
HOUSE BILL 2375

State of Washington

64th Legislature

2016 Regular Session

By Representatives Magendanz, Orwall, Smith, Tarleton, MacEwen, Muri, Stanford, and Wylie

Read first time 01/12/16. Referred to Committee on Public Safety.

1 AN ACT Relating to cybercrime; amending RCW 9.94A.515; reenacting
2 and amending RCW 9A.52.010; adding a new chapter to Title 9A RCW;
3 creating new sections; repealing RCW 9A.52.110, 9A.52.120, and
4 9A.52.130; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the rapid pace
7 of technological change and information computerization in the
8 digital age generates a never ending sequence of anxiety inducing
9 reports highlighting how the latest device or innovation is being
10 used to harm consumers. The legislature finds that this generates an
11 ongoing pattern of legislation being proposed to regulate each new
12 technology. The legislature finds that a more systemic approach is
13 needed to better protect consumers and address these rapidly
14 advancing technologies. The legislature finds that the application of
15 traditional criminal enforcement measures that apply long-standing
16 concepts of trespass, fraud, and theft to activities in the
17 electronic frontier has not provided the essential clarity,
18 certainty, and predictability that regulators, entrepreneurs, and
19 innovators need. The legislature finds that an integrated,
20 comprehensive methodology, rather than a piecemeal approach, will
21 provide significant economic development benefits by providing

1 certainty to the innovation community about the actions and
2 activities that are prohibited. Therefore, the legislature intends to
3 create a new chapter of crimes to the criminal code to punish and
4 deter misuse or abuse of technology, rather than the perceived
5 threats of individual technologies. This new chapter of crimes has
6 been developed from an existing and proven system of computer
7 security threat modeling known as the STRIDE system.

8 NEW SECTION. **Sec. 2.** This act may be known and cited as the
9 Washington cybercrime act.

10 **Sec. 3.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted
11 and amended to read as follows:

12 The following definitions apply in this chapter:

13 (1) (~~"Access" means to approach, instruct, communicate with,~~
14 ~~store data in, retrieve data from, or otherwise make use of any~~
15 ~~resources of a computer, directly or by electronic means.~~

16 (2) ~~"Computer program" means an ordered set of data representing~~
17 ~~coded instructions or statements that when executed by a computer~~
18 ~~cause the computer to process data.~~

19 (3) ~~"Data" means a representation of information, knowledge,~~
20 ~~facts, concepts, or instructions that are being prepared or have been~~
21 ~~prepared in a formalized manner and are intended for use in a~~
22 ~~computer.~~

23 (4)) "Enter." The word "enter" when constituting an element or
24 part of a crime, shall include the entrance of the person, or the
25 insertion of any part of his or her body, or any instrument or weapon
26 held in his or her hand and used or intended to be used to threaten
27 or intimidate a person or to detach or remove property((+)).

28 ((+5)) (2) "Enters or remains unlawfully." A person "enters or
29 remains unlawfully" in or upon premises when he or she is not then
30 licensed, invited, or otherwise privileged to so enter or remain.

31 A license or privilege to enter or remain in a building which is
32 only partly open to the public is not a license or privilege to enter
33 or remain in that part of a building which is not open to the public.
34 A person who enters or remains upon unimproved and apparently unused
35 land, which is neither fenced nor otherwise enclosed in a manner
36 designed to exclude intruders, does so with license and privilege
37 unless notice against trespass is personally communicated to him or
38 her by the owner of the land or some other authorized person, or

1 unless notice is given by posting in a conspicuous manner. Land that
2 is used for commercial aquaculture or for growing an agricultural
3 crop or crops, other than timber, is not unimproved and apparently
4 unused land if a crop or any other sign of cultivation is clearly
5 visible or if notice is given by posting in a conspicuous manner.
6 Similarly, a field fenced in any manner is not unimproved and
7 apparently unused land. A license or privilege to enter or remain on
8 improved and apparently used land that is open to the public at
9 particular times, which is neither fenced nor otherwise enclosed in a
10 manner to exclude intruders, is not a license or privilege to enter
11 or remain on the land at other times if notice of prohibited times of
12 entry is posted in a conspicuous manner.

13 ((+6+)) (3) "Premises" includes any building, dwelling, structure
14 used for commercial aquaculture, or any real property.

15 **Sec. 4.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
16 read as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN
19 EACH SERIOUSNESS LEVEL

20	XVI	Aggravated Murder 1 (RCW
21		10.95.020)
22	XV	Homicide by abuse (RCW 9A.32.055)
23		Malicious explosion 1 (RCW
24		70.74.280(1))
25		Murder 1 (RCW 9A.32.030)
26	XIV	Murder 2 (RCW 9A.32.050)
27		Trafficking 1 (RCW 9A.40.100(1))
28	XIII	Malicious explosion 2 (RCW
29		70.74.280(2))
30		Malicious placement of an explosive 1
31		(RCW 70.74.270(1))
32	XII	Assault 1 (RCW 9A.36.011)
33		Assault of a Child 1 (RCW 9A.36.120)
34		Malicious placement of an imitation
35		device 1 (RCW 70.74.272(1)(a))

1 Promoting Commercial Sexual Abuse
2 of a Minor (RCW 9.68A.101)
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(3))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 Vehicular Homicide, by being under
10 the influence of intoxicating liquor
11 or any drug (RCW 46.61.520)
12 X Child Molestation 1 (RCW 9A.44.083)
13 Criminal Mistreatment 1 (RCW
14 9A.42.020)
15 Indecent Liberties (with forcible
16 compulsion) (RCW
17 9A.44.100(1)(a))
18 Kidnapping 1 (RCW 9A.40.020)
19 Leading Organized Crime (RCW
20 9A.82.060(1)(a))
21 Malicious explosion 3 (RCW
22 70.74.280(3))
23 Sexually Violent Predator Escape
24 (RCW 9A.76.115)
25 IX Abandonment of Dependent Person 1
26 (RCW 9A.42.060)
27 Assault of a Child 2 (RCW 9A.36.130)
28 Explosive devices prohibited (RCW
29 70.74.180)
30 Hit and Run—Death (RCW
31 46.52.020(4)(a))
32 Homicide by Watercraft, by being
33 under the influence of intoxicating
34 liquor or any drug (RCW
35 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 VIII Arson 1 (RCW 9A.48.020)
8 Commercial Sexual Abuse of a Minor
9 (RCW 9.68A.100)
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 engaged
26 in sexually explicit conduct 1
27 (RCW 9.68A.050(1))
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))

1 Introducing Contraband 1 (RCW
2 9A.76.140)
3 Malicious placement of an explosive 3
4 (RCW 70.74.270(3))
5 Negligently Causing Death By Use of a
6 Signal Preemption Device (RCW
7 46.37.675)
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct 1 (RCW
11 9.68A.060(1))
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW 9A.72.160)
25 Intimidating a Juror/Witness (RCW
26 9A.72.110, 9A.72.130)
27 Malicious placement of an imitation
28 device 2 (RCW 70.74.272(1)(b))
29 Possession of Depictions of a Minor
30 Engaged in Sexually Explicit
31 Conduct 1 (RCW 9.68A.070(1))
32 Rape of a Child 3 (RCW 9A.44.079)
33 Theft of a Firearm (RCW 9A.56.300)
34 Unlawful Storage of Ammonia (RCW
35 69.55.020)

1 V Abandonment of Dependent Person 2
2 (RCW 9A.42.070)
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 2 (RCW
10 9A.42.030)
11 Custodial Sexual Misconduct 1 (RCW
12 9A.44.160)
13 Dealing in Depictions of Minor
14 Engaged in Sexually Explicit
15 Conduct 2 (RCW 9.68A.050(2))
16 Domestic Violence Court Order
17 Violation (RCW 10.99.040,
18 10.99.050, 26.09.300, 26.10.220,
19 26.26.138, 26.50.110, 26.52.070,
20 or 74.34.145)
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Extortion 1 (RCW 9A.56.120)
24 Extortionate Extension of Credit (RCW
25 9A.82.020)
26 Extortionate Means to Collect
27 Extensions of Credit (RCW
28 9A.82.040)
29 Incest 2 (RCW 9A.64.020(2))
30 Kidnapping 2 (RCW 9A.40.030)
31 Perjury 1 (RCW 9A.72.020)
32 Persistent prison misbehavior (RCW
33 9.94.070)
34 Physical Control of a Vehicle While
35 Under the Influence (RCW
36 46.61.504(6))

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1
5 (RCW 9A.76.070)
6 Sending, Bringing into State
7 Depictions of Minor Engaged in
8 Sexually Explicit Conduct 2
9 (RCW 9.68A.060(2))
10 Sexual Misconduct with a Minor 1
11 (RCW 9A.44.093)
12 Sexually Violating Human Remains
13 (RCW 9A.44.105)
14 Stalking (RCW 9A.46.110)
15 Taking Motor Vehicle Without
16 Permission 1 (RCW 9A.56.070)
17 IV Arson 2 (RCW 9A.48.030)
18 Assault 2 (RCW 9A.36.021)
19 Assault 3 (of a Peace Officer with a
20 Projectile Stun Gun) (RCW
21 9A.36.031(1)(h))
22 Assault by Watercraft (RCW
23 79A.60.060)
24 Bribing a Witness/Bribe Received by
25 Witness (RCW 9A.72.090,
26 9A.72.100)
27 Cheating 1 (RCW 9.46.1961)
28 Commercial Bribery (RCW
29 9A.68.060)
30 Counterfeiting (RCW 9.16.035(4))
31 Endangerment with a Controlled
32 Substance (RCW 9A.42.100)
33 Escape 1 (RCW 9A.76.110)
34 Hit and Run—Injury (RCW
35 46.52.020(4)(b))

1 Hit and Run with Vessel—Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Malicious Harassment (RCW
10 9A.36.080)
11 Possession of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 2 (RCW 9.68A.070(2))
14 Residential Burglary (RCW
15 9A.52.025)
16 Robbery 2 (RCW 9A.56.210)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Threats to Bomb (RCW 9.61.160)
19 Trafficking in Stolen Property 1 (RCW
20 9A.82.050)
21 Unlawful factoring of a credit card or
22 payment card transaction (RCW
23 9A.56.290(4)(b))
24 Unlawful transaction of health
25 coverage as a health care service
26 contractor (RCW 48.44.016(3))
27 Unlawful transaction of health
28 coverage as a health maintenance
29 organization (RCW 48.46.033(3))
30 Unlawful transaction of insurance
31 business (RCW 48.15.023(3))
32 Unlicensed practice as an insurance
33 professional (RCW 48.17.063(2))
34 Use of Proceeds of Criminal
35 Profiteering (RCW 9A.82.080 (1)
36 and (2))

1 Vehicle Prowling 2 (third or
2 subsequent offense) (RCW
3 9A.52.100(3))
4 Vehicular Assault, by being under the
5 influence of intoxicating liquor or
6 any drug, or by the operation or
7 driving of a vehicle in a reckless
8 manner (RCW 46.61.522)
9 Viewing of Depictions of a Minor
10 Engaged in Sexually Explicit
11 Conduct 1 (RCW 9.68A.075(1))
12 Willful Failure to Return from
13 Furlough (RCW 72.66.060)
14 III Animal Cruelty 1 (Sexual Conduct or
15 Contact) (RCW 16.52.205(3))
16 Assault 3 (Except Assault 3 of a Peace
17 Officer With a Projectile Stun
18 Gun) (RCW 9A.36.031 except
19 subsection (1)(h))
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony
22 (RCW 9A.76.170(3)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Communication with a Minor for
25 Immoral Purposes (RCW
26 9.68A.090)
27 Criminal Gang Intimidation (RCW
28 9A.46.120)
29 Custodial Assault (RCW 9A.36.100)
30 Cyberstalking (subsequent conviction
31 or threat of death) (RCW
32 9.61.260(3))
33 Escape 2 (RCW 9A.76.120)
34 Extortion 2 (RCW 9A.56.130)
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Mortgage Fraud (RCW 19.144.080)
8 Negligently Causing Substantial
9 Bodily Harm By Use of a Signal
10 Preemption Device (RCW
11 46.37.674)
12 Organized Retail Theft 1 (RCW
13 9A.56.350(2))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device (RCW
16 9.40.120)
17 Possession of Machine Gun or Short-
18 Barreled Shotgun or Rifle (RCW
19 9.41.190)
20 Promoting Prostitution 2 (RCW
21 9A.88.080)
22 Retail Theft with Special
23 Circumstances 1 (RCW
24 9A.56.360(2))
25 Securities Act violation (RCW
26 21.20.400)
27 Tampering with a Witness (RCW
28 9A.72.120)
29 Telephone Harassment (subsequent
30 conviction or threat of death)
31 (RCW 9.61.230(2))
32 Theft of Livestock 2 (RCW 9A.56.083)
33 Theft with the Intent to Resell 1 (RCW
34 9A.56.340(2))
35 Trafficking in Stolen Property 2 (RCW
36 9A.82.055)

1 Unlawful Hunting of Big Game 1
2 (RCW 77.15.410(3)(b))
3 Unlawful Imprisonment (RCW
4 9A.40.040)
5 Unlawful Misbranding of Food Fish or
6 Shellfish 1 (RCW 69.04.938(3))
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(2))
9 Unlawful Taking of Endangered Fish
10 or Wildlife 1 (RCW
11 77.15.120(3)(b))
12 Unlawful Trafficking in Fish, Shellfish,
13 or Wildlife 1 (RCW
14 77.15.260(3)(b))
15 Unlawful Use of a Nondesignated
16 Vessel (RCW 77.15.530(4))
17 Vehicular Assault, by the operation or
18 driving of a vehicle with disregard
19 for the safety of others (RCW
20 46.61.522)
21 Willful Failure to Return from Work
22 Release (RCW 72.65.070)
23 II Commercial Fishing Without a License
24 1 (RCW 77.15.500(3)(b))
25 Computer Trespass 1 (~~RCW~~
26 9A.52.110)) section 6 of this act)
27 Counterfeiting (RCW 9.16.035(3))
28 Electronic Data Service Interference
29 (section 8 of this act)
30 Electronic Data Tampering 1 (section
31 10 of this act)
32 Electronic Data Theft (section 12 of
33 this act)
34 Engaging in Fish Dealing Activity
35 Unlicensed 1 (RCW 77.15.620(3))

1 Escape from Community Custody
2 (RCW 72.09.310)

3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)

7 Health Care False Claims (RCW
8 48.80.030)

9 Identity Theft 2 (RCW 9.35.020(3))

10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)

12 Malicious Mischief 1 (RCW
13 9A.48.070)

14 Organized Retail Theft 2 (RCW
15 9A.56.350(3))

16 Possession of Stolen Property 1 (RCW
17 9A.56.150)

18 Possession of a Stolen Vehicle (RCW
19 9A.56.068)

20 Retail Theft with Special
21 Circumstances 2 (RCW
22 9A.56.360(3))

23 Scrap Processing, Recycling, or
24 Supplying Without a License
25 (second or subsequent offense)
26 (RCW 19.290.100)

27 Theft 1 (RCW 9A.56.030)

28 Theft of a Motor Vehicle (RCW
29 9A.56.065)

30 Theft of Rental, Leased, ~~((or))~~ Lease-
31 purchased, or Loaned Property
32 (valued at ~~((one))~~ five thousand
33 ~~((five hundred))~~ dollars or more)
34 (RCW 9A.56.096(5)(a))

35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlawful Purchase or Use of a License
12 (RCW 77.15.650(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 2 (RCW
15 77.15.260(3)(a))
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Mineral Trespass (RCW 78.44.330)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Spotlighting Big Game 1 (RCW
34 77.15.450(3)(b))
35 Suspension of Department Privileges 1
36 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without
2 Permission 2 (RCW 9A.56.075)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, ~~((one))~~ Lease-
5 purchased, or Loaned Property
6 (valued at ~~((two))~~ seven hundred
7 fifty dollars or more but less than
8 ~~((one))~~ five thousand ~~((five~~
9 ~~hundred))~~ dollars) (RCW
10 9A.56.096(5)(b))
11 Transaction of insurance business
12 beyond the scope of licensure
13 (RCW 48.17.063)
14 Unlawful Fish and Shellfish Catch
15 Accounting (RCW
16 77.15.630(3)(b))
17 Unlawful Issuance of Checks or Drafts
18 (RCW 9A.56.060)
19 Unlawful Possession of Fictitious
20 Identification (RCW 9A.56.320)
21 Unlawful Possession of Instruments of
22 Financial Fraud (RCW 9A.56.320)
23 Unlawful Possession of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Possession of a Personal
26 Identification Device (RCW
27 9A.56.320)
28 Unlawful Production of Payment
29 Instruments (RCW 9A.56.320)
30 Unlawful Releasing, Planting,
31 Possessing, or Placing Deleterious
32 Exotic Wildlife (RCW
33 77.15.250(2)(b))
34 Unlawful Trafficking in Food Stamps
35 (RCW 9.91.142)
36 Unlawful Use of Food Stamps (RCW
37 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Unlawful Use of Prohibited Aquatic

4 Animal Species (RCW

5 77.15.253(3))

6 Vehicle Prowl 1 (RCW 9A.52.095)

7 Violating Commercial Fishing Area or

8 Time 1 (RCW 77.15.550(3)(b))

9 NEW SECTION. **Sec. 5.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Access" means to gain entry to, instruct, communicate with,
13 store data in, retrieve data from, or otherwise make use of any
14 resources of electronic data, data network, or data system, including
15 via electronic means.

16 (2) "Contaminant" means any set of data instructions that are
17 designed, with malicious intent, to modify, damage, destroy, record,
18 or transmit information within a data, data system, or data network
19 without the permission of the owner of the data, data system, or data
20 network. They include, but are not limited to, a group of data
21 instructions commonly called viruses or worms, that are self-
22 replicating or self-propagating and are designed to infect other data
23 programs or data, consume data resources, modify, destroy, record, or
24 transmit data, or in some other fashion usurp the normal operation of
25 the data, data system, or data network.

26 (3) "Cybercrime" includes crimes of this chapter.

27 (4) "Data" means a digital representation of information,
28 knowledge, facts, concepts, data software, data programs, or
29 instructions that are being prepared or have been prepared in a
30 formalized manner and are intended for use in a data network, data
31 program, data services, or data system.

32 (5) "Data network" means any system that provides digital
33 communications between one or more data systems or other digital
34 input/output devices including, but not limited to, display
35 terminals, remote systems, mobile devices, and printers.

36 (6) "Data program" means an ordered set of electronic data
37 representing coded instructions or statements that when executed by a
38 computer causes the device to process electronic data.

1 (7) "Data services" includes data processing, storage functions,
2 internet services, email services, electronic message services, web
3 site access, internet-based electronic gaming services, and other
4 similar system, network, or internet-based services.

5 (8) "Data system" means an electronic device or collection of
6 electronic devices, including support devices one or more of which
7 contain data programs, input data, and output data, and that performs
8 functions including, but not limited to, logic, arithmetic, data
9 storage and retrieval, communication, and control. This term does not
10 include calculators that are not programmable and incapable of being
11 used in conjunction with external files.

12 NEW SECTION. **Sec. 6.** (1) A person is guilty of computer
13 trespass in the first degree if the person, without authorization,
14 intentionally gains access to a computer system or electronic
15 database of another; and

16 (a) The access is made with the intent to commit another crime;
17 or

18 (b) The violation involves a computer or database maintained by a
19 government agency.

20 (2) Computer trespass in the first degree is a class C felony.

21 NEW SECTION. **Sec. 7.** (1) A person is guilty of computer
22 trespass in the second degree if the person, without authorization,
23 intentionally gains access to a computer system or electronic
24 database of another under circumstances not constituting the offense
25 in the first degree.

26 (2) Computer trespass in the second degree is a gross
27 misdemeanor.

28 NEW SECTION. **Sec. 8.** (1) A person is guilty of electronic data
29 service interference if the person maliciously and without
30 authorization causes the transmission of data, data program, or other
31 electronic command designed to interrupt or suspend access to or use
32 of a data network or data service.

33 (2) Electronic data service interference is a class C felony.

34 NEW SECTION. **Sec. 9.** (1) A person is guilty of spoofing if he
35 or she, without authorization, knowingly initiates the transmission,
36 display, or receipt of another person's or fictitious person's

1 electronic data for the purpose of gaining unauthorized access to
2 electronic data, a data system, or a data network, and with the
3 intent to commit another crime.

4 (2) Spoofing is a gross misdemeanor.

5 NEW SECTION. **Sec. 10.** (1) A person is guilty of electronic data
6 tampering in the first degree if he or she intentionally, without
7 authorization, and without reasonable grounds to believe that he or
8 she has such authorization:

9 (a)(i) Adds, alters, damages, deletes, or destroys any electronic
10 data, data system, or data network; or

11 (ii) Introduces any contaminant into any electronic data, data
12 system, or data network; and

13 (b)(i) Doing so is for the purpose of devising or executing any
14 scheme to defraud, deceive, or extort, or commit any other crime, or
15 of wrongfully controlling, gaining access to, or obtaining money,
16 property, or electronic data; or

17 (ii) The electronic data, data system, or data network is
18 maintained by a governmental agency.

19 (2) Electronic data tampering in the first degree is a class C
20 felony.

21 NEW SECTION. **Sec. 11.** (1) A person is guilty of electronic data
22 tampering in the second degree if he or she intentionally, without
23 authorization, and without reasonable grounds to believe that he or
24 she has such authorization:

25 (a) Adds, alters, damages, deletes, or destroys any electronic
26 data, data system, or data network under circumstances not
27 constituting the offense in the first degree; or

28 (b) Introduces any contaminant into any electronic data, data
29 system, or data network under circumstances not constituting the
30 offense in the first degree.

31 (2) Electronic data tampering in the second degree is a gross
32 misdemeanor.

33 NEW SECTION. **Sec. 12.** (1) A person is guilty of electronic data
34 theft if he or she intentionally, without authorization, and without
35 reasonable grounds to believe that he or she has such authorization,
36 obtains any electronic data with the intent to:

1 (a) Devise or execute any scheme to defraud, deceive, extort, or
2 commit any other crime; or

3 (b) Wrongfully control, gain access to, or obtain money,
4 property, or electronic data.

5 (2) Electronic data theft is a class C felony.

6 NEW SECTION. **Sec. 13.** A person who, in the commission of a
7 crime under this chapter, commits any other crime may be punished for
8 that other crime as well as for the crime under this chapter and may
9 be prosecuted for each crime separately.

10 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 9A.52.110 (Computer trespass in the first degree) and
13 1984 c 273 s 1;

14 (2) RCW 9A.52.120 (Computer trespass in the second degree) and
15 1984 c 273 s 2; and

16 (3) RCW 9A.52.130 (Computer trespass—Commission of other crime)
17 and 1984 c 273 s 3.

18 NEW SECTION. **Sec. 15.** Sections 5 through 13 of this act
19 constitute a new chapter in Title 9A RCW.

--- END ---