
SUBSTITUTE SENATE BILL 5105

State of Washington**64th Legislature****2015 Regular Session**

By Senate Law & Justice (originally sponsored by Senators Padden, Frockt, O'Ban, Fain, Fraser, Pearson, Roach, and Darneille)

READ FIRST TIME 02/04/15.

1 AN ACT Relating to making a fourth driving under the influence
2 offense a felony; amending RCW 46.61.502, 46.61.504, and 46.61.5055;
3 reenacting and amending RCW 9.94A.515; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.61.502 and 2013 c 3 s 33 (Initiative Measure No.
6 502) are each amended to read as follows:

7 (1) A person is guilty of driving while under the influence of
8 intoxicating liquor, marijuana, or any drug if the person drives a
9 vehicle within this state:

10 (a) And the person has, within two hours after driving, an
11 alcohol concentration of 0.08 or higher as shown by analysis of the
12 person's breath or blood made under RCW 46.61.506; or

13 (b) The person has, within two hours after driving, a THC
14 concentration of 5.00 or higher as shown by analysis of the person's
15 blood made under RCW 46.61.506; or

16 (c) While the person is under the influence of or affected by
17 intoxicating liquor, marijuana, or any drug; or

18 (d) While the person is under the combined influence of or
19 affected by intoxicating liquor, marijuana, and any drug.

20 (2) The fact that a person charged with a violation of this
21 section is or has been entitled to use a drug under the laws of this

1 state shall not constitute a defense against a charge of violating
2 this section.

3 (3)(a) It is an affirmative defense to a violation of subsection
4 (1)(a) of this section, which the defendant must prove by a
5 preponderance of the evidence, that the defendant consumed a
6 sufficient quantity of alcohol after the time of driving and before
7 the administration of an analysis of the person's breath or blood to
8 cause the defendant's alcohol concentration to be 0.08 or more within
9 two hours after driving. The court shall not admit evidence of this
10 defense unless the defendant notifies the prosecution prior to the
11 omnibus or pretrial hearing in the case of the defendant's intent to
12 assert the affirmative defense.

13 (b) It is an affirmative defense to a violation of subsection
14 (1)(b) of this section, which the defendant must prove by a
15 preponderance of the evidence, that the defendant consumed a
16 sufficient quantity of marijuana after the time of driving and before
17 the administration of an analysis of the person's blood to cause the
18 defendant's THC concentration to be 5.00 or more within two hours
19 after driving. The court shall not admit evidence of this defense
20 unless the defendant notifies the prosecution prior to the omnibus or
21 pretrial hearing in the case of the defendant's intent to assert the
22 affirmative defense.

23 (4)(a) Analyses of blood or breath samples obtained more than two
24 hours after the alleged driving may be used as evidence that within
25 two hours of the alleged driving, a person had an alcohol
26 concentration of 0.08 or more in violation of subsection (1)(a) of
27 this section, and in any case in which the analysis shows an alcohol
28 concentration above 0.00 may be used as evidence that a person was
29 under the influence of or affected by intoxicating liquor or any drug
30 in violation of subsection (1)(c) or (d) of this section.

31 (b) Analyses of blood samples obtained more than two hours after
32 the alleged driving may be used as evidence that within two hours of
33 the alleged driving, a person had a THC concentration of 5.00 or more
34 in violation of subsection (1)(b) of this section, and in any case in
35 which the analysis shows a THC concentration above 0.00 may be used
36 as evidence that a person was under the influence of or affected by
37 marijuana in violation of subsection (1)(c) or (d) of this section.

38 (5) Except as provided in subsection (6) of this section, a
39 violation of this section is a gross misdemeanor.

1 (6) It is a class C felony punishable under chapter 9.94A RCW, or
2 chapter 13.40 RCW if the person is a juvenile, if:
3 (a) The person has ((four))three or more prior offenses within
4 ten years as defined in RCW 46.61.5055; or
5 (b) The person has ever previously been convicted of:
6 (i) Vehicular homicide while under the influence of intoxicating
7 liquor or any drug, RCW 46.61.520(1)(a);
8 (ii) Vehicular assault while under the influence of intoxicating
9 liquor or any drug, RCW 46.61.522(1)(b);
10 (iii) An out-of-state offense comparable to the offense specified
11 in (b)(i) or (ii) of this subsection; or
12 (iv) A violation of this subsection (6) or RCW 46.61.504(6).

13 **Sec. 2.** RCW 46.61.504 and 2013 c 3 s 35 (Initiative Measure No.
14 502) are each amended to read as follows:

15 (1) A person is guilty of being in actual physical control of a
16 motor vehicle while under the influence of intoxicating liquor or any
17 drug if the person has actual physical control of a vehicle within
18 this state:

19 (a) And the person has, within two hours after being in actual
20 physical control of the vehicle, an alcohol concentration of 0.08 or
21 higher as shown by analysis of the person's breath or blood made
22 under RCW 46.61.506; or

23 (b) The person has, within two hours after being in actual
24 physical control of a vehicle, a THC concentration of 5.00 or higher
25 as shown by analysis of the person's blood made under RCW 46.61.506;
26 or

27 (c) While the person is under the influence of or affected by
28 intoxicating liquor or any drug; or

29 (d) While the person is under the combined influence of or
30 affected by intoxicating liquor and any drug.

31 (2) The fact that a person charged with a violation of this
32 section is or has been entitled to use a drug under the laws of this
33 state does not constitute a defense against any charge of violating
34 this section. No person may be convicted under this section if, prior
35 to being pursued by a law enforcement officer, the person has moved
36 the vehicle safely off the roadway.

37 (3)(a) It is an affirmative defense to a violation of subsection
38 (1)(a) of this section which the defendant must prove by a
39 preponderance of the evidence that the defendant consumed a

1 sufficient quantity of alcohol after the time of being in actual
2 physical control of the vehicle and before the administration of an
3 analysis of the person's breath or blood to cause the defendant's
4 alcohol concentration to be 0.08 or more within two hours after being
5 in such control. The court shall not admit evidence of this defense
6 unless the defendant notifies the prosecution prior to the omnibus or
7 pretrial hearing in the case of the defendant's intent to assert the
8 affirmative defense.

9 (b) It is an affirmative defense to a violation of subsection
10 (1)(b) of this section, which the defendant must prove by a
11 preponderance of the evidence, that the defendant consumed a
12 sufficient quantity of marijuana after the time of being in actual
13 physical control of the vehicle and before the administration of an
14 analysis of the person's blood to cause the defendant's THC
15 concentration to be 5.00 or more within two hours after being in
16 control of the vehicle. The court shall not admit evidence of this
17 defense unless the defendant notifies the prosecution prior to the
18 omnibus or pretrial hearing in the case of the defendant's intent to
19 assert the affirmative defense.

20 (4)(a) Analyses of blood or breath samples obtained more than two
21 hours after the alleged being in actual physical control of a vehicle
22 may be used as evidence that within two hours of the alleged being in
23 such control, a person had an alcohol concentration of 0.08 or more
24 in violation of subsection (1)(a) of this section, and in any case in
25 which the analysis shows an alcohol concentration above 0.00 may be
26 used as evidence that a person was under the influence of or affected
27 by intoxicating liquor or any drug in violation of subsection (1)(c)
28 or (d) of this section.

29 (b) Analyses of blood samples obtained more than two hours after
30 the alleged being in actual physical control of a vehicle may be used
31 as evidence that within two hours of the alleged being in control of
32 the vehicle, a person had a THC concentration of 5.00 or more in
33 violation of subsection (1)(b) of this section, and in any case in
34 which the analysis shows a THC concentration above 0.00 may be used
35 as evidence that a person was under the influence of or affected by
36 marijuana in violation of subsection (1)(c) or (d) of this section.

37 (5) Except as provided in subsection (6) of this section, a
38 violation of this section is a gross misdemeanor.

39 (6) It is a class C felony punishable under chapter 9.94A RCW, or
40 chapter 13.40 RCW if the person is a juvenile, if:

- 1 (a) The person has ((four))three or more prior offenses within
2 ten years as defined in RCW 46.61.5055; or
3 (b) The person has ever previously been convicted of:
4 (i) Vehicular homicide while under the influence of intoxicating
5 liquor or any drug, RCW 46.61.520(1)(a);
6 (ii) Vehicular assault while under the influence of intoxicating
7 liquor or any drug, RCW 46.61.522(1)(b);
8 (iii) An out-of-state offense comparable to the offense specified
9 in (b)(i) or (ii) of this subsection; or
10 (iv) A violation of this subsection (6) or RCW 46.61.502(6).

11 **Sec. 3.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
12 read as follows:

13 (1) **No prior offenses in seven years.** Except as provided in RCW
14 46.61.502(6) or 46.61.504(6), a person who is convicted of a
15 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
16 within seven years shall be punished as follows:

17 (a) **Penalty for alcohol concentration less than 0.15.** In the case
18 of a person whose alcohol concentration was less than 0.15, or for
19 whom for reasons other than the person's refusal to take a test
20 offered pursuant to RCW 46.20.308 there is no test result indicating
21 the person's alcohol concentration:

22 (i) By imprisonment for not less than one day nor more than three
23 hundred sixty-four days. Twenty-four consecutive hours of the
24 imprisonment may not be suspended unless the court finds that the
25 imposition of this mandatory minimum sentence would impose a
26 substantial risk to the offender's physical or mental well-being.
27 Whenever the mandatory minimum sentence is suspended, the court shall
28 state in writing the reason for granting the suspension and the facts
29 upon which the suspension is based. In lieu of the mandatory minimum
30 term of imprisonment required under this subsection (1)(a)(i), the
31 court may order not less than fifteen days of electronic home
32 monitoring. The offender shall pay the cost of electronic home
33 monitoring. The county or municipality in which the penalty is being
34 imposed shall determine the cost. The court may also require the
35 offender's electronic home monitoring device or other separate
36 alcohol monitoring device to include an alcohol detection
37 breathalyzer, and the court may restrict the amount of alcohol the
38 offender may consume during the time the offender is on electronic
39 home monitoring; and

1 (ii) By a fine of not less than three hundred fifty dollars nor
2 more than five thousand dollars. Three hundred fifty dollars of the
3 fine may not be suspended unless the court finds the offender to be
4 indigent; or

5 (b) **Penalty for alcohol concentration at least 0.15.** In the case
6 of a person whose alcohol concentration was at least 0.15, or for
7 whom by reason of the person's refusal to take a test offered
8 pursuant to RCW 46.20.308 there is no test result indicating the
9 person's alcohol concentration:

10 (i) By imprisonment for not less than two days nor more than
11 three hundred sixty-four days. Forty-eight consecutive hours of the
12 imprisonment may not be suspended unless the court finds that the
13 imposition of this mandatory minimum sentence would impose a
14 substantial risk to the offender's physical or mental well-being.
15 Whenever the mandatory minimum sentence is suspended, the court shall
16 state in writing the reason for granting the suspension and the facts
17 upon which the suspension is based. In lieu of the mandatory minimum
18 term of imprisonment required under this subsection (1)(b)(i), the
19 court may order not less than thirty days of electronic home
20 monitoring. The offender shall pay the cost of electronic home
21 monitoring. The county or municipality in which the penalty is being
22 imposed shall determine the cost. The court may also require the
23 offender's electronic home monitoring device to include an alcohol
24 detection breathalyzer or other separate alcohol monitoring device,
25 and the court may restrict the amount of alcohol the offender may
26 consume during the time the offender is on electronic home
27 monitoring; and

28 (ii) By a fine of not less than five hundred dollars nor more
29 than five thousand dollars. Five hundred dollars of the fine may not
30 be suspended unless the court finds the offender to be indigent.

31 (2) **One prior offense in seven years.** Except as provided in RCW
32 46.61.502(6) or 46.61.504(6), a person who is convicted of a
33 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
34 within seven years shall be punished as follows:

35 (a) **Penalty for alcohol concentration less than 0.15.** In the case
36 of a person whose alcohol concentration was less than 0.15, or for
37 whom for reasons other than the person's refusal to take a test
38 offered pursuant to RCW 46.20.308 there is no test result indicating
39 the person's alcohol concentration:

1 (i) By imprisonment for not less than thirty days nor more than
2 three hundred sixty-four days and sixty days of electronic home
3 monitoring. In lieu of the mandatory minimum term of sixty days
4 electronic home monitoring, the court may order at least an
5 additional four days in jail or, if available in that county or city,
6 a six-month period of 24/7 sobriety program monitoring pursuant to
7 RCW 36.28A.300 through 36.28A.390, and the court shall order an
8 expanded alcohol assessment and treatment, if deemed appropriate by
9 the assessment. The offender shall pay for the cost of the electronic
10 monitoring. The county or municipality where the penalty is being
11 imposed shall determine the cost. The court may also require the
12 offender's electronic home monitoring device include an alcohol
13 detection breathalyzer or other separate alcohol monitoring device,
14 and may restrict the amount of alcohol the offender may consume
15 during the time the offender is on electronic home monitoring. Thirty
16 days of imprisonment and sixty days of electronic home monitoring may
17 not be suspended unless the court finds that the imposition of this
18 mandatory minimum sentence would impose a substantial risk to the
19 offender's physical or mental well-being. Whenever the mandatory
20 minimum sentence is suspended, the court shall state in writing the
21 reason for granting the suspension and the facts upon which the
22 suspension is based; and

23 (ii) By a fine of not less than five hundred dollars nor more
24 than five thousand dollars. Five hundred dollars of the fine may not
25 be suspended unless the court finds the offender to be indigent; or

26 (b) **Penalty for alcohol concentration at least 0.15.** In the case
27 of a person whose alcohol concentration was at least 0.15, or for
28 whom by reason of the person's refusal to take a test offered
29 pursuant to RCW 46.20.308 there is no test result indicating the
30 person's alcohol concentration:

31 (i) By imprisonment for not less than forty-five days nor more
32 than three hundred sixty-four days and ninety days of electronic home
33 monitoring. In lieu of the mandatory minimum term of ninety days
34 electronic home monitoring, the court may order at least an
35 additional six days in jail or, if available in that county or city,
36 a six-month period of 24/7 sobriety program monitoring pursuant to
37 RCW 36.28A.300 through 36.28A.390, and the court shall order an
38 expanded alcohol assessment and treatment, if deemed appropriate by
39 the assessment. The offender shall pay for the cost of the electronic
40 monitoring. The county or municipality where the penalty is being

1 imposed shall determine the cost. The court may also require the
2 offender's electronic home monitoring device include an alcohol
3 detection breathalyzer or other separate alcohol monitoring device,
4 and may restrict the amount of alcohol the offender may consume
5 during the time the offender is on electronic home monitoring. Forty-
6 five days of imprisonment and ninety days of electronic home
7 monitoring may not be suspended unless the court finds that the
8 imposition of this mandatory minimum sentence would impose a
9 substantial risk to the offender's physical or mental well-being.
10 Whenever the mandatory minimum sentence is suspended, the court shall
11 state in writing the reason for granting the suspension and the facts
12 upon which the suspension is based; and

13 (ii) By a fine of not less than seven hundred fifty dollars nor
14 more than five thousand dollars. Seven hundred fifty dollars of the
15 fine may not be suspended unless the court finds the offender to be
16 indigent.

17 (3) **Two ((or three)) prior offenses in seven years.** Except as
18 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
19 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has
20 two ((or three)) prior offenses within seven years shall be punished
21 as follows:

22 (a) **Penalty for alcohol concentration less than 0.15.** In the case
23 of a person whose alcohol concentration was less than 0.15, or for
24 whom for reasons other than the person's refusal to take a test
25 offered pursuant to RCW 46.20.308 there is no test result indicating
26 the person's alcohol concentration:

27 (i) By imprisonment for not less than ninety days nor more than
28 three hundred sixty-four days, if available in that county or city, a
29 six-month period of 24/7 sobriety program monitoring pursuant to RCW
30 36.28A.300 through 36.28A.390, and one hundred twenty days of
31 electronic home monitoring. In lieu of the mandatory minimum term of
32 one hundred twenty days of electronic home monitoring, the court may
33 order at least an additional eight days in jail. The court shall
34 order an expanded alcohol assessment and treatment, if deemed
35 appropriate by the assessment. The offender shall pay for the cost of
36 the electronic monitoring. The county or municipality where the
37 penalty is being imposed shall determine the cost. The court may also
38 require the offender's electronic home monitoring device include an
39 alcohol detection breathalyzer or other separate alcohol monitoring
40 device, and may restrict the amount of alcohol the offender may

1 consume during the time the offender is on electronic home
2 monitoring. Ninety days of imprisonment and one hundred twenty days
3 of electronic home monitoring may not be suspended unless the court
4 finds that the imposition of this mandatory minimum sentence would
5 impose a substantial risk to the offender's physical or mental well-
6 being. Whenever the mandatory minimum sentence is suspended, the
7 court shall state in writing the reason for granting the suspension
8 and the facts upon which the suspension is based; and

9 (ii) By a fine of not less than one thousand dollars nor more
10 than five thousand dollars. One thousand dollars of the fine may not
11 be suspended unless the court finds the offender to be indigent; or

12 (b) **Penalty for alcohol concentration at least 0.15.** In the case
13 of a person whose alcohol concentration was at least 0.15, or for
14 whom by reason of the person's refusal to take a test offered
15 pursuant to RCW 46.20.308 there is no test result indicating the
16 person's alcohol concentration:

17 (i) By imprisonment for not less than one hundred twenty days nor
18 more than three hundred sixty-four days, if available in that county
19 or city, a six-month period of 24/7 sobriety program monitoring
20 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
21 days of electronic home monitoring. In lieu of the mandatory minimum
22 term of one hundred fifty days of electronic home monitoring, the
23 court may order at least an additional ten days in jail. The offender
24 shall pay for the cost of the electronic monitoring. The court shall
25 order an expanded alcohol assessment and treatment, if deemed
26 appropriate by the assessment. The county or municipality where the
27 penalty is being imposed shall determine the cost. The court may also
28 require the offender's electronic home monitoring device include an
29 alcohol detection breathalyzer or other separate alcohol monitoring
30 device, and may restrict the amount of alcohol the offender may
31 consume during the time the offender is on electronic home
32 monitoring. One hundred twenty days of imprisonment and one hundred
33 fifty days of electronic home monitoring may not be suspended unless
34 the court finds that the imposition of this mandatory minimum
35 sentence would impose a substantial risk to the offender's physical
36 or mental well-being. Whenever the mandatory minimum sentence is
37 suspended, the court shall state in writing the reason for granting
38 the suspension and the facts upon which the suspension is based; and

39 (ii) By a fine of not less than one thousand five hundred dollars
40 nor more than five thousand dollars. One thousand five hundred

1 dollars of the fine may not be suspended unless the court finds the
2 offender to be indigent.

3 (4) **((Four))Three or more prior offenses in ten years.** A person
4 who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall
5 be punished under chapter 9.94A RCW if:

6 (a) The person has **((four))three** or more prior offenses within
7 ten years; or

8 (b) The person has ever previously been convicted of:

9 (i) A violation of RCW 46.61.520 committed while under the
10 influence of intoxicating liquor or any drug;

11 (ii) A violation of RCW 46.61.522 committed while under the
12 influence of intoxicating liquor or any drug;

13 (iii) An out-of-state offense comparable to the offense specified
14 in (b)(i) or (ii) of this subsection; or

15 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

16 (5) **Monitoring.**

17 (a) **Ignition interlock device.** The court shall require any person
18 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
19 equivalent local ordinance to comply with the rules and requirements
20 of the department regarding the installation and use of a functioning
21 ignition interlock device installed on all motor vehicles operated by
22 the person.

23 (b) **Monitoring devices.** If the court orders that a person refrain
24 from consuming any alcohol, the court may order the person to submit
25 to alcohol monitoring through an alcohol detection breathalyzer
26 device, transdermal sensor device, or other technology designed to
27 detect alcohol in a person's system. The person shall pay for the
28 cost of the monitoring, unless the court specifies that the cost of
29 monitoring will be paid with funds that are available from an
30 alternative source identified by the court. The county or
31 municipality where the penalty is being imposed shall determine the
32 cost.

33 (c) **Ignition interlock device substituted for 24/7 sobriety
34 program monitoring.** In any county or city where a 24/7 sobriety
35 program is available and verified by the Washington association of
36 sheriffs and police chiefs, the court shall:

37 (i) Order the person to install and use a functioning ignition
38 interlock or other device in lieu of such period of 24/7 sobriety
39 program monitoring;

1 (ii) Order the person to a period of 24/7 sobriety program
2 monitoring pursuant to subsections (1) through (3) of this section;
3 or

4 (iii) Order the person to install and use a functioning ignition
5 interlock or other device in addition to a period of 24/7 sobriety
6 program monitoring pursuant to subsections (1) through (3) of this
7 section.

8 (6) **Penalty for having a minor passenger in vehicle.** If a person
9 who is convicted of a violation of RCW 46.61.502 or 46.61.504
10 committed the offense while a passenger under the age of sixteen was
11 in the vehicle, the court shall:

12 (a) Order the use of an ignition interlock or other device for an
13 additional six months;

14 (b) In any case in which the person has no prior offenses within
15 seven years, and except as provided in RCW 46.61.502(6) or
16 46.61.504(6), order an additional twenty-four hours of imprisonment
17 and a fine of not less than one thousand dollars and not more than
18 five thousand dollars. One thousand dollars of the fine may not be
19 suspended unless the court finds the offender to be indigent;

20 (c) In any case in which the person has one prior offense within
21 seven years, and except as provided in RCW 46.61.502(6) or
22 46.61.504(6), order an additional five days of imprisonment and a
23 fine of not less than two thousand dollars and not more than five
24 thousand dollars. One thousand dollars of the fine may not be
25 suspended unless the court finds the offender to be indigent;

26 (d) In any case in which the person has two ((or three)) prior
27 offenses within seven years, and except as provided in RCW
28 46.61.502(6) or 46.61.504(6), order an additional ten days of
29 imprisonment and a fine of not less than three thousand dollars and
30 not more than ten thousand dollars. One thousand dollars of the fine
31 may not be suspended unless the court finds the offender to be
32 indigent.

33 (7) **Other items courts must consider while setting penalties.** In
34 exercising its discretion in setting penalties within the limits
35 allowed by this section, the court shall particularly consider the
36 following:

37 (a) Whether the person's driving at the time of the offense was
38 responsible for injury or damage to another or another's property;

39 (b) Whether at the time of the offense the person was driving or
40 in physical control of a vehicle with one or more passengers;

1 (c) Whether the driver was driving in the opposite direction of
2 the normal flow of traffic on a multiple lane highway, as defined by
3 RCW 46.04.350, with a posted speed limit of forty-five miles per hour
4 or greater; and

5 (d) Whether a child passenger under the age of sixteen was an
6 occupant in the driver's vehicle.

7 (8) **Treatment and information school.** An offender punishable
8 under this section is subject to the alcohol assessment and treatment
9 provisions of RCW 46.61.5056.

10 (9) **Driver's license privileges of the defendant.** The license,
11 permit, or nonresident privilege of a person convicted of driving or
12 being in physical control of a motor vehicle while under the
13 influence of intoxicating liquor or drugs must:

14 (a) **Penalty for alcohol concentration less than 0.15.** If the
15 person's alcohol concentration was less than 0.15, or if for reasons
16 other than the person's refusal to take a test offered under RCW
17 46.20.308 there is no test result indicating the person's alcohol
18 concentration:

19 (i) Where there has been no prior offense within seven years, be
20 suspended or denied by the department for ninety days;

21 (ii) Where there has been one prior offense within seven years,
22 be revoked or denied by the department for two years; or

23 (iii) Where there have been two or more prior offenses within
24 seven years, be revoked or denied by the department for three years;

25 (b) **Penalty for alcohol concentration at least 0.15.** If the
26 person's alcohol concentration was at least 0.15:

27 (i) Where there has been no prior offense within seven years, be
28 revoked or denied by the department for one year;

29 (ii) Where there has been one prior offense within seven years,
30 be revoked or denied by the department for nine hundred days; or

31 (iii) Where there have been two or more prior offenses within
32 seven years, be revoked or denied by the department for four years;
33 or

34 (c) **Penalty for refusing to take test.** If by reason of the
35 person's refusal to take a test offered under RCW 46.20.308, there is
36 no test result indicating the person's alcohol concentration:

37 (i) Where there have been no prior offenses within seven years,
38 be revoked or denied by the department for two years;

39 (ii) Where there has been one prior offense within seven years,
40 be revoked or denied by the department for three years; or

1 (iii) Where there have been two or more previous offenses within
2 seven years, be revoked or denied by the department for four years.

3 The department shall grant credit on a day-for-day basis for any
4 portion of a suspension, revocation, or denial already served under
5 this subsection for a suspension, revocation, or denial imposed under
6 RCW 46.20.3101 arising out of the same incident.

7 Upon its own motion or upon motion by a person, a court may find,
8 on the record, that notice to the department under RCW 46.20.270 has
9 been delayed for three years or more as a result of a clerical or
10 court error. If so, the court may order that the person's license,
11 permit, or nonresident privilege shall not be revoked, suspended, or
12 denied for that offense. The court shall send notice of the finding
13 and order to the department and to the person. Upon receipt of the
14 notice from the court, the department shall not revoke, suspend, or
15 deny the license, permit, or nonresident privilege of the person for
16 that offense.

17 For purposes of this subsection (9), the department shall refer
18 to the driver's record maintained under RCW 46.52.120 when
19 determining the existence of prior offenses.

20 (10) **Probation of driving privilege.** After expiration of any
21 period of suspension, revocation, or denial of the offender's
22 license, permit, or privilege to drive required by this section, the
23 department shall place the offender's driving privilege in
24 probationary status pursuant to RCW 46.20.355.

25 (11) **Conditions of probation.** (a) In addition to any
26 nonsuspendable and nondeferrable jail sentence required by this
27 section, whenever the court imposes up to three hundred sixty-four
28 days in jail, the court shall also suspend but shall not defer a
29 period of confinement for a period not exceeding five years. The
30 court shall impose conditions of probation that include: (i) Not
31 driving a motor vehicle within this state without a valid license to
32 drive and proof of liability insurance or other financial
33 responsibility for the future pursuant to RCW 46.30.020; (ii) not
34 driving or being in physical control of a motor vehicle within this
35 state while having an alcohol concentration of 0.08 or more or a THC
36 concentration of 5.00 nanograms per milliliter of whole blood or
37 higher, within two hours after driving; and (iii) not refusing to
38 submit to a test of his or her breath or blood to determine alcohol
39 or drug concentration upon request of a law enforcement officer who
40 has reasonable grounds to believe the person was driving or was in

1 actual physical control of a motor vehicle within this state while
2 under the influence of intoxicating liquor or drug. The court may
3 impose conditions of probation that include nonrepetition,
4 installation of an ignition interlock device on the probationer's
5 motor vehicle, alcohol or drug treatment, supervised probation, or
6 other conditions that may be appropriate. The sentence may be imposed
7 in whole or in part upon violation of a condition of probation during
8 the suspension period.

9 (b) For each violation of mandatory conditions of probation under
10 (a)(i), (ii), or (iii) of this subsection, the court shall order the
11 convicted person to be confined for thirty days, which shall not be
12 suspended or deferred.

13 (c) For each incident involving a violation of a mandatory
14 condition of probation imposed under this subsection, the license,
15 permit, or privilege to drive of the person shall be suspended by the
16 court for thirty days or, if such license, permit, or privilege to
17 drive already is suspended, revoked, or denied at the time the
18 finding of probation violation is made, the suspension, revocation,
19 or denial then in effect shall be extended by thirty days. The court
20 shall notify the department of any suspension, revocation, or denial
21 or any extension of a suspension, revocation, or denial imposed under
22 this subsection.

23 (12) **Waiver of electronic home monitoring.** A court may waive the
24 electronic home monitoring requirements of this chapter when:

25 (a) The offender does not have a dwelling, telephone service, or
26 any other necessity to operate an electronic home monitoring system.
27 However, if a court determines that an alcohol monitoring device
28 utilizing wireless reporting technology is reasonably available, the
29 court may require the person to obtain such a device during the
30 period of required electronic home monitoring;

31 (b) The offender does not reside in the state of Washington; or

32 (c) The court determines that there is reason to believe that the
33 offender would violate the conditions of the electronic home
34 monitoring penalty.

35 Whenever the mandatory minimum term of electronic home monitoring
36 is waived, the court shall state in writing the reason for granting
37 the waiver and the facts upon which the waiver is based, and shall
38 impose an alternative sentence with similar punitive consequences.
39 The alternative sentence may include, but is not limited to, use of

1 an ignition interlock device, the 24/7 sobriety program monitoring,
2 additional jail time, work crew, or work camp.

3 Whenever the combination of jail time and electronic home
4 monitoring or alternative sentence would exceed three hundred sixty-
5 four days, the offender shall serve the jail portion of the sentence
6 first, and the electronic home monitoring or alternative portion of
7 the sentence shall be reduced so that the combination does not exceed
8 three hundred sixty-four days.

9 **(13) Extraordinary medical placement.** An offender serving a
10 sentence under this section, whether or not a mandatory minimum term
11 has expired, may be granted an extraordinary medical placement by the
12 jail administrator subject to the standards and limitations set forth
13 in RCW 9.94A.728(3).

14 **(14) Definitions.** For purposes of this section and RCW 46.61.502
15 and 46.61.504:

16 (a) A "prior offense" means any of the following:

17 (i) A conviction for a violation of RCW 46.61.502 or an
18 equivalent local ordinance;

19 (ii) A conviction for a violation of RCW 46.61.504 or an
20 equivalent local ordinance;

21 (iii) A conviction for a violation of RCW 46.25.110 or an
22 equivalent local ordinance;

23 (iv) A conviction for a violation of RCW 79A.60.040 or an
24 equivalent local ordinance;

25 (v) A conviction for a violation of RCW 47.68.220 or an
26 equivalent local ordinance;

27 (vi) A conviction for a violation of RCW 46.09.470(2) or an
28 equivalent local ordinance;

29 (vii) A conviction for a violation of RCW 46.10.490(2) or an
30 equivalent local ordinance;

31 (viii) A conviction for a violation of RCW 46.61.520 committed
32 while under the influence of intoxicating liquor or any drug, or a
33 conviction for a violation of RCW 46.61.520 committed in a reckless
34 manner or with the disregard for the safety of others if the
35 conviction is the result of a charge that was originally filed as a
36 violation of RCW 46.61.520 committed while under the influence of
37 intoxicating liquor or any drug;

38 (ix) A conviction for a violation of RCW 46.61.522 committed
39 while under the influence of intoxicating liquor or any drug, or a
40 conviction for a violation of RCW 46.61.522 committed in a reckless

1 manner or with the disregard for the safety of others if the
2 conviction is the result of a charge that was originally filed as a
3 violation of RCW 46.61.522 committed while under the influence of
4 intoxicating liquor or any drug;

5 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
6 9A.36.050 or an equivalent local ordinance, if the conviction is the
7 result of a charge that was originally filed as a violation of RCW
8 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
9 46.61.520 or 46.61.522;

10 (xi) An out-of-state conviction for a violation that would have
11 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this
12 subsection if committed in this state;

13 (xii) A deferred prosecution under chapter 10.05 RCW granted in a
14 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
15 equivalent local ordinance;

16 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
17 a prosecution for a violation of RCW 46.61.5249, or an equivalent
18 local ordinance, if the charge under which the deferred prosecution
19 was granted was originally filed as a violation of RCW 46.61.502 or
20 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
21 46.61.522;

22 (xiv) A deferred prosecution granted in another state for a
23 violation of driving or having physical control of a vehicle while
24 under the influence of intoxicating liquor or any drug if the out-of-
25 state deferred prosecution is equivalent to the deferred prosecution
26 under chapter 10.05 RCW, including a requirement that the defendant
27 participate in a chemical dependency treatment program; or

28 (xv) A deferred sentence imposed in a prosecution for a violation
29 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
30 ordinance, if the charge under which the deferred sentence was
31 imposed was originally filed as a violation of RCW 46.61.502 or
32 46.61.504, or an equivalent local ordinance, or a violation of RCW
33 46.61.520 or 46.61.522;

34 If a deferred prosecution is revoked based on a subsequent
35 conviction for an offense listed in this subsection (14)(a), the
36 subsequent conviction shall not be treated as a prior offense of the
37 revoked deferred prosecution for the purposes of sentencing;

38 (b) "Treatment" means alcohol or drug treatment approved by the
39 department of social and health services;

1 (c) "Within seven years" means that the arrest for a prior
2 offense occurred within seven years before or after the arrest for
3 the current offense; and

4 (d) "Within ten years" means that the arrest for a prior offense
5 occurred within ten years before or after the arrest for the current
6 offense.

7 **Sec. 4.** RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013
8 c 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read
9 as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW
10.95.020)

XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW
70.74.280(1))
Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)
Trafficking 1 (RCW 9A.40.100(1))

XIII Malicious explosion 2 (RCW
70.74.280(2))
Malicious placement of an explosive 1
(RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation
device 1 (RCW 70.74.272(1)(a))
Promoting Commercial Sexual Abuse
of a Minor (RCW 9.68A.101)

Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Trafficking 2 (RCW 9A.40.100((2)))
(3))

1 XI Manslaughter 1 (RCW 9A.32.060)
2 Rape 2 (RCW 9A.44.050)
3 Rape of a Child 2 (RCW 9A.44.076)
4 Vehicular Homicide, by being under
5 the influence of intoxicating liquor
6 or any drug (RCW 46.61.520)
7 X Child Molestation 1 (RCW 9A.44.083)
8 Criminal Mistreatment 1 (RCW
9 9A.42.020)
10 Indecent Liberties (with forcible
11 compulsion) (RCW
12 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW
17 70.74.280(3))
18 Sexually Violent Predator Escape
19 (RCW 9A.76.115)
20 IX Abandonment of Dependent Person 1
21 (RCW 9A.42.060)
22 Assault of a Child 2 (RCW 9A.36.130)
23 Explosive devices prohibited (RCW
24 70.74.180)
25 Hit and Run—Death (RCW
26 46.52.020(4)(a))
27 Homicide by Watercraft, by being
28 under the influence of intoxicating
29 liquor or any drug (RCW
30 79A.60.050)
31 Inciting Criminal Profiteering (RCW
32 9A.82.060(1)(b))
33 Malicious placement of an explosive 2
34 (RCW 70.74.270(2))
35 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 VIII Arson 1 (RCW 9A.48.020)
3 Commercial Sexual Abuse of a Minor
4 (RCW 9.68A.100)
5 Homicide by Watercraft, by the
6 operation of any vessel in a
7 reckless manner (RCW
8 79A.60.050)
9 Manslaughter 2 (RCW 9A.32.070)
10 Promoting Prostitution 1 (RCW
11 9A.88.070)
12 Theft of Ammonia (RCW 69.55.010)
13 Vehicular Homicide, by the operation
14 of any vehicle in a reckless
15 manner (RCW 46.61.520)
16 VII Burglary 1 (RCW 9A.52.020)
17 Child Molestation 2 (RCW 9A.44.086)
18 Civil Disorder Training (RCW
19 9A.48.120)
20 Dealing in depictions of minor engaged
21 in sexually explicit conduct 1
22 (RCW 9.68A.050(1))
23 Drive-by Shooting (RCW 9A.36.045)
24 Homicide by Watercraft, by disregard
25 for the safety of others (RCW
26 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1)
29 (b) and (c))
30 Introducing Contraband 1 (RCW
31 9A.76.140)
32 Malicious placement of an explosive 3
33 (RCW 70.74.270(3))
34 Negligently Causing Death By Use of a
35 Signal Preemption Device (RCW
36 46.37.675)

Sending, bringing into state depictions
of minor engaged in sexually
explicit conduct 1 (RCW
9.68A.060(1))

Unlawful Possession of a Firearm in
the first degree (RCW
9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for
the safety of others (RCW
46.61.520)

**VI Bail Jumping with Murder 1 (RCW
9A.76.170(3)(a))**

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

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

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

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

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW
9A.42.030)

Custodial Sexual Misconduct 1 (RCW
9A.44.160)

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

Domestic Violence Court Order
Violation (RCW 10.99.040,
10.99.050, 26.09.300, 26.10.220,
26.26.138, 26.50.110, 26.52.070,
or 74.34.145)

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

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW
9A.82.020)

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

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

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW
9.94.070)

((Physical Control of a Vehicle While
Under the Influence (RCW
46.61.504(6))))

Possession of a Stolen Firearm (RCW
9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1
(RCW 9A.76.070)

Sending, Bringing into State
Depictions of Minor Engaged in
Sexually Explicit Conduct 2
(RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1
(RCW 9A.44.093)

Sexually Violating Human Remains
(RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without
Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a
Projectile Stun Gun) (RCW
9A.36.031(1)(h))

Assault by Watercraft (RCW
79A.60.060)

Bribing a Witness/Bribe Received by
Witness (RCW 9A.72.090,
9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW
9A.68.060)

Counterfeiting (RCW 9.16.035(4))

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

Endangerment with a Controlled
Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run—Injury (RCW
46.52.020(4)(b))

Hit and Run with Vessel—Injury
Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1))

Vehicle Prowling 2 (third or
subsequent offense) (RCW
9A.52.100(3))

Vehicular Assault, by being under the
influence of intoxicating liquor or
any drug, or by the operation or
driving of a vehicle in a reckless
manner (RCW 46.61.522)

Viewing of Depictions of a Minor
Engaged in Sexually Explicit
Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from
Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or
Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace
Officer With a Projectile Stun
Gun) (RCW 9A.36.031 except
subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony
(RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for
Immoral Purposes (RCW
9.68A.090)

Criminal Gang Intimidation (RCW
9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction
or threat of death) (RCW
9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW
9A.76.180)

Introducing Contraband 2 (RCW
9A.76.150)

Malicious Injury to Railroad Property
(RCW 81.60.070)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial
Bodily Harm By Use of a Signal
Preemption Device (RCW
46.37.674)

Organized Retail Theft 1 (RCW
9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW
9.40.120)

Possession of Machine Gun or Short-
Barreled Shotgun or Rifle (RCW
9.41.190)

Promoting Prostitution 2 (RCW
9A.88.080)

Retail Theft with Special
Circumstances 1 (RCW
9A.56.360(2))

Securities Act violation (RCW
21.20.400)

Tampering with a Witness (RCW
9A.72.120)

Telephone Harassment (subsequent
conviction or threat of death)
(RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW
9A.56.340(2))

Trafficking in Stolen Property 2 (RCW

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)

27 Counterfeiting (RCW 9.16.035(3))

28 Engaging in Fish Dealing Activity
29 Unlicensed 1 (RCW 77.15.620(3))

30 Escape from Community Custody
31 (RCW 72.09.310)

32 Failure to Register as a Sex Offender
33 (second or subsequent offense)
34 (RCW 9A.44.132)

35 Health Care False Claims (RCW
36 48.80.030)

1 Identity Theft 2 (RCW 9.35.020(3))
2 Improperly Obtaining Financial
3 Information (RCW 9.35.010)
4 Malicious Mischief 1 (RCW
5 9A.48.070)
6 Organized Retail Theft 2 (RCW
7 9A.56.350(3))
8 Possession of Stolen Property 1 (RCW
9 9A.56.150)
10 Possession of a Stolen Vehicle (RCW
11 9A.56.068)
12 Retail Theft with Special
13 Circumstances 2 (RCW
14 9A.56.360(3))
15 Scrap Processing, Recycling, or
16 Supplying Without a License
17 (second or subsequent offense)
18 (RCW 19.290.100)
19 Theft 1 (RCW 9A.56.030)
20 Theft of a Motor Vehicle (RCW
21 9A.56.065)
22 Theft of Rental, Leased, or Lease-
23 purchased Property (valued at one
24 thousand five hundred dollars or
25 more) (RCW 9A.56.096(5)(a))
26 Theft with the Intent to Resell 2 (RCW
27 9A.56.340(3))
28 Trafficking in Insurance Claims (RCW
29 48.30A.015)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(a))
33 Unlawful Participation of Non-Indians
34 in Indian Fishery (RCW
35 77.15.570(2))

1 Unlawful Practice of Law (RCW
2 2.48.180)

3 Unlawful Purchase or Use of a License
4 (RCW 77.15.650(3)(b))

5 Unlawful Trafficking in Fish, Shellfish,
6 or Wildlife 2 (RCW
7 77.15.260(3)(a))

8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))

10 Voyeurism (RCW 9A.44.115)

11 I Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)

13 False Verification for Welfare (RCW
14 74.08.055)

15 Forgery (RCW 9A.60.020)

16 Fraudulent Creation or Revocation of a
17 Mental Health Advance Directive
18 (RCW 9A.60.060)

19 Malicious Mischief 2 (RCW
20 9A.48.080)

21 Mineral Trespass (RCW 78.44.330)

22 Possession of Stolen Property 2 (RCW
23 9A.56.160)

24 Reckless Burning 1 (RCW 9A.48.040)

25 Spotlighting Big Game 1 (RCW
26 77.15.450(3)(b))

27 Suspension of Department Privileges 1
28 (RCW 77.15.670(3)(b))

29 Taking Motor Vehicle Without
30 Permission 2 (RCW 9A.56.075)

31 Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business
beyond the scope of licensure
(RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal
Identification Device (RCW
9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

((Unlawful Release of deleterious
Exotic Wildlife (RCW
77.15.250(2)(b))))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

1 Unlawfully Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))

5 Vehicle Prowl 1 (RCW 9A.52.095)
6 Violating Commercial Fishing Area or
7 Time 1 (RCW 77.15.550(3)(b))

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