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**SUBSTITUTE SENATE BILL 5641**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Financial Services, Insurance & Housing  
(originally sponsored by Senators Benton, Prentice and Winsley; by  
request of Insurance Commissioner)

READ FIRST TIME 02/24/03.

1       AN ACT Relating to civil and criminal penalties for the unlawful  
2 transaction of insurance or health coverage; amending RCW 48.01.080,  
3 48.15.020, 48.17.060, 48.44.015, 48.44.060, 48.46.027, and 48.46.420;  
4 reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new  
5 section to chapter 48.15 RCW; adding new sections to chapter 48.17 RCW;  
6 adding a new section to chapter 48.44 RCW; adding a new section to  
7 chapter 48.46 RCW; prescribing penalties; providing an effective date;  
8 and providing an expiration date.

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

10       **Sec. 1.** RCW 48.01.080 and 1947 c 79 s .01.08 are each amended to  
11 read as follows:

12       (~~Violation of~~) Except as otherwise provided in this code, any  
13 person violating any provision of this code is (~~punishable by a fine~~  
14 ~~of~~) guilty of a gross misdemeanor and will, upon conviction, be fined  
15 not less than ten dollars nor more than one thousand dollars, or (~~by~~  
16 ~~imprisonment~~) imprisoned for not more than one year, or both (~~fine~~  
17 ~~and imprisonment~~), in addition to any other penalty or forfeiture  
18 provided herein or otherwise by law.

1       **Sec. 2.** RCW 48.15.020 and 1992 c 149 s 1 are each amended to read  
2 as follows:

3       (1) An insurer (~~((not thereunto))~~) that is not authorized by the  
4 commissioner (~~((shall))~~) may not solicit insurance business in this  
5 state(~~(, nor))~~) or transact insurance business in this state, except as  
6 provided in this chapter.

7       (2)(a) (~~((No))~~) A person (~~((shall))~~) may not, in this state, represent  
8 an unauthorized insurer except as provided in this chapter. This  
9 (~~((provision shall))~~) subsection does not apply to any adjuster or  
10 attorney at law representing (~~((such))~~) an unauthorized insurer from time  
11 to time in this state in his or her professional capacity.

12       (b) A person, other than a duly licensed surplus line broker acting  
13 in good faith under his or her license, who makes a contract of  
14 insurance in this state, directly or indirectly, on behalf of an  
15 unauthorized insurer, without complying with the provisions of this  
16 chapter, is personally liable for the performance of such contract.

17       (3) Each violation of subsection (2) of this section (~~((shall))~~)  
18 constitutes a separate offense punishable by a fine of not more than  
19 twenty-five thousand dollars, and the commissioner, at the  
20 commissioner's discretion, may order replacement of policies improperly  
21 placed with an unauthorized insurer with policies issued by an  
22 authorized insurer. Violations may result in suspension or revocation  
23 of a license.

24       NEW SECTION. **Sec. 3.** A new section is added to chapter 48.15 RCW  
25 to read as follows:

26       (1) As used in this section, "person" has the same meaning as in  
27 RCW 48.01.070.

28       (2) For the purpose of this section, an act is committed in this  
29 state if it is committed, in whole or in part, in the state of  
30 Washington, or affects persons or property within the state and relates  
31 to or involves an insurance contract.

32       (3) Any person who knowingly violates RCW 48.15.020(1) is guilty of  
33 a class B felony punishable under chapter 9A.20 RCW.

34       (4) Any criminal penalty imposed under this section is in addition  
35 to, and not in lieu of, any other civil or administrative penalty or  
36 sanction otherwise authorized under state law.

1 (5)(a) If the commissioner has cause to believe that any person has  
2 violated the provisions of RCW 48.15.020(1), the commissioner may:

3 (i) Issue and enforce a cease and desist order in accordance with  
4 the provisions of RCW 48.02.080; and/or

5 (ii) Assess a civil penalty of not more than twenty-five thousand  
6 dollars for each violation, after providing notice and an opportunity  
7 for a hearing in accordance with chapters 34.05 and 48.04 RCW.

8 (b) Upon failure to pay a civil penalty when due, the attorney  
9 general may bring a civil action on behalf of the commissioner to  
10 recover the unpaid penalty. Any amounts collected by the commissioner  
11 must be paid to the state treasurer for the account of the general  
12 fund.

13 **Sec. 4.** RCW 48.17.060 and 1995 c 214 s 1 are each amended to read  
14 as follows:

15 (1) (~~No~~) A person (~~(shall in this state)~~) may not act as or hold  
16 himself or herself out to be an agent, broker, solicitor, or adjuster  
17 in this state unless (~~then~~) licensed (~~(therefor by this state)~~) by  
18 the commissioner.

19 (2) (~~No~~) An agent, solicitor, or broker (~~(shall)~~) may not solicit  
20 or take applications for, procure, or place for others any kind of  
21 insurance for which he or she is not then licensed.

22 (3) This section (~~shall~~) does not apply with respect to any  
23 person securing and forwarding information required for the purposes of  
24 group credit life and credit disability insurance or credit casualty  
25 insurance against loss or damage resulting from failure of debtors to  
26 pay their obligations in connection with an extension of credit and  
27 such other credit life and disability insurance or credit casualty  
28 insurance against loss or damage resulting from failure of debtors to  
29 pay their obligations as the commissioner shall determine, and where no  
30 commission or other compensation is payable on account of the securing  
31 and forwarding of such information. However, the reimbursement of a  
32 creditor's actual expenses for securing and forwarding information  
33 required for the purposes of such group insurance (~~shall~~) will not be  
34 considered a commission or other compensation if such reimbursement  
35 does not exceed three dollars per certificate issued, or in the case of  
36 a monthly premium plan extending beyond twelve months, not to exceed  
37 three dollars per loan transaction revision per year.

1       ~~((4) Any person violating this section shall be liable to a fine~~  
2 ~~of not to exceed five hundred dollars and imprisonment for not to~~  
3 ~~exceed six months for each instance of such violation.))~~

4       NEW SECTION.   **Sec. 5.** A new section is added to chapter 48.17 RCW  
5 to read as follows:

6       (1) As used in this section, "person" has the same meaning as in  
7 RCW 48.01.070.

8       (2) For the purpose of this section, an act is committed in this  
9 state if it is committed, in whole or in part, in the state of  
10 Washington, or affects persons or property within the state and relates  
11 to or involves an insurance contract, health care services contract, or  
12 health maintenance agreement.

13       (3) Any person who knowingly violates RCW 48.17.060(1) is guilty of  
14 a class B felony punishable under chapter 9A.20 RCW.

15       (4) Any person who knowingly violates RCW 48.17.060(2) is guilty of  
16 a class B felony punishable under chapter 9A.20 RCW.

17       (5) Any criminal penalty imposed under this section is in addition  
18 to, and not in lieu of, any other civil or administrative penalty or  
19 sanction otherwise authorized under state law.

20       (6)(a) If the commissioner has cause to believe that any person has  
21 violated the provisions of RCW 48.17.060 (1) or (2), the commissioner  
22 may:

23       (i) Issue and enforce a cease and desist order in accordance with  
24 the provisions of RCW 48.02.080;

25       (ii) Suspend or revoke a license; and/or

26       (iii) Assess a civil penalty of not more than twenty-five thousand  
27 dollars for each violation, after providing notice and an opportunity  
28 for a hearing in accordance with chapters 34.05 and 48.04 RCW.

29       (b) Upon failure to pay a civil penalty when due, the attorney  
30 general may bring a civil action on behalf of the commissioner to  
31 recover the unpaid penalty. Any amounts collected by the commissioner  
32 must be paid to the state treasurer for the account of the general  
33 fund.

34       NEW SECTION.   **Sec. 6.** A new section is added to chapter 48.17 RCW  
35 to read as follows:

36       Any solicitor, agent, or broker soliciting, negotiating, or

1 procuring an application for insurance or health care services in this  
2 state must make a good faith effort to determine whether the entity  
3 that is issuing the coverage is:

4 (1) Authorized to transact insurance or health coverage in this  
5 state; or

6 (2) Conducting business through a surplus lines broker licensed  
7 under chapter 48.15 RCW.

8 **Sec. 7.** RCW 48.44.015 and 1983 c 202 s 2 are each amended to read  
9 as follows:

10 (1) ~~((No))~~ A person ~~((shall))~~ may not in this state, by mail or  
11 otherwise, act as or hold himself or herself out to be a health care  
12 service contractor, as defined in RCW 48.44.010 without first being  
13 ~~((duly))~~ registered ~~((therefor))~~ with the commissioner.

14 (2) The issuance, sale, or offer for sale in this state of  
15 securities of its own issue by any health care service contractor  
16 domiciled in this state other than the memberships and bonds of a  
17 nonprofit corporation shall be subject to the provisions of chapter  
18 48.06 RCW relating to obtaining solicitation permits the same as if  
19 health care service contractors were domestic insurers.

20 (3) Any person violating any provision of subsection ~~((1))~~ (2)  
21 of this section ~~((shall be liable to a fine of not to exceed))~~ is  
22 guilty of a gross misdemeanor and will, upon conviction, be fined not  
23 more than one thousand dollars ~~((and imprisonment for not to exceed))~~  
24 or imprisoned for not more than six months, or both, for each  
25 ~~((instance of such))~~ violation.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 48.44 RCW  
27 to read as follows:

28 (1) As used in this section, "person" has the same meaning as in  
29 RCW 48.01.070.

30 (2) For the purpose of this section, an act is committed in this  
31 state if it is committed, in whole or in part, in the state of  
32 Washington, or affects persons or property within the state and relates  
33 to or involves a health care services contract.

34 (3) Any person who knowingly violates RCW 48.44.015(1) is guilty of  
35 a class B felony punishable under chapter 9A.20 RCW.

1 (4) Any criminal penalty imposed under this section is in addition  
2 to, and not in lieu of, any other civil or administrative penalty or  
3 sanction otherwise authorized under state law.

4 (5)(a) If the commissioner has cause to believe that any person has  
5 violated the provisions of RCW 48.44.015(1), the commissioner may:

6 (i) Issue and enforce a cease and desist order in accordance with  
7 the provisions of RCW 48.02.080; and/or

8 (ii) Assess a civil penalty of not more than twenty-five thousand  
9 dollars for each violation, after providing notice and an opportunity  
10 for a hearing in accordance with chapters 34.05 and 48.04 RCW.

11 (b) Upon failure to pay a civil penalty when due, the attorney  
12 general may bring a civil action on behalf of the commissioner to  
13 recover the unpaid penalty. Any amounts collected by the commissioner  
14 must be paid to the state treasurer for the account of the general  
15 fund.

16 **Sec. 9.** RCW 48.44.060 and 1947 c 268 s 6 are each amended to read  
17 as follows:

18 Except as otherwise provided in this chapter, any person who  
19 violates any of the provisions of this chapter ((shall be)) is guilty  
20 of a gross misdemeanor.

21 **Sec. 10.** RCW 48.46.027 and 1983 c 202 s 9 are each amended to read  
22 as follows:

23 (1) ((No)) A person ((shall)) may not in this state, by mail or  
24 otherwise, act as or hold himself or herself out to be a health  
25 maintenance organization as defined in RCW 48.46.020 without first  
26 being ((duly)) registered ((therefor)) with the commissioner.

27 (2) The issuance, sale, or offer for sale in this state of  
28 securities of its own issue by any health maintenance organization  
29 domiciled in this state other than the memberships and bonds of a  
30 nonprofit corporation ((shall be)) is subject to the provisions of  
31 chapter 48.06 RCW relating to obtaining solicitation permits the same  
32 as if health maintenance organizations were domestic insurers.

33 (3) Any person violating any provision of subsection ((1) or) (2)  
34 of this section ((shall be liable to a fine of not to exceed)) is  
35 guilty of a gross misdemeanor and will, upon conviction, be fined not

1 more than one thousand dollars (~~(and imprisonment for not to exceed)~~),  
2 or imprisoned for not more than six months, or both, for each  
3 (~~(instance of such)~~) violation.

4 NEW SECTION. Sec. 11. A new section is added to chapter 48.46 RCW  
5 to read as follows:

6 (1) As used in this section, "person" has the same meaning as in  
7 RCW 48.01.070.

8 (2) For the purpose of this section, an act is committed in this  
9 state if it is committed, in whole or in part, in the state of  
10 Washington, or affects persons or property within the state and relates  
11 to or involves a health maintenance agreement.

12 (3) Any person who knowingly violates RCW 48.46.027(1) is guilty of  
13 a class B felony punishable under chapter 9A.20 RCW.

14 (4) Any criminal penalty imposed under this section is in addition  
15 to, and not in lieu of, any other civil or administrative penalty or  
16 sanction otherwise authorized under state law.

17 (5)(a) If the commissioner has cause to believe that any person has  
18 violated the provisions of RCW 48.46.027(1), the commissioner may:

19 (i) Issue and enforce a cease and desist order in accordance with  
20 the provisions of RCW 48.02.080; and/or

21 (ii) Assess a civil penalty of not more than twenty-five thousand  
22 dollars for each violation, after providing notice and an opportunity  
23 for a hearing in accordance with chapters 34.05 and 48.04 RCW.

24 (b) Upon failure to pay a civil penalty when due, the attorney  
25 general may bring a civil action on behalf of the commissioner to  
26 recover the unpaid penalty. Any amounts collected by the commissioner  
27 must be paid to the state treasurer for the account of the general  
28 fund.

29 **Sec. 12.** RCW 48.46.420 and 1990 c 119 s 10 are each amended to  
30 read as follows:

31 (1) Except as otherwise provided in this chapter, any health  
32 maintenance organization which, or person who, violates any provision  
33 of this chapter (~~(shall be)~~) is guilty of a gross misdemeanor.

34 (2) A health maintenance organization that fails to comply with the  
35 net worth requirements of this chapter must cure that defect in  
36 compliance with an order of the commissioner rendered in conformity

1 with rules adopted pursuant to chapter 34.05 RCW. The commissioner is  
2 authorized to take appropriate action to assure that the continued  
3 operation of the health maintenance organization will not be hazardous  
4 to its enrolled participants.

5 **Sec. 13.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
6 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
7 s 4 are each reenacted and amended to read as follows:

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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)
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))
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)



1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Manufacture of methamphetamine  
6 (RCW 69.50.401(a)(1)(ii))  
7 Over 18 and deliver heroin,  
8 methamphetamine, a narcotic  
9 from Schedule I or II, or  
10 flunitrazepam from Schedule IV  
11 to someone under 18 (RCW  
12 69.50.406)  
13 Sexually Violent Predator Escape  
14 (RCW 9A.76.115)  
15 IX Assault of a Child 2 (RCW 9A.36.130)  
16 Controlled Substance Homicide (RCW  
17 69.50.415)  
18 Explosive devices prohibited (RCW  
19 70.74.180)  
20 Hit and Run--Death (RCW  
21 46.52.020(4)(a))  
22 Homicide by Watercraft, by being  
23 under the influence of intoxicating  
24 liquor or any drug (RCW  
25 79A.60.050)  
26 Inciting Criminal Profiteering (RCW  
27 9A.82.060(1)(b))  
28 Malicious placement of an explosive 2  
29 (RCW 70.74.270(2))  
30 Over 18 and deliver narcotic from  
31 Schedule III, IV, or V or a  
32 nonnarcotic, except flunitrazepam  
33 or methamphetamine, from  
34 Schedule I-V to someone under 18  
35 and 3 years junior (RCW  
36 69.50.406)  
37 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Vehicular Homicide, by being under  
3 the influence of intoxicating  
4 liquor or any drug (RCW  
5 46.61.520)  
6 VIII Arson 1 (RCW 9A.48.020)  
7 Deliver or possess with intent to  
8 deliver methamphetamine (RCW  
9 69.50.401(a)(1)(ii))  
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 Manufacture, deliver, or possess with  
16 intent to deliver amphetamine  
17 (RCW 69.50.401(a)(1)(ii))  
18 Manufacture, deliver, or possess with  
19 intent to deliver heroin or cocaine  
20 (when the offender has a criminal  
21 history in this state or any other  
22 state that includes a sex offense or  
23 serious violent offense or the  
24 Washington equivalent) (RCW  
25 69.50.401(a)(1)(i))  
26 Possession of Ephedrine or any of its  
27 Salts or Isomers or Salts of  
28 Isomers, Pseudoephedrine or any  
29 of its Salts or Isomers or Salts of  
30 Isomers, Pressurized Ammonia  
31 Gas, or Pressurized Ammonia Gas  
32 Solution with intent to  
33 manufacture methamphetamine  
34 (RCW 69.50.440)  
35 Promoting Prostitution 1 (RCW  
36 9A.88.070)

1 Selling for profit (controlled or  
2 counterfeit) any controlled  
3 substance (RCW 69.50.410)  
4 Theft of Ammonia (RCW 69.55.010)  
5 Vehicular Homicide, by the operation  
6 of any vehicle in a reckless  
7 manner (RCW 46.61.520)  
8 VII Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Civil Disorder Training (RCW  
11 9A.48.120)  
12 Dealing in depictions of minor  
13 engaged in sexually explicit  
14 conduct (RCW 9.68A.050)  
15 Drive-by Shooting (RCW 9A.36.045)  
16 Homicide by Watercraft, by disregard  
17 for the safety of others (RCW  
18 79A.60.050)  
19 Indecent Liberties (without forcible  
20 compulsion) (RCW 9A.44.100(1)  
21 (b) and (c))  
22 Introducing Contraband 1 (RCW  
23 9A.76.140)  
24 Involving a minor in drug dealing  
25 (RCW 69.50.401(f))  
26 Malicious placement of an explosive 3  
27 (RCW 70.74.270(3))  
28 Manufacture, deliver, or possess with  
29 intent to deliver heroin or cocaine  
30 (except when the offender has a  
31 criminal history in this state or  
32 any other state that includes a sex  
33 offense or serious violent offense  
34 or the Washington equivalent)  
35 (RCW 69.50.401(a)(1)(i))

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct (RCW  
4 9.68A.060)  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW  
18 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation  
22 device 2 (RCW 70.74.272(1)(b))  
23 Manufacture, deliver, or possess with  
24 intent to deliver narcotics from  
25 Schedule I or II (except heroin or  
26 cocaine) or flunitrazepam from  
27 Schedule IV (RCW  
28 69.50.401(a)(1)(i))  
29 Rape of a Child 3 (RCW 9A.44.079)  
30 Theft of a Firearm (RCW 9A.56.300)  
31 Unlawful Storage of Ammonia (RCW  
32 69.55.020)  
33 V Abandonment of dependent person 1  
34 (RCW 9A.42.060)  
35 Advancing money or property for  
36 extortionate extension of credit  
37 (RCW 9A.82.030)

1 Bail Jumping with class A Felony  
2 (RCW 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 1 (RCW  
5 9A.42.020)  
6 Custodial Sexual Misconduct 1 (RCW  
7 9A.44.160)  
8 Delivery of imitation controlled  
9 substance by person eighteen or  
10 over to person under eighteen  
11 (RCW 69.52.030(2))  
12 Domestic Violence Court Order  
13 Violation (RCW 10.99.040,  
14 10.99.050, 26.09.300, 26.10.220,  
15 26.26.138, 26.50.110, 26.52.070,  
16 or 74.34.145)  
17 Extortion 1 (RCW 9A.56.120)  
18 Extortionate Extension of Credit  
19 (RCW 9A.82.020)  
20 Extortionate Means to Collect  
21 Extensions of Credit (RCW  
22 9A.82.040)  
23 Incest 2 (RCW 9A.64.020(2))  
24 Kidnapping 2 (RCW 9A.40.030)  
25 Perjury 1 (RCW 9A.72.020)  
26 Persistent prison misbehavior (RCW  
27 9.94.070)  
28 Possession of a Stolen Firearm (RCW  
29 9A.56.310)  
30 Rape 3 (RCW 9A.44.060)  
31 Rendering Criminal Assistance 1  
32 (RCW 9A.76.070)  
33 Sexual Misconduct with a Minor 1  
34 (RCW 9A.44.093)  
35 Sexually Violating Human Remains  
36 (RCW 9A.44.105)  
37 Stalking (RCW 9A.46.110)

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

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except marijuana, amphetamine,  
6 methamphetamines, or  
7 flunitrazepam) (RCW  
8 69.50.401(a)(1) (iii) through (v))  
9 Residential Burglary (RCW  
10 9A.52.025)  
11 Robbery 2 (RCW 9A.56.210)  
12 Theft of Livestock 1 (RCW 9A.56.080)  
13 Threats to Bomb (RCW 9.61.160)  
14 Unlawful transaction of health  
15 coverage as a health care service  
16 contractor (section 8(3) of this act)  
17 Unlawful transaction of health  
18 coverage as a health maintenance  
19 organization (section 11(3) of this  
20 act)  
21 Unlawful transaction of insurance  
22 business (section 3(3) of this act)  
23 Unlicensed practice as an insurance  
24 professional (section 5(3) of this  
25 act)  
26 Use of Proceeds of Criminal  
27 Profiteering (RCW 9A.82.080 (1)  
28 and (2))  
29 Vehicular Assault, by being under the  
30 influence of intoxicating liquor or  
31 any drug, or by the operation or  
32 driving of a vehicle in a reckless  
33 manner (RCW 46.61.522)  
34 Willful Failure to Return from  
35 Furlough (RCW 72.66.060)  
36 III Abandonment of dependent person 2  
37 (RCW 9A.42.070)

1 Assault 3 (RCW 9A.36.031)  
2 Assault of a Child 3 (RCW 9A.36.140)  
3 Bail Jumping with class B or C Felony  
4 (RCW 9A.76.170(3)(c))  
5 Burglary 2 (RCW 9A.52.030)  
6 Communication with a Minor for  
7 Immoral Purposes (RCW  
8 9.68A.090)  
9 Criminal Gang Intimidation (RCW  
10 9A.46.120)  
11 Criminal Mistreatment 2 (RCW  
12 9A.42.030)  
13 Custodial Assault (RCW 9A.36.100)  
14 Delivery of a material in lieu of a  
15 controlled substance (RCW  
16 69.50.401(c))  
17 Escape 2 (RCW 9A.76.120)  
18 Extortion 2 (RCW 9A.56.130)  
19 Harassment (RCW 9A.46.020)  
20 Intimidating a Public Servant (RCW  
21 9A.76.180)  
22 Introducing Contraband 2 (RCW  
23 9A.76.150)  
24 Maintaining a Dwelling or Place for  
25 Controlled Substances (RCW  
26 69.50.402(a)(6))  
27 Malicious Injury to Railroad Property  
28 (RCW 81.60.070)  
29 Manufacture, deliver, or possess with  
30 intent to deliver marijuana (RCW  
31 69.50.401(a)(1)(iii))  
32 Manufacture, distribute, or possess  
33 with intent to distribute an  
34 imitation controlled substance  
35 (RCW 69.52.030(1))  
36 Patronizing a Juvenile Prostitute  
37 (RCW 9.68A.100)



1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun or Short-  
5 Barreled Shotgun or Rifle (RCW  
6 9.41.190)  
7 Promoting Prostitution 2 (RCW  
8 9A.88.080)  
9 Recklessly Trafficking in Stolen  
10 Property (RCW 9A.82.050(1))  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Tampering with a Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment (subsequent  
16 conviction or threat of death)  
17 (RCW 9.61.230)  
18 Theft of Livestock 2 (RCW 9A.56.080)  
19 Unlawful Imprisonment (RCW  
20 9A.40.040)  
21 Unlawful possession of firearm in the  
22 second degree (RCW  
23 9.41.040(1)(b))  
24 Unlawful Use of Building for Drug  
25 Purposes (RCW 69.53.010)  
26 Vehicular Assault, by the operation or  
27 driving of a vehicle with disregard  
28 for the safety of others (RCW  
29 46.61.522)  
30 Willful Failure to Return from Work  
31 Release (RCW 72.65.070)  
32 II Computer Trespass 1 (RCW  
33 9A.52.110)  
34 Counterfeiting (RCW 9.16.035(3))  
35 Create, deliver, or possess a counterfeit  
36 controlled substance (RCW  
37 69.50.401(b))

1 Escape from Community Custody  
2 (RCW 72.09.310)  
3 Health Care False Claims (RCW  
4 48.80.030)  
5 Identity Theft 2 (RCW 9.35.020(2)(b))  
6 Improperly Obtaining Financial  
7 Information (RCW 9.35.010)  
8 Malicious Mischief 1 (RCW  
9 9A.48.070)  
10 Possession of controlled substance that  
11 is either heroin or narcotics from  
12 Schedule I or II or flunitrazepam  
13 from Schedule IV (RCW  
14 69.50.401(d))  
15 Possession of phencyclidine (PCP)  
16 (RCW 69.50.401(d))  
17 Possession of Stolen Property 1 (RCW  
18 9A.56.150)  
19 Theft 1 (RCW 9A.56.030)  
20 Theft of Rental, Leased, or Lease-  
21 purchased Property (valued at one  
22 thousand five hundred dollars or  
23 more) (RCW 9A.56.096(4))  
24 Trafficking in Insurance Claims (RCW  
25 48.30A.015)  
26 Unlawful Practice of Law (RCW  
27 2.48.180)  
28 Unlicensed Practice of a Profession or  
29 Business (RCW 18.130.190(7))  
30 I Attempting to Elude a Pursuing Police  
31 Vehicle (RCW 46.61.024)  
32 False Verification for Welfare (RCW  
33 74.08.055)  
34 Forged Prescription (RCW 69.41.020)  
35 Forged Prescription for a Controlled  
36 Substance (RCW 69.50.403)  
37 Forgery (RCW 9A.60.020)

1 Malicious Mischief 2 (RCW  
2 9A.48.080)  
3 Possess Controlled Substance that is a  
4 Narcotic from Schedule III, IV, or  
5 V or Non-narcotic from Schedule  
6 I-V (except phencyclidine or  
7 flunitrazepam) (RCW  
8 69.50.401(d))  
9 Possession of Stolen Property 2 (RCW  
10 9A.56.160)  
11 Reckless Burning 1 (RCW 9A.48.040)  
12 Taking Motor Vehicle Without  
13 Permission 2 (RCW  
14 9A.56.070(2))  
15 Theft 2 (RCW 9A.56.040)  
16 Theft of Rental, Leased, or Lease-  
17 purchased Property (valued at two  
18 hundred fifty dollars or more but  
19 less than one thousand five  
20 hundred dollars) (RCW  
21 9A.56.096(4))  
22 Transaction of insurance business  
23 beyond the scope of licensure  
24 (section 5(4) of this act)  
25 Unlawful Issuance of Checks or Drafts  
26 (RCW 9A.56.060)  
27 Unlawful Use of Food Stamps (RCW  
28 9.91.140 (2) and (3))  
29 Vehicle Prowl 1 (RCW 9A.52.095)

30 **Sec. 14.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
31 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
32 s 4 are each reenacted and amended to read as follows:

33 TABLE 2  
34 CRIMES INCLUDED WITHIN  
35 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW  
2 10.95.020)  
3 XV Homicide by abuse (RCW 9A.32.055)  
4 Malicious explosion 1 (RCW  
5 70.74.280(1))  
6 Murder 1 (RCW 9A.32.030)  
7 XIV Murder 2 (RCW 9A.32.050)  
8 XIII Malicious explosion 2 (RCW  
9 70.74.280(2))  
10 Malicious placement of an explosive 1  
11 (RCW 70.74.270(1))  
12 XII Assault 1 (RCW 9A.36.011)  
13 Assault of a Child 1 (RCW 9A.36.120)  
14 Malicious placement of an imitation  
15 device 1 (RCW 70.74.272(1)(a))  
16 Rape 1 (RCW 9A.44.040)  
17 Rape of a Child 1 (RCW 9A.44.073)  
18 XI Manslaughter 1 (RCW 9A.32.060)  
19 Rape 2 (RCW 9A.44.050)  
20 Rape of a Child 2 (RCW 9A.44.076)  
21 X Child Molestation 1 (RCW 9A.44.083)  
22 Indecent Liberties (with forcible  
23 compulsion) (RCW  
24 9A.44.100(1)(a))  
25 Kidnapping 1 (RCW 9A.40.020)  
26 Leading Organized Crime (RCW  
27 9A.82.060(1)(a))  
28 Malicious explosion 3 (RCW  
29 70.74.280(3))  
30 Sexually Violent Predator Escape  
31 (RCW 9A.76.115)  
32 IX Assault of a Child 2 (RCW 9A.36.130)  
33 Explosive devices prohibited (RCW  
34 70.74.180)  
35 Hit and Run--Death (RCW  
36 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 Vehicular Homicide, by being under  
12 the influence of intoxicating  
13 liquor or any drug (RCW  
14 46.61.520)  
15 VIII Arson 1 (RCW 9A.48.020)  
16 Homicide by Watercraft, by the  
17 operation of any vessel in a  
18 reckless manner (RCW  
19 79A.60.050)  
20 Manslaughter 2 (RCW 9A.32.070)  
21 Promoting Prostitution 1 (RCW  
22 9A.88.070)  
23 Theft of Ammonia (RCW 69.55.010)  
24 Vehicular Homicide, by the operation  
25 of any vehicle in a reckless  
26 manner (RCW 46.61.520)  
27 VII Burglary 1 (RCW 9A.52.020)  
28 Child Molestation 2 (RCW 9A.44.086)  
29 Civil Disorder Training (RCW  
30 9A.48.120)  
31 Dealing in depictions of minor  
32 engaged in sexually explicit  
33 conduct (RCW 9.68A.050)  
34 Drive-by Shooting (RCW 9A.36.045)  
35 Homicide by Watercraft, by disregard  
36 for the safety of others (RCW  
37 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 Sending, bringing into state depictions  
9 of minor engaged in sexually  
10 explicit conduct (RCW  
11 9.68A.060)  
12 Unlawful Possession of a Firearm in  
13 the first degree (RCW  
14 9.41.040(1)(a))  
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  
25 9A.72.160)  
26 Intimidating a Juror/Witness (RCW  
27 9A.72.110, 9A.72.130)  
28 Malicious placement of an imitation  
29 device 2 (RCW 70.74.272(1)(b))  
30 Rape of a Child 3 (RCW 9A.44.079)  
31 Theft of a Firearm (RCW 9A.56.300)  
32 Unlawful Storage of Ammonia (RCW  
33 69.55.020)  
34 V Abandonment of dependent person 1  
35 (RCW 9A.42.060)

1 Advancing money or property for  
2 extortionate extension of credit  
3 (RCW 9A.82.030)  
4 Bail Jumping with class A Felony  
5 (RCW 9A.76.170(3)(b))  
6 Child Molestation 3 (RCW 9A.44.089)  
7 Criminal Mistreatment 1 (RCW  
8 9A.42.020)  
9 Custodial Sexual Misconduct 1 (RCW  
10 9A.44.160)  
11 Domestic Violence Court Order  
12 Violation (RCW 10.99.040,  
13 10.99.050, 26.09.300, 26.10.220,  
14 26.26.138, 26.50.110, 26.52.070,  
15 or 74.34.145)  
16 Extortion 1 (RCW 9A.56.120)  
17 Extortionate Extension of Credit  
18 (RCW 9A.82.020)  
19 Extortionate Means to Collect  
20 Extensions of Credit (RCW  
21 9A.82.040)  
22 Incest 2 (RCW 9A.64.020(2))  
23 Kidnapping 2 (RCW 9A.40.030)  
24 Perjury 1 (RCW 9A.72.020)  
25 Persistent prison misbehavior (RCW  
26 9.94.070)  
27 Possession of a Stolen Firearm (RCW  
28 9A.56.310)  
29 Rape 3 (RCW 9A.44.060)  
30 Rendering Criminal Assistance 1  
31 (RCW 9A.76.070)  
32 Sexual Misconduct with a Minor 1  
33 (RCW 9A.44.093)  
34 Sexually Violating Human Remains  
35 (RCW 9A.44.105)  
36 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without  
2 Permission 1 (RCW  
3 9A.56.070(1))  
4 IV Arson 2 (RCW 9A.48.030)  
5 Assault 2 (RCW 9A.36.021)  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW  
13 9A.68.060)  
14 Counterfeiting (RCW 9.16.035(4))  
15 Endangerment with a Controlled  
16 Substance (RCW 9A.42.100)  
17 Escape 1 (RCW 9A.76.110)  
18 Hit and Run--Injury (RCW  
19 46.52.020(4)(b))  
20 Hit and Run with Vessel--Injury  
21 Accident (RCW 79A.60.200(3))  
22 Identity Theft 1 (RCW 9.35.020(2)(a))  
23 Indecent Exposure to Person Under  
24 Age Fourteen (subsequent sex  
25 offense) (RCW 9A.88.010)  
26 Influencing Outcome of Sporting  
27 Event (RCW 9A.82.070)  
28 Knowingly Trafficking in Stolen  
29 Property (RCW 9A.82.050(2))  
30 Malicious Harassment (RCW  
31 9A.36.080)  
32 Residential Burglary (RCW  
33 9A.52.025)  
34 Robbery 2 (RCW 9A.56.210)  
35 Theft of Livestock 1 (RCW 9A.56.080)  
36 Threats to Bomb (RCW 9.61.160)



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

1 Escape 2 (RCW 9A.76.120)  
2 Extortion 2 (RCW 9A.56.130)  
3 Harassment (RCW 9A.46.020)  
4 Intimidating a Public Servant (RCW  
5 9A.76.180)  
6 Introducing Contraband 2 (RCW  
7 9A.76.150)  
8 Malicious Injury to Railroad Property  
9 (RCW 81.60.070)  
10 Patronizing a Juvenile Prostitute  
11 (RCW 9.68A.100)  
12 Perjury 2 (RCW 9A.72.030)  
13 Possession of Incendiary Device (RCW  
14 9.40.120)  
15 Possession of Machine Gun or Short-  
16 Barreled Shotgun or Rifle (RCW  
17 9.41.190)  
18 Promoting Prostitution 2 (RCW  
19 9A.88.080)  
20 Recklessly Trafficking in Stolen  
21 Property (RCW 9A.82.050(1))  
22 Securities Act violation (RCW  
23 21.20.400)  
24 Tampering with a Witness (RCW  
25 9A.72.120)  
26 Telephone Harassment (subsequent  
27 conviction or threat of death)  
28 (RCW 9.61.230)  
29 Theft of Livestock 2 (RCW 9A.56.080)  
30 Unlawful Imprisonment (RCW  
31 9A.40.040)  
32 Unlawful possession of firearm in the  
33 second degree (RCW  
34 9.41.040(1)(b))

1 Vehicular Assault, by the operation or  
2 driving of a vehicle with disregard  
3 for the safety of others (RCW  
4 46.61.522)  
5 Willful Failure to Return from Work  
6 Release (RCW 72.65.070)  
7 II Computer Trespass 1 (RCW  
8 9A.52.110)  
9 Counterfeiting (RCW 9.16.035(3))  
10 Escape from Community Custody  
11 (RCW 72.09.310)  
12 Health Care False Claims (RCW  
13 48.80.030)  
14 Identity Theft 2 (RCW 9.35.020(2)(b))  
15 Improperly Obtaining Financial  
16 Information (RCW 9.35.010)  
17 Malicious Mischief 1 (RCW  
18 9A.48.070)  
19 Possession of Stolen Property 1 (RCW  
20 9A.56.150)  
21 Theft 1 (RCW 9A.56.030)  
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(4))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlawful Practice of Law (RCW  
29 2.48.180)  
30 Unlicensed Practice of a Profession or  
31 Business (RCW 18.130.190(7))  
32 I Attempting to Elude a Pursuing Police  
33 Vehicle (RCW 46.61.024)  
34 False Verification for Welfare (RCW  
35 74.08.055)  
36 Forgery (RCW 9A.60.020)

1 Malicious Mischief 2 (RCW  
2 9A.48.080)  
3 Possession of Stolen Property 2 (RCW  
4 9A.56.160)  
5 Reckless Burning 1 (RCW 9A.48.040)  
6 Taking Motor Vehicle Without  
7 Permission 2 (RCW  
8 9A.56.070(2))  
9 Theft 2 (RCW 9A.56.040)  
10 Theft of Rental, Leased, or Lease-  
11 purchased Property (valued at two  
12 hundred fifty dollars or more but  
13 less than one thousand five  
14 hundred dollars) (RCW  
15 9A.56.096(4))  
16 Transaction of insurance business  
17 beyond the scope of licensure  
18 (section 5(4) of this act)  
19 Unlawful Issuance of Checks or Drafts  
20 (RCW 9A.56.060)  
21 Unlawful Use of Food Stamps (RCW  
22 9.91.140 (2) and (3))  
23 Vehicle Prowl 1 (RCW 9A.52.095)

24 NEW SECTION. **Sec. 15.** If any provision of this act or its  
25 application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 16.** Section 13 of this act expires July 1,  
29 2004.

30 NEW SECTION. **Sec. 17.** Section 14 of this act takes effect July 1,  
31 2004.

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