

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2375

Chapter 164, Laws of 2016

64th Legislature
2016 Regular Session

COMPUTER CRIMES

EFFECTIVE DATE: 6/9/2016

Passed by the House March 7, 2016
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 1, 2016
Yeas 46 Nays 1

BRAD OWEN

President of the Senate

Approved April 1, 2016 3:13 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2375** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 4, 2016

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2375

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By House General Government & Information Technology (originally sponsored by Representatives Magendanz, Orwall, Smith, Tarleton, MacEwen, Muri, Stanford, and Wylie)

READ FIRST TIME 02/09/16.

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 The legislature intends to strike a balance between public safety
9 and civil liberties in the digital world, including creating
10 sufficient space for white hat security research and whistleblowers.
11 The state whistleblower and public record laws prevent this act from
12 being used to hide any deleterious actions by government officials
13 under the guise of security. Furthermore, this act is not intended to
14 criminalize activity solely on the basis that it violates any terms
15 of service.

16 The purpose of the Washington cybercrime act is to provide
17 prosecutors the twenty-first century tools they need to combat
18 twenty-first century crimes.

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

21 NEW SECTION. **Sec. 3.** The definitions in this section apply
22 throughout this chapter unless the context clearly requires
23 otherwise.

24 (1) "Access" means to gain entry to, instruct, communicate with,
25 store data in, retrieve data from, or otherwise make use of any
26 resources of electronic data, data network, or data system, including
27 via electronic means.

28 (2) "Cybercrime" includes crimes of this chapter.

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

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

1 (5) "Data program" means an ordered set of electronic data
2 representing coded instructions or statements that when executed by a
3 computer causes the device to process electronic data.

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

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

15 (8) "Identifying information" means information that, alone or in
16 combination, is linked or linkable to a trusted entity that would be
17 reasonably expected to request or provide credentials to access a
18 targeted data system or network. It includes, but is not limited to,
19 recognizable names, addresses, telephone numbers, logos, HTML links,
20 email addresses, registered domain names, reserved IP addresses,
21 usernames, social media profiles, cryptographic keys, and biometric
22 identifiers.

23 (9) "Malware" means any set of data instructions that are
24 designed, without authorization and with malicious intent, to disrupt
25 computer operations, gather sensitive information, or gain access to
26 private computer systems. "Malware" does not include software that
27 installs security updates, removes malware, or causes unintentional
28 harm due to some deficiency. It includes, but is not limited to, a
29 group of data instructions commonly called viruses or worms, that are
30 self-replicating or self-propagating and are designed to infect other
31 data programs or data, consume data resources, modify, destroy,
32 record, or transmit data, or in some other fashion usurp the normal
33 operation of the data, data system, or data network.

34 (10) "White hat security research" means accessing a data
35 program, service, or system solely for purposes of good faith
36 testing, investigation, identification, and/or correction of a
37 security flaw or vulnerability, where such activity is carried out,
38 and where the information derived from the activity is used,
39 primarily to promote security or safety.

1 (11) "Without authorization" means to knowingly circumvent
2 technological access barriers to a data system in order to obtain
3 information without the express or implied permission of the owner,
4 where such technological access measures are specifically designed to
5 exclude or prevent unauthorized individuals from obtaining such
6 information, but does not include white hat security research or
7 circumventing a technological measure that does not effectively
8 control access to a computer. The term "without the express or
9 implied permission" does not include access in violation of a duty,
10 agreement, or contractual obligation, such as an acceptable use
11 policy or terms of service agreement, with an internet service
12 provider, internet web site, or employer. The term "circumvent
13 technological access barriers" may include unauthorized elevation of
14 privileges, such as allowing a normal user to execute code as
15 administrator, or allowing a remote person without any privileges to
16 run code.

17 NEW SECTION. **Sec. 4.** (1) A person is guilty of computer
18 trespass in the first degree if the person, without authorization,
19 intentionally gains access to a computer system or electronic
20 database of another; and

21 (a) The access is made with the intent to commit another crime in
22 violation of a state law not included in this chapter; or

23 (b) The violation involves a computer or database maintained by a
24 government agency.

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

26 NEW SECTION. **Sec. 5.** (1) A person is guilty of computer
27 trespass in the second degree if the person, without authorization,
28 intentionally gains access to a computer system or electronic
29 database of another under circumstances not constituting the offense
30 in the first degree.

31 (2) Computer trespass in the second degree is a gross
32 misdemeanor.

33 NEW SECTION. **Sec. 6.** (1) A person is guilty of electronic data
34 service interference if the person maliciously and without
35 authorization causes the transmission of data, data program, or other
36 electronic command that intentionally interrupts or suspends access
37 to or use of a data network or data service.

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

2 NEW SECTION. **Sec. 7.** (1) A person is guilty of spoofing if he
3 or she, without authorization, knowingly initiates the transmission,
4 display, or receipt of the identifying information of another
5 organization or person for the purpose of gaining unauthorized access
6 to electronic data, a data system, or a data network, and with the
7 intent to commit another crime in violation of a state law not
8 included in this chapter.

9 (2) Spoofing is a gross misdemeanor.

10 NEW SECTION. **Sec. 8.** (1) A person is guilty of electronic data
11 tampering in the first degree if he or she maliciously and without
12 authorization:

13 (a)(i) Alters data as it transmits between two data systems over
14 an open or unsecure network; or

15 (ii) Introduces any malware into any electronic data, data
16 system, or data network; and

17 (b)(i) Doing so is for the purpose of devising or executing any
18 scheme to defraud, deceive, or extort, or commit any other crime in
19 violation of a state law not included in this chapter, or of
20 wrongfully controlling, gaining access to, or obtaining money,
21 property, or electronic data; or

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

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

26 NEW SECTION. **Sec. 9.** (1) A person is guilty of electronic data
27 tampering in the second degree if he or she maliciously and without
28 authorization:

29 (a) Alters data as it transmits between two data systems over an
30 open or unsecure network under circumstances not constituting the
31 offense in the first degree; or

32 (b) Introduces any malware into any electronic data, data system,
33 or data network under circumstances not constituting the offense in
34 the first degree.

35 (2) Electronic data tampering in the second degree is a gross
36 misdemeanor.

1 NEW SECTION. **Sec. 10.** (1) A person is guilty of electronic data
2 theft if he or she intentionally, without authorization, and without
3 reasonable grounds to believe that he or she has such authorization,
4 obtains any electronic data with the intent to:

5 (a) Devise or execute any scheme to defraud, deceive, extort, or
6 commit any other crime in violation of a state law not included in
7 this chapter; or

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

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

11 NEW SECTION. **Sec. 11.** A person who, in the commission of a
12 crime under this chapter, commits any other crime may be punished for
13 that other crime as well as for the crime under this chapter and may
14 be prosecuted for each crime separately.

15 **Sec. 12.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted
16 and amended to read as follows:

17 The following definitions apply in this chapter:

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

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

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

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

33 ((+5)) (2) "Enters or remains unlawfully." A person "enters or
34 remains unlawfully" in or upon premises when he or she is not then
35 licensed, invited, or otherwise privileged to so enter or remain.

36 A license or privilege to enter or remain in a building which is
37 only partly open to the public is not a license or privilege to enter
38 or remain in that part of a building which is not open to the public.

1 A person who enters or remains upon unimproved and apparently unused
2 land, which is neither fenced nor otherwise enclosed in a manner
3 designed to exclude intruders, does so with license and privilege
4 unless notice against trespass is personally communicated to him or
5 her by the owner of the land or some other authorized person, or
6 unless notice is given by posting in a conspicuous manner. Land that
7 is used for commercial aquaculture or for growing an agricultural
8 crop or crops, other than timber, is not unimproved and apparently
9 unused land if a crop or any other sign of cultivation is clearly
10 visible or if notice is given by posting in a conspicuous manner.
11 Similarly, a field fenced in any manner is not unimproved and
12 apparently unused land. A license or privilege to enter or remain on
13 improved and apparently used land that is open to the public at
14 particular times, which is neither fenced nor otherwise enclosed in a
15 manner to exclude intruders, is not a license or privilege to enter
16 or remain on the land at other times if notice of prohibited times of
17 entry is posted in a conspicuous manner.

18 ((+6+)) (3) "Premises" includes any building, dwelling, structure
19 used for commercial aquaculture, or any real property.

20 **Sec. 13.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
21 read as follows:

22

23 TABLE 2
24 CRIMES INCLUDED WITHIN
25 EACH SERIOUSNESS LEVEL

26	XVI	Aggravated Murder 1 (RCW 10.95.020)
27	XV	Homicide by abuse (RCW 9A.32.055)
28		Malicious explosion 1 (RCW 29 70.74.280(1))
30		Murder 1 (RCW 9A.32.030)
31	XIV	Murder 2 (RCW 9A.32.050)
32		Trafficking 1 (RCW 9A.40.100(1))
33	XIII	Malicious explosion 2 (RCW 34 70.74.280(2))
35		Malicious placement of an explosive 1 36 (RCW 70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation
4 device 1 (RCW 70.74.272(1)(a))
5 Promoting Commercial Sexual Abuse
6 of a Minor (RCW 9.68A.101)
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)
9 Trafficking 2 (RCW 9A.40.100(3))
10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 (RCW 9A.44.076)
13 Vehicular Homicide, by being under
14 the influence of intoxicating liquor
15 or any drug (RCW 46.61.520)
16 X Child Molestation 1 (RCW 9A.44.083)
17 Criminal Mistreatment 1 (RCW
18 9A.42.020)
19 Indecent Liberties (with forcible
20 compulsion) (RCW
21 9A.44.100(1)(a))
22 Kidnapping 1 (RCW 9A.40.020)
23 Leading Organized Crime (RCW
24 9A.82.060(1)(a))
25 Malicious explosion 3 (RCW
26 70.74.280(3))
27 Sexually Violent Predator Escape
28 (RCW 9A.76.115)
29 IX Abandonment of Dependent Person 1
30 (RCW 9A.42.060)
31 Assault of a Child 2 (RCW 9A.36.130)
32 Explosive devices prohibited (RCW
33 70.74.180)
34 Hit and Run—Death (RCW
35 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)

5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))

7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))

9 Robbery 1 (RCW 9A.56.200)

10 Sexual Exploitation (RCW 9.68A.040)

11 VIII Arson 1 (RCW 9A.48.020)

12 Commercial Sexual Abuse of a Minor
13 (RCW 9.68A.100)

14 Homicide by Watercraft, by the
15 operation of any vessel in a
16 reckless manner (RCW
17 79A.60.050)

18 Manslaughter 2 (RCW 9A.32.070)

19 Promoting Prostitution 1 (RCW
20 9A.88.070)

21 Theft of Ammonia (RCW 69.55.010)

22 Vehicular Homicide, by the operation
23 of any vehicle in a reckless
24 manner (RCW 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)

26 Child Molestation 2 (RCW 9A.44.086)

27 Civil Disorder Training (RCW
28 9A.48.120)

29 Dealing in depictions of minor engaged
30 in sexually explicit conduct 1
31 (RCW 9.68A.050(1))

32 Drive-by Shooting (RCW 9A.36.045)

33 Homicide by Watercraft, by disregard
34 for the safety of others (RCW
35 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Negligently Causing Death By Use of a
9 Signal Preemption Device (RCW
10 46.37.675)
11 Sending, bringing into state depictions
12 of minor engaged in sexually
13 explicit conduct 1 (RCW
14 9.68A.060(1))
15 Unlawful Possession of a Firearm in
16 the first degree (RCW
17 9.41.040(1))
18 Use of a Machine Gun in Commission
19 of a Felony (RCW 9.41.225)
20 Vehicular Homicide, by disregard for
21 the safety of others (RCW
22 46.61.520)
23 VI Bail Jumping with Murder 1 (RCW
24 9A.76.170(3)(a))
25 Bribery (RCW 9A.68.010)
26 Incest 1 (RCW 9A.64.020(1))
27 Intimidating a Judge (RCW 9A.72.160)
28 Intimidating a Juror/Witness (RCW
29 9A.72.110, 9A.72.130)
30 Malicious placement of an imitation
31 device 2 (RCW 70.74.272(1)(b))
32 Possession of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.070(1))
35 Rape of a Child 3 (RCW 9A.44.079)
36 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Ammonia (RCW
2 69.55.020)

3 V Abandonment of Dependent Person 2
4 (RCW 9A.42.070)

5 Advancing money or property for
6 extortionate extension of credit
7 (RCW 9A.82.030)

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)

15 Dealing in Depictions of Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order
19 Violation (RCW 10.99.040,
20 10.99.050, 26.09.300, 26.10.220,
21 26.26.138, 26.50.110, 26.52.070,
22 or 74.34.145)

23 Driving While Under the Influence
24 (RCW 46.61.502(6))

25 Extortion 1 (RCW 9A.56.120)

26 Extortionate Extension of Credit (RCW
27 9A.82.020)

28 Extortionate Means to Collect
29 Extensions of Credit (RCW
30 9A.82.040)

31 Incest 2 (RCW 9A.64.020(2))

32 Kidnapping 2 (RCW 9A.40.030)

33 Perjury 1 (RCW 9A.72.020)

34 Persistent prison misbehavior (RCW
35 9.94.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)
6 Rape 3 (RCW 9A.44.060)
7 Rendering Criminal Assistance 1
8 (RCW 9A.76.070)
9 Sending, Bringing into State
10 Depictions of Minor Engaged in
11 Sexually Explicit Conduct 2
12 (RCW 9.68A.060(2))
13 Sexual Misconduct with a Minor 1
14 (RCW 9A.44.093)
15 Sexually Violating Human Remains
16 (RCW 9A.44.105)
17 Stalking (RCW 9A.46.110)
18 Taking Motor Vehicle Without
19 Permission 1 (RCW 9A.56.070)
20 IV Arson 2 (RCW 9A.48.030)
21 Assault 2 (RCW 9A.36.021)
22 Assault 3 (of a Peace Officer with a
23 Projectile Stun Gun) (RCW
24 9A.36.031(1)(h))
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW
32 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Endangerment with a Controlled
35 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)
2 Hit and Run—Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel—Injury
5 Accident (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2))
7 Indecent Exposure to Person Under
8 Age Fourteen (subsequent sex
9 offense) (RCW 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Malicious Harassment (RCW
13 9A.36.080)
14 Possession of Depictions of a Minor
15 Engaged in Sexually Explicit
16 Conduct 2 (RCW 9.68A.070(2))
17 Residential Burglary (RCW
18 9A.52.025)
19 Robbery 2 (RCW 9A.56.210)
20 Theft of Livestock 1 (RCW 9A.56.080)
21 Threats to Bomb (RCW 9.61.160)
22 Trafficking in Stolen Property 1 (RCW
23 9A.82.050)
24 Unlawful factoring of a credit card or
25 payment card transaction (RCW
26 9A.56.290(4)(b))
27 Unlawful transaction of health
28 coverage as a health care service
29 contractor (RCW 48.44.016(3))
30 Unlawful transaction of health
31 coverage as a health maintenance
32 organization (RCW 48.46.033(3))
33 Unlawful transaction of insurance
34 business (RCW 48.15.023(3))
35 Unlicensed practice as an insurance
36 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicle Prowling 2 (third or
5 subsequent offense) (RCW
6 9A.52.100(3))
7 Vehicular Assault, by being under the
8 influence of intoxicating liquor or
9 any drug, or by the operation or
10 driving of a vehicle in a reckless
11 manner (RCW 46.61.522)
12 Viewing of Depictions of a Minor
13 Engaged in Sexually Explicit
14 Conduct 1 (RCW 9.68A.075(1))
15 Willful Failure to Return from
16 Furlough (RCW 72.66.060)
17 III Animal Cruelty 1 (Sexual Conduct or
18 Contact) (RCW 16.52.205(3))
19 Assault 3 (Except Assault 3 of a Peace
20 Officer With a Projectile Stun
21 Gun) (RCW 9A.36.031 except
22 subsection (1)(h))
23 Assault of a Child 3 (RCW 9A.36.140)
24 Bail Jumping with class B or C Felony
25 (RCW 9A.76.170(3)(c))
26 Burglary 2 (RCW 9A.52.030)
27 Communication with a Minor for
28 Immoral Purposes (RCW
29 9.68A.090)
30 Criminal Gang Intimidation (RCW
31 9A.46.120)
32 Custodial Assault (RCW 9A.36.100)
33 Cyberstalking (subsequent conviction
34 or threat of death) (RCW
35 9.61.260(3))
36 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)
2 Harassment (RCW 9A.46.020)
3 Intimidating a Public Servant (RCW
4 9A.76.180)
5 Introducing Contraband 2 (RCW
6 9A.76.150)
7 Malicious Injury to Railroad Property
8 (RCW 81.60.070)
9 Mortgage Fraud (RCW 19.144.080)
10 Negligently Causing Substantial
11 Bodily Harm By Use of a Signal
12 Preemption Device (RCW
13 46.37.674)
14 Organized Retail Theft 1 (RCW
15 9A.56.350(2))
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun or Short-
20 Barreled Shotgun or Rifle (RCW
21 9.41.190)
22 Promoting Prostitution 2 (RCW
23 9A.88.080)
24 Retail Theft with Special
25 Circumstances 1 (RCW
26 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 9A.56.340(2))

1 Trafficking in Stolen Property 2 (RCW
2 9A.82.055)
3 Unlawful Hunting of Big Game 1
4 (RCW 77.15.410(3)(b))
5 Unlawful Imprisonment (RCW
6 9A.40.040)
7 Unlawful Misbranding of Food Fish or
8 Shellfish 1 (RCW 69.04.938(3))
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Unlawful Taking of Endangered Fish
12 or Wildlife 1 (RCW
13 77.15.120(3)(b))
14 Unlawful Trafficking in Fish, Shellfish,
15 or Wildlife 1 (RCW
16 77.15.260(3)(b))
17 Unlawful Use of a Nondesignated
18 Vessel (RCW 77.15.530(4))
19 Vehicular Assault, by the operation or
20 driving of a vehicle with disregard
21 for the safety of others (RCW
22 46.61.522)
23 Willful Failure to Return from Work
24 Release (RCW 72.65.070)
25 II Commercial Fishing Without a License
26 1 (RCW 77.15.500(3)(b))
27 Computer Trespass 1 (~~RCW~~
28 9A.52.110)) section 4 of this act)
29 Counterfeiting (RCW 9.16.035(3))
30 Electronic Data Service Interference
31 (section 6 of this act)
32 Electronic Data Tampering 1 (section 8
33 of this act)
34 Electronic Data Theft (section 10 of
35 this act)

1 Engaging in Fish Dealing Activity
2 Unlicensed 1 (RCW 77.15.620(3))
3 Escape from Community Custody
4 (RCW 72.09.310)
5 Failure to Register as a Sex Offender
6 (second or subsequent offense)
7 (RCW 9A.44.130 prior to June 10,
8 2010, and RCW 9A.44.132)
9 Health Care False Claims (RCW
10 48.80.030)
11 Identity Theft 2 (RCW 9.35.020(3))
12 Improperly Obtaining Financial
13 Information (RCW 9.35.010)
14 Malicious Mischief 1 (RCW
15 9A.48.070)
16 Organized Retail Theft 2 (RCW
17 9A.56.350(3))
18 Possession of Stolen Property 1 (RCW
19 9A.56.150)
20 Possession of a Stolen Vehicle (RCW
21 9A.56.068)
22 Retail Theft with Special
23 Circumstances 2 (RCW
24 9A.56.360(3))
25 Scrap Processing, Recycling, or
26 Supplying Without a License
27 (second or subsequent offense)
28 (RCW 19.290.100)
29 Theft 1 (RCW 9A.56.030)
30 Theft of a Motor Vehicle (RCW
31 9A.56.065)
32 Theft of Rental, Leased, ~~((one))~~ Lease-
33 purchased, or Loaned Property
34 (valued at ~~((one))~~ five thousand
35 ~~((five hundred))~~ dollars or more)
36 (RCW 9A.56.096(5)(a))

1 Theft with the Intent to Resell 2 (RCW
2 9A.56.340(3))
3 Trafficking in Insurance Claims (RCW
4 48.30A.015)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(a))
8 Unlawful Participation of Non-Indians
9 in Indian Fishery (RCW
10 77.15.570(2))
11 Unlawful Practice of Law (RCW
12 2.48.180)
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Unlicensed Practice of a Profession or
19 Business (RCW 18.130.190(7))
20 Voyeurism (RCW 9A.44.115)
21 I Attempting to Elude a Pursuing Police
22 Vehicle (RCW 46.61.024)
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forgery (RCW 9A.60.020)
26 Fraudulent Creation or Revocation of a
27 Mental Health Advance Directive
28 (RCW 9A.60.060)
29 Malicious Mischief 2 (RCW
30 9A.48.080)
31 Mineral Trespass (RCW 78.44.330)
32 Possession of Stolen Property 2 (RCW
33 9A.56.160)
34 Reckless Burning 1 (RCW 9A.48.040)
35 Spotlighting Big Game 1 (RCW
36 77.15.450(3)(b))

1 Suspension of Department Privileges 1
2 (RCW 77.15.670(3)(b))
3 Taking Motor Vehicle Without
4 Permission 2 (RCW 9A.56.075)
5 Theft 2 (RCW 9A.56.040)
6 Theft of Rental, Leased, ~~((or))~~ Lease-
7 purchased, or Loaned Property
8 (valued at ~~((two))~~ seven hundred
9 fifty dollars or more but less than
10 ~~((one))~~ five thousand ~~((five~~
11 ~~hundred))~~ dollars) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063)
16 Unlawful Fish and Shellfish Catch
17 Accounting (RCW
18 77.15.630(3)(b))
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 9A.56.320)
25 Unlawful Possession of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Possession of a Personal
28 Identification Device (RCW
29 9A.56.320)
30 Unlawful Production of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Releasing, Planting,
33 Possessing, or Placing Deleterious
34 Exotic Wildlife (RCW
35 77.15.250(2)(b))
36 Unlawful Trafficking in Food Stamps
37 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW
2 9.91.144)
3 Unlawful Use of Net to Take Fish 1
4 (RCW 77.15.580(3)(b))
5 Unlawful Use of Prohibited Aquatic
6 Animal Species (RCW
7 77.15.253(3))
8 Vehicle Prowl 1 (RCW 9A.52.095)
9 Violating Commercial Fishing Area or
10 Time 1 (RCW 77.15.550(3)(b))

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

13 (1) RCW 9A.52.110 (Computer trespass in the first degree) and
14 1984 c 273 s 1;

15 (2) RCW 9A.52.120 (Computer trespass in the second degree) and
16 1984 c 273 s 2; and

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

19 NEW SECTION. **Sec. 15.** Sections 3 through 11 of this act
20 constitute a new chapter in Title 9A RCW.

Passed by the House March 7, 2016.

Passed by the Senate March 1, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

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