
SENATE BILL 5719

State of Washington

58th Legislature

2003 Regular Session

By Senators Winsley, Prentice, Benton, Finkbeiner and Shin

Read first time 02/07/2003. Referred to Committee on Financial Services, Insurance & Housing.

1 AN ACT Relating to fraudulent use of a credit card scanning device;
2 amending RCW 9A.56.280 and 9A.56.290; reenacting and amending RCW
3 9.94A.515 and 9.94A.515; prescribing penalties; providing an effective
4 date; and providing an expiration date.

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

6 **Sec. 1.** RCW 9A.56.280 and 1993 c 484 s 1 are each amended to read
7 as follows:

8 As used in RCW 9A.56.280 and 9A.56.290, unless the context requires
9 otherwise:

10 (1) "Cardholder" means a person to whom a credit card or payment
11 card is issued or a person who otherwise is authorized to use a credit
12 card or payment card.

13 (2) "Credit card" means a card, plate, booklet, credit card number,
14 credit card account number, or other identifying symbol, instrument, or
15 device that can be used to pay for, or to obtain on credit, goods or
16 services.

17 (3) "Credit card or payment card transaction" means a sale or other
18 transaction in which a credit card or payment card is used to pay for,
19 or to obtain on credit, goods or services.

1 (4) "Credit card or payment card transaction record" means a record
2 or evidence of a credit card or payment card transaction, including,
3 without limitation, a paper, sales draft, instrument, or other writing
4 and an electronic or magnetic transmission or record.

5 (5) "Financial institution" means a bank, trust company, mutual
6 savings bank, savings and loan association, or credit union authorized
7 under state or federal law to do business and accept deposits in
8 Washington.

9 (6) "Merchant" means ~~((a person authorized by a financial
10 institution to honor or accept credit cards in payment for goods or
11 services.~~

12 ~~(7))~~ an owner or operator of any retail mercantile establishment
13 or any agent, employee, lessee, consignee, officer, director,
14 franchisee, or independent contractor of such owner or operator.
15 "Merchant" also means a person who receives from an authorized user, a
16 payment card or information from a payment card, or what the person
17 believes to be a payment card or information from a payment card, as
18 the instrument for obtaining, purchasing, or receiving goods, services,
19 money, or anything else of value from the person.

20 (7) "Payment card" means a credit card, charge card, debit card,
21 stored value card, or any card that is issued to an authorized card
22 user and that allows the user to obtain goods, services, money, or
23 anything else of value from a merchant.

24 (8) "Person" means an individual, partnership, corporation, trust,
25 or unincorporated association, but does not include a financial
26 institution or its authorized employees, representatives, or agents.

27 (9) "Reencoder" means an electronic device that places encoded
28 information from a payment card onto a different payment card.

29 (10) "Scanning device" means a scanner, reader, or any other
30 electronic device that is used to access, read, scan, obtain, memorize,
31 or store, temporarily or permanently, information encoded on a payment
32 card.

33 **Sec. 2.** RCW 9A.56.290 and 1993 c 484 s 2 are each amended to read
34 as follows:

35 (1) A person commits the crime of unlawful factoring of a credit
36 card or payment card transaction if the person(~~(, with intent to commit~~

1 ~~fraud or theft against a cardholder, credit card issuer, or financial~~
2 ~~institution, causes any such party or parties to suffer actual monetary~~
3 ~~damages that in the aggregate exceed one thousand dollars, by:~~

4 ~~(a) Presenting)):~~

5 (a) Uses a scanning device to access, read, obtain, memorize, or
6 store, temporarily or permanently, information encoded on a payment
7 card without the permission of the authorized user of the payment card
8 or with the intent to defraud the authorized user or another person;

9 (b) Uses a reencoder to place information encoded on a payment card
10 onto a different card without the permission of the authorized issuer
11 of the card from which the information is being reencoded or with the
12 intent to defraud the authorized user or another person;

13 (c) Presents to or ((depositing)) deposits with, or ((causing))
14 causes another to present to or deposit with, a financial institution
15 for payment a credit card or payment card transaction record that is
16 not the result of a credit card or payment card transaction between the
17 cardholder and the person;

18 ~~((b) Employing, soliciting, or otherwise causing))~~ (d) Employs,
19 solicits, or otherwise causes a merchant or an employee,
20 representative, or agent of a merchant to present to or deposit with a
21 financial institution for payment a credit card or payment card
22 transaction record that is not the result of a credit card or payment
23 card transaction between the cardholder and the merchant; or

24 ~~((c) Employing, soliciting, or otherwise causing))~~ (e) Employs,
25 solicits, or otherwise causes another to become a merchant for purposes
26 of engaging in conduct made unlawful by this section.

27 (2) Normal transactions conducted by or through airline reporting
28 corporation-appointed travel agents or cruise-only travel agents
29 recognized by passenger cruise lines are not considered factoring for
30 the purposes of this section.

31 (3)(a) Unlawful factoring of a credit card or payment card
32 transaction is a class C felony.

33 (b) A second or subsequent violation of subsection (1) of this
34 section is a class B felony.

35 **Sec. 3.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
36 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
37 s 4 are each reenacted and amended to read 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)
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) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

1 Over 18 and deliver heroin,
2 methamphetamine, a narcotic
3 from Schedule I or II, or
4 flunitrazepam from Schedule IV
5 to someone under 18 (RCW
6 69.50.406)
7 Sexually Violent Predator Escape
8 (RCW 9A.76.115)
9 IX Assault of a Child 2 (RCW 9A.36.130)
10 Controlled Substance Homicide (RCW
11 69.50.415)
12 Explosive devices prohibited (RCW
13 70.74.180)
14 Hit and Run--Death (RCW
15 46.52.020(4)(a))
16 Homicide by Watercraft, by being
17 under the influence of intoxicating
18 liquor or any drug (RCW
19 79A.60.050)
20 Inciting Criminal Profiteering (RCW
21 9A.82.060(1)(b))
22 Malicious placement of an explosive 2
23 (RCW 70.74.270(2))
24 Over 18 and deliver narcotic from
25 Schedule III, IV, or V or a
26 nonnarcotic, except flunitrazepam
27 or methamphetamine, from
28 Schedule I-V to someone under 18
29 and 3 years junior (RCW
30 69.50.406)
31 Robbery 1 (RCW 9A.56.200)
32 Sexual Exploitation (RCW 9.68A.040)
33 Vehicular Homicide, by being under
34 the influence of intoxicating
35 liquor or any drug (RCW
36 46.61.520)
37 VIII Arson 1 (RCW 9A.48.020)

1 Deliver or possess with intent to
2 deliver methamphetamine (RCW
3 69.50.401(a)(1)(ii))
4 Homicide by Watercraft, by the
5 operation of any vessel in a
6 reckless manner (RCW
7 79A.60.050)
8 Manslaughter 2 (RCW 9A.32.070)
9 Manufacture, deliver, or possess with
10 intent to deliver amphetamine
11 (RCW 69.50.401(a)(1)(ii))
12 Manufacture, deliver, or possess with
13 intent to deliver heroin or cocaine
14 (when the offender has a criminal
15 history in this state or any other
16 state that includes a sex offense or
17 serious violent offense or the
18 Washington equivalent) (RCW
19 69.50.401(a)(1)(i))
20 Possession of Ephedrine or any of its
21 Salts or Isomers or Salts of
22 Isomers, Pseudoephedrine or any
23 of its Salts or Isomers or Salts of
24 Isomers, Pressurized Ammonia
25 Gas, or Pressurized Ammonia Gas
26 Solution with intent to
27 manufacture methamphetamine
28 (RCW 69.50.440)
29 Promoting Prostitution 1 (RCW
30 9A.88.070)
31 Selling for profit (controlled or
32 counterfeit) any controlled
33 substance (RCW 69.50.410)
34 Theft of Ammonia (RCW 69.55.010)
35 Vehicular Homicide, by the operation
36 of any vehicle in a reckless
37 manner (RCW 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Child Molestation 2 (RCW 9A.44.086)
3 Civil Disorder Training (RCW
4 9A.48.120)
5 Dealing in depictions of minor
6 engaged in sexually explicit
7 conduct (RCW 9.68A.050)
8 Drive-by Shooting (RCW 9A.36.045)
9 Homicide by Watercraft, by disregard
10 for the safety of others (RCW
11 79A.60.050)
12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1)
14 (b) and (c))
15 Introducing Contraband 1 (RCW
16 9A.76.140)
17 Involving a minor in drug dealing
18 (RCW 69.50.401(f))
19 Malicious placement of an explosive 3
20 (RCW 70.74.270(3))
21 Manufacture, deliver, or possess with
22 intent to deliver heroin or cocaine
23 (except when the offender has a
24 criminal history in this state or
25 any other state that includes a sex
26 offense or serious violent offense
27 or the Washington equivalent)
28 (RCW 69.50.401(a)(1)(i))
29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct (RCW
32 9.68A.060)
33 Unlawful Possession of a Firearm in
34 the first degree (RCW
35 9.41.040(1)(a))
36 Use of a Machine Gun in Commission
37 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW
9 9A.72.160)

10 Intimidating a Juror/Witness (RCW
11 9A.72.110, 9A.72.130)

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

14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule I or II (except heroin or
17 cocaine) or flunitrazepam from
18 Schedule IV (RCW
19 69.50.401(a)(1)(i))

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

21 Theft of a Firearm (RCW 9A.56.300)

22 Unlawful Storage of Ammonia (RCW
23 69.55.020)

24 V Abandonment of dependent person 1
25 (RCW 9A.42.060)

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

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

31 Child Molestation 3 (RCW 9A.44.089)

32 Criminal Mistreatment 1 (RCW
33 9A.42.020)

34 Custodial Sexual Misconduct 1 (RCW
35 9A.44.160)

1 Delivery of imitation controlled
2 substance by person eighteen or
3 over to person under eighteen
4 (RCW 69.52.030(2))
5 Domestic Violence Court Order
6 Violation (RCW 10.99.040,
7 10.99.050, 26.09.300, 26.10.220,
8 26.26.138, 26.50.110, 26.52.070,
9 or 74.34.145)
10 Extortion 1 (RCW 9A.56.120)
11 Extortionate Extension of Credit
12 (RCW 9A.82.020)
13 Extortionate Means to Collect
14 Extensions of Credit (RCW
15 9A.82.040)
16 Incest 2 (RCW 9A.64.020(2))
17 Kidnapping 2 (RCW 9A.40.030)
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1
25 (RCW 9A.76.070)
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW
33 9A.56.070(1))
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)
36 Assault by Watercraft (RCW
37 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW
6 9A.68.060)
7 Counterfeiting (RCW 9.16.035(4))
8 Endangerment with a Controlled
9 Substance (RCW 9A.42.100)
10 Escape 1 (RCW 9A.76.110)
11 Hit and Run--Injury (RCW
12 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury
14 Accident (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2)(a))
16 Indecent Exposure to Person Under
17 Age Fourteen (subsequent sex
18 offense) (RCW 9A.88.010)
19 Influencing Outcome of Sporting
20 Event (RCW 9A.82.070)
21 Knowingly Trafficking in Stolen
22 Property (RCW 9A.82.050(2))
23 Malicious Harassment (RCW
24 9A.36.080)
25 Manufacture, deliver, or possess with
26 intent to deliver narcotics from
27 Schedule III, IV, or V or
28 nonnarcotics from Schedule I-V
29 (except marijuana, amphetamine,
30 methamphetamines, or
31 flunitrazepam) (RCW
32 69.50.401(a)(1) (iii) through (v))
33 Residential Burglary (RCW
34 9A.52.025)
35 Robbery 2 (RCW 9A.56.210)
36 Theft of Livestock 1 (RCW 9A.56.080)
37 Threats to Bomb (RCW 9.61.160)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(3)(b))
4 Use of Proceeds of Criminal
5 Profiteering (RCW 9A.82.080 (1)
6 and (2))
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 Willful Failure to Return from
13 Furlough (RCW 72.66.060)
14 III Abandonment of dependent person 2
15 (RCW 9A.42.070)
16 Assault 3 (RCW 9A.36.031)
17 Assault of a Child 3 (RCW 9A.36.140)
18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))
20 Burglary 2 (RCW 9A.52.030)
21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)
24 Criminal Gang Intimidation (RCW
25 9A.46.120)
26 Criminal Mistreatment 2 (RCW
27 9A.42.030)
28 Custodial Assault (RCW 9A.36.100)
29 Delivery of a material in lieu of a
30 controlled substance (RCW
31 69.50.401(c))
32 Escape 2 (RCW 9A.76.120)
33 Extortion 2 (RCW 9A.56.130)
34 Harassment (RCW 9A.46.020)
35 Intimidating a Public Servant (RCW
36 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Maintaining a Dwelling or Place for
4 Controlled Substances (RCW
5 69.50.402(a)(6))
6 Malicious Injury to Railroad Property
7 (RCW 81.60.070)
8 Manufacture, deliver, or possess with
9 intent to deliver marijuana (RCW
10 69.50.401(a)(1)(iii))
11 Manufacture, distribute, or possess
12 with intent to distribute an
13 imitation controlled substance
14 (RCW 69.52.030(1))
15 Patronizing a Juvenile Prostitute
16 (RCW 9.68A.100)
17 Perjury 2 (RCW 9A.72.030)
18 Possession of Incendiary Device (RCW
19 9.40.120)
20 Possession of Machine Gun or Short-
21 Barreled Shotgun or Rifle (RCW
22 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Recklessly Trafficking in Stolen
26 Property (RCW 9A.82.050(1))
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)
34 Theft of Livestock 2 (RCW 9A.56.080)
35 Unlawful Imprisonment (RCW
36 9A.40.040)

1 Unlawful possession of firearm in the
2 second degree (RCW
3 9.41.040(1)(b))
4 Unlawful Use of Building for Drug
5 Purposes (RCW 69.53.010)
6 Vehicular Assault, by the operation or
7 driving of a vehicle with disregard
8 for the safety of others (RCW
9 46.61.522)
10 Willful Failure to Return from Work
11 Release (RCW 72.65.070)
12 II Computer Trespass 1 (RCW
13 9A.52.110)
14 Counterfeiting (RCW 9.16.035(3))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Escape from Community Custody
19 (RCW 72.09.310)
20 Health Care False Claims (RCW
21 48.80.030)
22 Identity Theft 2 (RCW 9.35.020(2)(b))
23 Improperly Obtaining Financial
24 Information (RCW 9.35.010)
25 Malicious Mischief 1 (RCW
26 9A.48.070)
27 Possession of controlled substance that
28 is either heroin or narcotics from
29 Schedule I or II or flunitrazepam
30 from Schedule IV (RCW
31 69.50.401(d))
32 Possession of phencyclidine (PCP)
33 (RCW 69.50.401(d))
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)
36 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(4))
5 Trafficking in Insurance Claims (RCW
6 48.30A.015)
7 Unlawful factoring of a credit card or
8 payment card transaction (RCW
9 9A.56.290(3)(a))
10 Unlawful Practice of Law (RCW
11 2.48.180)
12 Unlicensed Practice of a Profession or
13 Business (RCW 18.130.190(7))
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forged Prescription (RCW 69.41.020)
19 Forged Prescription for a Controlled
20 Substance (RCW 69.50.403)
21 Forgery (RCW 9A.60.020)
22 Malicious Mischief 2 (RCW
23 9A.48.080)
24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or
26 V or Non-narcotic from Schedule
27 I-V (except phencyclidine or
28 flunitrazepam) (RCW
29 69.50.401(d))
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Taking Motor Vehicle Without
34 Permission 2 (RCW
35 9A.56.070(2))
36 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
 2 purchased Property (valued at two
 3 hundred fifty dollars or more but
 4 less than one thousand five
 5 hundred dollars) (RCW
 6 9A.56.096(4))
 7 Unlawful Issuance of Checks or Drafts
 8 (RCW 9A.56.060)
 9 Unlawful Use of Food Stamps (RCW
 10 9.91.140 (2) and (3))
 11 Vehicle Prowl 1 (RCW 9A.52.095)

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

15 TABLE 2
 16 CRIMES INCLUDED WITHIN
 17 EACH SERIOUSNESS LEVEL

18	XVI	Aggravated Murder 1 (RCW
19		10.95.020)
20	XV	Homicide by abuse (RCW 9A.32.055)
21		Malicious explosion 1 (RCW
22		70.74.280(1))
23		Murder 1 (RCW 9A.32.030)
24	XIV	Murder 2 (RCW 9A.32.050)
25	XIII	Malicious explosion 2 (RCW
26		70.74.280(2))
27		Malicious placement of an explosive 1
28		(RCW 70.74.270(1))
29	XII	Assault 1 (RCW 9A.36.011)
30		Assault of a Child 1 (RCW 9A.36.120)
31		Malicious placement of an imitation
32		device 1 (RCW 70.74.272(1)(a))
33		Rape 1 (RCW 9A.44.040)
34		Rape of a Child 1 (RCW 9A.44.073)
35	XI	Manslaughter 1 (RCW 9A.32.060)

1 Rape 2 (RCW 9A.44.050)
2 Rape of a Child 2 (RCW 9A.44.076)
3 X Child Molestation 1 (RCW 9A.44.083)
4 Indecent Liberties (with forcible
5 compulsion) (RCW
6 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW
11 70.74.280(3))
12 Sexually Violent Predator Escape
13 (RCW 9A.76.115)
14 IX Assault of a Child 2 (RCW 9A.36.130)
15 Explosive devices prohibited (RCW
16 70.74.180)
17 Hit and Run--Death (RCW
18 46.52.020(4)(a))
19 Homicide by Watercraft, by being
20 under the influence of intoxicating
21 liquor or any drug (RCW
22 79A.60.050)
23 Inciting Criminal Profiteering (RCW
24 9A.82.060(1)(b))
25 Malicious placement of an explosive 2
26 (RCW 70.74.270(2))
27 Robbery 1 (RCW 9A.56.200)
28 Sexual Exploitation (RCW 9.68A.040)
29 Vehicular Homicide, by being under
30 the influence of intoxicating
31 liquor or any drug (RCW
32 46.61.520)
33 VIII Arson 1 (RCW 9A.48.020)
34 Homicide by Watercraft, by the
35 operation of any vessel in a
36 reckless manner (RCW
37 79A.60.050)

1 Manslaughter 2 (RCW 9A.32.070)
2 Promoting Prostitution 1 (RCW
3 9A.88.070)
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 Malicious placement of an explosive 3
25 (RCW 70.74.270(3))
26 Sending, bringing into state depictions
27 of minor engaged in sexually
28 explicit conduct (RCW
29 9.68A.060)
30 Unlawful Possession of a Firearm in
31 the first degree (RCW
32 9.41.040(1)(a))
33 Use of a Machine Gun in Commission
34 of a Felony (RCW 9.41.225)
35 Vehicular Homicide, by disregard for
36 the safety of others (RCW
37 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW
6 9A.72.160)
7 Intimidating a Juror/Witness (RCW
8 9A.72.110, 9A.72.130)
9 Malicious placement of an imitation
10 device 2 (RCW 70.74.272(1)(b))
11 Rape of a Child 3 (RCW 9A.44.079)
12 Theft of a Firearm (RCW 9A.56.300)
13 Unlawful Storage of Ammonia (RCW
14 69.55.020)

15 V Abandonment of dependent person 1
16 (RCW 9A.42.060)
17 Advancing money or property for
18 extortionate extension of credit
19 (RCW 9A.82.030)
20 Bail Jumping with class A Felony
21 (RCW 9A.76.170(3)(b))
22 Child Molestation 3 (RCW 9A.44.089)
23 Criminal Mistreatment 1 (RCW
24 9A.42.020)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Domestic Violence Court Order
28 Violation (RCW 10.99.040,
29 10.99.050, 26.09.300, 26.10.220,
30 26.26.138, 26.50.110, 26.52.070,
31 or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit
34 (RCW 9A.82.020)
35 Extortionate Means to Collect
36 Extensions of Credit (RCW
37 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))
2 Kidnapping 2 (RCW 9A.40.030)
3 Perjury 1 (RCW 9A.72.020)
4 Persistent prison misbehavior (RCW
5 9.94.070)
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1
10 (RCW 9A.76.070)
11 Sexual Misconduct with a Minor 1
12 (RCW 9A.44.093)
13 Sexually Violating Human Remains
14 (RCW 9A.44.105)
15 Stalking (RCW 9A.46.110)
16 Taking Motor Vehicle Without
17 Permission 1 (RCW
18 9A.56.070(1))
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault by Watercraft (RCW
22 79A.60.060)
23 Bribing a Witness/Bribe Received by
24 Witness (RCW 9A.72.090,
25 9A.72.100)
26 Cheating 1 (RCW 9.46.1961)
27 Commercial Bribery (RCW
28 9A.68.060)
29 Counterfeiting (RCW 9.16.035(4))
30 Endangerment with a Controlled
31 Substance (RCW 9A.42.100)
32 Escape 1 (RCW 9A.76.110)
33 Hit and Run--Injury (RCW
34 46.52.020(4)(b))
35 Hit and Run with Vessel--Injury
36 Accident (RCW 79A.60.200(3))
37 Identity Theft 1 (RCW 9.35.020(2)(a))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting
5 Event (RCW 9A.82.070)
6 Knowingly Trafficking in Stolen
7 Property (RCW 9A.82.050(2))
8 Malicious Harassment (RCW
9 9A.36.080)
10 Residential Burglary (RCW
11 9A.52.025)
12 Robbery 2 (RCW 9A.56.210)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Threats to Bomb (RCW 9.61.160)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(3)(b))
18 Use of Proceeds of Criminal
19 Profiteering (RCW 9A.82.080 (1)
20 and (2))
21 Vehicular Assault, by being under the
22 influence of intoxicating liquor or
23 any drug, or by the operation or
24 driving of a vehicle in a reckless
25 manner (RCW 46.61.522)
26 Willful Failure to Return from
27 Furlough (RCW 72.66.060)
28 III Abandonment of dependent person 2
29 (RCW 9A.42.070)
30 Assault 3 (RCW 9A.36.031)
31 Assault of a Child 3 (RCW 9A.36.140)
32 Bail Jumping with class B or C Felony
33 (RCW 9A.76.170(3)(c))
34 Burglary 2 (RCW 9A.52.030)
35 Communication with a Minor for
36 Immoral Purposes (RCW
37 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Criminal Mistreatment 2 (RCW
4 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Escape 2 (RCW 9A.76.120)
7 Extortion 2 (RCW 9A.56.130)
8 Harassment (RCW 9A.46.020)
9 Intimidating a Public Servant (RCW
10 9A.76.180)
11 Introducing Contraband 2 (RCW
12 9A.76.150)
13 Malicious Injury to Railroad Property
14 (RCW 81.60.070)
15 Patronizing a Juvenile Prostitute
16 (RCW 9.68A.100)
17 Perjury 2 (RCW 9A.72.030)
18 Possession of Incendiary Device (RCW
19 9.40.120)
20 Possession of Machine Gun or Short-
21 Barreled Shotgun or Rifle (RCW
22 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Recklessly Trafficking in Stolen
26 Property (RCW 9A.82.050(1))
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)
34 Theft of Livestock 2 (RCW 9A.56.080)
35 Unlawful Imprisonment (RCW
36 9A.40.040)

1 Unlawful possession of firearm in the
2 second degree (RCW
3 9.41.040(1)(b))
4 Vehicular Assault, by the operation or
5 driving of a vehicle with disregard
6 for the safety of others (RCW
7 46.61.522)
8 Willful Failure to Return from Work
9 Release (RCW 72.65.070)
10 II Computer Trespass 1 (RCW
11 9A.52.110)
12 Counterfeiting (RCW 9.16.035(3))
13 Escape from Community Custody
14 (RCW 72.09.310)
15 Health Care False Claims (RCW
16 48.80.030)
17 Identity Theft 2 (RCW 9.35.020(2)(b))
18 Improperly Obtaining Financial
19 Information (RCW 9.35.010)
20 Malicious Mischief 1 (RCW
21 9A.48.070)
22 Possession of Stolen Property 1 (RCW
23 9A.56.150)
24 Theft 1 (RCW 9A.56.030)
25 Theft of Rental, Leased, or Lease-
26 purchased Property (valued at one
27 thousand five hundred dollars or
28 more) (RCW 9A.56.096(4))
29 Trafficking in Insurance Claims (RCW
30 48.30A.015)
31 Unlawful factoring of a credit card or
32 payment card transaction (RCW
33 9A.56.290(3)(a))
34 Unlawful Practice of Law (RCW
35 2.48.180)
36 Unlicensed Practice of a Profession or
37 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forgery (RCW 9A.60.020)
6 Malicious Mischief 2 (RCW
7 9A.48.080)
8 Possession of Stolen Property 2 (RCW
9 9A.56.160)
10 Reckless Burning 1 (RCW 9A.48.040)
11 Taking Motor Vehicle Without
12 Permission 2 (RCW
13 9A.56.070(2))
14 Theft 2 (RCW 9A.56.040)
15 Theft of Rental, Leased, or Lease-
16 purchased Property (valued at two
17 hundred fifty dollars or more but
18 less than one thousand five
19 hundred dollars) (RCW
20 9A.56.096(4))
21 Unlawful Issuance of Checks or Drafts
22 (RCW 9A.56.060)
23 Unlawful Use of Food Stamps (RCW
24 9.91.140 (2) and (3))
25 Vehicle Prowl 1 (RCW 9A.52.095)

26 NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1, 2004.

27 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,
28 2004.

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