

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2771**

Chapter 94, Laws of 2004

58th Legislature  
2004 Regular Session

CYBERSTALKING

EFFECTIVE DATE: 3/24/04 - Except section 3, which becomes effective 7/1/04.

Passed by the House February 13, 2004  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 2, 2004  
Yeas 47 Nays 0

BRAD OWEN

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**President of the Senate**

Approved March 24, 2004.

GARY F. LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2771** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

March 24, 2004 - 2:09 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2771**

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Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire, Kenney, Kessler, Conway, Darneille, Sullivan, Schual-Berke, Kagi and Ormsby)

READ FIRST TIME 02/02/04.

1            AN ACT Relating to the prevention of cyberstalking; amending RCW  
2 9A.46.060 and 9A.46.100; reenacting and amending RCW 9.94A.515 and  
3 9.94A.515; adding a new section to chapter 9.61 RCW; prescribing  
4 penalties; providing an effective date; providing an expiration date;  
5 and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 9.61 RCW  
8 to read as follows:

9            (1) A person is guilty of cyberstalking if he or she, with intent  
10 to harass, intimidate, torment, or embarrass any other person, and  
11 under circumstances not constituting telephone harassment, makes an  
12 electronic communication to such other person or a third party:

13            (a) Using any lewd, lascivious, indecent, or obscene words, images,  
14 or language, or suggesting the commission of any lewd or lascivious  
15 act;

16            (b) Anonymously or repeatedly whether or not conversation occurs;  
17 or

18            (c) Threatening to inflict injury on the person or property of the  
19 person called or any member of his or her family or household.

1 (2) Cyberstalking is a gross misdemeanor, except as provided in  
2 subsection (3) of this section.

3 (3) Cyberstalking is a class C felony if either of the following  
4 applies:

5 (a) The perpetrator has previously been convicted of the crime of  
6 harassment, as defined in RCW 9A.46.060, with the same victim or a  
7 member of the victim's family or household or any person specifically  
8 named in a no-contact order or no-harassment order in this or any other  
9 state; or

10 (b) The perpetrator engages in the behavior prohibited under  
11 subsection (1)(c) of this section by threatening to kill the person  
12 threatened or any other person.

13 (4) Any offense committed under this section may be deemed to have  
14 been committed either at the place from which the communication was  
15 made or at the place where the communication was received.

16 (5) For purposes of this section, "electronic communication" means  
17 the transmission of information by wire, radio, optical cable,  
18 electromagnetic, or other similar means. "Electronic communication"  
19 includes, but is not limited to, electronic mail, internet based  
20 communications, pager service, and electronic text messaging.

21 **Sec. 2.** RCW 9.94A.515 and 2003 c 335 s 4, 2003 c 283 s 32, 2003 c  
22 267 s 2, 2003 c 250 s 13, 2003 c 119 s 7, and 2003 c 52 s 3 are each  
23 reenacted and amended to read as follows:

24

25 TABLE 2  
26 CRIMES INCLUDED WITHIN  
27 EACH SERIOUSNESS LEVEL

28	XVI	Aggravated Murder 1 (RCW 10.95.020)
29	XV	Homicide by abuse (RCW 9A.32.055) 30 Malicious explosion 1 (RCW 31 70.74.280(1)) 32 Murder 1 (RCW 9A.32.030)
33	XIV	Murder 2 (RCW 9A.32.050) 34 Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW  
2 70.74.280(2))  
3 Malicious placement of an explosive 1  
4 (RCW 70.74.270(1))  
5 XII Assault 1 (RCW 9A.36.011)  
6 Assault of a Child 1 (RCW 9A.36.120)  
7 Malicious placement of an imitation  
8 device 1 (RCW 70.74.272(1)(a))  
9 Rape 1 (RCW 9A.44.040)  
10 Rape of a Child 1 (RCW 9A.44.073)  
11 Trafficking 2 (RCW 9A.40.100(2))  
12 XI Manslaughter 1 (RCW 9A.32.060)  
13 Rape 2 (RCW 9A.44.050)  
14 Rape of a Child 2 (RCW 9A.44.076)  
15 X Child Molestation 1 (RCW 9A.44.083)  
16 Indecent Liberties (with forcible  
17 compulsion) (RCW  
18 9A.44.100(1)(a))  
19 Kidnapping 1 (RCW 9A.40.020)  
20 Leading Organized Crime (RCW  
21 9A.82.060(1)(a))  
22 Malicious explosion 3 (RCW  
23 70.74.280(3))  
24 Manufacture of methamphetamine  
25 (RCW 69.50.401(a)(1)(ii))  
26 Over 18 and deliver heroin,  
27 methamphetamine, a narcotic  
28 from Schedule I or II, or  
29 flunitrazepam from Schedule IV  
30 to someone under 18 (RCW  
31 69.50.406)  
32 Sexually Violent Predator Escape  
33 (RCW 9A.76.115)  
34 IX Assault of a Child 2 (RCW 9A.36.130)  
35 Controlled Substance Homicide (RCW  
36 69.50.415)

1 Explosive devices prohibited (RCW  
2 70.74.180)  
3 Hit and Run--Death (RCW  
4 46.52.020(4)(a))  
5 Homicide by Watercraft, by being  
6 under the influence of intoxicating  
7 liquor or any drug (RCW  
8 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2  
12 (RCW 70.74.270(2))  
13 Over 18 and deliver narcotic from  
14 Schedule III, IV, or V or a  
15 nonnarcotic, except flunitrazepam  
16 or methamphetamine, from  
17 Schedule I-V to someone under 18  
18 and 3 years junior (RCW  
19 69.50.406)  
20 Robbery 1 (RCW 9A.56.200)  
21 Sexual Exploitation (RCW 9.68A.040)  
22 Vehicular Homicide, by being under  
23 the influence of intoxicating  
24 liquor or any drug (RCW  
25 46.61.520)  
26 VIII Arson 1 (RCW 9A.48.020)  
27 Deliver or possess with intent to  
28 deliver methamphetamine (RCW  
29 69.50.401(a)(1)(ii))  
30 Homicide by Watercraft, by the  
31 operation of any vessel in a  
32 reckless manner (RCW  
33 79A.60.050)  
34 Manslaughter 2 (RCW 9A.32.070)  
35 Manufacture, deliver, or possess with  
36 intent to deliver amphetamine  
37 (RCW 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with  
2 intent to deliver heroin or cocaine  
3 (RCW 69.50.401(a)(1)(i))  
4 Possession of Ephedrine or any of its  
5 Salts or Isomers or Salts of  
6 Isomers, Pseudoephedrine or any  
7 of its Salts or Isomers or Salts of  
8 Isomers, Pressurized Ammonia  
9 Gas, or Pressurized Ammonia Gas  
10 Solution with intent to  
11 manufacture methamphetamine  
12 (RCW 69.50.440)  
13 Promoting Prostitution 1 (RCW  
14 9A.88.070)  
15 Selling for profit (controlled or  
16 counterfeit) any controlled  
17 substance (RCW 69.50.410)  
18 Theft of Ammonia (RCW 69.55.010)  
19 Vehicular Homicide, by the operation  
20 of any vehicle in a reckless  
21 manner (RCW 46.61.520)  
22 VII Burglary 1 (RCW 9A.52.020)  
23 Child Molestation 2 (RCW 9A.44.086)  
24 Civil Disorder Training (RCW  
25 9A.48.120)  
26 Dealing in depictions of minor  
27 engaged in sexually explicit  
28 conduct (RCW 9.68A.050)  
29 Drive-by Shooting (RCW 9A.36.045)  
30 Homicide by Watercraft, by disregard  
31 for the safety of others (RCW  
32 79A.60.050)  
33 Indecent Liberties (without forcible  
34 compulsion) (RCW 9A.44.100(1)  
35 (b) and (c))  
36 Introducing Contraband 1 (RCW  
37 9A.76.140)

1 Involving a minor in drug dealing  
2 (RCW 69.50.401(f))  
3 Malicious placement of an explosive 3  
4 (RCW 70.74.270(3))  
5 Sending, bringing into state depictions  
6 of minor engaged in sexually  
7 explicit conduct (RCW  
8 9.68A.060)  
9 Unlawful Possession of a Firearm in  
10 the first degree (RCW  
11 9.41.040(1)(a))  
12 Use of a Machine Gun in Commission  
13 of a Felony (RCW 9.41.225)  
14 Vehicular Homicide, by disregard for  
15 the safety of others (RCW  
16 46.61.520)  
17 VI Bail Jumping with Murder 1 (RCW  
18 9A.76.170(3)(a))  
19 Bribery (RCW 9A.68.010)  
20 Incest 1 (RCW 9A.64.020(1))  
21 Intimidating a Judge (RCW  
22 9A.72.160)  
23 Intimidating a Juror/Witness (RCW  
24 9A.72.110, 9A.72.130)  
25 Malicious placement of an imitation  
26 device 2 (RCW 70.74.272(1)(b))  
27 Manufacture, deliver, or possess with  
28 intent to deliver narcotics from  
29 Schedule I or II (except heroin or  
30 cocaine) or flunitrazepam from  
31 Schedule IV (RCW  
32 69.50.401(a)(1)(i))  
33 Rape of a Child 3 (RCW 9A.44.079)  
34 Theft of a Firearm (RCW 9A.56.300)  
35 Unlawful Storage of Ammonia (RCW  
36 69.55.020)

1 V Abandonment of dependent person 1  
2 (RCW 9A.42.060)  
3 Advancing money or property for  
4 extortionate extension of credit  
5 (RCW 9A.82.030)  
6 Bail Jumping with class A Felony  
7 (RCW 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 1 (RCW  
10 9A.42.020)  
11 Custodial Sexual Misconduct 1 (RCW  
12 9A.44.160)  
13 Delivery of imitation controlled  
14 substance by person eighteen or  
15 over to person under eighteen  
16 (RCW 69.52.030(2))  
17 Domestic Violence Court Order  
18 Violation (RCW 10.99.040,  
19 10.99.050, 26.09.300, 26.10.220,  
20 26.26.138, 26.50.110, 26.52.070,  
21 or 74.34.145)  
22 Extortion 1 (RCW 9A.56.120)  
23 Extortionate Extension of Credit  
24 (RCW 9A.82.020)  
25 Extortionate Means to Collect  
26 Extensions of Credit (RCW  
27 9A.82.040)  
28 Incest 2 (RCW 9A.64.020(2))  
29 Kidnapping 2 (RCW 9A.40.030)  
30 Perjury 1 (RCW 9A.72.020)  
31 Persistent prison misbehavior (RCW  
32 9.94.070)  
33 Possession of a Stolen Firearm (RCW  
34 9A.56.310)  
35 Rape 3 (RCW 9A.44.060)  
36 Rendering Criminal Assistance 1  
37 (RCW 9A.76.070)



1 Sexual Misconduct with a Minor 1  
2 (RCW 9A.44.093)  
3 Sexually Violating Human Remains  
4 (RCW 9A.44.105)  
5 Stalking (RCW 9A.46.110)  
6 Taking Motor Vehicle Without  
7 Permission 1 (RCW  
8 9A.56.070(1))  
9 IV Arson 2 (RCW 9A.48.030)  
10 Assault 2 (RCW 9A.36.021)  
11 Assault by Watercraft (RCW  
12 79A.60.060)  
13 Bribing a Witness/Bribe Received by  
14 Witness (RCW 9A.72.090,  
15 9A.72.100)  
16 Cheating 1 (RCW 9.46.1961)  
17 Commercial Bribery (RCW  
18 9A.68.060)  
19 Counterfeiting (RCW 9.16.035(4))  
20 Endangerment with a Controlled  
21 Substance (RCW 9A.42.100)  
22 Escape 1 (RCW 9A.76.110)  
23 Hit and Run--Injury (RCW  
24 46.52.020(4)(b))  
25 Hit and Run with Vessel--Injury  
26 Accident (RCW 79A.60.200(3))  
27 Identity Theft 1 (RCW 9.35.020(2)(a))  
28 Indecent Exposure to Person Under  
29 Age Fourteen (subsequent sex  
30 offense) (RCW 9A.88.010)  
31 Influencing Outcome of Sporting  
32 Event (RCW 9A.82.070)  
33 Knowingly Trafficking in Stolen  
34 Property (RCW 9A.82.050(2))  
35 Malicious Harassment (RCW  
36 9A.36.080)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except marijuana, amphetamine,  
6 methamphetamines, or  
7 flunitrazepam) (RCW  
8 69.50.401(a)(1) (iii) through (v))  
9 Residential Burglary (RCW  
10 9A.52.025)  
11 Robbery 2 (RCW 9A.56.210)  
12 Theft of Livestock 1 (RCW 9A.56.080)  
13 Threats to Bomb (RCW 9.61.160)  
14 Unlawful factoring of a credit card or  
15 payment card transaction (RCW  
16 9A.56.290(4)(b))  
17 Unlawful transaction of health  
18 coverage as a health care service  
19 contractor (RCW 48.44.016(3))  
20 Unlawful transaction of health  
21 coverage as a health maintenance  
22 organization (RCW 48.46.033(3))  
23 Unlawful transaction of insurance  
24 business (RCW 48.15.023(3))  
25 Unlicensed practice as an insurance  
26 professional (RCW 48.17.063(3))  
27 Use of Proceeds of Criminal  
28 Profiteering (RCW 9A.82.080 (1)  
29 and (2))  
30 Vehicular Assault, by being under the  
31 influence of intoxicating liquor or  
32 any drug, or by the operation or  
33 driving of a vehicle in a reckless  
34 manner (RCW 46.61.522)  
35 Willful Failure to Return from  
36 Furlough (RCW 72.66.060)

1 III Abandonment of dependent person 2  
2 (RCW 9A.42.070)  
3 Assault 3 (RCW 9A.36.031)  
4 Assault of a Child 3 (RCW 9A.36.140)  
5 Bail Jumping with class B or C Felony  
6 (RCW 9A.76.170(3)(c))  
7 Burglary 2 (RCW 9A.52.030)  
8 Communication with a Minor for  
9 Immoral Purposes (RCW  
10 9.68A.090)  
11 Criminal Gang Intimidation (RCW  
12 9A.46.120)  
13 Criminal Mistreatment 2 (RCW  
14 9A.42.030)  
15 Custodial Assault (RCW 9A.36.100)  
16 Cyberstalking (subsequent conviction  
17 or threat of death) (section 1(3) of this  
18 act)  
19 Delivery of a material in lieu of a  
20 controlled substance (RCW  
21 69.50.401(c))  
22 Escape 2 (RCW 9A.76.120)  
23 Extortion 2 (RCW 9A.56.130)  
24 Harassment (RCW 9A.46.020)  
25 Intimidating a Public Servant (RCW  
26 9A.76.180)  
27 Introducing Contraband 2 (RCW  
28 9A.76.150)  
29 Maintaining a Dwelling or Place for  
30 Controlled Substances (RCW  
31 69.50.402(a)(6))  
32 Malicious Injury to Railroad Property  
33 (RCW 81.60.070)  
34 Manufacture, deliver, or possess with  
35 intent to deliver marijuana (RCW  
36 69.50.401(a)(1)(iii))

1 Manufacture, distribute, or possess  
2 with intent to distribute an  
3 imitation controlled substance  
4 (RCW 69.52.030(1))  
5 Patronizing a Juvenile Prostitute  
6 (RCW 9.68A.100)  
7 Perjury 2 (RCW 9A.72.030)  
8 Possession of Incendiary Device (RCW  
9 9.40.120)  
10 Possession of Machine Gun or Short-  
11 Barreled Shotgun or Rifle (RCW  
12 9.41.190)  
13 Promoting Prostitution 2 (RCW  
14 9A.88.080)  
15 Recklessly Trafficking in Stolen  
16 Property (RCW 9A.82.050(1))  
17 Securities Act violation (RCW  
18 21.20.400)  
19 Tampering with a Witness (RCW  
20 9A.72.120)  
21 Telephone Harassment (subsequent  
22 conviction or threat of death)  
23 (RCW 9.61.230)  
24 Theft of Livestock 2 (RCW 9A.56.080)  
25 Unlawful Imprisonment (RCW  
26 9A.40.040)  
27 Unlawful possession of firearm in the  
28 second degree (RCW  
29 9.41.040(1)(b))  
30 Unlawful Use of Building for Drug  
31 Purposes (RCW 69.53.010)  
32 Vehicular Assault, by the operation or  
33 driving of a vehicle with disregard  
34 for the safety of others (RCW  
35 46.61.522)  
36 Willful Failure to Return from Work  
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW  
2 9A.52.110)  
3 Counterfeiting (RCW 9.16.035(3))  
4 Create, deliver, or possess a counterfeit  
5 controlled substance (RCW  
6 69.50.401(b))  
7 Escape from Community Custody  
8 (RCW 72.09.310)  
9 Health Care False Claims (RCW  
10 48.80.030)  
11 Identity Theft 2 (RCW 9.35.020(2)(b))  
12 Improperly Obtaining Financial  
13 Information (RCW 9.35.010)  
14 Malicious Mischief 1 (RCW  
15 9A.48.070)  
16 Possession of controlled substance that  
17 is either heroin or narcotics from  
18 Schedule I or II or flunitrazepam  
19 from Schedule IV (RCW  
20 69.50.401(d))  
21 Possession of phencyclidine (PCP)  
22 (RCW 69.50.401(d))  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Theft 1 (RCW 9A.56.030)  
26 Theft of Rental, Leased, or Lease-  
27 purchased Property (valued at one  
28 thousand five hundred dollars or  
29 more) (RCW 9A.56.096(4))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))  
35 Unlawful Practice of Law (RCW  
36 2.48.180)

1 Unlicensed Practice of a Profession or  
2 Business (RCW 18.130.190(7))  
3 I Attempting to Elude a Pursuing Police  
4 Vehicle (RCW 46.61.024)  
5 False Verification for Welfare (RCW  
6 74.08.055)  
7 Forged Prescription (RCW 69.41.020)  
8 Forged Prescription for a Controlled  
9 Substance (RCW 69.50.403)  
10 Forgery (RCW 9A.60.020)  
11 Fraudulent Creation or Revocation of a  
12 Mental Health Advance Directive  
13 (RCW 9A.60.060)  
14 Malicious Mischief 2 (RCW  
15 9A.48.080)  
16 Mineral Trespass (RCW 78.44.330)  
17 Possess Controlled Substance that is a  
18 Narcotic from Schedule III, IV, or  
19 V or Non-narcotic from Schedule  
20 I-V (except phencyclidine or  
21 flunitrazepam) (RCW  
22 69.50.401(d))  
23 Possession of Stolen Property 2 (RCW  
24 9A.56.160)  
25 Reckless Burning 1 (RCW 9A.48.040)  
26 Taking Motor Vehicle Without  
27 Permission 2 (RCW  
28 9A.56.070(2))  
29 Theft 2 (RCW 9A.56.040)  
30 Theft of Rental, Leased, or Lease-  
31 purchased Property (valued at two  
32 hundred fifty dollars or more but  
33 less than one thousand five  
34 hundred dollars) (RCW  
35 9A.56.096(4))

1 Transaction of insurance business  
 2 beyond the scope of licensure  
 3 (RCW 48.17.063(4))  
 4 Unlawful Issuance of Checks or Drafts  
 5 (RCW 9A.56.060)  
 6 Unlawful Possession of Fictitious  
 7 Identification (RCW 9A.56.320)  
 8 Unlawful Possession of Instruments of  
 9 Financial Fraud (RCW  
 10 9A.56.320)  
 11 Unlawful Possession of Payment  
 12 Instruments (RCW 9A.56.320)  
 13 Unlawful Possession of a Personal  
 14 Identification Device (RCW  
 15 9A.56.320)  
 16 Unlawful Production of Payment  
 17 Instruments (RCW 9A.56.320)  
 18 Unlawful Use of Food Stamps (RCW  
 19 9.91.140 (2) and (3))  
 20 Vehicle Prowl 1 (RCW 9A.52.095)

21 **Sec. 3.** RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c  
 22 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52  
 23 s 4 are each reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN  
 26 EACH SERIOUSNESS LEVEL

27 XVI Aggravated Murder 1 (RCW  
 28 10.95.020)  
 29 XV Homicide by abuse (RCW 9A.32.055)  
 30 Malicious explosion 1 (RCW  
 31 70.74.280(1))  
 32 Murder 1 (RCW 9A.32.030)  
 33 XIV Murder 2 (RCW 9A.32.050)  
 34 Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW  
2 70.74.280(2))  
3 Malicious placement of an explosive 1  
4 (RCW 70.74.270(1))  
5 XII Assault 1 (RCW 9A.36.011)  
6 Assault of a Child 1 (RCW 9A.36.120)  
7 Malicious placement of an imitation  
8 device 1 (RCW 70.74.272(1)(a))  
9 Rape 1 (RCW 9A.44.040)  
10 Rape of a Child 1 (RCW 9A.44.073)  
11 Trafficking 2 (RCW 9A.40.100(2))  
12 XI Manslaughter 1 (RCW 9A.32.060)  
13 Rape 2 (RCW 9A.44.050)  
14 Rape of a Child 2 (RCW 9A.44.076)  
15 X Child Molestation 1 (RCW 9A.44.083)  
16 Indecent Liberties (with forcible  
17 compulsion) (RCW  
18 9A.44.100(1)(a))  
19 Kidnapping 1 (RCW 9A.40.020)  
20 Leading Organized Crime (RCW  
21 9A.82.060(1)(a))  
22 Malicious explosion 3 (RCW  
23 70.74.280(3))  
24 Sexually Violent Predator Escape  
25 (RCW 9A.76.115)  
26 IX Assault of a Child 2 (RCW 9A.36.130)  
27 Explosive devices prohibited (RCW  
28 70.74.180)  
29 Hit and Run--Death (RCW  
30 46.52.020(4)(a))  
31 Homicide by Watercraft, by being  
32 under the influence of intoxicating  
33 liquor or any drug (RCW  
34 79A.60.050)  
35 Inciting Criminal Profiteering (RCW  
36 9A.82.060(1)(b))



1 Malicious placement of an explosive 2  
2 (RCW 70.74.270(2))  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 Vehicular Homicide, by being under  
6 the influence of intoxicating  
7 liquor or any drug (RCW  
8 46.61.520)  
9 VIII Arson 1 (RCW 9A.48.020)  
10 Homicide by Watercraft, by the  
11 operation of any vessel in a  
12 reckless manner (RCW  
13 79A.60.050)  
14 Manslaughter 2 (RCW 9A.32.070)  
15 Promoting Prostitution 1 (RCW  
16 9A.88.070)  
17 Theft of Ammonia (RCW 69.55.010)  
18 Vehicular Homicide, by the operation  
19 of any vehicle in a reckless  
20 manner (RCW 46.61.520)  
21 VII Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor  
26 engaged in sexually explicit  
27 conduct (RCW 9.68A.050)  
28 Drive-by Shooting (RCW 9A.36.045)  
29 Homicide by Watercraft, by disregard  
30 for the safety of others (RCW  
31 79A.60.050)  
32 Indecent Liberties (without forcible  
33 compulsion) (RCW 9A.44.100(1)  
34 (b) and (c))  
35 Introducing Contraband 1 (RCW  
36 9A.76.140)

1 Malicious placement of an explosive 3  
2 (RCW 70.74.270(3))  
3 Sending, bringing into state depictions  
4 of minor engaged in sexually  
5 explicit conduct (RCW  
6 9.68A.060)  
7 Unlawful Possession of a Firearm in  
8 the first degree (RCW  
9 9.41.040(1))  
10 Use of a Machine Gun in Commission  
11 of a Felony (RCW 9.41.225)  
12 Vehicular Homicide, by disregard for  
13 the safety of others (RCW  
14 46.61.520)  
15 VI Bail Jumping with Murder 1 (RCW  
16 9A.76.170(3)(a))  
17 Bribery (RCW 9A.68.010)  
18 Incest 1 (RCW 9A.64.020(1))  
19 Intimidating a Judge (RCW  
20 9A.72.160)  
21 Intimidating a Juror/Witness (RCW  
22 9A.72.110, 9A.72.130)  
23 Malicious placement of an imitation  
24 device 2 (RCW 70.74.272(1)(b))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Unlawful Storage of Ammonia (RCW  
28 69.55.020)  
29 V Abandonment of dependent person 1  
30 (RCW 9A.42.060)  
31 Advancing money or property for  
32 extortionate extension of credit  
33 (RCW 9A.82.030)  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))  
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 1 (RCW  
2 9A.42.020)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Domestic Violence Court Order  
6 Violation (RCW 10.99.040,  
7 10.99.050, 26.09.300, 26.10.220,  
8 26.26.138, 26.50.110, 26.52.070,  
9 or 74.34.145)  
10 Extortion 1 (RCW 9A.56.120)  
11 Extortionate Extension of Credit  
12 (RCW 9A.82.020)  
13 Extortionate Means to Collect  
14 Extensions of Credit (RCW  
15 9A.82.040)  
16 Incest 2 (RCW 9A.64.020(2))  
17 Kidnapping 2 (RCW 9A.40.030)  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1  
25 (RCW 9A.76.070)  
26 Sexual Misconduct with a Minor 1  
27 (RCW 9A.44.093)  
28 Sexually Violating Human Remains  
29 (RCW 9A.44.105)  
30 Stalking (RCW 9A.46.110)  
31 Taking Motor Vehicle Without  
32 Permission 1 (RCW 9A.56.070)  
33 IV Arson 2 (RCW 9A.48.030)  
34 Assault 2 (RCW 9A.36.021)  
35 Assault by Watercraft (RCW  
36 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW  
6 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Endangerment with a Controlled  
9 Substance (RCW 9A.42.100)  
10 Escape 1 (RCW 9A.76.110)  
11 Hit and Run--Injury (RCW  
12 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury  
14 Accident (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2))  
16 Indecent Exposure to Person Under  
17 Age Fourteen (subsequent sex  
18 offense) (RCW 9A.88.010)  
19 Influencing Outcome of Sporting  
20 Event (RCW 9A.82.070)  
21 Malicious Harassment (RCW  
22 9A.36.080)  
23 Residential Burglary (RCW  
24 9A.52.025)  
25 Robbery 2 (RCW 9A.56.210)  
26 Theft of Livestock 1 (RCW 9A.56.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Trafficking in Stolen Property 1 (RCW  
29 9A.82.050)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(b))  
33 Unlawful transaction of health  
34 coverage as a health care service  
35 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health  
2 coverage as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(3))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicular Assault, by being under the  
12 influence of intoxicating liquor or  
13 any drug, or by the operation or  
14 driving of a vehicle in a reckless  
15 manner (RCW 46.61.522)  
16 Willful Failure to Return from  
17 Furlough (RCW 72.66.060)  
18 III Abandonment of dependent person 2  
19 (RCW 9A.42.070)  
20 Assault 3 (RCW 9A.36.031)  
21 Assault of a Child 3 (RCW 9A.36.140)  
22 Bail Jumping with class B or C Felony  
23 (RCW 9A.76.170(3)(c))  
24 Burglary 2 (RCW 9A.52.030)  
25 Communication with a Minor for  
26 Immoral Purposes (RCW  
27 9.68A.090)  
28 Criminal Gang Intimidation (RCW  
29 9A.46.120)  
30 Criminal Mistreatment 2 (RCW  
31 9A.42.030)  
32 Custodial Assault (RCW 9A.36.100)  
33 Cyberstalking (subsequent conviction  
34 or threat of death) (section 1(3) of this  
35 act)  
36 Escape 2 (RCW 9A.76.120)  
37 Extortion 2 (RCW 9A.56.130)

1 Harassment (RCW 9A.46.020)  
2 Intimidating a Public Servant (RCW  
3 9A.76.180)  
4 Introducing Contraband 2 (RCW  
5 9A.76.150)  
6 Malicious Injury to Railroad Property  
7 (RCW 81.60.070)  
8 Patronizing a Juvenile Prostitute  
9 (RCW 9.68A.100)  
10 Perjury 2 (RCW 9A.72.030)  
11 Possession of Incendiary Device (RCW  
12 9.40.120)  
13 Possession of Machine Gun or Short-  
14 Barreled Shotgun or Rifle (RCW  
15 9.41.190)  
16 Promoting Prostitution 2 (RCW  
17 9A.88.080)  
18 Securities Act violation (RCW  
19 21.20.400)  
20 Tampering with a Witness (RCW  
21 9A.72.120)  
22 Telephone Harassment (subsequent  
23 conviction or threat of death)  
24 (RCW 9.61.230(2))  
25 Theft of Livestock 2 (RCW 9A.56.083)  
26 Trafficking in Stolen Property 2 (RCW  
27 9A.82.055)  
28 Unlawful Imprisonment (RCW  
29 9A.40.040)  
30 Unlawful possession of firearm in the  
31 second degree (RCW 9.41.040(2))  
32 Vehicular Assault, by the operation or  
33 driving of a vehicle with disregard  
34 for the safety of others (RCW  
35 46.61.522)  
36 Willful Failure to Return from Work  
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW  
2 9A.52.110)  
3 Counterfeiting (RCW 9.16.035(3))  
4 Escape from Community Custody  
5 (RCW 72.09.310)  
6 Health Care False Claims (RCW  
7 48.80.030)  
8 Identity Theft 2 (RCW 9.35.020(3))  
9 Improperly Obtaining Financial  
10 Information (RCW 9.35.010)  
11 Malicious Mischief 1 (RCW  
12 9A.48.070)  
13 Possession of Stolen Property 1 (RCW  
14 9A.56.150)  
15 Theft 1 (RCW 9A.56.030)  
16 Theft of Rental, Leased, or Lease-  
17 purchased Property (valued at one  
18 thousand five hundred dollars or  
19 more) (RCW 9A.56.096(5)(a))  
20 Trafficking in Insurance Claims (RCW  
21 48.30A.015)  
22 Unlawful factoring of a credit card or  
23 payment card transaction (RCW  
24 9A.56.290(4)(a))  
25 Unlawful Practice of Law (RCW  
26 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 Forgery (RCW 9A.60.020)  
34 Fraudulent Creation or Revocation of a  
35 Mental Health Advance Directive  
36 (RCW 9A.60.060)

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



1       **Sec. 4.** RCW 9A.46.060 and 1999 c 180 s 7 are each amended to read  
2 as follows:

3       As used in this chapter, "harassment" may include but is not  
4 limited to any of the following crimes:

- 5       (1) Harassment (RCW 9A.46.020);
- 6       (2) Malicious harassment (RCW 9A.36.080);
- 7       (3) Telephone harassment (RCW 9.61.230);
- 8       (4) Assault in the first degree (RCW 9A.36.011);
- 9       (5) Assault of a child in the first degree (RCW 9A.36.120);
- 10       (6) Assault in the second degree (RCW 9A.36.021);
- 11       (7) Assault of a child in the second degree (RCW 9A.36.130);
- 12       (8) Assault in the fourth degree (RCW 9A.36.041);
- 13       (9) Reckless endangerment (RCW 9A.36.050);
- 14       (10) Extortion in the first degree (RCW 9A.56.120);
- 15       (11) Extortion in the second degree (RCW 9A.56.130);
- 16       (12) Coercion (RCW 9A.36.070);
- 17       (13) Burglary in the first degree (RCW 9A.52.020);
- 18       (14) Burglary in the second degree (RCW 9A.52.030);
- 19       (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 20       (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 21       (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 22       (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 23       (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 24       (20) Kidnapping in the first degree (RCW 9A.40.020);
- 25       (21) Kidnapping in the second degree (RCW 9A.40.030);
- 26       (22) Unlawful imprisonment (RCW 9A.40.040);
- 27       (23) Rape in the first degree (RCW 9A.44.040);
- 28       (24) Rape in the second degree (RCW 9A.44.050);
- 29       (25) Rape in the third degree (RCW 9A.44.060);
- 30       (26) Indecent liberties (RCW 9A.44.100);
- 31       (27) Rape of a child in the first degree (RCW 9A.44.073);
- 32       (28) Rape of a child in the second degree (RCW 9A.44.076);
- 33       (29) Rape of a child in the third degree (RCW 9A.44.079);
- 34       (30) Child molestation in the first degree (RCW 9A.44.083);
- 35       (31) Child molestation in the second degree (RCW 9A.44.086);
- 36       (32) Child molestation in the third degree (RCW 9A.44.089);
- 37       (33) Stalking (RCW 9A.46.110);
- 38       (34) Cyberstalking (section 1 of this act);

1        (35) Residential burglary (RCW 9A.52.025);  
2        (~~(35)~~) (36) Violation of a temporary or permanent protective  
3 order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50  
4 RCW;  
5        (~~(36)~~) (37) Unlawful discharge of a laser in the first degree  
6 (RCW 9A.49.020); and  
7        (~~(37)~~) (38) Unlawful discharge of a laser in the second degree  
8 (RCW 9A.49.030).

9        **Sec. 5.** RCW 9A.46.100 and 1992 c 186 s 5 are each amended to read  
10 as follows:

11        As used in RCW 9.61.230, section 1 of this act, 9A.46.020, or  
12 9A.46.110, a person has been "convicted" at such time as a plea of  
13 guilty has been accepted or a verdict of guilty has been filed,  
14 notwithstanding the pendency of any future proceedings including but  
15 not limited to sentencing, posttrial motions, and appeals.

16        NEW SECTION. **Sec. 6.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20        NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and takes effect  
23 immediately, except for section 3 of this act, which takes effect July  
24 1, 2004.

25        NEW SECTION. **Sec. 8.** Section 2 of this act expires July 1, 2004.  
Passed by the House February 13, 2004.  
Passed by the Senate March 2, 2004.  
Approved by the Governor March 24, 2004.  
Filed in Office of Secretary of State March 24, 2004.