (RCW 69.50.401(d))

18 Possession of phencyclidine (PCP) (RCW  
19 69.50.401(d))

20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)

22 Theft 1 (RCW 9A.56.030)

23 Theft of Rental, Leased, or Lease-purchased  
24 Property (valued at one thousand five  
25 hundred dollars or more) (RCW  
26 9A.56.096(4))

27 Trafficking in Insurance Claims (RCW  
28 48.30A.015)

29 Unlawful Practice of Law (RCW 2.48.180)

30 Unlicensed Practice of a Profession or  
31 Business (RCW 18.130.190(7))

32 I Attempting to Elude a Pursuing Police  
33 Vehicle (RCW 46.61.024)

34 False Verification for Welfare (RCW  
35 74.08.055)

36 Forged Prescription (RCW 69.41.020)

37 Forged Prescription for a Controlled  
38 Substance (RCW 69.50.403)

1           Forgery (RCW 9A.60.020)  
2           Malicious Mischief 2 (RCW 9A.48.080)  
3           Possess Controlled Substance that is a  
4                 Narcotic from Schedule III, IV, or V  
5                 or Non-narcotic from Schedule I-V  
6                 (except phencyclidine or  
7                 flunitrazepam) (RCW 69.50.401(d))  
8           Possession of Stolen Property 2 (RCW  
9                 9A.56.160)  
10          Reckless Burning 1 (RCW 9A.48.040)  
11          Taking Motor Vehicle Without Permission  
12                 (RCW 9A.56.070)  
13          Theft 2 (RCW 9A.56.040)  
14          Theft of Rental, Leased, or Lease-purchased  
15                 Property (valued at two hundred fifty  
16                 dollars or more but less than one  
17                 thousand five hundred dollars) (RCW  
18                 9A.56.096(4))  
19          Unlawful Issuance of Checks or Drafts (RCW  
20                 9A.56.060)  
21          Unlawful Use of Food Stamps (RCW 9.91.140  
22                 (2) and (3))  
23          Vehicle Prowl 1 (RCW 9A.52.095)

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