
SENATE BILL 5758

State of Washington 58th Legislature 2003 Regular Session

By Senators Stevens, Hargrove and Kline

Read first time 02/11/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to technical reorganization of criminal statutes to
2 simplify citation to offenses; amending RCW 2.48.180, 3.50.440,
3 4.24.320, 7.40.230, 9.05.030, 9.05.060, 9.08.065, 9.08.070, 9.16.080,
4 9.18.120, 9.18.130, 9.24.020, 9.24.030, 9.24.050, 9.26A.110, 9.35.020,
5 9.40.100, 9.40.120, 9.41.040, 9.41.042, 9.41.050, 9.45.020, 9.45.124,
6 9.45.126, 9.45.210, 9.45.220, 9.46.155, 9.46.215, 9.47.090, 9.47.120,
7 9.61.160, 9.61.230, 9.62.010, 9.68.060, 9.68A.090, 9.68A.150, 9.81.020,
8 9.81.030, 9.82.010, 9.86.020, 9.86.030, 9.91.140, 9.91.170, 9.94.010,
9 9.94.030, 9.94A.518, 9.94A.533, 9.94A.550, 9.94A.605, 9.94A.610,
10 9.94A.734, 9A.20.021, 9A.36.021, 9A.40.030, 9A.40.070, 9A.44.100,
11 9A.44.130, 9A.46.020, 9A.48.090, 9A.56.070, 9A.56.080, 9A.56.085,
12 9A.56.096, 9A.60.040, 9A.64.020, 9A.64.030, 9A.76.023, 9A.76.070,
13 9A.76.080, 9A.82.050, 9A.82.060, 9A.82.080, 9A.82.160, 9A.84.010,
14 9A.88.010, 10.66.090, 10.79.015, 10.79.040, 10.95.020, 13.40.070,
15 13.40.160, 13.40.193, 13.40.265, 14.20.020, 15.21.060, 15.24.200,
16 15.26.300, 15.30.250, 15.60.055, 15.61.050, 15.80.650, 16.52.015,
17 16.52.190, 16.52.193, 16.52.200, 16.52.230, 16.58.170, 16.65.440,
18 17.10.350, 17.21.310, 17.24.100, 18.04.370, 18.06.130, 18.06.140,
19 18.08.460, 18.32.675, 18.32.745, 18.32.755, 18.39.215, 18.39.217,
20 18.39.220, 18.39.231, 18.57.160, 18.64.045, 18.64.046, 18.64.047,
21 18.64.246, 18.64.270, 18.71.190, 18.92.230, 18.130.075, 18.130.190,

1 19.09.275, 19.25.020, 19.25.030, 19.25.040, 19.48.110, 19.68.010,
2 19.76.110, 19.86.145, 19.100.210, 19.105.480, 19.105.520, 19.110.120,
3 19.110.160, 19.116.080, 19.146.050, 19.146.110, 19.158.160, 20.01.482,
4 20.01.490, 21.20.400, 21.30.140, 24.06.465, 26.04.210, 28A.405.040,
5 28A.635.050, 28A.635.090, 28A.635.100, 28B.10.570, 28B.10.571,
6 28B.10.572, 28B.20.320, 28B.85.030, 29.04.120, 29.15.100, 29.15.110,
7 29.36.370, 29.51.200, 29.51.230, 29.79.440, 29.82.170, 30.04.240,
8 30.04.260, 30.12.090, 30.12.100, 30.12.120, 30.42.290, 30.44.110,
9 30.44.120, 31.12.724, 31.12.850, 32.04.100, 32.04.110, 32.24.080,
10 33.24.360, 35.32A.090, 35.36.040, 35A.36.040, 36.18.170, 36.28.060,
11 36.29.060, 36.32.210, 36.68.080, 36.69.180, 36.71.060, 36.75.130,
12 38.32.090, 38.32.120, 38.52.150, 39.44.101, 39.62.040, 40.16.010,
13 40.16.020, 40.16.030, 41.26.062, 41.32.055, 42.20.070, 42.20.090,
14 43.01.100, 43.06.220, 43.06.230, 43.08.140, 43.09.165, 43.19.1939,
15 43.22.300, 43.22.340, 43.30.310, 43.43.856, 43.70.185, 46.08.170,
16 46.09.130, 46.10.130, 46.12.070, 46.12.210, 46.12.220, 46.16.010,
17 46.44.175, 46.44.180, 46.52.010, 46.52.090, 46.55.020, 46.61.015,
18 46.61.020, 46.61.685, 46.64.010, 46.68.010, 46.70.021, 46.72.100,
19 46.72A.060, 46.72A.070, 46.80.020, 46.80.190, 46.87.260, 46.87.290,
20 47.36.180, 47.36.200, 47.36.250, 47.38.010, 47.41.070, 47.52.120,
21 47.68.233, 47.68.234, 47.68.240, 47.68.255, 48.06.030, 48.06.190,
22 48.17.480, 48.30.230, 48.30A.015, 48.31.105, 49.12.410, 49.28.010,
23 49.28.080, 49.28.100, 49.44.100, 49.44.120, 50.36.010, 50.36.020,
24 50.40.010, 51.48.040, 51.48.103, 51.48.280, 51.52.120, 53.08.220,
25 53.34.190, 61.12.030, 64.36.020, 64.36.210, 65.12.730, 65.12.740,
26 65.12.750, 65.12.760, 66.20.200, 66.28.200, 66.28.210, 66.28.220,
27 66.44.120, 66.44.180, 66.44.290, 67.24.010, 67.70.120, 67.70.130,
28 67.70.140, 68.28.060, 68.50.100, 68.50.140, 68.50.145, 68.50.150,
29 68.50.250, 68.50.610, 68.56.040, 69.04.060, 69.04.070, 69.07.150,
30 69.25.150, 69.25.160, 69.40.020, 69.40.030, 69.41.030, 69.41.040,
31 69.41.050, 69.41.070, 69.41.300, 69.41.320, 69.41.330, 69.50.402,
32 69.50.403, 69.50.406, 69.50.408, 69.50.410, 69.50.415, 69.50.416,
33 69.50.430, 69.50.440, 69.50.505, 69.90.020, 70.05.120, 70.54.090,
34 70.54.160, 70.58.280, 70.74.180, 70.94.430, 70.95D.100, 70.105.085,
35 70.106.140, 70.108.130, 70.110.040, 70.111.030, 70.122.090, 70.127.020,
36 72.23.170, 72.23.300, 74.08.055, 74.08.100, 74.08.331, 76.12.140,
37 76.36.035, 76.36.110, 76.36.120, 76.48.120, 77.15.194, 77.15.196,
38 77.15.198, 78.12.061, 79.01.072, 79.01.748, 79.01.810, 79.76.290,

1 79A.05.165, 80.28.190, 80.28.210, 81.04.390, 81.40.010, 81.40.040,
2 81.40.060, 81.40.080, 81.40.130, 81.44.085, 81.54.030, 81.56.150,
3 81.60.070, 81.60.080, 81.64.090, 81.64.160, 81.68.080, 82.08.0273,
4 82.08.050, 82.36.330, 82.36.400, 82.44.120, 82.45.090, 82.49.065,
5 82.50.170, 84.08.050, 84.36.387, 84.40.120, 84.40.340, 87.03.200,
6 87.03.490, 88.02.055, 88.02.118, 88.08.020, 88.08.050, 88.46.080,
7 90.03.400, 90.48.140, and 90.56.300; reenacting and amending RCW
8 9.94A.030, 9.94A.515, 9A.46.110, 9A.82.010, 13.40.0357, 18.64.245,
9 69.41.020, 69.50.401, and 69.50.435; adding new sections to chapter
10 9.08 RCW; adding a new section to chapter 9.26A RCW; adding a new
11 section to chapter 9.40 RCW; adding new sections to chapter 9.91 RCW;
12 adding new sections to chapter 9A.56 RCW; adding a new section to
13 chapter 9A.60 RCW; adding a new section to chapter 9A.82 RCW; adding a
14 new section to chapter 19.76 RCW; adding a new section to chapter
15 19.110 RCW; adding a new section to chapter 69.25 RCW; adding new
16 sections to chapter 69.41 RCW; adding new sections to chapter 69.50
17 RCW; creating a new section; recodifying RCW 69.41.070; repealing RCW
18 9.16.090, 9.18.140, 9.45.230, 9.61.170, 9.61.180, 9.68A.140, 9.68A.160,
19 9.86.050, 9.94.020, 10.79.045, 16.52.195, 18.06.150, 18.64.247,
20 26.04.230, 28A.405.050, 28A.635.120, 28B.10.573, 28B.20.322,
21 28B.20.324, 28B.85.110, 29.51.215, 33.24.380, 36.28.070, 36.28.080,
22 36.28.140, 36.29.070, 36.32.215, 36.32.220, 36.32.225, 36.32.230,
23 36.75.140, 36.75.150, 43.01.110, 43.22.345, 47.36.210, 47.36.220,
24 47.36.230, 47.38.030, 48.30A.025, 49.28.020, 49.28.030, 49.28.082,
25 49.28.084, 49.28.110, 49.44.110, 49.44.130, 61.12.031, 64.36.230,
26 66.28.250, 66.44.291, 68.50.260, 69.90.040, 70.54.100, 70.54.170,
27 70.110.060, 70.111.050, 70.127.210, 78.12.062, 81.40.030, 81.40.050,
28 81.40.070, 81.40.090, 81.40.120, 81.40.140, 81.60.090, 81.64.100,
29 81.64.110, and 81.64.170; prescribing penalties; and providing an
30 effective date.

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

32 NEW SECTION. **Sec. 1.** The legislature intends by this act to
33 reorganize criminal provisions throughout the Revised Code of
34 Washington to clarify and simplify the identification and referencing
35 of crimes. It is not intended that this act effectuate any substantive
36 change to any criminal provision in the Revised Code of Washington.

1 **Sec. 2.** RCW 2.48.180 and 2001 c 310 s 2 are each amended to read
2 as follows:

3 (1) As used in this section:

4 (a) "Legal provider" means an active member in good standing of the
5 state bar, and any other person authorized by the Washington state
6 supreme court to engage in full or limited practice of law;

7 (b) "Nonlawyer" means a person to whom the Washington supreme court
8 has granted a limited authorization to practice law but who practices
9 law outside that authorization, and a person who is not an active
10 member in good standing of the state bar, including persons who are
11 disbarred or suspended from membership;

12 (c) "Ownership interest" means the right to control the affairs of
13 a business, or the right to share in the profits of a business, and
14 includes a loan to the business when the interest on the loan is based
15 upon the income of the business or the loan carries more than a
16 commercially reasonable rate of interest.

17 (2) The following constitutes unlawful practice of law:

18 (a) A nonlawyer practices law, or holds himself or herself out as
19 entitled to practice law;

20 (b) A legal provider holds an investment or ownership interest in
21 a business primarily engaged in the practice of law, knowing that a
22 nonlawyer holds an investment or ownership interest in the business;

23 (c) A nonlawyer knowingly holds an investment or ownership interest
24 in a business primarily engaged in the practice of law;

25 (d) A legal provider works for a business that is primarily engaged
26 in the practice of law, knowing that a nonlawyer holds an investment or
27 ownership interest in the business; or

28 (e) A nonlawyer shares legal fees with a legal provider.

29 (3)(a) Unlawful practice of law is a crime. A single violation of
30 this section is a gross misdemeanor.

31 (b) Each subsequent violation of this section, whether alleged in
32 the same or in subsequent prosecutions, is a class C felony punishable
33 according to chapter 9A.20 RCW.

34 (4) Nothing contained in this section affects the power of the
35 courts to grant injunctive or other equitable relief or to punish as
36 for contempt.

37 (5) Whenever a legal provider or a person licensed by the state in
38 a business or profession is convicted, enjoined, or found liable for

1 damages or a civil penalty or other equitable relief under this
2 section, the plaintiff's attorney shall provide written notification of
3 the judgment to the appropriate regulatory or disciplinary body or
4 agency.

5 (6) A violation of this section is cause for discipline and
6 constitutes unprofessional conduct that could result in any regulatory
7 penalty provided by law, including refusal, revocation, or suspension
8 of a business or professional license, or right or admission to
9 practice. Conduct that constitutes a violation of this section is
10 unprofessional conduct in violation of RCW 18.130.180.

11 (7) In a proceeding under this section it is a defense if proven by
12 the defendant by a preponderance of the evidence that, at the time of
13 the offense, the conduct alleged was authorized by the rules of
14 professional conduct or the admission to practice rules, or Washington
15 business and professions licensing statutes or rules.

16 (8) Independent of authority granted to the attorney general, the
17 prosecuting attorney may petition the superior court for an injunction
18 against a person who has violated this chapter. Remedies in an
19 injunctive action brought by a prosecuting attorney are limited to an
20 order enjoining, restraining, or preventing the doing of any act or
21 practice that constitutes a violation of this chapter and imposing a
22 civil penalty of up to five thousand dollars for each violation. The
23 prevailing party in the action may, in the discretion of the court,
24 recover its reasonable investigative costs and the costs of the action
25 including a reasonable attorney's fee. The degree of proof required in
26 an action brought under this subsection is a preponderance of the
27 evidence. An action under this subsection must be brought within three
28 years after the violation of this chapter occurred.

29 **Sec. 3.** RCW 3.50.440 and 1984 c 258 s 120 are each amended to read
30 as follows:

31 Every person convicted by the municipal court of a violation of the
32 criminal provisions of an ordinance for which no punishment is
33 specifically prescribed in the ordinance is guilty of a gross
34 misdemeanor and shall be punished by a fine of not more than five
35 thousand dollars or imprisonment in the city jail for a period not to
36 exceed one year, or both such fine and imprisonment.

1 **Sec. 4.** RCW 4.24.320 and 1979 c 145 s 1 are each amended to read
2 as follows:

3 Any person who suffers damages as a result of actions described in
4 RCW 9A.48.080(c) or any owner of a horse, mule, cow, heifer, bull,
5 steer, swine, or sheep who suffers damages as a result of a willful,
6 unauthorized act described in RCW 9A.56.080 or section 75 of this act
7 may bring an action against the person or persons committing the act in
8 a court of competent jurisdiction for exemplary damages up to three
9 times the actual damages sustained, plus attorney's fees.

10 **Sec. 5.** RCW 7.40.230 and 1990 c 11 s 4 are each amended to read as
11 follows:

12 (1) Whenever it appears that any person is engaged in or about to
13 engage in any act that constitutes or will constitute a violation of
14 RCW 9.26A.110, section 21 of this act, or 9.26A.090, the prosecuting
15 attorney, a telecommunications company, or any person harmed by an
16 alleged violation of RCW 9.26A.110, section 21 of this act, or
17 9.26A.090 may initiate a civil proceeding in superior court to enjoin
18 such violation, and may petition the court to issue an order for the
19 discontinuance of the specific telephone service being used in
20 violation of RCW 9.26A.110, section 21 of this act, or 9.26A.090.

21 (2) An action under this section shall be brought in the county in
22 which the unlawful act or acts are alleged to have taken place, and
23 shall be commenced by the filing of a verified complaint, or shall be
24 accompanied by an affidavit.

25 (3) If it is shown to the satisfaction of the court, either by
26 verified complaint or affidavit, that a person is engaged in or about
27 to engage in any act that constitutes a violation of RCW 9.26A.110,
28 section 21 of this act, or 9.26A.090, the court may issue a temporary
29 restraining order to abate and prevent the continuance or recurrence of
30 the act. The court may direct the sheriff to seize and retain until
31 further order of the court any device that is being used in violation
32 of RCW 9.26A.110, section 21 of this act, or 9.26A.090. All property
33 seized pursuant to the order of the court shall remain in the custody
34 of the court.

35 (4) The court may issue a permanent injunction to restrain, abate
36 or prevent the continuance or recurrence of the violation of RCW
37 9.26A.110, section 21 of this act, or 9.26A.090. The court may grant

1 declaratory relief, mandatory orders, or any other relief deemed
2 necessary to accomplish the purposes of the injunction. The court may
3 retain jurisdiction of the case for the purpose of enforcing its
4 orders.

5 (5) If it is shown to the satisfaction of the court, either by
6 verified complaint or affidavit, that a person is engaged in or is
7 about to engage in any act that constitutes a violation of RCW
8 9.26A.110, section 21 of this act, or 9.26A.090, the court may issue an
9 order which shall be promptly served upon the person in whose name the
10 telecommunications device is listed, requiring the party, within a
11 reasonable time, to be fixed by the court, from the time of service of
12 the petition on (~~said~~) the party, to show cause before the judge why
13 telephone service should not promptly be discontinued. At the hearing
14 the burden of proof shall be on the complainant.

15 (6) Upon a finding by the court that the telecommunications device
16 is being used or has been used in violation of RCW 9.26A.110 or section
17 21 of this act, the court may issue an order requiring the telephone
18 company which is rendering service over the device to disconnect such
19 service. Upon receipt of such order, which shall be served upon an
20 officer of the telephone company by the sheriff or deputy of the county
21 in which the telecommunications device is installed, the telephone
22 company shall proceed promptly to disconnect and remove such device and
23 discontinue all telephone service until further order of the court,
24 provided that the telephone company may do so without breach of the
25 peace or trespass.

26 (7) The telecommunications company that petitions the court for the
27 removal of any telecommunications device under this section shall be a
28 necessary party to any proceeding or action arising out of or under RCW
29 9.26A.110 or section 21 of this act.

30 (8) No telephone company shall be liable for any damages, penalty,
31 or forfeiture, whether civil or criminal, for any legal act performed
32 in compliance with any order issued by the court.

33 (9) Property seized pursuant to the direction of the court that the
34 court has determined to have been used in violation of RCW 9.26A.110 or
35 section 21 of this act shall be forfeited after notice and hearing.
36 The court may remit or mitigate the forfeiture upon terms and
37 conditions as the court deems reasonable if it finds that such
38 forfeiture was incurred without gross negligence or without any intent

1 of the petitioner to violate the law, or it finds the existence of such
2 mitigating circumstances as to justify the remission or the mitigation
3 of the forfeiture. In determining whether to remit or mitigate
4 forfeiture, the court shall consider losses that may have been suffered
5 by victims as the result of the use of the forfeited property.

6 **Sec. 6.** RCW 9.05.030 and 1999 c 191 s 1 are each amended to read
7 as follows:

8 Whenever two or more persons assemble for the purpose of committing
9 criminal sabotage, as defined in RCW 9.05.060, such an assembly is
10 unlawful, and every person voluntarily and knowingly participating
11 therein by his or her presence, aid, or instigation, is guilty of a
12 class B felony and shall be punished by imprisonment in a state
13 correctional facility for not more than ten years, or by a fine of not
14 more than five thousand dollars, or both.

15 **Sec. 7.** RCW 9.05.060 and 1999 c 191 s 2 are each amended to read
16 as follows:

17 (1) Whoever, with intent that his or her act shall, or with reason
18 to believe that it may, injure, interfere with, interrupt, supplant,
19 nullify, impair, or obstruct the owner's or operator's management,
20 operation, or control of any agricultural, stockraising, lumbering,
21 mining, quarrying, fishing, manufacturing, transportation, mercantile,
22 or building enterprise, or any other public or private business or
23 commercial enterprise, wherein any person is employed for wage, shall
24 willfully damage or destroy, or attempt or threaten to damage or
25 destroy, any property whatsoever, or shall unlawfully take or retain,
26 or attempt or threaten unlawfully to take or retain, possession or
27 control of any property, instrumentality, machine, mechanism, or
28 appliance used in such business or enterprise, shall be guilty of
29 criminal sabotage.

30 (2) Criminal sabotage is a class B felony punishable according to
31 chapter 9A.20 RCW.

32 **Sec. 8.** RCW 9.08.065 and 1989 c 359 s 1 are each amended to read
33 as follows:

34 As used in RCW 9.08.070 and sections 10 through 13 of this act:

1 (1) "Pet animal" means a tamed or domesticated animal legally
2 retained by a person and kept as a companion. "Pet animal" does not
3 include livestock raised for commercial purposes.

4 (2) "Research institution" means a facility licensed by the United
5 States department of agriculture to use animals in biomedical or
6 product research.

7 (3) "U.S.D.A. licensed dealer" means a person who is licensed or
8 required to be licensed by the United States department of agriculture
9 to commercially buy, receive, sell, negotiate for sale, or transport
10 animals.

11 **Sec. 9.** RCW 9.08.070 and 1989 c 359 s 2 are each amended to read
12 as follows:

13 (1) Any person who, with intent to deprive or defraud the owner
14 thereof, does any of the following shall be guilty of a gross
15 misdemeanor ~~((and shall be punished as prescribed under RCW~~
16 ~~9A.20.021(2))~~ punishable according to chapter 9A.20 RCW and by a
17 mandatory fine of not less than five hundred dollars per pet animal,
18 except as provided by ~~((d) of this))~~ subsection (2) of this section:

19 (a) Takes, leads away, confines, secretes or converts any pet
20 animal, except in cases in which the value of the pet animal exceeds
21 two hundred fifty dollars;

22 (b) Conceals the identity of any pet animal or its owner by
23 obscuring, altering, or removing from the pet animal any collar, tag,
24 license, tattoo, or other identifying device or mark~~(())~~;

25 (c) Willfully or recklessly kills or injures any pet animal, unless
26 excused by law.

27 ~~((d))~~ (2) Nothing in this ~~((subsection or subsection (2) of~~
28 ~~this))~~ section shall prohibit a person from also being convicted of
29 separate offenses under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for
30 theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of
31 stolen property.

32 ~~((2)(a) It is unlawful for any person to receive with intent to~~
33 ~~sell to a research institution in the state of Washington, or sell or~~
34 ~~otherwise directly transfer to a research institution in the state of~~
35 ~~Washington, a pet animal that the person knows or has reason to know~~
36 ~~has been stolen or fraudulently obtained. This subsection does not~~
37 ~~apply to U.S.D.A. licensed dealers.~~

1 ~~(b) The first conviction under (a) of this subsection is a gross~~
2 ~~misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and~~
3 ~~by a mandatory fine of not less than five hundred dollars per pet~~
4 ~~animal. A second or subsequent conviction under (a) of this subsection~~
5 ~~is a class C felony and is punishable as prescribed under RCW~~
6 ~~9A.20.021(1)(c) and by a mandatory fine of not less than one thousand~~
7 ~~dollars per pet animal.~~

8 ~~(3)(a) It is unlawful for any person, who knows or has reason to~~
9 ~~know that a pet animal has been stolen or fraudulently obtained, to~~
10 ~~sell or otherwise transfer the pet animal to another who the person~~
11 ~~knows or has reason to know has previously sold a stolen or~~
12 ~~fraudulently obtained pet animal to a research institution in the state~~
13 ~~of Washington.~~

14 ~~(b) A conviction under (a) of this subsection is a class C felony~~
15 ~~and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by~~
16 ~~a mandatory fine of not less than one thousand dollars per pet animal.~~

17 ~~(4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive~~
18 ~~with intent to sell, or sell or transfer directly or through a third~~
19 ~~party, to a research institution in the state of Washington, a pet~~
20 ~~animal that the dealer knows or has reason to know has been stolen or~~
21 ~~fraudulently obtained.~~

22 ~~(b) A conviction under (a) of this subsection is a class C felony~~
23 ~~and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by~~
24 ~~a mandatory fine of not less than one thousand dollars per pet animal.~~

25 ~~(5) The sale, receipt, or transfer of each individual pet animal in~~
26 ~~violation of subsections (1), (2), (3), and (4) of this section~~
27 ~~constitutes a separate offense.~~

28 ~~(6) The provisions of subsections (1), (2), (3), and (4) of this~~
29 ~~section shall not apply to the lawful acts of any employee, agent, or~~
30 ~~director of any humane society, animal control agency, or animal~~
31 ~~shelter operated by or on behalf of any government agency, operating~~
32 ~~under law.))~~

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 9.08 RCW
34 to read as follows:

35 (1) It is unlawful for any person to receive with intent to sell to
36 a research institution in the state of Washington, or sell or otherwise
37 directly transfer to a research institution in the state of Washington,

1 a pet animal that the person knows or has reason to know has been
2 stolen or fraudulently obtained. This section does not apply to
3 U.S.D.A. licensed dealers.

4 (2) The first conviction under this section is a gross misdemeanor
5 punishable according to chapter 9A.20 RCW and by a mandatory fine of
6 not less than five hundred dollars per pet animal.

7 (3) A second or subsequent conviction under this section is a class
8 C felony punishable according to chapter 9A.20 RCW and by a mandatory
9 fine of not less than one thousand dollars per pet animal.

10 (4) Nothing in this section shall prohibit a person from also being
11 convicted of separate offenses under RCW 9A.56.030, 9A.56.040, or
12 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or 9A.56.170 for
13 possession of stolen property.

14 NEW SECTION. **Sec. 11.** A new section is added to chapter 9.08 RCW
15 to read as follows:

16 (1) It is unlawful for any person, who knows or has reason to know
17 that a pet animal has been stolen or fraudulently obtained, to sell or
18 otherwise transfer the pet animal to another who the person knows or
19 has reason to know has previously sold a stolen or fraudulently
20 obtained pet animal to a research institution in the state of
21 Washington.

22 (2) A conviction under this section is a class C felony punishable
23 according to chapter 9A.20 RCW and by a mandatory fine of not less than
24 one thousand dollars per pet animal.

25 NEW SECTION. **Sec. 12.** A new section is added to chapter 9.08 RCW
26 to read as follows:

27 (1) It is unlawful for a U.S.D.A. licensed dealer to receive with
28 intent to sell, or sell or transfer directly or through a third party,
29 to a research institution in the state of Washington, a pet animal that
30 the dealer knows or has reason to know has been stolen or fraudulently
31 obtained.

32 (2) A conviction under this section is a class C felony punishable
33 according to chapter 9A.20 RCW and by a mandatory fine of not less than
34 one thousand dollars per pet animal.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 9.08 RCW
2 to read as follows:

3 (1) The sale, receipt, or transfer of each individual pet animal in
4 violation of RCW 9.08.070 or sections 10 through 12 of this act
5 constitutes a separate offense.

6 (2) The provisions of RCW 9.08.070 or sections 10 through 12 of
7 this act shall not apply to the lawful acts of any employee, agent, or
8 director of any humane society, animal control agency, or animal
9 shelter operated by or on behalf of any government agency, operating
10 under law.

11 **Sec. 14.** RCW 9.16.080 and 1927 c 222 s 1 are each amended to read
12 as follows:

13 (1) It shall be unlawful for any person, firm, or corporation:

14 ~~((1))~~ (a) To use, adopt, place upon, or permit to be used,
15 adopted or placed upon, any barrel, tank, drum or other container of
16 gasoline or lubricating oil for internal combustion engines, sold or
17 offered for sale, or upon any pump or other device used in delivering
18 the same, any trade name, trademark, designation or other descriptive
19 matter, which is not the true and correct trade name, trademark,
20 designation or other descriptive matter of the gasoline or lubricating
21 oil so sold or offered for sale;

22 ~~((2))~~ (b) To sell, or offer for sale, or have in his or her or
23 its possession with intent to sell, any gasoline or lubricating oil,
24 contained in, or taken from, or through any barrel, tank, drum, or
25 other container or pump or other device, so unlawfully labeled or
26 marked, as hereinabove provided;

27 ~~((3))~~ (c) To sell, or offer for sale, or have in his or her or
28 its possession with intent to sell any gasoline or lubricating oil for
29 internal combustion engines and to represent to the purchaser, or
30 prospective purchaser, that such gasoline or lubricating oil so sold or
31 offered for sale, is of a quality, grade or standard, or the product of
32 a particular gasoline or lubricating oil manufacturing, refining or
33 distributing company or association, other than the true quality,
34 grade, standard, or the product of a particular gasoline or oil
35 manufacturing, refining or distributing company or association, of the
36 gasoline or oil so offered for sale or sold.

1 (2)(a) Except as provided in (b) of this subsection, any person,
2 firm, or corporation violating this section is guilty of a misdemeanor.

3 (b) A second and each subsequent violation of this section is a
4 gross misdemeanor.

5 **Sec. 15.** RCW 9.18.120 and 1921 c 12 s 1 are each amended to read
6 as follows:

7 (1) When any competitive bid or bids are to be or have been
8 solicited, requested, or advertised for by the state of Washington, or
9 any county, city, town or other municipal corporation therein, or any
10 department of either thereof, for any work or improvement to be done or
11 constructed for or by such state, county, city, town, or other
12 municipal corporation, or any department of either thereof, it shall be
13 unlawful for any person acting for himself or herself or as agent of
14 another, or as agent for or as a member of any partnership,
15 unincorporated firm or association, or as an officer or agent of any
16 corporation, to offer, give, or promise to give, any money, check,
17 draft, property, or other thing of value, to another or to any firm,
18 association, or corporation for the purpose of inducing such other
19 person, firm, association, or corporation, either to refrain from
20 submitting any bids upon such public work or improvement, or to enter
21 into any agreement, understanding or arrangement whereby full and
22 unrestricted competition for the securing of such public work will be
23 suppressed, prevented, or eliminated; and it shall be unlawful for any
24 person to solicit, accept, or receive any money, check, draft,
25 property, or other thing of value upon a promise or understanding,
26 express or implied, that he or she individually or as an agent or
27 officer of another person, persons, or corporation, will refrain from
28 bidding upon such public work or improvement, or that he or she will on
29 behalf of himself or herself or such others submit or permit another to
30 submit for him or her any bid upon such public work or improvement in
31 such sum as to eliminate full and unrestricted competition thereon.

32 (2) A person violating this section is guilty of a gross
33 misdemeanor.

34 **Sec. 16.** RCW 9.18.130 and 1921 c 12 s 2 are each amended to read
35 as follows:

36 (1) It shall be unlawful for any person for himself or herself or

1 as an agent or officer of any other person, persons, or corporation to
2 in any manner enter into collusion or an understanding with any other
3 person, persons, or corporation to prevent or eliminate full and
4 unrestricted competition upon any public work or improvement mentioned
5 in RCW 9.18.120.

6 (2) A person violating this section is guilty of a gross
7 misdemeanor.

8 **Sec. 17.** RCW 9.24.020 and 1992 c 7 s 5 are each amended to read as
9 follows:

10 Every officer, agent or other person in the service of a joint
11 stock company or corporation, domestic or foreign, who, willfully and
12 knowingly with intent to defraud:

13 (1) Sells, pledges, or issues, or causes to be sold, pledged, or
14 issued, or signs or executes, or causes to be signed or executed, with
15 intent to sell, pledge, or issue, or cause to be sold, pledged, or
16 issued, any certificate or instrument purporting to be a certificate or
17 evidence of ownership of any share or shares of such company or
18 corporation, or any conveyance or encumbrance of real or personal
19 property, contract, bond, or evidence of debt, or writing purporting to
20 be a conveyance or encumbrance of real or personal property, contract,
21 bond or evidence of debt of such company or corporation, without being
22 first duly authorized by such company or corporation, or contrary to
23 the charter or laws under which such company or corporation exists, or
24 in excess of the power of such company or corporation, or of the limit
25 imposed by law or otherwise upon its power to create or issue stock or
26 evidence of debt; or,

27 (2) Reissues, sells, pledges, disposes of, or causes to be
28 reissued, sold, pledged, or disposed of, any surrendered or canceled
29 certificate or other evidence of the transfer of ownership of any such
30 share or shares

31 is guilty of a class B felony and shall be punished by imprisonment in
32 a state correctional facility for not more than ten years, or by a fine
33 of not more than five thousand dollars, or by both.

34 **Sec. 18.** RCW 9.24.030 and 1992 c 7 s 6 are each amended to read as
35 follows:

36 Every owner, officer, stockholder, agent or employee of any person,

1 firm, corporation or association engaged, wholly or in part, in the
2 business of banking or receiving money or negotiable paper or
3 securities on deposit or in trust, who shall accept or receive, with or
4 without interest, any deposit, or who shall consent thereto or connive
5 thereat, when he or she knows or has good reason to believe that such
6 person, firm, corporation or association is unsafe or insolvent, is
7 guilty of a class B felony and shall be punished by imprisonment in a
8 state correctional facility for not more than ten years, or by a fine
9 of not more than ten thousand dollars.

10 **Sec. 19.** RCW 9.24.050 and 1992 c 7 s 7 are each amended to read as
11 follows:

12 Every director, officer or agent of any corporation or joint stock
13 association, and every person engaged in organizing or promoting any
14 enterprise, who shall knowingly make or publish or concur in making or
15 publishing any written prospectus, report, exhibit or statement of its
16 affairs or pecuniary condition, containing any material statement that
17 is false or exaggerated, is guilty of a class B felony and shall be
18 punished by imprisonment in a state correctional facility for not more
19 than ten years, or by a fine of not more than five thousand dollars.

20 **Sec. 20.** RCW 9.26A.110 and 1990 c 11 s 2 are each amended to read
21 as follows:

22 (1) Every person who, with intent to evade the provisions of any
23 order or rule of the Washington utilities and transportation commission
24 or of any tariff, price list, contract, or any other filing lawfully
25 submitted to (~~said~~) the commission by any telephone, telegraph, or
26 telecommunications company, or with intent to defraud, obtains
27 telephone, telegraph, or telecommunications service from any telephone,
28 telegraph, or telecommunications company through: (a) The use of a
29 false or fictitious name or telephone number; (b) the unauthorized use
30 of the name or telephone number of another; (c) the physical or
31 electronic installation of, rearrangement of, or tampering with any
32 equipment, or use of a telecommunications device; (d) the commission of
33 computer trespass; or (e) any other trick, deceit, or fraudulent
34 device, (~~shall be~~) is guilty of a misdemeanor.

35 (2) If the value of the telephone, telegraph, or telecommunications

1 service that any person obtains in violation of this section during a
2 period of ninety days exceeds(~~(a)~~) fifty dollars in the aggregate,
3 then such person (~~shall be~~) is guilty of a gross misdemeanor(~~(b)~~).

4 (~~(b)~~) (3) If the value of the telephone, telegraph, or
5 telecommunications service that any person obtains in violation of this
6 section during a period of ninety days exceeds two hundred fifty
7 dollars in the aggregate, then such person (~~shall be~~) is guilty of a
8 class C felony punishable according to chapter 9A.20 RCW.

9 (~~However,~~) (4) For any act that constitutes a violation of both
10 this (~~subsection~~) section and (~~subsection (2) of this~~) section 21
11 of this act the provisions of (~~subsection (2) of this~~) section 21 of
12 this act shall be exclusive.

13 (~~(2) Every person who:~~

14 ~~(a) Makes, possesses, sells, gives, or otherwise transfers to~~
15 ~~another a telecommunications device with intent to use it or with~~
16 ~~knowledge or reason to believe it is intended to be used to avoid any~~
17 ~~lawful telephone or telegraph toll charge or to conceal the existence~~
18 ~~or place of origin or destination of any telephone or telegraph~~
19 ~~message; or~~

20 ~~(b) Sells, gives, or otherwise transfers to another plans or~~
21 ~~instructions for making or assembling a telecommunications device~~
22 ~~described in subparagraph (a) of this subsection with knowledge or~~
23 ~~reason to believe that the plans may be used to make or assemble such~~
24 ~~device~~

25 ~~shall be guilty of a felony.)~~

26 NEW SECTION. Sec. 21. A new section is added to chapter 9.26A RCW
27 to read as follows:

28 Every person is guilty of a class B felony punishable according to
29 chapter 9A.20 RCW who:

30 (1) Makes, possesses, sells, gives, or otherwise transfers to
31 another a telecommunications device with intent to use it or with
32 knowledge or reason to believe it is intended to be used to avoid any
33 lawful telephone or telegraph toll charge or to conceal the existence
34 or place of origin or destination of any telephone or telegraph
35 message; or

36 (2) Sells, gives, or otherwise transfers to another plans or

1 instructions for making or assembling a telecommunications device
2 described in subsection (1) of this section with knowledge or reason to
3 believe that the plans may be used to make or assemble such device.

4 **Sec. 22.** RCW 9.35.020 and 2001 c 217 s 9 are each amended to read
5 as follows:

6 (1) No person may knowingly obtain, possess, use, or transfer a
7 means of identification or financial information of another person,
8 living or dead, with the intent to commit, or to aid or abet, any
9 crime.

10 (2)~~((a))~~ Violation of this section when the accused or an
11 accomplice uses the victim's means of identification or financial
12 information and obtains an aggregate total of credit, money, goods,
13 services, or anything else of value in excess of one thousand five
14 hundred dollars in value shall constitute identity theft in the first
15 degree. Identity theft in the first degree is a class B felony
16 punishable according to chapter 9A.20 RCW.

17 ~~((b))~~ (3) Violation of this section when the accused or an
18 accomplice uses the victim's means of identification or financial
19 information and obtains an aggregate total of credit, money, goods,
20 services, or anything else of value that is less than one thousand five
21 hundred dollars in value, or when no credit, money, goods, services, or
22 anything of value is obtained shall constitute identity theft in the
23 second degree. Identity theft in the second degree is a class C felony
24 punishable according to chapter 9A.20 RCW.

25 ~~((c))~~ (4) A person who violates this section is liable for civil
26 damages of five hundred dollars or actual damages, whichever is
27 greater, including costs to repair the victim's credit record, and
28 reasonable attorneys' fees as determined by the court.

29 ~~((d))~~ (5) In a proceeding under this section, the crime will be
30 considered to have been committed in any locality where the person
31 whose means of identification or financial information was appropriated
32 resides, or in which any part of the offense took place, regardless of
33 whether the defendant was ever actually in that locality.

34 ~~((e))~~ (6) The provisions of this section do not apply to any
35 person who obtains another person's driver's license or other form of
36 identification for the sole purpose of misrepresenting his or her age.

1 ~~((6))~~ (7) In a proceeding under this section in which a person's
2 means of identification or financial information was used without that
3 person's authorization, and when there has been a conviction, the
4 sentencing court may issue such orders as are necessary to correct a
5 public record that contains false information resulting from a
6 violation of this section.

7 **Sec. 23.** RCW 9.40.100 and 1995 c 369 s 3 are each amended to read
8 as follows:

9 ~~((1))~~ Any person who willfully and without cause tampers with,
10 molests, injures or breaks any public or private fire alarm apparatus,
11 emergency phone, radio, or other wire or signal, or any fire fighting
12 equipment, or who willfully and without having reasonable grounds for
13 believing a fire exists, sends, gives, transmits, or sounds any false
14 alarm of fire, by shouting in a public place or by means of any public
15 or private fire alarm system or signal, or by telephone, is guilty of
16 a misdemeanor. This provision shall not prohibit the testing of fire
17 alarm systems by persons authorized to do so, by a fire department or
18 the chief of the Washington state patrol, through the director of fire
19 protection.

20 ~~((2) Any person who willfully and without cause tampers with,
21 molests, injures, or breaks any public or private fire alarm apparatus,
22 emergency phone, radio, or other wire or signal, or any fire fighting
23 equipment with the intent to commit arson, is guilty of a felony.))~~

24 NEW SECTION. **Sec. 24.** A new section is added to chapter 9.40 RCW
25 to read as follows:

26 Any person who willfully and without cause tampers with, molests,
27 injures, or breaks any public or private fire alarm apparatus,
28 emergency phone, radio, or other wire or signal, or any fire fighting
29 equipment with the intent to commit arson, is guilty of a class B
30 felony punishable according to chapter 9A.20 RCW.

31 **Sec. 25.** RCW 9.40.120 and 1999 c 352 s 5 are each amended to read
32 as follows:

33 Every person who possesses, manufactures, or disposes of an
34 incendiary device knowing it to be such is guilty of a class B felony

1 punishable according to chapter 9A.20 RCW, and upon conviction, shall
2 be punished by imprisonment in a state prison for a term of not more
3 than ten years.

4 **Sec. 26.** RCW 9.41.040 and 1997 c 338 s 47 are each amended to read
5 as follows:

6 (1)(a) A person, whether an adult or juvenile, is guilty of the
7 crime of unlawful possession of a firearm in the first degree, if the
8 person owns, has in his or her possession, or has in his or her control
9 any firearm after having previously been convicted in this state or
10 elsewhere of any serious offense as defined in this chapter.

11 (b) Unlawful possession of a firearm in the first degree is a class
12 B felony punishable according to chapter 9A.20 RCW.

13 (2)(a) A person, whether an adult or juvenile, is guilty of the
14 crime of unlawful possession of a firearm in the second degree, if the
15 person does not qualify under (~~((a) of this))~~ subsection (1) of this
16 section for the crime of unlawful possession of a firearm in the first
17 degree and the person owns, has in his or her possession, or has in his
18 or her control any firearm:

19 (i) After having previously been convicted in this state or
20 elsewhere of any felony not specifically listed as prohibiting firearm
21 possession under (~~((a) of this))~~ subsection (1) of this section, or any
22 of the following crimes when committed by one family or household
23 member against another, committed on or after July 1, 1993: Assault in
24 the fourth degree, coercion, stalking, reckless endangerment, criminal
25 trespass in the first degree, or violation of the provisions of a
26 protection order or no-contact order restraining the person or
27 excluding the person from a residence (RCW 26.50.060, 26.50.070,
28 26.50.130, or 10.99.040);

29 (ii) After having previously been involuntarily committed for
30 mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77
31 RCW, or equivalent statutes of another jurisdiction, unless his or her
32 right to possess a firearm has been restored as provided in RCW
33 9.41.047;

34 (iii) If the person is under eighteen years of age, except as
35 provided in RCW 9.41.042; and/or

36 (iv) If the person is free on bond or personal recognizance pending

1 trial, appeal, or sentencing for a serious offense as defined in RCW
2 9.41.010.

3 ~~((2)(a) Unlawful possession of a firearm in the first degree is a
4 class B felony, punishable under chapter 9A.20 RCW.~~

5 ~~(b) Unlawful possession of a firearm in the second degree is a
6 class C felony, punishable under chapter 9A.20 RCW.))~~

7 (b) Unlawful possession of a firearm in the second degree is a
8 class C felony punishable according to chapter 9A.20 RCW.

9 (3) Notwithstanding RCW 9.41.047 or any other provisions of law, as
10 used in this chapter, a person has been "convicted", whether in an
11 adult court or adjudicated in a juvenile court, at such time as a plea
12 of guilty has been accepted, or a verdict of guilty has been filed,
13 notwithstanding the pendency of any future proceedings including but
14 not limited to sentencing or disposition, post-trial or post-
15 factfinding motions, and appeals. Conviction includes a dismissal
16 entered after a period of probation, suspension or deferral of
17 sentence, and also includes equivalent dispositions by courts in
18 jurisdictions other than Washington state. A person shall not be
19 precluded from possession of a firearm if the conviction has been the
20 subject of a pardon, annulment, certificate of rehabilitation, or other
21 equivalent procedure based on a finding of the rehabilitation of the
22 person convicted or the conviction or disposition has been the subject
23 of a pardon, annulment, or other equivalent procedure based on a
24 finding of innocence. Where no record of the court's disposition of
25 the charges can be found, there shall be a rebuttable presumption that
26 the person was not convicted of the charge.

27 (4) Notwithstanding subsection (1) or (2) of this section, a person
28 convicted of an offense prohibiting the possession of a firearm under
29 this section other than murder, manslaughter, robbery, rape, indecent
30 liberties, arson, assault, kidnapping, extortion, burglary, or
31 violations with respect to controlled substances under RCW
32 69.50.401(~~(a)~~) and 69.50.410, who received a probationary sentence
33 under RCW 9.95.200, and who received a dismissal of the charge under
34 RCW 9.95.240, shall not be precluded from possession of a firearm as a
35 result of the conviction. Notwithstanding any other provisions of this
36 section, if a person is prohibited from possession of a firearm under
37 subsection (1) or (2) of this section and has not previously been
38 convicted of a sex offense prohibiting firearm ownership under

1 subsection (1) or (2) of this section and/or any felony defined under
2 any law as a class A felony or with a maximum sentence of at least
3 twenty years, or both, the individual may petition a court of record to
4 have his or her right to possess a firearm restored:

5 (a) Under RCW 9.41.047; and/or

6 (b)(i) If the conviction was for a felony offense, after five or
7 more consecutive years in the community without being convicted or
8 currently charged with any felony, gross misdemeanor, or misdemeanor
9 crimes, if the individual has no prior felony convictions that prohibit
10 the possession of a firearm counted as part of the offender score under
11 RCW 9.94A.525; or

12 (ii) If the conviction was for a nonfelony offense, after three or
13 more consecutive years in the community without being convicted or
14 currently charged with any felony, gross misdemeanor, or misdemeanor
15 crimes, if the individual has no prior felony convictions that prohibit
16 the possession of a firearm counted as part of the offender score under
17 RCW 9.94A.525 and the individual has completed all conditions of the
18 sentence.

19 (5) In addition to any other penalty provided for by law, if a
20 person under the age of eighteen years is found by a court to have
21 possessed a firearm in a vehicle in violation of subsection (1) or (2)
22 of this section or to have committed an offense while armed with a
23 firearm during which offense a motor vehicle served an integral
24 function, the court shall notify the department of licensing within
25 twenty-four hours and the person's privilege to drive shall be revoked
26 under RCW 46.20.265.

27 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed or
28 interpreted as preventing an offender from being charged and
29 subsequently convicted for the separate felony crimes of theft of a
30 firearm or possession of a stolen firearm, or both, in addition to
31 being charged and subsequently convicted under this section for
32 unlawful possession of a firearm in the first or second degree.
33 Notwithstanding any other law, if the offender is convicted under this
34 section for unlawful possession of a firearm in the first or second
35 degree and for the felony crimes of theft of a firearm or possession of
36 a stolen firearm, or both, then the offender shall serve consecutive
37 sentences for each of the felony crimes of conviction listed in this
38 subsection.

1 (7) Each firearm unlawfully possessed under this section shall be
2 a separate offense.

3 **Sec. 27.** RCW 9.41.042 and 1999 c 143 s 2 are each amended to read
4 as follows:

5 RCW 9.41.040(~~((1)(b))~~) (2)(a)(iii) shall not apply to any person
6 under the age of eighteen years who is:

7 (1) In attendance at a hunter's safety course or a firearms safety
8 course;

9 (2) Engaging in practice in the use of a firearm or target shooting
10 at an established range authorized by the governing body of the
11 jurisdiction in which such range is located or any other area where the
12 discharge of a firearm is not prohibited;

13 (3) Engaging in an organized competition involving the use of a
14 firearm, or participating in or practicing for a performance by an
15 organized group that uses firearms as a part of the performance;

16 (4) Hunting or trapping under a valid license issued to the person
17 under Title 77 RCW;

18 (5) In an area where the discharge of a firearm is permitted, is
19 not trespassing, and the person either: (a) Is at least fourteen years
20 of age, has been issued a hunter safety certificate, and is using a
21 lawful firearm other than a pistol; or (b) is under the supervision of
22 a parent, guardian, or other adult approved for the purpose by the
23 parent or guardian;

24 (6) Traveling with any unloaded firearm in the person's possession
25 to or from any activity described in subsection (1), (2), (3), (4), or
26 (5) of this section;

27 (7) On real property under the control of his or her parent, other
28 relative, or legal guardian and who has the permission of the parent or
29 legal guardian to possess a firearm;

30 (8) At his or her residence and who, with the permission of his or
31 her parent or legal guardian, possesses a firearm for the purpose of
32 exercising the rights specified in RCW 9A.16.020(3); or

33 (9) Is a member of the armed forces of the United States, national
34 guard, or organized reserves, when on duty.

35 **Sec. 28.** RCW 9.41.050 and 1997 c 200 s 1 are each amended to read
36 as follows:

1 (1)(a) Except in the person's place of abode or fixed place of
2 business, a person shall not carry a pistol concealed on his or her
3 person without a license to carry a concealed pistol.

4 (b) Every licensee shall have his or her concealed pistol license
5 in his or her immediate possession at all times that he or she is
6 required by this section to have a concealed pistol license and shall
7 display the same upon demand to any police officer or to any other
8 person when and if required by law to do so. Any violation of this
9 subsection (1)(b) shall be a class 1 civil infraction under chapter
10 7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW
11 and the infraction rules for courts of limited jurisdiction.

12 (2)(a) A person shall not carry or place a loaded pistol in any
13 vehicle unless the person has a license to carry a concealed pistol
14 and: ~~((+a+))~~ (i) The pistol is on the licensee's person, ~~((+b+))~~ (ii)
15 the licensee is within the vehicle at all times that the pistol is
16 there, or ~~((+e+))~~ (iii) the licensee is away from the vehicle and the
17 pistol is locked within the vehicle and concealed from view from
18 outside the vehicle.

19 (b) A violation of this subsection is a misdemeanor.

20 (3)(a) A person at least eighteen years of age who is in possession
21 of an unloaded pistol shall not leave the unloaded pistol in a vehicle
22 unless the unloaded pistol is locked within the vehicle and concealed
23 from view from outside the vehicle.

24 (b) A violation of this subsection is a misdemeanor.

25 ~~(4) ((Violation of any of the prohibitions of subsections (2) and
26 +3) of this section is a misdemeanor.~~

27 ~~(+5))~~ Nothing in this section permits the possession of firearms
28 illegal to possess under state or federal law.

29 **Sec. 29.** RCW 9.45.020 and 1992 c 7 s 9 are each amended to read as
30 follows:

31 Every person to whom a child has been confided for nursing,
32 education or any other purpose, who, with intent to deceive a person,
33 guardian or relative of such child, shall substitute or produce to such
34 parent, guardian or relative, another child or person in the place of
35 the child so confided, is guilty of a class B felony and shall be
36 punished by imprisonment in a state correctional facility for not more
37 than ten years.

1 **Sec. 30.** RCW 9.45.124 and 1992 c 7 s 11 are each amended to read
2 as follows:

3 Every person, corporation, or association whether profit or
4 nonprofit, who shall ask or receive, or conspire to ask or receive,
5 directly or indirectly, any compensation, gratuity, or reward or any
6 promise thereof, on any agreement or understanding that he or she shall
7 (1) intentionally make an inaccurate visual or mechanical measurement
8 or an intentionally inaccurate recording of any visual or mechanical
9 measurement of goods, raw materials, and agricultural products (whether
10 severed or unsevered from the land) which he or she has or will have
11 the duty to measure, or shall (2) intentionally change, alter or
12 affect, for the purpose of making an inaccurate measurement, any
13 equipment or other device which is designed to measure, either
14 qualitatively or quantitatively, such goods, raw materials, and
15 agricultural products, or shall intentionally alter the recordation of
16 such measurements, (~~shall be~~) is guilty of a class B felony,
17 punishable by imprisonment in a state correctional facility for not
18 more than ten years, or by a fine of not more than five thousand
19 dollars, or both.

20 **Sec. 31.** RCW 9.45.126 and 1992 c 7 s 12 are each amended to read
21 as follows:

22 Every person who shall give, offer or promise, or conspire to give,
23 offer or promise, directly or indirectly, any compensation, gratuity or
24 reward to any person, corporation, independent contractor, or agent,
25 employee or servant thereof with intent to violate RCW 9.45.124,
26 (~~shall be~~) is guilty of a class B felony, punishable by imprisonment
27 in a state correctional facility for not more than ten years, or by a
28 fine of not more than five thousand dollars, or both.

29 **Sec. 32.** RCW 9.45.210 and 1890 p 99 s 2 are each amended to read
30 as follows:

31 Any person who shall interfere with or in any manner change samples
32 of ores or bullion produced for sampling, or change or alter samples or
33 packages of ores or bullion which have been purchased for assaying, or
34 who shall change or alter any certificate of sampling or assaying, with
35 intent to cheat, wrong or defraud, (~~shall be deemed~~) is guilty of a
36 class C felony, punishable by imprisonment in a state correctional

1 facility for not less than one year nor more than five years, or by a
2 fine of not less than fifty nor more than one thousand dollars, or by
3 both such fine and imprisonment.

4 **Sec. 33.** RCW 9.45.220 and 1890 p 99 s 3 are each amended to read
5 as follows:

6 Any person who shall, with intent to cheat, wrong or defraud, make
7 or publish a false sample of ore or bullion, or who shall make or
8 publish or cause to be published a false assay of ore or bullion,
9 (~~shall be deemed~~) is guilty of a class C felony, punishable by
10 imprisonment in a state correctional facility for not less than one
11 year nor more than five years, or by a fine of not less than fifty nor
12 more than one thousand dollars, or by both such fine and imprisonment.

13 **Sec. 34.** RCW 9.46.155 and 1981 c 139 s 15 are each amended to read
14 as follows:

15 (1) No applicant or licensee shall give or provide, or offer to
16 give or provide, directly or indirectly, to any public official or
17 employee or agent of this state, or any of its agencies or political
18 subdivisions, any compensation or reward, or share of the money or
19 property paid or received through gambling activities, in consideration
20 for obtaining any license, authorization, permission or privilege to
21 participate in any gaming operations except as authorized by this
22 chapter or rules adopted pursuant thereto.

23 (2) Violation of this section (~~shall be~~) is a class C felony for
24 which a person, upon conviction, shall be punished by imprisonment for
25 not more than five years or a fine of not more than one hundred
26 thousand dollars, or both.

27 **Sec. 35.** RCW 9.46.215 and 1994 c 218 s 9 are each amended to read
28 as follows:

29 (1) Whoever knowingly owns, manufactures, possesses, buys, sells,
30 rents, leases, finances, holds a security interest in, stores, repairs,
31 or transports any gambling device or offers or solicits any interest
32 therein, whether through an agent or employee or otherwise, is guilty
33 of a class C felony and shall be fined not more than one hundred
34 thousand dollars or imprisoned not more than five years or both.

1 (~~However,~~) (2) This section does not apply to persons licensed by
2 the commission, or who are otherwise authorized by this chapter, or by
3 commission rule, to conduct gambling activities without a license,
4 respecting devices that are to be used, or are being used, solely in
5 that activity for which the license was issued, or for which the person
6 has been otherwise authorized if:

7 (~~(1)~~) (a) The person is acting in conformance with this chapter
8 and the rules adopted under this chapter; and

9 (~~(2)~~) (b) The devices are a type and kind traditionally and
10 usually employed in connection with the particular activity.

11 (3) This section also does not apply to any act or acts by the
12 persons in furtherance of the activity for which the license was
13 issued, or for which the person is authorized, when the activity is
14 conducted in compliance with this chapter and in accordance with the
15 rules adopted under this chapter.

16 (4) In the enforcement of this section direct possession of any
17 such a gambling device is presumed to be knowing possession thereof.

18 **Sec. 36.** RCW 9.47.090 and 1992 c 7 s 13 are each amended to read
19 as follows:

20 Every person, whether in his or her own behalf, or as agent,
21 servant or employee of another person, within or outside of this state,
22 who shall open, conduct or carry on any bucket shop, or make or offer
23 to make any contract described in RCW 9.47.080, or with intent to make
24 such a contract, or assist therein, shall receive, exhibit, or display
25 any statement of market prices of any commodities, securities, or
26 property, is guilty of a class C felony and shall be punished by
27 imprisonment in a state correctional facility for not more than five
28 years.

29 **Sec. 37.** RCW 9.47.120 and 1992 c 7 s 14 are each amended to read
30 as follows:

31 Every person who shall entice, or induce another, upon any
32 pretense, to go to any place where any gambling game, scheme or device,
33 or any trick, sleight of hand performance, fraud or fraudulent scheme,
34 cards, dice or device, is being conducted or operated; or while in such
35 place shall entice or induce another to bet, wager or hazard any money
36 or property, or representative of either, upon any such game, scheme,

1 device, trick, sleight of hand performance, fraud or fraudulent scheme,
2 cards, dice, or device, or to execute any obligation for the payment of
3 money, or delivery of property, or to lose, advance, or loan any money
4 or property, or representative of either, is guilty of a class B felony
5 and shall be punished by imprisonment in a state correctional facility
6 for not more than ten years.

7 **Sec. 38.** RCW 9.61.160 and 1977 ex.s. c 231 s 1 are each amended to
8 read as follows:

9 (1) It shall be unlawful for any person to threaten to bomb or
10 otherwise injure any public or private school building, any place of
11 worship or public assembly, any governmental property, or any other
12 building, common carrier, or structure, or any place used for human
13 occupancy; or to communicate or repeat any information concerning such
14 a threatened bombing or injury, knowing such information to be false
15 and with intent to alarm the person or persons to whom the information
16 is communicated or repeated.

17 (2) It shall not be a defense to any prosecution under this section
18 that the threatened bombing or injury was a hoax.

19 (3) A violation of this section is a class B felony punishable
20 according to chapter 9A.20 RCW.

21 **Sec. 39.** RCW 9.61.230 and 1992 c 186 s 6 are each amended to read
22 as follows:

23 (1) Every person who, with intent to harass, intimidate, torment or
24 embarrass any other person, shall make a telephone call to such other
25 person:

26 ~~((1))~~ (a) Using any lewd, lascivious, profane, indecent, or
27 obscene words or language, or suggesting the commission of any lewd or
28 lascivious act; or

29 ~~((2))~~ (b) Anonymously or repeatedly or at an extremely
30 inconvenient hour, whether or not conversation ensues; or

31 ~~((3))~~ (c) Threatening to inflict injury on the person or property
32 of the person called or any member of his or her family or household;
33 ~~((shall be))~~ is guilty of a gross misdemeanor, except ((that the person
34 ~~is guilty of a class C felony if either of the following applies:))~~ as
35 provided in subsection (2) of this section.

1 (2) The person is guilty of a class C felony punishable according
2 to chapter 9A.20 RCW if either of the following applies:

3 (a) That person has previously been convicted of any crime of
4 harassment, as defined in RCW 9A.46.060, with the same victim or member
5 of the victim's family or household or any person specifically named in
6 a no-contact or no-harassment order in this or any other state; or

7 (b) That person harasses another person under subsection ~~((3))~~
8 (1)(c) of this section by threatening to kill the person threatened or
9 any other person.

10 **Sec. 40.** RCW 9.62.010 and 1992 c 7 s 15 are each amended to read
11 as follows:

12 Every person who shall, maliciously and without probable cause
13 therefor, cause or attempt to cause another to be arrested or proceeded
14 against for any crime of which he or she is innocent:

15 (1) If such crime be a felony, is guilty of a class C felony and
16 shall be punished by imprisonment in a state correctional facility for
17 not more than five years; and

18 (2) If such crime be a gross misdemeanor or misdemeanor, shall be
19 guilty of a misdemeanor.

20 **Sec. 41.** RCW 9.68.060 and 1992 c 5 s 2 are each amended to read as
21 follows:

22 (1) When it appears that material which may be deemed erotic is
23 being sold, distributed, or exhibited in this state, the prosecuting
24 attorney of the county in which the sale, distribution, or exhibition
25 is taking place may apply to the superior court for a hearing to
26 determine the character of the material with respect to whether it is
27 erotic material.

28 (2) Notice of the hearing shall immediately be served upon the
29 dealer, distributor, or exhibitor selling or otherwise distributing or
30 exhibiting the alleged erotic material. The superior court shall hold
31 a hearing not later than five days from the service of notice to
32 determine whether the subject matter is erotic material within the
33 meaning of RCW 9.68.050.

34 (3) If the superior court rules that the subject material is erotic
35 material, then, following such adjudication:

1 (a) If the subject material is written or printed, or is a sound
2 recording, the court shall issue an order requiring that an "adults
3 only" label be placed on the publication or sound recording, if such
4 publication or sound recording is going to continue to be distributed.
5 Whenever the superior court orders a publication or sound recording to
6 have an "adults only" label placed thereon, such label shall be
7 impressed on the front cover of all copies of such erotic publication
8 or sound recording sold or otherwise distributed in the state of
9 Washington. Such labels shall be in forty-eight point bold face type
10 located in a conspicuous place on the front cover of the publication or
11 sound recording. All dealers and distributors are hereby prohibited
12 from displaying erotic publications or sound recordings in their store
13 windows, on outside newsstands on public thoroughfares, or in any other
14 manner so as to make an erotic publication or the contents of an erotic
15 sound recording readily accessible to minors.

16 (b) If the subject material is a motion picture, the court shall
17 issue an order requiring that such motion picture shall be labeled
18 "adults only". The exhibitor shall prominently display a sign saying
19 "adults only" at the place of exhibition, and any advertising of
20 ~~((said))~~ the motion picture shall contain a statement that it is for
21 adults only. Such exhibitor shall also display a sign at the place
22 where admission tickets are sold stating that it is unlawful for minors
23 to misrepresent their age.

24 ~~((e))~~ (4) Failure to comply with a court order issued under the
25 provisions of this section shall subject the dealer, distributor, or
26 exhibitor to contempt proceedings.

27 ~~((d))~~ (5) Any person who, after the court determines material to
28 be erotic, sells, distributes, or exhibits the erotic material to a
29 minor shall be guilty of violating RCW 9.68.050 through 9.68.120, such
30 violation to carry the following penalties:

31 ~~((i))~~ (a) For the first offense a misdemeanor and upon conviction
32 shall be fined not more than five hundred dollars, or imprisoned in the
33 county jail not more than six months;

34 ~~((ii))~~ (b) For the second offense a gross misdemeanor and upon
35 conviction shall be fined not more than one thousand dollars, or
36 imprisoned not more than one year;

37 ~~((iii))~~ (c) For all subsequent offenses a class B felony and upon

1 conviction shall be fined not more than five thousand dollars, or
2 imprisoned not less than one year.

3 **Sec. 42.** RCW 9.68A.090 and 1989 c 32 s 7 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (2) of this section, a person
6 who communicates with a minor for immoral purposes is guilty of a gross
7 misdemeanor(~~(, unless that)~~).

8 (2) A person who communicates with a minor for immoral purposes is
9 guilty of a class C felony punishable according to chapter 9A.20 RCW if
10 the person has previously been convicted under this section or of a
11 felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of
12 any other felony sexual offense in this or any other state(~~(, in which~~
13 case the person is guilty of a class C felony punishable under chapter
14 9A.20 RCW)).

15 **Sec. 43.** RCW 9.68A.150 and 1987 c 396 s 2 are each amended to read
16 as follows:

17 (1) No person may knowingly allow a minor to be on the premises of
18 a commercial establishment open to the public if there is a live
19 performance containing matter which is erotic material.

20 (2) Any person who is convicted of violating this section is guilty
21 of a gross misdemeanor.

22 (3) For the purposes of this section:

23 (a) "Minor" means any person under the age of eighteen years.

24 (b) "Erotic materials" means live performance:

25 (i) Which the average person, applying contemporary community
26 standards, would find, when considered as a whole, appeals to the
27 prurient interest of minors; and

28 (ii) Which explicitly depicts or describes patently offensive
29 representations or descriptions of sexually explicit conduct as defined
30 in RCW 9.68A.011; and

31 (iii) Which, when considered as a whole, and in the context in
32 which it is used, lacks serious literary, artistic, political, or
33 scientific value for minors.

34 (c) "Live performance" means any play, show, skit, dance, or other
35 exhibition performed or presented to, or before an audience of one or
36 more, with or without consideration.

1 (~~said~~) the organization to be a subversive organization or foreign
2 subversive organization. Any person upon a plea of guilty or upon
3 conviction of violating (~~any of the provisions of~~) this section shall
4 be fined not more than five thousand dollars, or imprisoned for not
5 more than five years, or both, at the discretion of the court.

6 **Sec. 46.** RCW 9.82.010 and 1909 c 249 s 65 are each amended to read
7 as follows:

8 (1) Treason against the people of the state consists in--

9 (~~(1)~~) (a) Levying war against the people of the state, or

10 (~~(2)~~) (b) Adhering to its enemies, or

11 (~~(3)~~) (c) Giving them aid and comfort.

12 (2) Treason is a class A felony and punishable by death.

13 (3) No person shall be convicted for treason unless upon the
14 testimony of two witnesses to the same overt act or by confession in
15 open court.

16 **Sec. 47.** RCW 9.86.020 and 1919 c 107 s 2 are each amended to read
17 as follows:

18 (1) No person shall, in any manner, for exhibition or display:

19 (~~(1)~~) (a) Place or cause to be placed any word, figure, mark,
20 picture, design, drawing or advertisement of any nature upon any flag,
21 standard, color, ensign or shield of the United States or of this
22 state, or authorized by any law of the United States or of this state;
23 or

24 (~~(2)~~) (b) Expose to public view any such flag, standard, color,
25 ensign or shield upon which shall have been printed, painted or
26 otherwise produced, or to which shall have been attached, appended,
27 affixed or annexed any such word, figure, mark, picture, design,
28 drawing or advertisement; or

29 (~~(3)~~) (c) Expose to public view for sale, manufacture, or
30 otherwise, or to sell, give, or have in possession for sale, for gift
31 or for use for any purpose, any substance, being an article of
32 merchandise, or receptacle, or thing for holding or carrying
33 merchandise, upon or to which shall have been produced or attached any
34 such flag, standard, color, ensign or shield, in order to advertise,
35 call attention to, decorate, mark or distinguish such article or
36 substance.

1 (2) A violation of this section is a gross misdemeanor.

2 **Sec. 48.** RCW 9.86.030 and 1969 ex.s. c 110 s 1 are each amended to
3 read as follows:

4 (1) No person shall knowingly cast contempt upon any flag,
5 standard, color, ensign or shield, as defined in RCW 9.86.010, by
6 publicly mutilating, defacing, defiling, burning, or trampling upon
7 ~~((said))~~ the flag, standard, color, ensign or shield.

8 (2) A violation of this section is a gross misdemeanor.

9 **Sec. 49.** RCW 9.91.140 and 1998 c 79 s 1 are each amended to read
10 as follows:

11 ~~((1))~~ A person who sells food stamps obtained through the program
12 established under RCW 74.04.500 or food stamp benefits transferred
13 electronically, or food purchased therewith, is guilty of the
14 following:

15 (1) A gross misdemeanor ~~((under RCW 9A.20.021))~~ if the value of the
16 stamps, benefits, or food transferred exceeds one hundred dollars ~~((~~
17 ~~and is guilty of))~~; or

18 (2) A misdemeanor ~~((under RCW 9A.20.021))~~ if the value of the
19 stamps, benefits, or food transferred is one hundred dollars or less.

20 ~~((2) A person who purchases, or who otherwise acquires and sells,~~
21 ~~or who traffics in, food stamps as defined by the federal food stamp~~
22 ~~act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits~~
23 ~~transferred electronically, is guilty of a class C felony under RCW~~
24 ~~9A.20.021 if the face value of the stamps or benefits exceeds one~~
25 ~~hundred dollars, and is guilty of a gross misdemeanor under RCW~~
26 ~~9A.20.021 if the face value of the stamps or benefits is one hundred~~
27 ~~dollars or less.~~

28 ~~(3) A person who, in violation of 7 U.S.C. Sec. 2024(c), obtains~~
29 ~~and presents food stamps as defined by the federal food stamp act, as~~
30 ~~amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred~~
31 ~~electronically, for redemption or causes such stamps or benefits to be~~
32 ~~presented for redemption through the program established under RCW~~
33 ~~74.04.500 is guilty of a class C felony under RCW 9A.20.021.))~~

34 NEW SECTION. **Sec. 50.** A new section is added to chapter 9.91 RCW
35 to read as follows:

1 A person who purchases, or who otherwise acquires and sells, or who
2 traffics in, food stamps as defined by the federal food stamp act, as
3 amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred
4 electronically, is guilty of the following:

5 (1) A class C felony punishable according to chapter 9A.20 RCW if
6 the face value of the stamps or benefits exceeds one hundred dollars;
7 or

8 (2) A gross misdemeanor if the face value of the stamps or benefits
9 is one hundred dollars or less.

10 NEW SECTION. Sec. 51. A new section is added to chapter 9.91 RCW
11 to read as follows:

12 A person who, in violation of 7 U.S.C. Sec. 2024(c), obtains and
13 presents food stamps as defined by the federal food stamp act, as
14 amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred
15 electronically, for redemption or causes such stamps or benefits to be
16 presented for redemption through the program established under RCW
17 74.04.500 is guilty of a class C felony punishable according to chapter
18 9A.20 RCW.

19 **Sec. 52.** RCW 9.91.170 and 2001 c 112 s 2 are each amended to read
20 as follows:

21 (1)(a) Any person who has received notice that his or her behavior
22 is interfering with the use of a dog guide or service animal who
23 continues with reckless disregard to interfere with the use of a dog
24 guide or service animal by obstructing, intimidating, or otherwise
25 jeopardizing the safety of the dog guide or service animal user or his
26 or her dog guide or service animal is guilty of a misdemeanor
27 (~~(punishable according to chapter 9A.20 RCW)~~), except (~~(that for a~~
28 ~~second or subsequent offense it)~~) as provided in (b) of this
29 subsection.

30 (b) A second or subsequent violation of this subsection is a gross
31 misdemeanor.

32 (~~(b)~~) (2)(a) Any person who, with reckless disregard, allows his
33 or her dog to interfere with the use of a dog guide or service animal
34 by obstructing, intimidating, or otherwise jeopardizing the safety of
35 the dog guide or service animal user or his or her dog guide or service

1 animal is guilty of a misdemeanor (~~punishable according to chapter~~
2 ~~9A.20 RCW~~), except (~~that for a second or subsequent offense it~~) as
3 provided in (b) of this subsection.

4 (b) A second or subsequent violation of this subsection is a gross
5 misdemeanor.

6 ~~((2)(a))~~ (3) Any person who, with reckless disregard, injures,
7 disables, or causes the death of a dog guide or service animal is
8 guilty of a gross misdemeanor (~~punishable according to chapter 9A.20~~
9 ~~RCW~~).

10 ~~((b))~~ (4) Any person who, with reckless disregard, allows his or
11 her dog to injure, disable, or cause the death of a dog guide or
12 service animal is guilty of a gross misdemeanor (~~punishable according~~
13 ~~to chapter 9A.20 RCW~~).

14 ~~((3))~~ (5) Any person who intentionally injures, disables, or
15 causes the death of a dog guide or service animal is guilty of a class
16 C felony punishable according to chapter 9A.20 RCW.

17 ~~((4))~~ (6) Any person who wrongfully obtains or exerts
18 unauthorized control over a dog guide or service animal with the intent
19 to deprive the dog guide or service animal user of his or her dog guide
20 or service animal is guilty of theft in the first degree, RCW
21 9A.56.030.

22 ~~((5))~~ (7)(a) In any case in which the defendant is convicted of
23 a violation of this section, he or she shall also be ordered to make
24 full restitution for all damages, including incidental and
25 consequential expenses incurred by the dog guide or service animal user
26 and the dog guide or service animal which arise out of or are related
27 to the criminal offense.

28 (b) Restitution for a conviction under this section shall include,
29 but is not limited to:

30 (i) The value of the replacement of an incapacitated or deceased
31 dog guide or service animal, the training of a replacement dog guide or
32 service animal, or retraining of the affected dog guide or service
33 animal and all related veterinary and care expenses; and

34 (ii) Medical expenses of the dog guide or service animal user,
35 training of the dog guide or service animal user, and compensation for
36 wages or earned income lost by the dog guide or service animal user.

37 ~~((6))~~ (8) Nothing in this section shall affect any civil remedies
38 available for violation of this section.

1 (~~(7)~~) (9) For purposes of this section, the following definitions
2 apply:

3 (a) "Dog guide" means a dog that is trained for the purpose of
4 guiding blind persons or a dog trained for the purpose of assisting
5 hearing impaired persons.

6 (b) "Service animal" means an animal that is trained for the
7 purposes of assisting or accommodating a disabled person's sensory,
8 mental, or physical disability.

9 (c) "Notice" means a verbal or otherwise communicated warning
10 prescribing the behavior of another person and a request that the
11 person stop their behavior.

12 (d) "Value" means the value to the dog guide or service animal user
13 and does not refer to cost or fair market value.

14 **Sec. 53.** RCW 9.94.010 and 1995 c 314 s 1 are each amended to read
15 as follows:

16 (1) Whenever two or more inmates of a correctional institution
17 assemble for any purpose, and act in such a manner as to disturb the
18 good order of the institution and contrary to the commands of the
19 officers of the institution, by the use of force or violence, or the
20 threat thereof, and whether acting in concert or not, they shall be
21 guilty of prison riot.

22 (2) Every inmate of a correctional institution who is guilty of
23 prison riot or of voluntarily participating therein by being present
24 at, or by instigating, aiding, or abetting the same, is guilty of a
25 class B felony and shall be punished by imprisonment in a state
26 correctional institution for not less than one year nor more than ten
27 years, which shall be in addition to the sentence being served.

28 **Sec. 54.** RCW 9.94.030 and 1995 c 314 s 3 are each amended to read
29 as follows:

30 Whenever any inmate of a correctional institution shall hold, or
31 participate in holding, any person as a hostage, by force or violence,
32 or the threat thereof, or shall prevent, or participate in preventing
33 an officer of such institution from carrying out his or her duties, by
34 force or violence, or the threat thereof, he or she shall be guilty of
35 a class B felony and upon conviction shall be punished by imprisonment

1 in a state correctional institution for not less than one year nor more
2 than ten years.

3 **Sec. 55.** RCW 9.94A.030 and 2002 c 175 s 5 and 2002 c 107 s 2 are
4 each reenacted and amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Board" means the indeterminate sentence review board created
8 under chapter 9.95 RCW.

9 (2) "Collect," or any derivative thereof, "collect and remit," or
10 "collect and deliver," when used with reference to the department,
11 means that the department, either directly or through a collection
12 agreement authorized by RCW 9.94A.760, is responsible for monitoring
13 and enforcing the offender's sentence with regard to the legal
14 financial obligation, receiving payment thereof from the offender, and,
15 consistent with current law, delivering daily the entire payment to the
16 superior court clerk without depositing it in a departmental account.

17 (3) "Commission" means the sentencing guidelines commission.

18 (4) "Community corrections officer" means an employee of the
19 department who is responsible for carrying out specific duties in
20 supervision of sentenced offenders and monitoring of sentence
21 conditions.

22 (5) "Community custody" means that portion of an offender's
23 sentence of confinement in lieu of earned release time or imposed
24 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
25 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
26 community subject to controls placed on the offender's movement and
27 activities by the department. For offenders placed on community
28 custody for crimes committed on or after July 1, 2000, the department
29 shall assess the offender's risk of reoffense and may establish and
30 modify conditions of community custody, in addition to those imposed by
31 the court, based upon the risk to community safety.

32 (6) "Community custody range" means the minimum and maximum period
33 of community custody included as part of a sentence under RCW
34 9.94A.715, as established by the commission or the legislature under
35 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

36 (7) "Community placement" means that period during which the
37 offender is subject to the conditions of community custody and/or

1 postrelease supervision, which begins either upon completion of the
2 term of confinement (postrelease supervision) or at such time as the
3 offender is transferred to community custody in lieu of earned release.
4 Community placement may consist of entirely community custody, entirely
5 postrelease supervision, or a combination of the two.

6 (8) "Community restitution" means compulsory service, without
7 compensation, performed for the benefit of the community by the
8 offender.

9 (9) "Community supervision" means a period of time during which a
10 convicted offender is subject to crime-related prohibitions and other
11 sentence conditions imposed by a court pursuant to this chapter or RCW
12 16.52.200(6) or 46.61.524. Where the court finds that any offender has
13 a chemical dependency that has contributed to his or her offense, the
14 conditions of supervision may, subject to available resources, include
15 treatment. For purposes of the interstate compact for out-of-state
16 supervision of parolees and probationers, RCW 9.95.270, community
17 supervision is the functional equivalent of probation and should be
18 considered the same as probation by other states.

19 (10) "Confinement" means total or partial confinement.

20 (11) "Conviction" means an adjudication of guilt pursuant to Titles
21 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
22 acceptance of a plea of guilty.

23 (12) "Crime-related prohibition" means an order of a court
24 prohibiting conduct that directly relates to the circumstances of the
25 crime for which the offender has been convicted, and shall not be
26 construed to mean orders directing an offender affirmatively to
27 participate in rehabilitative programs or to otherwise perform
28 affirmative conduct. However, affirmative acts necessary to monitor
29 compliance with the order of a court may be required by the department.

30 (13) "Criminal history" means the list of a defendant's prior
31 convictions and juvenile adjudications, whether in this state, in
32 federal court, or elsewhere.

33 (a) The history shall include, where known, for each conviction (i)
34 whether the defendant has been placed on probation and the length and
35 terms thereof; and (ii) whether the defendant has been incarcerated and
36 the length of incarceration.

37 (b) A conviction may be removed from a defendant's criminal history

1 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
2 a similar out-of-state statute, or if the conviction has been vacated
3 pursuant to a governor's pardon.

4 (c) The determination of a defendant's criminal history is distinct
5 from the determination of an offender score. A prior conviction that
6 was not included in an offender score calculated pursuant to a former
7 version of the sentencing reform act remains part of the defendant's
8 criminal history.

9 (14) "Day fine" means a fine imposed by the sentencing court that
10 equals the difference between the offender's net daily income and the
11 reasonable obligations that the offender has for the support of the
12 offender and any dependents.

13 (15) "Day reporting" means a program of enhanced supervision
14 designed to monitor the offender's daily activities and compliance with
15 sentence conditions, and in which the offender is required to report
16 daily to a specific location designated by the department or the
17 sentencing court.

18 (16) "Department" means the department of corrections.

19 (17) "Determinate sentence" means a sentence that states with
20 exactitude the number of actual years, months, or days of total
21 confinement, of partial confinement, of community supervision, the
22 number of actual hours or days of community restitution work, or
23 dollars or terms of a legal financial obligation. The fact that an
24 offender through earned release can reduce the actual period of
25 confinement shall not affect the classification of the sentence as a
26 determinate sentence.

27 (18) "Disposable earnings" means that part of the earnings of an
28 offender remaining after the deduction from those earnings of any
29 amount required by law to be withheld. For the purposes of this
30 definition, "earnings" means compensation paid or payable for personal
31 services, whether denominated as wages, salary, commission, bonuses, or
32 otherwise, and, notwithstanding any other provision of law making the
33 payments exempt from garnishment, attachment, or other process to
34 satisfy a court-ordered legal financial obligation, specifically
35 includes periodic payments pursuant to pension or retirement programs,
36 or insurance policies of any type, but does not include payments made
37 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
38 or Title 74 RCW.

1 (19) "Drug offender sentencing alternative" is a sentencing option
2 available to persons convicted of a felony offense other than a violent
3 offense or a sex offense and who are eligible for the option under RCW
4 9.94A.660.

5 (20) "Drug offense" means:

6 (a) Any felony violation of chapter 69.50 RCW except possession of
7 a controlled substance (~~((RCW 69.50.401(d)))~~) section 334 of this act
8 or forged prescription for a controlled substance (RCW 69.50.403);

9 (b) Any offense defined as a felony under federal law that relates
10 to the possession, manufacture, distribution, or transportation of a
11 controlled substance; or

12 (c) Any out-of-state conviction for an offense that under the laws
13 of this state would be a felony classified as a drug offense under (a)
14 of this subsection.

15 (21) "Earned release" means earned release from confinement as
16 provided in RCW 9.94A.728.

17 (22) "Escape" means:

18 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
19 first degree (RCW 9A.76.110), escape in the second degree (RCW
20 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
21 willful failure to return from work release (RCW 72.65.070), or willful
22 failure to be available for supervision by the department while in
23 community custody (RCW 72.09.310); or

24 (b) Any federal or out-of-state conviction for an offense that
25 under the laws of this state would be a felony classified as an escape
26 under (a) of this subsection.

27 (23) "Felony traffic offense" means:

28 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
29 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
30 and-run injury-accident (RCW 46.52.020(4)); or

31 (b) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a felony
33 traffic offense under (a) of this subsection.

34 (24) "Fine" means a specific sum of money ordered by the sentencing
35 court to be paid by the offender to the court over a specific period of
36 time.

37 (25) "First-time offender" means any person who has no prior

1 convictions for a felony and is eligible for the first-time offender
2 waiver under RCW 9.94A.650.

3 (26) "Home detention" means a program of partial confinement
4 available to offenders wherein the offender is confined in a private
5 residence subject to electronic surveillance.

6 (27) "Legal financial obligation" means a sum of money that is
7 ordered by a superior court of the state of Washington for legal
8 financial obligations which may include restitution to the victim,
9 statutorily imposed crime victims' compensation fees as assessed
10 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
11 court-appointed attorneys' fees, and costs of defense, fines, and any
12 other financial obligation that is assessed to the offender as a result
13 of a felony conviction. Upon conviction for vehicular assault while
14 under the influence of intoxicating liquor or any drug, RCW
15 46.61.522(1)(b), or vehicular homicide while under the influence of
16 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
17 obligations may also include payment to a public agency of the expense
18 of an emergency response to the incident resulting in the conviction,
19 subject to RCW 38.52.430.

20 (28) "Most serious offense" means any of the following felonies or
21 a felony attempt to commit any of the following felonies:

22 (a) Any felony defined under any law as a class A felony or
23 criminal solicitation of or criminal conspiracy to commit a class A
24 felony;

- 25 (b) Assault in the second degree;
- 26 (c) Assault of a child in the second degree;
- 27 (d) Child molestation in the second degree;
- 28 (e) Controlled substance homicide;
- 29 (f) Extortion in the first degree;
- 30 (g) Incest when committed against a child under age fourteen;
- 31 (h) Indecent liberties;
- 32 (i) Kidnapping in the second degree;
- 33 (j) Leading organized crime;
- 34 (k) Manslaughter in the first degree;
- 35 (l) Manslaughter in the second degree;
- 36 (m) Promoting prostitution in the first degree;
- 37 (n) Rape in the third degree;
- 38 (o) Robbery in the second degree;

1 (p) Sexual exploitation;

2 (q) Vehicular assault, when caused by the operation or driving of
3 a vehicle by a person while under the influence of intoxicating liquor
4 or any drug or by the operation or driving of a vehicle in a reckless
5 manner;

6 (r) Vehicular homicide, when proximately caused by the driving of
7 any vehicle by any person while under the influence of intoxicating
8 liquor or any drug as defined by RCW 46.61.502, or by the operation of
9 any vehicle in a reckless manner;

10 (s) Any other class B felony offense with a finding of sexual
11 motivation;

12 (t) Any other felony with a deadly weapon verdict under RCW
13 9.94A.602;

14 (u) Any felony offense in effect at any time prior to December 2,
15 1993, that is comparable to a most serious offense under this
16 subsection, or any federal or out-of-state conviction for an offense
17 that under the laws of this state would be a felony classified as a
18 most serious offense under this subsection;

19 (v)(i) A prior conviction for indecent liberties under RCW
20 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
21 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
22 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
23 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

24 (ii) A prior conviction for indecent liberties under RCW
25 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
26 if: (A) The crime was committed against a child under the age of
27 fourteen; or (B) the relationship between the victim and perpetrator is
28 included in the definition of indecent liberties under RCW
29 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
30 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
31 through July 27, 1997.

32 (29) "Nonviolent offense" means an offense which is not a violent
33 offense.

34 (30) "Offender" means a person who has committed a felony
35 established by state law and is eighteen years of age or older or is
36 less than eighteen years of age but whose case is under superior court
37 jurisdiction under RCW 13.04.030 or has been transferred by the

1 appropriate juvenile court to a criminal court pursuant to RCW
2 13.40.110. Throughout this chapter, the terms "offender" and
3 "defendant" are used interchangeably.

4 (31) "Partial confinement" means confinement for no more than one
5 year in a facility or institution operated or utilized under contract
6 by the state or any other unit of government, or, if home detention or
7 work crew has been ordered by the court, in an approved residence, for
8 a substantial portion of each day with the balance of the day spent in
9 the community. Partial confinement includes work release, home
10 detention, work crew, and a combination of work crew and home
11 detention.

12 (32) "Persistent offender" is an offender who:

13 (a)(i) Has been convicted in this state of any felony considered a
14 most serious offense; and

15 (ii) Has, before the commission of the offense under (a) of this
16 subsection, been convicted as an offender on at least two separate
17 occasions, whether in this state or elsewhere, of felonies that under
18 the laws of this state would be considered most serious offenses and
19 would be included in the offender score under RCW 9.94A.525; provided
20 that of the two or more previous convictions, at least one conviction
21 must have occurred before the commission of any of the other most
22 serious offenses for which the offender was previously convicted; or

23 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
24 of a child in the first degree, child molestation in the first degree,
25 rape in the second degree, rape of a child in the second degree, or
26 indecent liberties by forcible compulsion; (B) any of the following
27 offenses with a finding of sexual motivation: Murder in the first
28 degree, murder in the second degree, homicide by abuse, kidnapping in
29 the first degree, kidnapping in the second degree, assault in the first
30 degree, assault in the second degree, assault of a child in the first
31 degree, or burglary in the first degree; or (C) an attempt to commit
32 any crime listed in this subsection (32)(b)(i); and

33 (ii) Has, before the commission of the offense under (b)(i) of this
34 subsection, been convicted as an offender on at least one occasion,
35 whether in this state or elsewhere, of an offense listed in (b)(i) of
36 this subsection or any federal or out-of-state offense or offense under
37 prior Washington law that is comparable to the offenses listed in
38 (b)(i) of this subsection. A conviction for rape of a child in the

1 first degree constitutes a conviction under (b)(i) of this subsection
2 only when the offender was sixteen years of age or older when the
3 offender committed the offense. A conviction for rape of a child in
4 the second degree constitutes a conviction under (b)(i) of this
5 subsection only when the offender was eighteen years of age or older
6 when the offender committed the offense.

7 (33) "Postrelease supervision" is that portion of an offender's
8 community placement that is not community custody.

9 (34) "Restitution" means a specific sum of money ordered by the
10 sentencing court to be paid by the offender to the court over a
11 specified period of time as payment of damages. The sum may include
12 both public and private costs.

13 (35) "Risk assessment" means the application of an objective
14 instrument supported by research and adopted by the department for the
15 purpose of assessing an offender's risk of reoffense, taking into
16 consideration the nature of the harm done by the offender, place and
17 circumstances of the offender related to risk, the offender's
18 relationship to any victim, and any information provided to the
19 department by victims. The results of a risk assessment shall not be
20 based on unconfirmed or unconfirmable allegations.

21 (36) "Serious traffic offense" means:

22 (a) Driving while under the influence of intoxicating liquor or any
23 drug (RCW 46.61.502), actual physical control while under the influence
24 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
25 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
26 or

27 (b) Any federal, out-of-state, county, or municipal conviction for
28 an offense that under the laws of this state would be classified as a
29 serious traffic offense under (a) of this subsection.

30 (37) "Serious violent offense" is a subcategory of violent offense
31 and means:

32 (a)(i) Murder in the first degree;

33 (ii) Homicide by abuse;

34 (iii) Murder in the second degree;

35 (iv) Manslaughter in the first degree;

36 (v) Assault in the first degree;

37 (vi) Kidnapping in the first degree;

38 (vii) Rape in the first degree;

1 (viii) Assault of a child in the first degree; or
2 (ix) An attempt, criminal solicitation, or criminal conspiracy to
3 commit one of these felonies; or
4 (b) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a serious
6 violent offense under (a) of this subsection.
7 (38) "Sex offense" means:
8 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
9 RCW 9A.44.130(11);
10 (ii) A violation of RCW 9A.64.020;
11 (iii) A felony that is a violation of chapter 9.68A RCW other than
12 RCW 9.68A.070 or 9.68A.080; or
13 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
14 criminal solicitation, or criminal conspiracy to commit such crimes;
15 (b) Any conviction for a felony offense in effect at any time prior
16 to July 1, 1976, that is comparable to a felony classified as a sex
17 offense in (a) of this subsection;
18 (c) A felony with a finding of sexual motivation under RCW
19 9.94A.835 or 13.40.135; or
20 (d) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a sex
22 offense under (a) of this subsection.
23 (39) "Sexual motivation" means that one of the purposes for which
24 the defendant committed the crime was for the purpose of his or her
25 sexual gratification.
26 (40) "Standard sentence range" means the sentencing court's
27 discretionary range in imposing a nonappealable sentence.
28 (41) "Statutory maximum sentence" means the maximum length of time
29 for which an offender may be confined as punishment for a crime as
30 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
31 crime, or other statute defining the maximum penalty for a crime.
32 (42) "Total confinement" means confinement inside the physical
33 boundaries of a facility or institution operated or utilized under
34 contract by the state or any other unit of government for twenty-four
35 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.
36 (43) "Transition training" means written and verbal instructions
37 and assistance provided by the department to the offender during the
38 two weeks prior to the offender's successful completion of the work

1 ethic camp program. The transition training shall include instructions
2 in the offender's requirements and obligations during the offender's
3 period of community custody.

4 (44) "Victim" means any person who has sustained emotional,
5 psychological, physical, or financial injury to person or property as
6 a direct result of the crime charged.

7 (45) "Violent offense" means:

8 (a) Any of the following felonies:

9 (i) Any felony defined under any law as a class A felony or an
10 attempt to commit a class A felony;

11 (ii) Criminal solicitation of or criminal conspiracy to commit a
12 class A felony;

13 (iii) Manslaughter in the first degree;

14 (iv) Manslaughter in the second degree;

15 (v) Indecent liberties if committed by forcible compulsion;

16 (vi) Kidnapping in the second degree;

17 (vii) Arson in the second degree;

18 (viii) Assault in the second degree;

19 (ix) Assault of a child in the second degree;

20 (x) Extortion in the first degree;

21 (xi) Robbery in the second degree;

22 (xii) Drive-by shooting;

23 (xiii) Vehicular assault, when caused by the operation or driving
24 of a vehicle by a person while under the influence of intoxicating
25 liquor or any drug or by the operation or driving of a vehicle in a
26 reckless manner; and

27 (xiv) Vehicular homicide, when proximately caused by the driving of
28 any vehicle by any person while under the influence of intoxicating
29 liquor or any drug as defined by RCW 46.61.502, or by the operation of
30 any vehicle in a reckless manner;

31 (b) Any conviction for a felony offense in effect at any time prior
32 to July 1, 1976, that is comparable to a felony classified as a violent
33 offense in (a) of this subsection; and

34 (c) Any federal or out-of-state conviction for an offense that
35 under the laws of this state would be a felony classified as a violent
36 offense under (a) or (b) of this subsection.

37 (46) "Work crew" means a program of partial confinement consisting

1 of civic improvement tasks for the benefit of the community that
2 complies with RCW 9.94A.725.

3 (47) "Work ethic camp" means an alternative incarceration program
4 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
5 the cost of corrections by requiring offenders to complete a
6 comprehensive array of real-world job and vocational experiences,
7 character-building work ethics training, life management skills
8 development, substance abuse rehabilitation, counseling, literacy
9 training, and basic adult education.

10 (48) "Work release" means a program of partial confinement
11 available to offenders who are employed or engaged as a student in a
12 regular course of study at school.

13 **Sec. 56.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
14 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
15 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)

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

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless
11 manner (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor
17 engaged in sexually explicit
18 conduct (RCW 9.68A.050)
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Sending, bringing into state depictions
31 of minor engaged in sexually
32 explicit conduct (RCW
33 9.68A.060)
34 Unlawful Possession of a Firearm in
35 the first degree (RCW
36 9.41.040(1)((~~+~~)))

1 Use of a Machine Gun in Commission
2 of a Felony (RCW 9A.41.225)
3 Vehicular Homicide, by disregard for
4 the safety of others (RCW
5 46.61.520)
6 VI Bail Jumping with Murder 1 (RCW
7 9A.76.170(3)(a))
8 Bribery (RCW 9A.68.010)
9 Incest 1 (RCW 9A.64.020(1))
10 Intimidating a Judge (RCW
11 9A.72.160)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Malicious placement of an imitation
15 device 2 (RCW 70.74.272(1)(b))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Unlawful Storage of Ammonia (RCW
19 69.55.020)
20 V Abandonment of dependent person 1
21 (RCW 9A.42.060)
22 Advancing money or property for
23 extortionate extension of credit
24 (RCW 9A.82.030)
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 1 (RCW
29 9A.42.020)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, 26.10.220,
35 26.26.138, 26.50.110, 26.52.070,
36 or 74.34.145)
37 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit
2 (RCW 9A.82.020)
3 Extortionate Means to Collect
4 Extensions of Credit (RCW
5 9A.82.040)
6 Incest 2 (RCW 9A.64.020(2))
7 Kidnapping 2 (RCW 9A.40.030)
8 Perjury 1 (RCW 9A.72.020)
9 Persistent prison misbehavior (RCW
10 9.94.070)
11 Possession of a Stolen Firearm (RCW
12 9A.56.310)
13 Rape 3 (RCW 9A.44.060)
14 Rendering Criminal Assistance 1
15 (RCW 9A.76.070)
16 Sexual Misconduct with a Minor 1
17 (RCW 9A.44.093)
18 Sexually Violating Human Remains
19 (RCW 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 Taking Motor Vehicle Without
22 Permission 1 (RCW
23 9A.56.070(((+))))
24 IV Arson 2 (RCW 9A.48.030)
25 Assault 2 (RCW 9A.36.021)
26 Assault by Watercraft (RCW
27 79A.60.060)
28 Bribing a Witness/Bribe Received by
29 Witness (RCW 9A.72.090,
30 9A.72.100)
31 Cheating 1 (RCW 9.46.1961)
32 Commercial Bribery (RCW
33 9A.68.060)
34 Counterfeiting (RCW 9.16.035(4))
35 Endangerment with a Controlled
36 Substance (RCW 9A.42.100)
37 Escape 1 (RCW 9A.76.110)

1 Hit and Run--Injury (RCW
2 46.52.020(4)(b))
3 Hit and Run with Vessel--Injury
4 Accident (RCW 79A.60.200(3))
5 Identity Theft 1 (RCW
6 9.35.020(2)((a)))
7 Indecent Exposure to Person Under
8 Age Fourteen (subsequent sex
9 offense) (RCW 9A.88.010)
10 Influencing Outcome of Sporting
11 Event (RCW 9A.82.070)
12 ~~((Knowingly Trafficking in Stolen
13 Property (RCW 9A.82.050(2))))~~
14 Malicious Harassment (RCW
15 9A.36.080)
16 Residential Burglary (RCW
17 9A.52.025)
18 Robbery 2 (RCW 9A.56.210)
19 Theft of Livestock 1 (RCW 9A.56.080)
20 Threats to Bomb (RCW 9.61.160)
21 Trafficking in Stolen Property 1 (RCW
22 9A.82.050)
23 Use of Proceeds of Criminal
24 Profiteering (RCW 9A.82.080 (1)
25 and (2))
26 Vehicular Assault, by being under the
27 influence of intoxicating liquor or
28 any drug, or by the operation or
29 driving of a vehicle in a reckless
30 manner (RCW 46.61.522)
31 Willful Failure to Return from
32 Furlough (RCW 72.66.060)
33 III Abandonment of dependent person 2
34 (RCW 9A.42.070)
35 Assault 3 (RCW 9A.36.031)
36 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony
2 (RCW 9A.76.170(3)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for
5 Immoral Purposes (RCW
6 9.68A.090)
7 Criminal Gang Intimidation (RCW
8 9A.46.120)
9 Criminal Mistreatment 2 (RCW
10 9A.42.030)
11 Custodial Assault (RCW 9A.36.100)
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW
18 9A.76.150)
19 Malicious Injury to Railroad Property
20 (RCW 81.60.070)
21 Patronizing a Juvenile Prostitute
22 (RCW 9.68A.100)
23 Perjury 2 (RCW 9A.72.030)
24 Possession of Incendiary Device (RCW
25 9.40.120)
26 Possession of Machine Gun or Short-
27 Barreled Shotgun or Rifle (RCW
28 9.41.190)
29 Promoting Prostitution 2 (RCW
30 9A.88.080)
31 ~~((Recklessly Trafficking in Stolen
32 Property (RCW 9A.82.050(1))))~~
33 Securities Act violation (RCW
34 21.20.400)
35 Tampering with a Witness (RCW
36 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (~~RCW~~
5 ~~9A.56.080~~) section 75 of this act)
6 Trafficking in Stolen Property 2
7 (section 87 of this act)
8 Unlawful Imprisonment (RCW
9 9A.40.040)
10 Unlawful possession of firearm in the
11 second degree (RCW
12 9.41.040(~~(1)(b)~~)) (2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Health Care False Claims (RCW
25 48.80.030)
26 Identity Theft 2 (RCW
27 9.35.020(~~(2)(b)~~)) (3))
28 Improperly Obtaining Financial
29 Information (RCW 9.35.010)
30 Malicious Mischief 1 (RCW
31 9A.48.070)
32 Possession of Stolen Property 1 (RCW
33 9A.56.150)
34 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 (5)(a)
6 Trafficking in Insurance Claims (RCW
7 48.30A.015)
8 Unlawful Practice of Law (RCW
9 2.48.180)
10 Unlicensed Practice of a Profession or
11 Business (RCW 18.130.190(7))
12 I Attempting to Elude a Pursuing Police
13 Vehicle (RCW 46.61.024)
14 False Verification for Welfare (RCW
15 74.08.055)
16 Forgery (RCW 9A.60.020)
17 Malicious Mischief 2 (RCW
18 9A.48.080)
19 Possession of Stolen Property 2 (RCW
20 9A.56.160)
21 Reckless Burning 1 (RCW 9A.48.040)
22 Taking Motor Vehicle Without
23 Permission 2 (~~(RCW~~
24 ~~9A.56.070(2))~~ section 73 of this
25 act)
26 Theft 2 (RCW 9A.56.040)
27 Theft of Rental, Leased, or Lease-
28 purchased Property (valued at two
29 hundred fifty dollars or more but
30 less than one thousand five
31 hundred dollars) (RCW
32 9A.56.096(~~(4)~~) (5)(b))
33 Unlawful Issuance of Checks or Drafts
34 (RCW 9A.56.060)
35 Unlawful Trafficking in Food Stamps
36 (section 50 of this act)

1 Unlawful Use of Food Stamps (~~RCW~~
2 9.91.140(2) and (3)) section 51
3 of this act)
4 Vehicle Prowl 1 (RCW 9A.52.095)

5 **Sec. 57.** RCW 9.94A.518 and 2002 c 290 s 9 are each amended to read
6 as follows:

7 TABLE 4
8 DRUG OFFENSES
9 INCLUDED WITHIN EACH
10 SERIOUSNESS LEVEL
11 III Any felony offense under chapter
12 69.50 RCW with a deadly weapon
13 special verdict under RCW
14 9.94A.602
15 Controlled Substance Homicide (RCW
16 69.50.415)
17 Delivery of imitation controlled
18 substance by person eighteen or
19 over to person under eighteen
20 (RCW 69.52.030(2))
21 Involving a minor in drug dealing
22 (~~RCW 69.50.401(f)~~) section 336
23 of this act)
24 Manufacture of methamphetamine
25 (RCW 69.50.401(~~(a)(1)(ii)~~))
26 (2)(b))
27 Over 18 and deliver heroin,
28 methamphetamine, a narcotic
29 from Schedule I or II, or
30 flunitrazepam from Schedule IV
31 to someone under 18 (RCW
32 69.50.406)

1 Over 18 and deliver narcotic from
2 Schedule III, IV, or V or a
3 nonnarcotic, except flunitrazepam
4 or methamphetamine, from
5 Schedule I-V to someone under 18
6 and 3 years junior (RCW
7 69.50.406)

8 Possession of Ephedrine,
9 Pseudoephedrine, or Anhydrous
10 Ammonia with intent to
11 manufacture methamphetamine
12 (RCW 69.50.440)

13 Selling for profit (controlled or
14 counterfeit) any controlled
15 substance (RCW 69.50.410)

16 II Create, deliver, or possess a counterfeit
17 controlled substance (~~(RCW~~
18 ~~69.50.401(b))~~ section 332 of this
19 act)

20 Deliver or possess with intent to
21 deliver methamphetamine (RCW
22 69.50.401(~~((a)(1)(ii))~~) (2)(b))

23 Delivery of a material in lieu of a
24 controlled substance (~~(RCW~~
25 ~~69.50.401(e))~~ section 333 of this
26 act)

27 Maintaining a Dwelling or Place for
28 Controlled Substances (RCW
29 69.50.402(~~((a)(6))~~) (1)(f))

30 Manufacture, deliver, or possess with
31 intent to deliver amphetamine
32 (RCW 69.50.401(~~((a)(1)(ii))~~)
33 (2)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II or flunitrazepam
4 from Schedule IV (RCW
5 69.50.401(~~((a)(1)(i))~~) (2)(a))
6 Manufacture, deliver, or possess with
7 intent to deliver narcotics from
8 Schedule III, IV, or V or
9 nonnarcotics from Schedule I-V
10 (except marijuana, amphetamine,
11 methamphetamines, or
12 flunitrazepam) (RCW
13 69.50.401(~~((a)(1)(iii) through~~
14 ~~(v))~~) (2)(c) through (e))
15 Manufacture, distribute, or possess
16 with intent to distribute an
17 imitation controlled substance
18 (RCW 69.52.030(1))
19 I Forged Prescription (RCW 69.41.020)
20 Forged Prescription for a Controlled
21 Substance (RCW 69.50.403)
22 Manufacture, deliver, or possess with
23 intent to deliver marijuana (RCW
24 69.50.401(~~((a)(1)(iii))~~) (2)(c))
25 Possess Controlled Substance that is a
26 Narcotic from Schedule III, IV, or
27 V or Nonnarcotic from Schedule
28 I-V (~~(RCW 69.50.401(d))~~)
29 section 334 of this act)
30 Possession of Controlled Substance
31 that is either heroin or narcotics
32 from Schedule I or II (~~(RCW~~
33 ~~69.50.401(d))~~) section 334 of this
34 act)
35 Unlawful Use of Building for Drug
36 Purposes (RCW 69.53.010)

1 **Sec. 58.** RCW 9.94A.533 and 2002 c 290 s 11 are each amended to
2 read as follows:

3 (1) The provisions of this section apply to the standard sentence
4 ranges determined by RCW 9.94A.510 or 9.94A.517.

5 (2) For persons convicted of the anticipatory offenses of criminal
6 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
7 standard sentence range is determined by locating the sentencing grid
8 sentence range defined by the appropriate offender score and the
9 seriousness level of the completed crime, and multiplying the range by
10 seventy-five percent.

11 (3) The following additional times shall be added to the standard
12 sentence range for felony crimes committed after July 23, 1995, if the
13 offender or an accomplice was armed with a firearm as defined in RCW
14 9.41.010 and the offender is being sentenced for one of the crimes
15 listed in this subsection as eligible for any firearm enhancements
16 based on the classification of the completed felony crime. If the
17 offender is being sentenced for more than one offense, the firearm
18 enhancement or enhancements must be added to the total period of
19 confinement for all offenses, regardless of which underlying offense is
20 subject to a firearm enhancement. If the offender or an accomplice was
21 armed with a firearm as defined in RCW 9.41.010 and the offender is
22 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
23 commit one of the crimes listed in this subsection as eligible for any
24 firearm enhancements, the following additional times shall be added to
25 the standard sentence range determined under subsection (2) of this
26 section based on the felony crime of conviction as classified under RCW
27 9A.28.020:

28 (a) Five years for any felony defined under any law as a class A
29 felony or with a statutory maximum sentence of at least twenty years,
30 or both, and not covered under (f) of this subsection;

31 (b) Three years for any felony defined under any law as a class B
32 felony or with a statutory maximum sentence of ten years, or both, and
33 not covered under (f) of this subsection;

34 (c) Eighteen months for any felony defined under any law as a class
35 C felony or with a statutory maximum sentence of five years, or both,
36 and not covered under (f) of this subsection;

37 (d) If the offender is being sentenced for any firearm enhancements
38 under (a), (b), and/or (c) of this subsection and the offender has

1 previously been sentenced for any deadly weapon enhancements after July
2 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
3 (4)(a), (b), and/or (c) of this section, or both, all firearm
4 enhancements under this subsection shall be twice the amount of the
5 enhancement listed;

6 (e) Notwithstanding any other provision of law, all firearm
7 enhancements under this section are mandatory, shall be served in total
8 confinement, and shall run consecutively to all other sentencing
9 provisions, including other firearm or deadly weapon enhancements, for
10 all offenses sentenced under this chapter. However, whether or not a
11 mandatory minimum term has expired, an offender serving a sentence
12 under this subsection may be granted an extraordinary medical placement
13 when authorized under RCW 9.94A.728(4);

14 (f) The firearm enhancements in this section shall apply to all
15 felony crimes except the following: Possession of a machine gun,
16 possessing a stolen firearm, drive-by shooting, theft of a firearm,
17 unlawful possession of a firearm in the first and second degree, and
18 use of a machine gun in a felony;

19 (g) If the standard sentence range under this section exceeds the
20 statutory maximum sentence for the offense, the statutory maximum
21 sentence shall be the presumptive sentence unless the offender is a
22 persistent offender. If the addition of a firearm enhancement
23 increases the sentence so that it would exceed the statutory maximum
24 for the offense, the portion of the sentence representing the
25 enhancement may not be reduced.

26 (4) The following additional times shall be added to the standard
27 sentence range for felony crimes committed after July 23, 1995, if the
28 offender or an accomplice was armed with a deadly weapon other than a
29 firearm as defined in RCW 9.41.010 and the offender is being sentenced
30 for one of the crimes listed in this subsection as eligible for any
31 deadly weapon enhancements based on the classification of the completed
32 felony crime. If the offender is being sentenced for more than one
33 offense, the deadly weapon enhancement or enhancements must be added to
34 the total period of confinement for all offenses, regardless of which
35 underlying offense is subject to a deadly weapon enhancement. If the
36 offender or an accomplice was armed with a deadly weapon other than a
37 firearm as defined in RCW 9.41.010 and the offender is being sentenced
38 for an anticipatory offense under chapter 9A.28 RCW to commit one of

1 the crimes listed in this subsection as eligible for any deadly weapon
2 enhancements, the following additional times shall be added to the
3 standard sentence range determined under subsection (2) of this section
4 based on the felony crime of conviction as classified under RCW
5 9A.28.020:

6 (a) Two years for any felony defined under any law as a class A
7 felony or with a statutory maximum sentence of at least twenty years,
8 or both, and not covered under (f) of this subsection;

9 (b) One year for any felony defined under any law as a class B
10 felony or with a statutory maximum sentence of ten years, or both, and
11 not covered under (f) of this subsection;

12 (c) Six months for any felony defined under any law as a class C
13 felony or with a statutory maximum sentence of five years, or both, and
14 not covered under (f) of this subsection;

15 (d) If the offender is being sentenced under (a), (b), and/or (c)
16 of this subsection for any deadly weapon enhancements and the offender
17 has previously been sentenced for any deadly weapon enhancements after
18 July 23, 1995, under (a), (b), and/or (c) of this subsection or
19 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
20 weapon enhancements under this subsection shall be twice the amount of
21 the enhancement listed;

22 (e) Notwithstanding any other provision of law, all deadly weapon
23 enhancements under this section are mandatory, shall be served in total
24 confinement, and shall run consecutively to all other sentencing
25 provisions, including other firearm or deadly weapon enhancements, for
26 all offenses sentenced under this chapter. However, whether or not a
27 mandatory minimum term has expired, an offender serving a sentence
28 under this subsection may be granted an extraordinary medical placement
29 when authorized under RCW 9.94A.728(4);

30 (f) The deadly weapon enhancements in this section shall apply to
31 all felony crimes except the following: Possession of a machine gun,
32 possessing a stolen firearm, drive-by shooting, theft of a firearm,
33 unlawful possession of a firearm in the first and second degree, and
34 use of a machine gun in a felony;

35 (g) If the standard sentence range under this section exceeds the
36 statutory maximum sentence for the offense, the statutory maximum
37 sentence shall be the presumptive sentence unless the offender is a
38 persistent offender. If the addition of a deadly weapon enhancement

1 increases the sentence so that it would exceed the statutory maximum
2 for the offense, the portion of the sentence representing the
3 enhancement may not be reduced.

4 (5) The following additional times shall be added to the standard
5 sentence range if the offender or an accomplice committed the offense
6 while in a county jail or state correctional facility and the offender
7 is being sentenced for one of the crimes listed in this subsection. If
8 the offender or an accomplice committed one of the crimes listed in
9 this subsection while in a county jail or state correctional facility,
10 and the offender is being sentenced for an anticipatory offense under
11 chapter 9A.28 RCW to commit one of the crimes listed in this
12 subsection, the following additional times shall be added to the
13 standard sentence range determined under subsection (2) of this
14 section:

15 (a) Eighteen months for offenses committed under RCW
16 69.50.401(~~((a)(1) (i) or (ii))~~) (2) (a) or (b) or 69.50.410;

17 (b) Fifteen months for offenses committed under RCW
18 69.50.401(~~((a)(1) (iii), (iv), and (v))~~) (2) (c), (d), or (e);

19 (c) Twelve months for offenses committed under (~~RCW 69.50.401(d)~~)
20 section 334 of this act.

21 For the purposes of this subsection, all of the real property of a
22 state correctional facility or county jail shall be deemed to be part
23 of that facility or county jail.

24 (6) An additional twenty-four months shall be added to the standard
25 sentence range for any ranked offense involving a violation of chapter
26 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
27 9.94A.605.

28 (7) An additional two years shall be added to the standard sentence
29 range for vehicular homicide committed while under the influence of
30 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
31 prior offense as defined in RCW 46.61.5055.

32 **Sec. 59.** RCW 9.94A.550 and 1984 c 209 s 23 are each amended to
33 read as follows:

34 Unless otherwise provided by a statute of this state, on all
35 sentences under this chapter the court may impose fines according to
36 the following ranges:

37 Class A felonies \$0 - 50,000

1 Class B felonies \$0 - 20,000
2 Class C felonies \$0 - 10,000

3 **Sec. 60.** RCW 9.94A.605 and 2002 c 134 s 3 are each amended to read
4 as follows:

5 In a criminal case where:

6 (1) The defendant has been convicted of (a) manufacture of a
7 controlled substance under RCW 69.50.401(~~(a)~~) relating to manufacture
8 of methamphetamine; or (b) possession of ephedrine or any of its salts
9 or isomers or salts of isomers, pseudoephedrine or any of its salts or
10 isomers or salts of isomers, pressurized ammonia gas, or pressurized
11 ammonia gas solution with intent to manufacture methamphetamine, as
12 defined in RCW 69.50.440; and

13 (2) There has been a special allegation pleaded and proven beyond
14 a reasonable doubt that the defendant committed the crime when a person
15 under the age of eighteen was present in or upon the premises of
16 manufacture;
17 the court shall make a finding of fact of the special allegation, or if
18 a jury trial is had, the jury shall, if it finds the defendant guilty,
19 also find a special verdict as to the special allegation.

20 **Sec. 61.** RCW 9.94A.610 and 1996 c 205 s 4 are each amended to read
21 as follows:

22 (1) At the earliest possible date, and in no event later than ten
23 days before release except in the event of escape or emergency
24 furloughs as defined in RCW 72.66.010, the department of corrections
25 shall send written notice of parole, community placement, work release
26 placement, furlough, or escape about a specific inmate convicted of a
27 serious drug offense to the following if such notice has been requested
28 in writing about a specific inmate convicted of a serious drug offense:

29 (a) Any witnesses who testified against the inmate in any court
30 proceedings involving the serious drug offense; and

31 (b) Any person specified in writing by the prosecuting attorney.
32 Information regarding witnesses requesting the notice, information
33 regarding any other person specified in writing by the prosecuting
34 attorney to receive the notice, and the notice are confidential and
35 shall not be available to the inmate.

1 (2) If an inmate convicted of a serious drug offense escapes from
2 a correctional facility, the department of corrections shall
3 immediately notify, by the most reasonable and expedient means
4 available, the chief of police of the city and the sheriff of the
5 county in which the inmate resided immediately before the inmate's
6 arrest and conviction. If previously requested, the department shall
7 also notify the witnesses who are entitled to notice under this
8 section. If the inmate is recaptured, the department shall send notice
9 to the persons designated in this subsection as soon as possible but in
10 no event later than two working days after the department learns of
11 such recapture.

12 (3) If any witness is under the age of sixteen, the notice required
13 by this section shall be sent to the parents or legal guardian of the
14 child.

15 (4) The department of corrections shall send the notices required
16 by this section to the last address provided to the department by the
17 requesting party. The requesting party shall furnish the department
18 with a current address.

19 (5) For purposes of this section, "serious drug offense" means an
20 offense under RCW 69.50.401(~~((a)(1)(i) or (ii))~~) (2) (a) or (b) or
21 (~~((b)(1)(i) or (ii))~~) section 332(2) (a) or (b) of this act.

22 **Sec. 62.** RCW 9.94A.734 and 2000 c 28 s 30 are each amended to read
23 as follows:

- 24 (1) Home detention may not be imposed for offenders convicted of:
25 (a) A violent offense;
26 (b) Any sex offense;
27 (c) Any drug offense;
28 (d) Reckless burning in the first or second degree as defined in
29 RCW 9A.48.040 or 9A.48.050;
30 (e) Assault in the third degree as defined in RCW 9A.36.031;
31 (f) Assault of a child in the third degree;
32 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
33 (h) Harassment as defined in RCW 9A.46.020.

34 Home detention may be imposed for offenders convicted of possession of
35 a controlled substance under (~~(RCW 69.50.401(d))~~) section 334 of this
36 act or forged prescription for a controlled substance under RCW
37 69.50.403 if the offender fulfills the participation conditions set

1 forth in this section and is monitored for drug use by a treatment
2 alternatives to street crime program or a comparable court or agency-
3 referred program.

4 (2) Home detention may be imposed for offenders convicted of
5 burglary in the second degree as defined in RCW 9A.52.030 or
6 residential burglary conditioned upon the offender:

7 (a) Successfully completing twenty-one days in a work release
8 program;

9 (b) Having no convictions for burglary in the second degree or
10 residential burglary during the preceding two years and not more than
11 two prior convictions for burglary or residential burglary;

12 (c) Having no convictions for a violent felony offense during the
13 preceding two years and not more than two prior convictions for a
14 violent felony offense;

15 (d) Having no prior charges of escape; and

16 (e) Fulfilling the other conditions of the home detention program.

17 (3) Participation in a home detention program shall be conditioned
18 upon:

19 (a) The offender obtaining or maintaining current employment or
20 attending a regular course of school study at regularly defined hours,
21 or the offender performing parental duties to offspring or minors
22 normally in the custody of the offender;

23 (b) Abiding by the rules of the home detention program; and

24 (c) Compliance with court-ordered legal financial obligations. The
25 home detention program may also be made available to offenders whose
26 charges and convictions do not otherwise disqualify them if medical or
27 health-related conditions, concerns or treatment would be better
28 addressed under the home detention program, or where the health and
29 welfare of the offender, other inmates, or staff would be jeopardized
30 by the offender's incarceration. Participation in the home detention
31 program for medical or health-related reasons is conditioned on the
32 offender abiding by the rules of the home detention program and
33 complying with court-ordered restitution.

34 **Sec. 63.** RCW 9A.20.021 and 1982 c 192 s 10 are each amended to
35 read as follows:

36 (1) Felony. Unless a different maximum sentence for a classified

1 felony is specifically established by a statute of this state, no
2 person convicted of a classified felony shall be punished by
3 confinement or fine exceeding the following:

4 (a) For a class A felony, by confinement in a state correctional
5 institution for a term of life imprisonment, or by a fine in an amount
6 fixed by the court of fifty thousand dollars, or by both such
7 confinement and fine;

8 (b) For a class B felony, by confinement in a state correctional
9 institution for a term of ten years, or by a fine in an amount fixed by
10 the court of twenty thousand dollars, or by both such confinement and
11 fine;

12 (c) For a class C felony, by confinement in a state correctional
13 institution for five years, or by a fine in an amount fixed by the
14 court of ten thousand dollars, or by both such confinement and fine.

15 (2) Gross misdemeanor. Every person convicted of a gross
16 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
17 in the county jail for a maximum term fixed by the court of not more
18 than one year, or by a fine in an amount fixed by the court of not more
19 than five thousand dollars, or by both such imprisonment and fine.

20 (3) Misdemeanor. Every person convicted of a misdemeanor defined
21 in Title 9A RCW shall be punished by imprisonment in the county jail
22 for a maximum term fixed by the court of not more than ninety days, or
23 by a fine in an amount fixed by the court of not more than one thousand
24 dollars, or by both such imprisonment and fine.

25 (4) This section applies to only those crimes committed on or after
26 July 1, 1984.

27 **Sec. 64.** RCW 9A.36.021 and 2001 2nd sp.s. c 12 s 355 are each
28 amended to read as follows:

29 (1) A person is guilty of assault in the second degree if he or
30 she, under circumstances not amounting to assault in the first degree:

31 (a) Intentionally assaults another and thereby recklessly inflicts
32 substantial bodily harm; or

33 (b) Intentionally and unlawfully causes substantial bodily harm to
34 an unborn quick child by intentionally and unlawfully inflicting any
35 injury upon the mother of such child; or

36 (c) Assaults another with a deadly weapon; or

1 (d) With intent to inflict bodily harm, administers to or causes to
2 be taken by another, poison or any other destructive or noxious
3 substance; or

4 (e) With intent to commit a felony, assaults another; or

5 (f) Knowingly inflicts bodily harm which by design causes such pain
6 or agony as to be the equivalent of that produced by torture.

7 (2)(a) Except as provided in (b) of this subsection, assault in the
8 second degree is a class B felony(~~(, except that)~~).

9 (b) Assault in the second degree with a finding of sexual
10 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

11 **Sec. 65.** RCW 9A.40.030 and 2001 2nd sp.s. c 12 s 356 are each
12 amended to read as follows:

13 (1) A person is guilty of kidnapping in the second degree if he or
14 she intentionally abducts another person under circumstances not
15 amounting to kidnapping in the first degree.

16 (2) In any prosecution for kidnapping in the second degree, it is
17 a defense if established by the defendant by a preponderance of the
18 evidence that (a) the abduction does not include the use of or intent
19 to use or threat to use deadly force, and (b) the actor is a relative
20 of the person abducted, and (c) the actor's sole intent is to assume
21 custody of that person. Nothing contained in this paragraph shall
22 constitute a defense to a prosecution for, or preclude a conviction of,
23 any other crime.

24 (3)(a) Except as provided in (b) of this subsection, kidnapping in
25 the second degree is a class B felony(~~(, except that)~~).

26 (b) Kidnapping in the second degree with a finding of sexual
27 motivation under RCW 9.94A.835 or 13.40.135 is a class A felony.

28 **Sec. 66.** RCW 9A.40.070 and 1989 c 318 s 2 are each amended to read
29 as follows:

30 (1) A relative of a person is guilty of custodial interference in
31 the second degree if, with the intent to deny access to such person by
32 a parent, guardian, institution, agency, or other person having a
33 lawful right to physical custody of such person, the relative takes,
34 entices, retains, detains, or conceals the person from a parent,
35 guardian, institution, agency, or other person having a lawful right to

1 physical custody of such person. This subsection shall not apply to a
2 parent's noncompliance with a court-ordered parenting plan.

3 (2) A parent of a child is guilty of custodial interference in the
4 second degree if: (a) The parent takes, entices, retains, detains, or
5 conceals the child, with the intent to deny access, from the other
6 parent having the lawful right to time with the child pursuant to a
7 court-ordered parenting plan; or (b) the parent has not complied with
8 the residential provisions of a court-ordered parenting plan after a
9 finding of contempt under RCW 26.09.160(3); or (c) if the court finds
10 that the parent has engaged in a pattern of willful violations of the
11 court-ordered residential provisions.

12 (3) Nothing in subsection (2)(b) of this (~~subsection~~) section
13 prohibits conviction of custodial interference in the second degree
14 under subsection (2)(a) or (c) of this (~~subsection~~) section in
15 absence of findings of contempt.

16 (4)(a) The first conviction of custodial interference in the second
17 degree is a gross misdemeanor.

18 (b) The second or subsequent conviction of custodial interference
19 in the second degree is a class C felony.

20 **Sec. 67.** RCW 9A.44.100 and 2001 2nd sp.s. c 12 s 359 are each
21 amended to read as follows:

22 (1) A person is guilty of indecent liberties when he or she
23 knowingly causes another person who is not his or her spouse to have
24 sexual contact with him or her or another:

25 (a) By forcible compulsion;

26 (b) When the other person is incapable of consent by reason of
27 being mentally defective, mentally incapacitated, or physically
28 helpless;

29 (c) When the victim is developmentally disabled and the perpetrator
30 is a person who is not married to the victim and who has supervisory
31 authority over the victim;

32 (d) When the perpetrator is a health care provider, the victim is
33 a client or patient, and the sexual contact occurs during a treatment
34 session, consultation, interview, or examination. It is an affirmative
35 defense that the defendant must prove by a preponderance of the
36 evidence that the client or patient consented to the sexual contact

1 with the knowledge that the sexual contact was not for the purpose of
2 treatment;

3 (e) When the victim is a resident of a facility for mentally
4 disordered or chemically dependent persons and the perpetrator is a
5 person who is not married to the victim and has supervisory authority
6 over the victim; or

7 (f) When the victim is a frail elder or vulnerable adult and the
8 perpetrator is a person who is not married to the victim and who has a
9 significant relationship with the victim.

10 (2)(a) Except as provided in (b) of this subsection, indecent
11 liberties is a class B felony(~~(, except that)~~).

12 (b) Indecent liberties by forcible compulsion is a class A felony.

13 **Sec. 68.** RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read
14 as follows:

15 (1) Any adult or juvenile residing whether or not the person has a
16 fixed residence, or who is a student, is employed, or carries on a
17 vocation in this state who has been found to have committed or has been
18 convicted of any sex offense or kidnapping offense, or who has been
19 found not guilty by reason of insanity under chapter 10.77 RCW of
20 committing any sex offense or kidnapping offense, shall register with
21 the county sheriff for the county of the person's residence, or if the
22 person is not a resident of Washington, the county of the person's
23 school, or place of employment or vocation, or as otherwise specified
24 in this section. Where a person required to register under this
25 section is in custody of the state department of corrections, the state
26 department of social and health services, a local division of youth
27 services, or a local jail or juvenile detention facility as a result of
28 a sex offense or kidnapping offense, the person shall also register at
29 the time of release from custody with an official designated by the
30 agency that has jurisdiction over the person. In addition, any such
31 adult or juvenile who is admitted to a public or private institution of
32 higher education shall, within ten days of enrolling or by the first
33 business day after arriving at the institution, whichever is earlier,
34 notify the sheriff for the county of the person's residence of the
35 person's intent to attend the institution. Persons required to
36 register under this section who are enrolled in a public or private
37 institution of higher education on June 11, 1998, must notify the

1 county sheriff immediately. The sheriff shall notify the institution's
2 department of public safety and shall provide that department with the
3 same information provided to a county sheriff under subsection (3) of
4 this section.

5 (2) This section may not be construed to confer any powers pursuant
6 to RCW 4.24.500 upon the public safety department of any public or
7 private institution of higher education.

8 (3)(a) The person shall provide the following information when
9 registering: (i) Name; (ii) address; (iii) date and place of birth;
10 (iv) place of employment; (v) crime for which convicted; (vi) date and
11 place of conviction; (vii) aliases used; (viii) social security number;
12 (ix) photograph; and (x) fingerprints.

13 (b) Any person who lacks a fixed residence shall provide the
14 following information when registering: (i) Name; (ii) date and place
15 of birth; (iii) place of employment; (iv) crime for which convicted;
16 (v) date and place of conviction; (vi) aliases used; (vii) social
17 security number; (viii) photograph; (ix) fingerprints; and (x) where he
18 or she plans to stay.

19 (4)(a) Offenders shall register with the county sheriff within the
20 following deadlines. For purposes of this section the term
21 "conviction" refers to adult convictions and juvenile adjudications for
22 sex offenses or kidnapping offenses:

23 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
24 offense on, before, or after February 28, 1990, and who, on or after
25 July 28, 1991, are in custody, as a result of that offense, of the
26 state department of corrections, the state department of social and
27 health services, a local division of youth services, or a local jail or
28 juvenile detention facility, and (B) kidnapping offenders who on or
29 after July 27, 1997, are in custody of the state department of
30 corrections, the state department of social and health services, a
31 local division of youth services, or a local jail or juvenile detention
32 facility, must register at the time of release from custody with an
33 official designated by the agency that has jurisdiction over the
34 offender. The agency shall within three days forward the registration
35 information to the county sheriff for the county of the offender's
36 anticipated residence. The offender must also register within twenty-
37 four hours from the time of release with the county sheriff for the
38 county of the person's residence, or if the person is not a resident of

1 Washington, the county of the person's school, or place of employment
2 or vocation. The agency that has jurisdiction over the offender shall
3 provide notice to the offender of the duty to register. Failure to
4 register at the time of release and within twenty-four hours of release
5 constitutes a violation of this section and is punishable as provided
6 in subsection (10) of this section.

7 When the agency with jurisdiction intends to release an offender
8 with a duty to register under this section, and the agency has
9 knowledge that the offender is eligible for developmental disability
10 services from the department of social and health services, the agency
11 shall notify the division of developmental disabilities of the release.
12 Notice shall occur not more than thirty days before the offender is to
13 be released. The agency and the division shall assist the offender in
14 meeting the initial registration requirement under this section.
15 Failure to provide such assistance shall not constitute a defense for
16 any violation of this section.

17 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
18 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
19 but are under the jurisdiction of the indeterminate sentence review
20 board or under the department of correction's active supervision, as
21 defined by the department of corrections, the state department of
22 social and health services, or a local division of youth services, for
23 sex offenses committed before, on, or after February 28, 1990, must
24 register within ten days of July 28, 1991. Kidnapping offenders who,
25 on July 27, 1997, are not in custody but are under the jurisdiction of
26 the indeterminate sentence review board or under the department of
27 correction's active supervision, as defined by the department of
28 corrections, the state department of social and health services, or a
29 local division of youth services, for kidnapping offenses committed
30 before, on, or after July 27, 1997, must register within ten days of
31 July 27, 1997. A change in supervision status of a sex offender who
32 was required to register under this subsection (4)(a)(ii) as of July
33 28, 1991, or a kidnapping offender required to register as of July 27,
34 1997, shall not relieve the offender of the duty to register or to
35 reregister following a change in residence. The obligation to register
36 shall only cease pursuant to RCW 9A.44.140.

37 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
38 or after July 23, 1995, and kidnapping offenders who, on or after July

1 27, 1997, as a result of that offense are in the custody of the United
2 States bureau of prisons or other federal or military correctional
3 agency for sex offenses committed before, on, or after February 28,
4 1990, or kidnapping offenses committed on, before, or after July 27,
5 1997, must register within twenty-four hours from the time of release
6 with the county sheriff for the county of the person's residence, or if
7 the person is not a resident of Washington, the county of the person's
8 school, or place of employment or vocation. Sex offenders who, on July
9 23, 1995, are not in custody but are under the jurisdiction of the
10 United States bureau of prisons, United States courts, United States
11 parole commission, or military parole board for sex offenses committed
12 before, on, or after February 28, 1990, must register within ten days
13 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
14 in custody but are under the jurisdiction of the United States bureau
15 of prisons, United States courts, United States parole commission, or
16 military parole board for kidnapping offenses committed before, on, or
17 after July 27, 1997, must register within ten days of July 27, 1997.
18 A change in supervision status of a sex offender who was required to
19 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
20 kidnapping offender required to register as of July 27, 1997 shall not
21 relieve the offender of the duty to register or to reregister following
22 a change in residence, or if the person is not a resident of
23 Washington, the county of the person's school, or place of employment
24 or vocation. The obligation to register shall only cease pursuant to
25 RCW 9A.44.140.

26 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
27 who are convicted of a sex offense on or after July 28, 1991, for a sex
28 offense that was committed on or after February 28, 1990, and
29 kidnapping offenders who are convicted on or after July 27, 1997, for
30 a kidnapping offense that was committed on or after July 27, 1997, but
31 who are not sentenced to serve a term of confinement immediately upon
32 sentencing, shall report to the county sheriff to register immediately
33 upon completion of being sentenced.

34 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
35 RESIDENTS. Sex offenders and kidnapping offenders who move to
36 Washington state from another state or a foreign country that are not
37 under the jurisdiction of the state department of corrections, the
38 indeterminate sentence review board, or the state department of social

1 and health services at the time of moving to Washington, must register
2 within thirty days of establishing residence or reestablishing
3 residence if the person is a former Washington resident. The duty to
4 register under this subsection applies to sex offenders convicted under
5 the laws of another state or a foreign country, federal or military
6 statutes, or Washington state for offenses committed on or after
7 February 28, 1990, and to kidnapping offenders convicted under the laws
8 of another state or a foreign country, federal or military statutes, or
9 Washington state for offenses committed on or after July 27, 1997. Sex
10 offenders and kidnapping offenders from other states or a foreign
11 country who, when they move to Washington, are under the jurisdiction
12 of the department of corrections, the indeterminate sentence review
13 board, or the department of social and health services must register
14 within twenty-four hours of moving to Washington. The agency that has
15 jurisdiction over the offender shall notify the offender of the
16 registration requirements before the offender moves to Washington.

17 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
18 or juvenile who has been found not guilty by reason of insanity under
19 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
20 February 28, 1990, and who, on or after July 23, 1995, is in custody,
21 as a result of that finding, of the state department of social and
22 health services, or (B) committing a kidnapping offense on, before, or
23 after July 27, 1997, and who on or after July 27, 1997, is in custody,
24 as a result of that finding, of the state department of social and
25 health services, must register within twenty-four hours from the time
26 of release with the county sheriff for the county of the person's
27 residence. The state department of social and health services shall
28 provide notice to the adult or juvenile in its custody of the duty to
29 register. Any adult or juvenile who has been found not guilty by
30 reason of insanity of committing a sex offense on, before, or after
31 February 28, 1990, but who was released before July 23, 1995, or any
32 adult or juvenile who has been found not guilty by reason of insanity
33 of committing a kidnapping offense but who was released before July 27,
34 1997, shall be required to register within twenty-four hours of
35 receiving notice of this registration requirement. The state
36 department of social and health services shall make reasonable attempts
37 within available resources to notify sex offenders who were released
38 before July 23, 1995, and kidnapping offenders who were released before

1 July 27, 1997. Failure to register within twenty-four hours of
2 release, or of receiving notice, constitutes a violation of this
3 section and is punishable as provided in subsection (10) of this
4 section.

5 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
6 a fixed residence and leaves the county in which he or she is
7 registered and enters and remains within a new county for twenty-four
8 hours is required to register with the county sheriff not more than
9 twenty-four hours after entering the county and provide the information
10 required in subsection (3)(b) of this section.

11 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
12 SUPERVISION. Offenders who lack a fixed residence and who are under
13 the supervision of the department shall register in the county of their
14 supervision.

15 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
16 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
17 who move to another state, or who work, carry on a vocation, or attend
18 school in another state shall register a new address, fingerprints, and
19 photograph with the new state within ten days after establishing
20 residence, or after beginning to work, carry on a vocation, or attend
21 school in the new state. The person must also send written notice
22 within ten days of moving to the new state or to a foreign country to
23 the county sheriff with whom the person last registered in Washington
24 state. The county sheriff shall promptly forward this information to
25 the Washington state patrol.

26 (b) Failure to register within the time required under this section
27 constitutes a per se violation of this section and is punishable as
28 provided in subsection (10) of this section. The county sheriff shall
29 not be required to determine whether the person is living within the
30 county.

31 (c) An arrest on charges of failure to register, service of an
32 information, or a complaint for a violation of this section, or
33 arraignment on charges for a violation of this section, constitutes
34 actual notice of the duty to register. Any person charged with the
35 crime of failure to register under this section who asserts as a
36 defense the lack of notice of the duty to register shall register
37 immediately following actual notice of the duty through arrest,
38 service, or arraignment. Failure to register as required under this

1 subsection (4)(c) constitutes grounds for filing another charge of
2 failing to register. Registering following arrest, service, or
3 arraignment on charges shall not relieve the offender from criminal
4 liability for failure to register prior to the filing of the original
5 charge.

6 (d) The deadlines for the duty to register under this section do
7 not relieve any sex offender of the duty to register under this section
8 as it existed prior to July 28, 1991.

9 (5)(a) If any person required to register pursuant to this section
10 changes his or her residence address within the same county, the person
11 must send written notice of the change of address to the county sheriff
12 within seventy-two hours of moving. If any person required to register
13 pursuant to this section moves to a new county, the person must send
14 written notice of the change of address at least fourteen days before
15 moving to the county sheriff in the new county of residence and must
16 register with that county sheriff within twenty-four hours of moving.
17 The person must also send written notice within ten days of the change
18 of address in the new county to the county sheriff with whom the person
19 last registered. The county sheriff with whom the person last
20 registered shall promptly forward the information concerning the change
21 of address to the county sheriff for the county of the person's new
22 residence. Upon receipt of notice of change of address to a new state,
23 the county sheriff shall promptly forward the information regarding the
24 change of address to the agency designated by the new state as the
25 state's offender registration agency.

26 (b) It is an affirmative defense to a charge that the person failed
27 to send a notice at least fourteen days in advance of moving as
28 required under (a) of this subsection that the person did not know the
29 location of his or her new residence at least fourteen days before
30 moving. The defendant must establish the defense by a preponderance of
31 the evidence and, to prevail on the defense, must also prove by a
32 preponderance that the defendant sent the required notice within
33 twenty-four hours of determining the new address.

34 (6)(a) Any person required to register under this section who lacks
35 a fixed residence shall provide written notice to the sheriff of the
36 county where he or she last registered within forty-eight hours
37 excluding weekends and holidays after ceasing to have a fixed
38 residence. The notice shall include the information required by

1 subsection (3)(b) of this section, except the photograph and
2 fingerprints. The county sheriff may, for reasonable cause, require
3 the offender to provide a photograph and fingerprints. The sheriff
4 shall forward this information to the sheriff of the county in which
5 the person intends to reside, if the person intends to reside in
6 another county.

7 (b) A person who lacks a fixed residence must report weekly, in
8 person, to the sheriff of the county where he or she is registered.
9 The weekly report shall be on a day specified by the county sheriff's
10 office, and shall occur during normal business hours. The county
11 sheriff's office may require the person to list the locations where the
12 person has stayed during the last seven days. The lack of a fixed
13 residence is a factor that may be considered in determining an
14 offender's risk level and shall make the offender subject to disclosure
15 of information to the public at large pursuant to RCW 4.24.550.

16 (c) If any person required to register pursuant to this section
17 does not have a fixed residence, it is an affirmative defense to the
18 charge of failure to register, that he or she provided written notice
19 to the sheriff of the county where he or she last registered within
20 forty-eight hours excluding weekends and holidays after ceasing to have
21 a fixed residence and has subsequently complied with the requirements
22 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
23 prevail, the person must prove the defense by a preponderance of the
24 evidence.

25 (7) A sex offender subject to registration requirements under this
26 section who applies to change his or her name under RCW 4.24.130 or any
27 other law shall submit a copy of the application to the county sheriff
28 of the county of the person's residence and to the state patrol not
29 fewer than five days before the entry of an order granting the name
30 change. No sex offender under the requirement to register under this
31 section at the time of application shall be granted an order changing
32 his or her name if the court finds that doing so will interfere with
33 legitimate law enforcement interests, except that no order shall be
34 denied when the name change is requested for religious or legitimate
35 cultural reasons or in recognition of marriage or dissolution of
36 marriage. A sex offender under the requirement to register under this
37 section who receives an order changing his or her name shall submit a

1 copy of the order to the county sheriff of the county of the person's
2 residence and to the state patrol within five days of the entry of the
3 order.

4 (8) The county sheriff shall obtain a photograph of the individual
5 and shall obtain a copy of the individual's fingerprints.

6 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
7 70.48.470, and 72.09.330:

8 (a) "Sex offense" means:

9 (i) Any offense defined as a sex offense by RCW 9.94A.030;

10 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
11 minor in the second degree);

12 (iii) Any violation under RCW 9.68A.090 (communication with a minor
13 for immoral purposes);

14 (iv) Any federal or out-of-state conviction for an offense that
15 under the laws of this state would be classified as a sex offense under
16 this subsection; and

17 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
18 criminal attempt, criminal solicitation, or criminal conspiracy to
19 commit an offense that is classified as a sex offense under RCW
20 9.94A.030 or this subsection.

21 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
22 the first degree, kidnapping in the second degree, and unlawful
23 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
24 minor and the offender is not the minor's parent; (ii) any offense that
25 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
26 or criminal conspiracy to commit an offense that is classified as a
27 kidnapping offense under this subsection (9)(b); and (iii) any federal
28 or out-of-state conviction for an offense that under the laws of this
29 state would be classified as a kidnapping offense under this subsection
30 (9)(b).

31 (c) "Employed" or "carries on a vocation" means employment that is
32 full-time or part-time for a period of time exceeding fourteen days, or
33 for an aggregate period of time exceeding thirty days during any
34 calendar year. A person is employed or carries on a vocation whether
35 the person's employment is financially compensated, volunteered, or for
36 the purpose of government or educational benefit.

37 (d) "Student" means a person who is enrolled, on a full-time or

1 part-time basis, in any public or private educational institution. An
2 educational institution includes any secondary school, trade or
3 professional institution, or institution of higher education.

4 (10)(a) A person who knowingly fails to register with the county
5 sheriff or notify the county sheriff, or who changes his or her name
6 without notifying the county sheriff and the state patrol, as required
7 by this section is guilty of a class C felony if the crime for which
8 the individual was convicted was a felony sex offense as defined in
9 subsection (9)(a) of this section or a federal or out-of-state
10 conviction for an offense that under the laws of this state would be a
11 felony sex offense as defined in subsection (9)(a) of this section.

12 (b) If the crime for which the individual was convicted was other
13 than a felony or a federal or out-of-state conviction for an offense
14 that under the laws of this state would be other than a felony,
15 violation of this section is a gross misdemeanor.

16 (11)(a) A person who knowingly fails to register or who moves
17 within the state without notifying the county sheriff as required by
18 this section is guilty of a class C felony if the crime for which the
19 individual was convicted was a felony kidnapping offense as defined in
20 subsection (9)(b) of this section or a federal or out-of-state
21 conviction for an offense that under the laws of this state would be a
22 felony kidnapping offense as defined in subsection (9)(b) of this
23 section.

24 (b) If the crime for which the individual was convicted was other
25 than a felony or a federal or out-of-state conviction for an offense
26 that under the laws of this state would be other than a felony,
27 violation of this section is a gross misdemeanor.

28 **Sec. 69.** RCW 9A.46.020 and 1999 c 27 s 2 are each amended to read
29 as follows:

30 (1) A person is guilty of harassment if:

31 (a) Without lawful authority, the person knowingly threatens:

32 (i) To cause bodily injury immediately or in the future to the
33 person threatened or to any other person; or

34 (ii) To cause physical damage to the property of a person other
35 than the actor; or

36 (iii) To subject the person threatened or any other person to
37 physical confinement or restraint; or

1 (iv) Maliciously to do any other act which is intended to
2 substantially harm the person threatened or another with respect to his
3 or her physical or mental health or safety; and

4 (b) The person by words or conduct places the person threatened in
5 reasonable fear that the threat will be carried out. "Words or
6 conduct" includes, in addition to any other form of communication or
7 conduct, the sending of an electronic communication.

8 ~~(2)(a) Except as provided in (b) of this subsection, a person who~~
9 ~~harasses another is guilty of a gross misdemeanor ((punishable under~~
10 ~~chapter 9A.20 RCW, except that the person)).~~

11 (b) A person who harasses another is guilty of a class C felony if
12 either of the following applies: ~~((+a+))~~ (i) The person has previously
13 been convicted in this or any other state of any crime of harassment,
14 as defined in RCW 9A.46.060, of the same victim or members of the
15 victim's family or household or any person specifically named in a no-
16 contact or no-harassment order; or ~~((+b+))~~ (ii) the person harasses
17 another person under subsection (1)(a)(i) of this section by
18 threatening to kill the person threatened or any other person.

19 (3) The penalties provided in this section for harassment do not
20 preclude the victim from seeking any other remedy otherwise available
21 under law.

22 **Sec. 70.** RCW 9A.46.110 and 1999 c 143 s 35 and 1999 c 27 s 3 are
23 each reenacted and amended to read as follows:

24 (1) A person commits the crime of stalking if, without lawful
25 authority and under circumstances not amounting to a felony attempt of
26 another crime:

27 (a) He or she intentionally and repeatedly harasses or repeatedly
28 follows another person; and

29 (b) The person being harassed or followed is placed in fear that
30 the stalker intends to injure the person, another person, or property
31 of the person or of another person. The feeling of fear must be one
32 that a reasonable person in the same situation would experience under
33 all the circumstances; and

34 (c) The stalker either:

35 (i) Intends to frighten, intimidate, or harass the person; or

36 (ii) Knows or reasonably should know that the person is afraid,

1 intimidated, or harassed even if the stalker did not intend to place
2 the person in fear or intimidate or harass the person.

3 (2)(a) It is not a defense to the crime of stalking under
4 subsection (1)(c)(i) of this section that the stalker was not given
5 actual notice that the person did not want the stalker to contact or
6 follow the person; and

7 (b) It is not a defense to the crime of stalking under subsection
8 (1)(c)(ii) of this section that the stalker did not intend to frighten,
9 intimidate, or harass the person.

10 (3) It shall be a defense to the crime of stalking that the
11 defendant is a licensed private investigator acting within the capacity
12 of his or her license as provided by chapter 18.165 RCW.

13 (4) Attempts to contact or follow the person after being given
14 actual notice that the person does not want to be contacted or followed
15 constitutes prima facie evidence that the stalker intends to intimidate
16 or harass the person. "Contact" includes, in addition to any other
17 form of contact or communication, the sending of an electronic
18 communication to the person.

19 (5)(a) Except as provided in (b) of this subsection, a person who
20 stalks another person is guilty of a gross misdemeanor (~~except that~~
21 ~~the person~~)).

22 (b) A person who stalks another is guilty of a class C felony if
23 any of the following applies: ((+a)) (i) The stalker has previously
24 been convicted in this state or any other state of any crime of
25 harassment, as defined in RCW 9A.46.060, of the same victim or members
26 of the victim's family or household or any person specifically named in
27 a protective order; ((+b)) (ii) the stalking violates any protective
28 order protecting the person being stalked; ((+c)) (iii) the stalker
29 has previously been convicted of a gross misdemeanor or felony stalking
30 offense under this section for stalking another person; ((+d)) (iv)
31 the stalker was armed with a deadly weapon, as defined in RCW
32 9.94A.602, while stalking the person; ((+e)) (v) the stalker's victim
33 is or was a law enforcement officer, judge, juror, attorney, victim
34 advocate, legislator, or community correction's officer, and the
35 stalker stalked the victim to retaliate against the victim for an act
36 the victim performed during the course of official duties or to
37 influence the victim's performance of official duties; or ((+f)) (vi)
38 the stalker's victim is a current, former, or prospective witness in an

1 adjudicative proceeding, and the stalker stalked the victim to
2 retaliate against the victim as a result of the victim's testimony or
3 potential testimony.

4 (6) As used in this section:

5 (a) "Follows" means deliberately maintaining visual or physical
6 proximity to a specific person over a period of time. A finding that
7 the alleged stalker repeatedly and deliberately appears at the person's
8 home, school, place of employment, business, or any other location to
9 maintain visual or physical proximity to the person is sufficient to
10 find that the alleged stalker follows the person. It is not necessary
11 to establish that the alleged stalker follows the person while in
12 transit from one location to another.

13 (b) "Harasses" means unlawful harassment as defined in RCW
14 10.14.020.

15 (c) "Protective order" means any temporary or permanent court order
16 prohibiting or limiting violence against, harassment of, contact or
17 communication with, or physical proximity to another person.

18 (d) "Repeatedly" means on two or more separate occasions.

19 **Sec. 71.** RCW 9A.48.090 and 1996 c 35 s 1 are each amended to read
20 as follows:

21 (1) A person is guilty of malicious mischief in the third degree if
22 he or she:

23 (a) Knowingly and maliciously causes physical damage to the
24 property of another, under circumstances not amounting to malicious
25 mischief in the first or second degree; or

26 (b) Writes, paints, or draws any inscription, figure, or mark of
27 any type on any public or private building or other structure or any
28 real or personal property owned by any other person unless the person
29 has obtained the express permission of the owner or operator of the
30 property, under circumstances not amounting to malicious mischief in
31 the first or second degree.

32 (2)(a) Malicious mischief in the third degree under subsection
33 (1)(a) of this section is a gross misdemeanor if the damage to the
34 property is in an amount exceeding fifty dollars(~~(; otherwise, it is a~~
35 ~~misdemeanor)~~)).

36 (b) Malicious mischief in the third degree under subsection (1)(a)

1 of this section is a misdemeanor if the damage to the property is fifty
2 dollars or less.

3 (c) Malicious mischief in the third degree under subsection (1)(b)
4 of this section is a gross misdemeanor.

5 **Sec. 72.** RCW 9A.56.070 and 2002 c 324 s 1 are each amended to read
6 as follows:

7 (1)((+a)) A person is guilty of taking a motor vehicle without
8 permission in the first degree if he or she, without the permission of
9 the owner or person entitled to possession, intentionally takes or
10 drives away an automobile or motor vehicle, whether propelled by steam,
11 electricity, or internal combustion engine, that is the property of
12 another, and he or she:

13 ((+i)) (a) Alters the motor vehicle for the purpose of changing
14 its appearance or primary identification, including obscuring,
15 removing, or changing the manufacturer's serial number or the vehicle
16 identification number plates;

17 ((+ii)) (b) Removes, or participates in the removal of, parts from
18 the motor vehicle with the intent to sell the parts;

19 ((+iii)) (c) Exports, or attempts to export, the motor vehicle
20 across state lines or out of the United States for profit;

21 ((+iv)) (d) Intends to sell the motor vehicle; or

22 ((+v)) (e) Is engaged in a conspiracy and the central object of
23 the conspiratorial agreement is the theft of motor vehicles for sale to
24 others for profit.

25 ((+b)) (2) Taking a motor vehicle without permission in the first
26 degree is a class B felony.

27 ~~((+2)(a) A person is guilty of taking a motor vehicle without~~
28 ~~permission in the second degree if he or she, without the permission of~~
29 ~~the owner or person entitled to possession, intentionally takes or~~
30 ~~drives away any automobile or motor vehicle, whether propelled by~~
31 ~~steam, electricity, or internal combustion engine, that is the property~~
32 ~~of another, or he or she voluntarily rides in or upon the automobile or~~
33 ~~motor vehicle with knowledge of the fact that the automobile or motor~~
34 ~~vehicle was unlawfully taken.~~

35 ~~(b) Taking a motor vehicle without permission in the second degree~~
36 ~~is a class C felony.))~~

1 NEW SECTION. **Sec. 73.** A new section is added to chapter 9A.56 RCW
2 to read as follows:

3 (1) A person is guilty of taking a motor vehicle without permission
4 in the second degree if he or she, without the permission of the owner
5 or person entitled to possession, intentionally takes or drives away
6 any automobile or motor vehicle, whether propelled by steam,
7 electricity, or internal combustion engine, that is the property of
8 another, or he or she voluntarily rides in or upon the automobile or
9 motor vehicle with knowledge of the fact that the automobile or motor
10 vehicle was unlawfully taken.

11 (2) Taking a motor vehicle without permission in the second degree
12 is a class C felony.

13 **Sec. 74.** RCW 9A.56.080 and 1986 c 257 s 32 are each amended to
14 read as follows:

15 (1) Every person who, with intent to sell or exchange and to
16 deprive or defraud the lawful owner thereof, willfully takes, leads, or
17 transports away, conceals, withholds, slaughters, or otherwise
18 appropriates any horse, mule, cow, heifer, bull, steer, swine, or sheep
19 is guilty of theft of livestock in the first degree.

20 ~~((A person who commits what would otherwise be theft of
21 livestock in the first degree but without intent to sell or exchange,
22 and for the person's own use only, is guilty of theft of livestock in
23 the second degree.~~

24 ~~(3))~~ Theft of livestock in the first degree is a class B felony.

25 ~~((4) Theft of livestock in the second degree is a class C
26 felony.))~~

27 NEW SECTION. **Sec. 75.** A new section is added to chapter 9A.56 RCW
28 to read as follows:

29 (1) A person who commits what would otherwise be theft of livestock
30 in the first degree but without intent to sell or exchange, and for the
31 person's own use only, is guilty of theft of livestock in the second
32 degree.

33 (2) Theft of livestock in the second degree is a class C felony.

34 **Sec. 76.** RCW 9A.56.085 and 1989 c 131 s 1 are each amended to read
35 as follows:

1 (1) Whenever a person is convicted of a violation of RCW 9A.56.080
2 or section 75 of this act, the convicting court shall order the person
3 to pay the amount of two thousand dollars for each animal killed or
4 possessed.

5 (2) For the purpose of this section, the term "convicted" includes
6 a plea of guilty, a finding of guilt regardless of whether the
7 imposition of the sentence is deferred or any part of the penalty is
8 suspended, or the levying of a fine.

9 (3) If two or more persons are convicted of any violation of this
10 section, the amount required under this section shall be imposed upon
11 them jointly and severally.

12 (4) The fine in this section shall be imposed in addition to and
13 regardless of any penalty, including fines or costs, that is provided
14 for any violation of this section. The amount imposed by this section
15 shall be included by the court in any pronouncement of sentence and may
16 not be suspended, waived, modified, or deferred in any respect.
17 Nothing in this section may be construed to abridge or alter
18 alternative rights of action or remedies in equity or under common law
19 or statutory law, criminal or civil.

20 (5) A defaulted payment or any installment payment may be collected
21 by any means authorized by law for the enforcement of orders of the
22 court or collection of a fine or costs, including vacation of a
23 deferral of sentencing or of a suspension of sentence.

24 (6) The two thousand dollars additional penalty shall be remitted
25 by the county treasurer to the state treasurer as provided under RCW
26 10.82.070.

27 **Sec. 77.** RCW 9A.56.096 and 1997 c 346 s 1 are each amended to read
28 as follows:

29 (1) A person who, with intent to deprive the owner or owner's
30 agent, wrongfully obtains, or exerts unauthorized control over, or by
31 color or aid of deception gains control of personal property that is
32 rented or leased to the person, is guilty of theft of rental, leased,
33 or lease-purchased property.

34 (2) The finder of fact may presume intent to deprive if the finder
35 of fact finds either of the following:

36 (a) That the person who rented or leased the property failed to
37 return or make arrangements acceptable to the owner of the property or

1 the owner's agent to return the property to the owner or the owner's
2 agent within seventy-two hours after receipt of proper notice following
3 the due date of the rental, lease, or lease-purchase agreement; or

4 (b) That the renter or lessee presented identification to the owner
5 or the owner's agent that was materially false, fictitious, or not
6 current with respect to name, address, place of employment, or other
7 appropriate items.

8 (3) As used in subsection (2) of this section, "proper notice"
9 consists of a written demand by the owner or the owner's agent made
10 after the due date of the rental, lease, or lease-purchase period,
11 mailed by certified or registered mail to the renter or lessee at: (a)
12 The address the renter or lessee gave when the contract was made; or
13 (b) the renter or lessee's last known address if later furnished in
14 writing by the renter, lessee, or the agent of the renter or lessee.

15 (4) The replacement value of the property obtained must be utilized
16 in determining the amount involved in the theft of rental, leased, or
17 lease-purchased property.

18 (5)(a) Theft of rental, leased, or lease-purchased property is
19 a class B felony if the rental, leased, or lease-purchased
20 property is valued at one thousand five hundred dollars or more.

21 (b) Theft of rental, leased, or lease-purchased property is a class
22 C felony if the rental, leased, or lease-purchased property is valued
23 at two hundred fifty dollars or more but less than one thousand five
24 hundred dollars.

25 (c) Theft of rental, leased, or lease-purchased property is a gross
26 misdemeanor if the rental, leased, or lease-purchased property is
27 valued at less than two hundred fifty dollars.

28 ~~((+5))~~ (6) This section applies to rental agreements that provide
29 that the renter may return the property any time within the rental
30 period and pay only for the time the renter actually retained the
31 property, in addition to any minimum rental fee, to lease agreements,
32 and to lease-purchase agreements as defined under RCW 63.19.010. This
33 section does not apply to rental or leasing of real property under the
34 residential landlord-tenant act, chapter 59.18 RCW.

35 **Sec. 78.** RCW 9A.60.040 and 1993 c 457 s 1 are each amended to read
36 as follows:

1 (1) A person is guilty of criminal impersonation in the first
2 degree if the person:

3 (a) Assumes a false identity and does an act in his or her assumed
4 character with intent to defraud another or for any other unlawful
5 purpose; or

6 (b) Pretends to be a representative of some person or organization
7 or a public servant and does an act in his or her pretended capacity
8 with intent to defraud another or for any other unlawful purpose.

9 (2) Criminal impersonation in the first degree is a gross
10 misdemeanor.

11 ~~((3) A person is guilty of criminal impersonation in the second
12 degree if the person:~~

13 ~~(a) Claims to be a law enforcement officer or creates an impression
14 that he or she is a law enforcement officer; and~~

15 ~~(b) Under circumstances not amounting to criminal impersonation in
16 the first degree, does an act with intent to convey the impression that
17 he or she is acting in an official capacity and a reasonable person
18 would believe the person is a law enforcement officer.~~

19 ~~(4) Criminal impersonation in the second degree is a misdemeanor.))~~

20 NEW SECTION. **Sec. 79.** A new section is added to chapter 9A.60 RCW
21 to read as follows:

22 (1) A person is guilty of criminal impersonation in the second
23 degree if the person:

24 (a) Claims to be a law enforcement officer or creates an impression
25 that he or she is a law enforcement officer; and

26 (b) Under circumstances not amounting to criminal impersonation in
27 the first degree, does an act with intent to convey the impression that
28 he or she is acting in an official capacity and a reasonable person
29 would believe the person is a law enforcement officer.

30 (2) Criminal impersonation in the second degree is a misdemeanor.

31 **Sec. 80.** RCW 9A.64.020 and 1999 c 143 s 39 are each amended to
32 read as follows:

33 (1)(a) A person is guilty of incest in the first degree if he or
34 she engages in sexual intercourse with a person whom he or she knows to
35 be related to him or her, either legitimately or illegitimately, as an

1 ancestor, descendant, brother, or sister of either the whole or the
2 half blood.

3 (b) Incest in the first degree is a class B felony.

4 (2)(a) A person is guilty of incest in the second degree if he or
5 she engages in sexual contact with a person whom he or she knows to be
6 related to him or her, either legitimately or illegitimately, as an
7 ancestor, descendant, brother, or sister of either the whole or the
8 half blood.

9 (b) Incest in the second degree is a class C felony.

10 (3) As used in this section(~~(7)~~):

11 (a) "Descendant" includes stepchildren and adopted children under
12 eighteen years of age(~~(-~~

13 ~~(4) As used in this section,~~);

14 (b) "Sexual contact" has the same meaning as in RCW 9A.44.010(~~(-~~

15 ~~(5) As used in this section,~~); and

16 (c) "Sexual intercourse" has the same meaning as in RCW 9A.44.010.

17 ~~((6) Incest in the first degree is a class B felony.~~

18 ~~(7) Incest in the second degree is a class C felony.))~~

19 **Sec. 81.** RCW 9A.64.030 and 1985 c 7 s 3 are each amended to read
20 as follows:

21 (1) It is unlawful for any person to sell or purchase a minor
22 child.

23 (2) A transaction shall not be a purchase or sale under subsection
24 (1) of this section if any of the following exists:

25 (a) The transaction is between the parents of the minor child; or

26 (b) The transaction is between a person receiving or to receive the
27 child and an agency recognized under RCW 26.33.020; or

28 (c) The transaction is between the person receiving or to receive
29 the child and a state agency or other governmental agency; or

30 (d) The transaction is pursuant to chapter 26.34 RCW; or

31 (e) The transaction is pursuant to court order; or

32 (f) The only consideration paid by the person receiving or to
33 receive the child is intended to pay for the prenatal hospital or
34 medical expenses involved in the birth of the child, or attorneys' fees
35 and court costs involved in effectuating transfer of child custody.

36 (3)(a) Child selling is a class C felony (~~and~~).

37 (b) Child buying is a class C felony.

1 **Sec. 82.** RCW 9A.76.023 and 1998 c 252 s 1 are each amended to read
2 as follows:

3 (1) A person is guilty of disarming a law enforcement officer if
4 with intent to interfere with the performance of the officer's duties
5 the person knowingly removes a firearm or weapon from the person of a
6 law enforcement officer or corrections officer or deprives a law
7 enforcement officer or corrections officer of the use of a firearm or
8 weapon, when the officer is acting within the scope of the officer's
9 duties, does not consent to the removal, and the person has reasonable
10 cause to know or knows that the individual is a law enforcement or
11 corrections officer.

12 (2)(a) Except as provided in (b) of this subsection, disarming a
13 law enforcement or corrections officer is a class C felony ((unless)).

14 (b) Disarming a law enforcement or corrections officer is a class
15 B felony if the firearm involved is discharged when the person removes
16 the firearm(, in which case the offense is a class B felony)).

17 **Sec. 83.** RCW 9A.76.070 and 1982 1st ex.s. c 47 s 21 are each
18 amended to read as follows:

19 (1) A person is guilty of rendering criminal assistance in the
20 first degree if he or she renders criminal assistance to a person who
21 has committed or is being sought for murder in the first degree or any
22 class A felony or equivalent juvenile offense.

23 (2)(a) Except as provided in (b) of this subsection, rendering
24 criminal assistance in the first degree is((÷)) a class C felony.

25 ((+a)) (b) Rendering criminal assistance in the first degree is a
26 gross misdemeanor if it is established by a preponderance of the
27 evidence that the actor is a relative as defined in RCW 9A.76.060((÷
28 (b) A class C felony in all other cases)).

29 **Sec. 84.** RCW 9A.76.080 and 1982 1st ex.s. c 47 s 22 are each
30 amended to read as follows:

31 (1) A person is guilty of rendering criminal assistance in the
32 second degree if he or she renders criminal assistance to a person who
33 has committed or is being sought for a class B or class C felony or an
34 equivalent juvenile offense or to someone being sought for violation of
35 parole, probation, or community supervision.

1 (2)(a) Except as provided in (b) of this subsection, rendering
2 criminal assistance in the second degree is((+)) a gross misdemeanor.
3 ((+)) (b) Rendering criminal assistance in the second degree is
4 a misdemeanor if it is established by a preponderance of the evidence
5 that the actor is a relative as defined in RCW 9A.76.060((+
6 ~~(b) A gross misdemeanor in all other cases~~)).

7 **Sec. 85.** RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are
8 each reenacted and amended to read as follows:

9 Unless the context requires the contrary, the definitions in this
10 section apply throughout this chapter.

11 (1)(a) "Beneficial interest" means:

12 (i) The interest of a person as a beneficiary under a trust
13 established under Title 11 RCW in which the trustee for the trust holds
14 legal or record title to real property;

15 (ii) The interest of a person as a beneficiary under any other
16 trust arrangement under which a trustee holds legal or record title to
17 real property for the benefit of the beneficiary; or

18 (iii) The interest of a person under any other form of express
19 fiduciary arrangement under which one person holds legal or record
20 title to real property for the benefit of the other person.

21 (b) "Beneficial interest" does not include the interest of a
22 stockholder in a corporation or the interest of a partner in a general
23 partnership or limited partnership.

24 (c) A beneficial interest is considered to be located where the
25 real property owned by the trustee is located.

26 (2) "Control" means the possession of a sufficient interest to
27 permit substantial direction over the affairs of an enterprise.

28 (3) "Creditor" means a person making an extension of credit or a
29 person claiming by, under, or through a person making an extension of
30 credit.

31 (4) "Criminal profiteering" means any act, including any
32 anticipatory or completed offense, committed for financial gain, that
33 is chargeable or indictable under the laws of the state in which the
34 act occurred and, if the act occurred in a state other than this state,
35 would be chargeable or indictable under the laws of this state had the
36 act occurred in this state and punishable as a felony and by

1 imprisonment for more than one year, regardless of whether the act is
2 charged or indicted, as any of the following:

- 3 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
- 4 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
- 5 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- 6 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- 7 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060,
8 ~~((and))~~ 9A.56.080, and section 75 of this act;
- 9 (f) Unlawful sale of subscription television services, as defined
10 in RCW 9A.56.230;
- 11 (g) Theft of telecommunication services or unlawful manufacture of
12 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;
- 13 (h) Child selling or child buying, as defined in RCW 9A.64.030;
- 14 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
15 9A.68.050;
- 16 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
- 17 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- 18 (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
- 19 (m) Advancing money for use in an extortionate extension of credit,
20 as defined in RCW 9A.82.030;
- 21 (n) Collection of an extortionate extension of credit, as defined
22 in RCW 9A.82.040;
- 23 (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- 24 (p) Delivery or manufacture of controlled substances or possession
25 with intent to deliver or manufacture controlled substances under
26 chapter 69.50 RCW;
- 27 (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- 28 (r) Leading organized crime, as defined in RCW 9A.82.060;
- 29 (s) Money laundering, as defined in RCW 9A.83.020;
- 30 (t) Obstructing criminal investigations or prosecutions in
31 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
32 9A.76.070, or 9A.76.180;
- 33 (u) Fraud in the purchase or sale of securities, as defined in RCW
34 21.20.010;
- 35 (v) Promoting pornography, as defined in RCW 9.68.140;
- 36 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,
37 9.68A.050, and 9.68A.060;

- 1 (x) Promoting prostitution, as defined in RCW 9A.88.070 and
2 9A.88.080;
- 3 (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- 4 (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- 5 (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- 6 (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
- 7 (cc) Commercial telephone solicitation in violation of RCW
8 19.158.040(1);
- 9 (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
- 10 (ee) Unlawful practice of law, as defined in RCW 2.48.180;
- 11 (ff) Commercial bribery, as defined in RCW 9A.68.060;
- 12 (gg) Health care false claims, as defined in RCW 48.80.030;
- 13 (hh) Unlicensed practice of a profession or business, as defined in
14 RCW 18.130.190(7);
- 15 (ii) Improperly obtaining financial information, as defined in RCW
16 9.35.010; or
- 17 (jj) Identity theft, as defined in RCW 9.35.020.
- 18 (5) "Dealer in property" means a person who buys and sells property
19 as a business.
- 20 (6) "Debtor" means a person to whom an extension of credit is made
21 or a person who guarantees the repayment of an extension of credit or
22 in any manner undertakes to indemnify the creditor against loss
23 resulting from the failure of a person to whom an extension is made to
24 repay the same.
- 25 (7) "Documentary material" means any book, paper, document,
26 writing, drawing, graph, chart, photograph, phonograph record, magnetic
27 tape, computer printout, other data compilation from which information
28 can be obtained or from which information can be translated into usable
29 form, or other tangible item.
- 30 (8) "Enterprise" includes any individual, sole proprietorship,
31 partnership, corporation, business trust, or other profit or nonprofit
32 legal entity, and includes any union, association, or group of
33 individuals associated in fact although not a legal entity, and both
34 illicit and licit enterprises and governmental and nongovernmental
35 entities.
- 36 (9) "Extortionate extension of credit" means an extension of credit
37 with respect to which it is the understanding of the creditor and the
38 debtor at the time the extension is made that delay in making repayment

1 or failure to make repayment could result in the use of violence or
2 other criminal means to cause harm to the person, reputation, or
3 property of any person.

4 (10) "Extortionate means" means the use, or an express or implicit
5 threat of use, of violence or other criminal means to cause harm to the
6 person, reputation, or property of any person.

7 (11) "Financial institution" means any bank, trust company, savings
8 and loan association, savings bank, mutual savings bank, credit union,
9 or loan company under the jurisdiction of the state or an agency of the
10 United States.

11 (12) "Pattern of criminal profiteering activity" means engaging in
12 at least three acts of criminal profiteering, one of which occurred
13 after July 1, 1985, and the last of which occurred within five years,
14 excluding any period of imprisonment, after the commission of the
15 earliest act of criminal profiteering. In order to constitute a
16 pattern, the three acts must have the same or similar intent, results,
17 accomplices, principals, victims, or methods of commission, or be
18 otherwise interrelated by distinguishing characteristics including a
19 nexus to the same enterprise, and must not be isolated events.
20 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
21 any person other than the attorney general or county prosecuting
22 attorney in which one or more acts of fraud in the purchase or sale of
23 securities are asserted as acts of criminal profiteering activity, it
24 is a condition to civil liability under RCW 9A.82.100 that the
25 defendant has been convicted in a criminal proceeding of fraud in the
26 purchase or sale of securities under RCW 21.20.400 or under the laws of
27 another state or of the United States requiring the same elements of
28 proof, but such conviction need not relate to any act or acts asserted
29 as acts of criminal profiteering activity in such civil action under
30 RCW 9A.82.100.

31 (13) "Real property" means any real property or interest in real
32 property, including but not limited to a land sale contract, lease, or
33 mortgage of real property.

34 (14) "Records" means any book, paper, writing, record, computer
35 program, or other material.

36 (15) "Repayment of an extension of credit" means the repayment,
37 satisfaction, or discharge in whole or in part of a debt or claim,

1 acknowledged or disputed, valid or invalid, resulting from or in
2 connection with that extension of credit.

3 (16) "Stolen property" means property that has been obtained by
4 theft, robbery, or extortion.

5 (17) "To collect an extension of credit" means to induce in any way
6 a person to make repayment thereof.

7 (18) "To extend credit" means to make or renew a loan or to enter
8 into an agreement, tacit or express, whereby the repayment or
9 satisfaction of a debt or claim, whether acknowledged or disputed,
10 valid or invalid, and however arising, may or shall be deferred.

11 (19) "Traffic" means to sell, transfer, distribute, dispense, or
12 otherwise dispose of stolen property to another person, or to buy,
13 receive, possess, or obtain control of stolen property, with intent to
14 sell, transfer, distribute, dispense, or otherwise dispose of the
15 property to another person.

16 (20)(a) "Trustee" means:

17 (i) A person acting as a trustee under a trust established under
18 Title 11 RCW in which the trustee holds legal or record title to real
19 property;

20 (ii) A person who holds legal or record title to real property in
21 which another person has a beneficial interest; or

22 (iii) A successor trustee to a person who is a trustee under (a)(i)
23 or (ii) of this subsection.

24 (b) "Trustee" does not mean a person appointed or acting as:

25 (i) A personal representative under Title 11 RCW;

26 (ii) A trustee of any testamentary trust;

27 (iii) A trustee of any indenture of trust under which a bond is
28 issued; or

29 (iv) A trustee under a deed of trust.

30 (21) "Unlawful debt" means any money or other thing of value
31 constituting principal or interest of a debt that is legally
32 unenforceable in the state in full or in part because the debt was
33 incurred or contracted:

34 (a) In violation of any one of the following:

35 (i) Chapter 67.16 RCW relating to horse racing;

36 (ii) Chapter 9.46 RCW relating to gambling;

37 (b) In a gambling activity in violation of federal law; or

1 (c) In connection with the business of lending money or a thing of
2 value at a rate that is at least twice the permitted rate under the
3 applicable state or federal law relating to usury.

4 **Sec. 86.** RCW 9A.82.050 and 2001 c 222 s 8 are each amended to read
5 as follows:

6 (1) ~~((A person who recklessly traffics in stolen property is guilty
7 of trafficking in stolen property in the second degree.~~

8 ~~(2))~~ (2) A person who knowingly initiates, organizes, plans, finances,
9 directs, manages, or supervises the theft of property for sale to
10 others, or who knowingly traffics in stolen property, is guilty of
11 trafficking in stolen property in the first degree.

12 ~~((3) Trafficking in stolen property in the second degree is a
13 class C felony.))~~

14 (2) Trafficking in stolen property in the first degree is a class
15 B felony.

16 NEW SECTION. **Sec. 87.** A new section is added to chapter 9A.82 RCW
17 to read as follows:

18 (1) A person who recklessly traffics in stolen property is guilty
19 of trafficking in stolen property in the second degree.

20 (2) Trafficking in stolen property in the second degree is a class
21 C felony.

22 **Sec. 88.** RCW 9A.82.060 and 2001 c 222 s 9 are each amended to read
23 as follows:

24 (1) A person commits the offense of leading organized crime by:

25 (a) Intentionally organizing, managing, directing, supervising, or
26 financing any three or more persons with the intent to engage in a
27 pattern of criminal profiteering activity; or

28 (b) Intentionally inciting or inducing others to engage in violence
29 or intimidation with the intent to further or promote the
30 accomplishment of a pattern of criminal profiteering activity.

31 (2)(a) Leading organized crime as defined in subsection (1)(a) of
32 this section is a class A felony(~~(, and)~~).

33 (b) Leading organized crime as defined in subsection (1)(b) of this
34 section is a class B felony.

1 **Sec. 89.** RCW 9A.82.080 and 2001 c 222 s 11 are each amended to
2 read as follows:

3 (1)(a) It is unlawful for a person who has knowingly received any
4 of the proceeds derived, directly or indirectly, from a pattern of
5 criminal profiteering activity to use or invest, whether directly or
6 indirectly, any part of the proceeds, or the proceeds derived from the
7 investment or use thereof, in the acquisition of any title to, or any
8 right, interest, or equity in, real property or in the establishment or
9 operation of any enterprise.

10 (b) A violation of this subsection is a class B felony.

11 (2)(a) It is unlawful for a person knowingly to acquire or
12 maintain, directly or indirectly, any interest in or control of any
13 enterprise or real property through a pattern of criminal profiteering
14 activity.

15 (b) A violation of this subsection is a class B felony.

16 (3)(a) It is unlawful for a person knowingly to conspire or attempt
17 to violate subsection (1) or (2) of this section.

18 ~~((4) A violation of subsection (1) or (2) of this section is a~~
19 ~~class B felony.))~~

20 (b) A violation of this subsection ((3) of this section)) is a
21 class C felony.

22 **Sec. 90.** RCW 9A.82.160 and 2001 c 222 s 20 are each amended to
23 read as follows:

24 (1) A trustee who knowingly fails to comply with RCW 9A.82.130(1)
25 is guilty of a gross misdemeanor.

26 (2) A trustee who conveys title to real property after service of
27 the notice as provided in RCW 9A.82.130(1) with the intent to evade the
28 provisions of RCW 9A.82.100 or 9A.82.120 with respect to such property
29 is guilty of a class C felony.

30 **Sec. 91.** RCW 9A.84.010 and 1975 1st ex.s. c 260 s 9A.84.010 are
31 each amended to read as follows:

32 (1) A person is guilty of the crime of riot if, acting with three
33 or more other persons, he or she knowingly and unlawfully uses or
34 threatens to use force, or in any way participates in the use of such
35 force, against any other person or against property.

1 **Sec. 96.** RCW 10.95.020 and 1998 c 305 s 1 are each amended to read
2 as follows:

3 A person is guilty of aggravated first degree murder, a class A
4 felony, if he or she commits first degree murder as defined by RCW
5 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
6 following aggravating circumstances exist:

7 (1) The victim was a law enforcement officer, corrections officer,
8 or fire fighter who was performing his or her official duties at the
9 time of the act resulting in death and the victim was known or
10 reasonably should have been known by the person to be such at the time
11 of the killing;

12 (2) At the time of the act resulting in the death, the person was
13 serving a term of imprisonment, had escaped, or was on authorized or
14 unauthorized leave in or from a state facility or program for the
15 incarceration or treatment of persons adjudicated guilty of crimes;

16 (3) At the time of the act resulting in death, the person was in
17 custody in a county or county-city jail as a consequence of having been
18 adjudicated guilty of a felony;

19 (4) The person committed the murder pursuant to an agreement that
20 he or she would receive money or any other thing of value for
21 committing the murder;

22 (5) The person solicited another person to commit the murder and
23 had paid or had agreed to pay money or any other thing of value for
24 committing the murder;

25 (6) The person committed the murder to obtain or maintain his or
26 her membership or to advance his or her position in the hierarchy of an
27 organization, association, or identifiable group;

28 (7) The murder was committed during the course of or as a result of
29 a shooting where the discharge of the firearm, as defined in RCW
30 9.41.010, is either from a motor vehicle or from the immediate area of
31 a motor vehicle that was used to transport the shooter or the firearm,
32 or both, to the scene of the discharge;

33 (8) The victim was:

34 (a) A judge; juror or former juror; prospective, current, or former
35 witness in an adjudicative proceeding; prosecuting attorney; deputy
36 prosecuting attorney; defense attorney; a member of the indeterminate
37 sentence review board; or a probation or parole officer; and

1 (b) The murder was related to the exercise of official duties
2 performed or to be performed by the victim;

3 (9) The person committed the murder to conceal the commission of a
4 crime or to protect or conceal the identity of any person committing a
5 crime, including, but specifically not limited to, any attempt to avoid
6 prosecution as a persistent offender as defined in RCW 9.94A.030;

7 (10) There was more than one victim and the murders were part of a
8 common scheme or plan or the result of a single act of the person;

9 (11) The murder was committed in the course of, in furtherance of,
10 or in immediate flight from one of the following crimes:

11 (a) Robbery in the first or second degree;

12 (b) Rape in the first or second degree;

13 (c) Burglary in the first or second degree or residential burglary;

14 (d) Kidnapping in the first degree; or

15 (e) Arson in the first degree;

16 (12) The victim was regularly employed or self-employed as a
17 newsreporter and the murder was committed to obstruct or hinder the
18 investigative, research, or reporting activities of the victim;

19 (13) At the time the person committed the murder, there existed a
20 court order, issued in this or any other state, which prohibited the
21 person from either contacting the victim, molesting the victim, or
22 disturbing the peace of the victim, and the person had knowledge of the
23 existence of that order;

24 (14) At the time the person committed the murder, the person and
25 the victim were "family or household members" as that term is defined
26 in RCW 10.99.020(1), and the person had previously engaged in a pattern
27 or practice of three or more of the following crimes committed upon the
28 victim within a five-year period, regardless of whether a conviction
29 resulted:

30 (a) Harassment as defined in RCW 9A.46.020; or

31 (b) Any criminal assault.

32 **Sec. 97.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are
33 each reenacted and amended to read as follows:

34 **DESCRIPTION AND OFFENSE CATEGORY**

1		JUVENILE DISPOSITION
2	JUVENILE	CATEGORY FOR
3	DISPOSITION	ATTEMPT, BAILJUMP,
4	OFFENSE	CONSPIRACY, OR
5	CATEGORY	DESCRIPTION (RCW CITATION)
6		SOLICITATION
7	
8	Arson and Malicious Mischief	
9	A	Arson 1 (9A.48.020) B+
10	B	Arson 2 (9A.48.030) C
11	C	Reckless Burning 1 (9A.48.040) D
12	D	Reckless Burning 2 (9A.48.050) E
13	B	Malicious Mischief 1 (9A.48.070) C
14	C	Malicious Mischief 2 (9A.48.080) D
15	D	Malicious Mischief 3 (((<\$50 is E class))))
16		(9A.48.090(2) (a) and (c)) E
17	<u>E</u>	<u>Malicious Mischief 3 (9A.48.090(2)(b))</u> <u>E</u>
18	E	Tampering with Fire Alarm Apparatus
19		(9.40.100) E
20	<u>E</u>	<u>Tampering with Fire Alarm Apparatus</u>
21		<u>with Intent to Commit Arson (section 24 of</u>
22		<u>this act)</u> <u>E</u>
23	A	Possession of Incendiary Device (9.40.120) B+
24	Assault and Other Crimes Involving	
25	Physical Harm	
26	A	Assault 1 (9A.36.011) B+
27	B+	Assault 2 (9A.36.021) C+
28	C+	Assault 3 (9A.36.031) D+
29	D+	Assault 4 (9A.36.041) E
30	B+	Drive-By Shooting (9A.36.045) C+
31	D+	Reckless Endangerment (9A.36.050) E
32	C+	Promoting Suicide Attempt (9A.36.060) D+
33	D+	Coercion (9A.36.070) E
34	C+	Custodial Assault (9A.36.100) D+
35	Burglary and Trespass	
36	B+	Burglary 1 (9A.52.020) C+
37	B	Residential Burglary (9A.52.025) C
	B	Burglary 2 (9A.52.030) C

1	D	Burglary Tools (Possession of) (9A.52.060)	E
2	D	Criminal Trespass 1 (9A.52.070)	E
3	E	Criminal Trespass 2 (9A.52.080)	E
4	C	Vehicle Prowling 1 (9A.52.095)	D
5	D	Vehicle Prowling 2 (9A.52.100)	E
6		Drugs	
7	E	Possession/Consumption of Alcohol	
8		(66.44.270)	E
9	C	Illegally Obtaining Legend Drug	
10		(69.41.020)	D
11	C+	Sale, Delivery, Possession of Legend Drug	
12		with Intent to Sell (69.41.030(2)(a))	D+
13	E	Possession of Legend Drug	
14		(69.41.030(2)(b))	E
15	B+	Violation of Uniform Controlled	
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam Sale	
18		(69.50.401(((a)(1)(i) or (ii))) (2) (a) or (b))	B+
19	C	Violation of Uniform Controlled	
20		Substances Act - Nonnarcotic Sale	
21		(69.50.401(((a)(1)(iii))) (2)(c))	C
22	E	Possession of Marihuana <40 grams	
23		(((69.50.401(e)))) section 335 of this act)	E
24	C	Fraudulently Obtaining Controlled	
25		Substance (69.50.403)	C
26	C+	Sale of Controlled Substance for Profit	
27		(69.50.410)	C+
28	E	Unlawful Inhalation (9.47A.020)	E
29	B	Violation of Uniform Controlled	
30		Substances Act - Narcotic,	
31		Methamphetamine, or Flunitrazepam	
32		Counterfeit Substances (((69.50.401(b)(1)	
33		(i) or (ii))) <u>section 332(2) (a) or (b) of this</u>	
34		<u>act)</u>	B

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic Counterfeit	
3		Substances (((69.50.401(b)(1)(iii), (iv),	
4		(v)) <u>section 332(2) (c), (d), or (e) of this</u>	
5		<u>act)</u>	C
6	C	Violation of Uniform Controlled	
7		Substances Act - Possession of a Controlled	
8		Substance (((69.50.401(d)) <u>section 334 of</u>	
9		<u>this act)</u>	C
10	C	Violation of Uniform Controlled	
11		Substances Act - Possession of a Controlled	
12		Substance (((69.50.401(e)) <u>section 333 of</u>	
13		<u>this act)</u>	C
14		Firearms and Weapons	
15	B	Theft of Firearm (9A.56.300)	C
16	B	Possession of Stolen Firearm (9A.56.310)	C
17	E	Carrying Loaded Pistol Without Permit	
18		(9.41.050)	E
19	C	Possession of Firearms by Minor (<18)	
20		(9.41.040(((1)(b))) <u>(2)(a)(iii)</u>)	C
21	D+	Possession of Dangerous Weapon	
22		(9.41.250)	E
23	D	Intimidating Another Person by use of	
24		Weapon (9.41.270)	E
25		Homicide	
26	A+	Murder 1 (9A.32.030)	A
27	A+	Murder 2 (9A.32.050)	B+
28	B+	Manslaughter 1 (9A.32.060)	C+
29	C+	Manslaughter 2 (9A.32.070)	D+
30	B+	Vehicular Homicide (46.61.520)	C+
31		Kidnapping	
32	A	Kidnap 1 (9A.40.020)	B+
33	B+	Kidnap 2 (9A.40.030)	C+
34	C+	Unlawful Imprisonment (9A.40.040)	D+
35		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
2			
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		Public Disturbance	
10	C+	Riot with Weapon (9A.84.010(2)(b))	D+
11	D+	Riot Without Weapon (9A.84.010(2)(a))	E
12	E	Failure to Disperse (9A.84.020)	E
13	E	Disorderly Conduct (9A.84.030)	E
14		Sex Crimes	
15	A	Rape 1 (9A.44.040)	B+
16	A-	Rape 2 (9A.44.050)	B+
17	C+	Rape 3 (9A.44.060)	D+
18	A-	Rape of a Child 1 (9A.44.073)	B+
19	B+	Rape of a Child 2 (9A.44.076)	C+
20	B	Incest 1 (9A.64.020(1))	C
21	C	Incest 2 (9A.64.020(2))	D
22	D+	Indecent Exposure (Victim <14)	
23		(9A.88.010)	E
24	E	Indecent Exposure (Victim 14 or over)	
25		(9A.88.010)	E
26	B+	Promoting Prostitution 1 (9A.88.070)	C+
27	C+	Promoting Prostitution 2 (9A.88.080)	D+
28	E	O & A (Prostitution) (9A.88.030)	E
29	B+	Indecent Liberties (9A.44.100)	C+
30	A-	Child Molestation 1 (9A.44.083)	B+
31	B	Child Molestation 2 (9A.44.086)	C+
32		Theft, Robbery, Extortion, and Forgery	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock <u>1 and 2</u> (9A.56.080 <u>and</u>	
2		<u>section 75 of this act</u>)	C
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200)	B+
5	B+	Robbery 2 (9A.56.210)	C+
6	B+	Extortion 1 (9A.56.120)	C+
7	C+	Extortion 2 (9A.56.130)	D+
8	C	Identity Theft 1 (9.35.020(2)((a)))	D
9	D	Identity Theft 2 (9.35.020((2)(b)) (3))	E
10	D	Improperly Obtaining Financial	
11		Information (9.35.010)	E
12	B	Possession of Stolen Property 1	
13		(9A.56.150)	C
14	C	Possession of Stolen Property 2	
15		(9A.56.160)	D
16	D	Possession of Stolen Property 3	
17		(9A.56.170)	E
18	C	Taking Motor Vehicle Without Permission	
19		1 and 2 (9A.56.070 ((1) and (2)) <u>and</u>	
20		<u>section 73 of this act</u>)	D
21		Motor Vehicle Related Crimes	
22	E	Driving Without a License (46.20.005)	E
23	B+	Hit and Run - Death (46.52.020(4)(a))	C+
24	C	Hit and Run - Injury (46.52.020(4)(b))	D
25	D	Hit and Run-Attended (46.52.020(5))	E
26	E	Hit and Run-Unattended (46.52.010)	E
27	C	Vehicular Assault (46.61.522)	D
28	C	Attempting to Elude Pursuing Police	
29		Vehicle (46.61.024)	D
30	E	Reckless Driving (46.61.500)	E
31	D	Driving While Under the Influence	
32		(46.61.502 and 46.61.504)	E
33		Other	
34	B	Bomb Threat (9.61.160)	C
35	C	Escape 1 ¹ (9A.76.110)	C
36	C	Escape 2 ¹ (9A.76.120)	C
37	D	Escape 3 (9A.76.130)	E

1	E	Obscene, Harassing, Etc., Phone Calls	
2		(9.61.230)	E
3	A	Other Offense Equivalent to an Adult Class	
4		A Felony	B+
5	B	Other Offense Equivalent to an Adult Class	
6		B Felony	C
7	C	Other Offense Equivalent to an Adult Class	
8		C Felony	D
9	D	Other Offense Equivalent to an Adult	
10		Gross Misdemeanor	E
11	E	Other Offense Equivalent to an Adult	
12		Misdemeanor	E
13	V	Violation of Order of Restitution,	
14		Community Supervision, or Confinement	
15		(13.40.200) ²	V

16 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
17 and the standard range is established as follows:

18 1st escape or attempted escape during 12-month period - 4 weeks
19 confinement

20 2nd escape or attempted escape during 12-month period - 8 weeks
21 confinement

22 3rd and subsequent escape or attempted escape during 12-month
23 period - 12 weeks confinement

24 ²If the court finds that a respondent has violated terms of an order,
25 it may impose a penalty of up to 30 days of confinement.

26 **JUVENILE SENTENCING STANDARDS**

27 This schedule must be used for juvenile offenders. The court may
28 select sentencing option A, B, or C.

29		OPTION A
30		JUVENILE OFFENDER SENTENCING GRID
31		STANDARD RANGE
32	A+	180 WEEKS TO AGE 21 YEARS
33		
34	A	103 WEEKS TO 129 WEEKS

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		15-36	52-65	80-100	103-129	
		WEEKS	WEEKS	WEEKS	WEEKS	
A-	EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS					
Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
	B	LOCAL SANCTIONS (LS)	15-36 WEEKS		52-65 WEEKS	
	C+	LS		15-36 WEEKS		
	C	LS			15-36 WEEKS	
		Local Sanctions: 0 to 30 Days				
	D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution			
	D	LS	\$0 to \$500 Fine			
	E	LS				
		0	1	2	3	4 or more
		PRIOR ADJUDICATIONS				

31 NOTE: References in the grid to days or weeks mean periods of
32 confinement.

33 (1) The vertical axis of the grid is the current offense category.
34 The current offense category is determined by the offense of
35 adjudication.

36 (2) The horizontal axis of the grid is the number of prior
37 adjudications included in the juvenile's criminal history. Each prior
38 felony adjudication shall count as one point. Each prior violation,
39 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
40 point. Fractional points shall be rounded down.

41 (3) The standard range disposition for each offense is determined
42 by the intersection of the column defined by the prior adjudications
43 and the row defined by the current offense category.

1 (4) RCW 13.40.180 applies if the offender is being sentenced for
2 more than one offense.

3 (5) A current offense that is a violation is equivalent to an
4 offense category of E. However, a disposition for a violation shall
5 not include confinement.

6 OR

7 **OPTION B**

8 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

9 If the juvenile offender is subject to a standard range disposition
10 of local sanctions or 15 to 36 weeks of confinement and has not
11 committed an A- or B+ offense, the court may impose a disposition under
12 RCW 13.40.160(4) and 13.40.165.

13 OR

14 **OPTION C**

15 **MANIFEST INJUSTICE**

16 If the court determines that a disposition under option A or B would
17 effectuate a manifest injustice, the court shall impose a disposition
18 outside the standard range under RCW 13.40.160(2).

19 **Sec. 98.** RCW 13.40.070 and 2001 c 175 s 2 are each amended to read
20 as follows:

21 (1) Complaints referred to the juvenile court alleging the
22 commission of an offense shall be referred directly to the prosecutor.
23 The prosecutor, upon receipt of a complaint, shall screen the complaint
24 to determine whether:

25 (a) The alleged facts bring the case within the jurisdiction of the
26 court; and

27 (b) On a basis of available evidence there is probable cause to
28 believe that the juvenile did commit the offense.

29 (2) If the identical alleged acts constitute an offense under both
30 the law of this state and an ordinance of any city or county of this
31 state, state law shall govern the prosecutor's screening and charging
32 decision for both filed and diverted cases.

33 (3) If the requirements of subsections (1)(a) and (b) of this
34 section are met, the prosecutor shall either file an information in
35 juvenile court or divert the case, as set forth in subsections (5),

1 (6), and (7) of this section. If the prosecutor finds that the
2 requirements of subsection (1)(a) and (b) of this section are not met,
3 the prosecutor shall maintain a record, for one year, of such decision
4 and the reasons therefor. In lieu of filing an information or
5 diverting an offense a prosecutor may file a motion to modify community
6 supervision where such offense constitutes a violation of community
7 supervision.

8 (4) An information shall be a plain, concise, and definite written
9 statement of the essential facts constituting the offense charged. It
10 shall be signed by the prosecuting attorney and conform to chapter
11 10.37 RCW.

12 (5) Where a case is legally sufficient, the prosecutor shall file
13 an information with the juvenile court if:

14 (a) An alleged offender is accused of a class A felony, a class B
15 felony, an attempt to commit a class B felony, a class C felony listed
16 in RCW 9.94A.411(2) as a crime against persons or listed in RCW
17 9A.46.060 as a crime of harassment, or a class C felony that is a
18 violation of RCW 9.41.080 or 9.41.040(~~((1)+(b))~~) (2)(a)(iii); or

19 (b) An alleged offender is accused of a felony and has a criminal
20 history of any felony, or at least two gross misdemeanors, or at least
21 two misdemeanors; or

22 (c) An alleged offender has previously been committed to the
23 department; or

24 (d) An alleged offender has been referred by a diversion unit for
25 prosecution or desires prosecution instead of diversion; or

26 (e) An alleged offender has two or more diversion agreements on the
27 alleged offender's criminal history; or

28 (f) A special allegation has been filed that the offender or an
29 accomplice was armed with a firearm when the offense was committed.

30 (6) Where a case is legally sufficient the prosecutor shall divert
31 the case if the alleged offense is a misdemeanor or gross misdemeanor
32 or violation and the alleged offense is the offender's first offense or
33 violation. If the alleged offender is charged with a related offense
34 that must or may be filed under subsections (5) and (7) of this
35 section, a case under this subsection may also be filed.

36 (7) Where a case is legally sufficient and falls into neither
37 subsection (5) nor (6) of this section, it may be filed or diverted.
38 In deciding whether to file or divert an offense under this section the

1 prosecutor shall be guided only by the length, seriousness, and recency
2 of the alleged offender's criminal history and the circumstances
3 surrounding the commission of the alleged offense.

4 (8) Whenever a juvenile is placed in custody or, where not placed
5 in custody, referred to a diversion interview, the parent or legal
6 guardian of the juvenile shall be notified as soon as possible
7 concerning the allegation made against the juvenile and the current
8 status of the juvenile. Where a case involves victims of crimes
9 against persons or victims whose property has not been recovered at the
10 time a juvenile is referred to a diversion unit, the victim shall be
11 notified of the referral and informed how to contact the unit.

12 (9) The responsibilities of the prosecutor under subsections (1)
13 through (8) of this section may be performed by a juvenile court
14 probation counselor for any complaint referred to the court alleging
15 the commission of an offense which would not be a felony if committed
16 by an adult, if the prosecutor has given sufficient written notice to
17 the juvenile court that the prosecutor will not review such complaints.

18 (10) The prosecutor, juvenile court probation counselor, or
19 diversion unit may, in exercising their authority under this section or
20 RCW 13.40.080, refer juveniles to mediation or victim offender
21 reconciliation programs. Such mediation or victim offender
22 reconciliation programs shall be voluntary for victims.

23 **Sec. 99.** RCW 13.40.160 and 2002 c 175 s 22 are each amended to
24 read as follows:

25 (1) The standard range disposition for a juvenile adjudicated of an
26 offense is determined according to RCW 13.40.0357.

27 (a) When the court sentences an offender to a local sanction as
28 provided in RCW 13.40.0357 option A, the court shall impose a
29 determinate disposition within the standard ranges, except as provided
30 in subsections (2), (3), and (4) of this section. The disposition may
31 be comprised of one or more local sanctions.

32 (b) When the court sentences an offender to a standard range as
33 provided in RCW 13.40.0357 option A that includes a term of confinement
34 exceeding thirty days, commitment shall be to the department for the
35 standard range of confinement, except as provided in subsections (2),
36 (3), and (4) of this section.

1 (2) If the court concludes, and enters reasons for its conclusion,
2 that disposition within the standard range would effectuate a manifest
3 injustice the court shall impose a disposition outside the standard
4 range, as indicated in option C of RCW 13.40.0357. The court's finding
5 of manifest injustice shall be supported by clear and convincing
6 evidence.

7 A disposition outside the standard range shall be determinate and
8 shall be comprised of confinement or community supervision, or a
9 combination thereof. When a judge finds a manifest injustice and
10 imposes a sentence of confinement exceeding thirty days, the court
11 shall sentence the juvenile to a maximum term, and the provisions of
12 RCW 13.40.030(2) shall be used to determine the range. A disposition
13 outside the standard range is appealable under RCW 13.40.230 by the
14 state or the respondent. A disposition within the standard range is
15 not appealable under RCW 13.40.230.

16 (3) When a juvenile offender is found to have committed a sex
17 offense, other than a sex offense that is also a serious violent
18 offense as defined by RCW 9.94A.030, and has no history of a prior sex
19 offense, the court, on its own motion or the motion of the state or the
20 respondent, may order an examination to determine whether the
21 respondent is amenable to treatment.

22 The report of the examination shall include at a minimum the
23 following: The respondent's version of the facts and the official
24 version of the facts, the respondent's offense history, an assessment
25 of problems in addition to alleged deviant behaviors, the respondent's
26 social, educational, and employment situation, and other evaluation
27 measures used. The report shall set forth the sources of the
28 evaluator's information.

29 The examiner shall assess and report regarding the respondent's
30 amenability to treatment and relative risk to the community. A
31 proposed treatment plan shall be provided and shall include, at a
32 minimum:

33 (a)(i) Frequency and type of contact between the offender and
34 therapist;

35 (ii) Specific issues to be addressed in the treatment and
36 description of planned treatment modalities;

37 (iii) Monitoring plans, including any requirements regarding living

1 conditions, lifestyle requirements, and monitoring by family members,
2 legal guardians, or others;

3 (iv) Anticipated length of treatment; and

4 (v) Recommended crime-related prohibitions.

5 The court on its own motion may order, or on a motion by the state
6 shall order, a second examination regarding the offender's amenability
7 to treatment. The evaluator shall be selected by the party making the
8 motion. The defendant shall pay the cost of any second examination
9 ordered unless the court finds the defendant to be indigent in which
10 case the state shall pay the cost.

11 After receipt of reports of the examination, the court shall then
12 consider whether the offender and the community will benefit from use
13 of this special sex offender disposition alternative and consider the
14 victim's opinion whether the offender should receive a treatment
15 disposition under this section. If the court determines that this
16 special sex offender disposition alternative is appropriate, then the
17 court shall impose a determinate disposition within the standard range
18 for the offense, or if the court concludes, and enters reasons for its
19 conclusions, that such disposition would cause a manifest injustice,
20 the court shall impose a disposition under option C, and the court may
21 suspend the execution of the disposition and place the offender on
22 community supervision for at least two years. As a condition of the
23 suspended disposition, the court may impose the conditions of community
24 supervision and other conditions, including up to thirty days of
25 confinement and requirements that the offender do any one or more of
26 the following:

27 (b)(i) Devote time to a specific education, employment, or
28 occupation;

29 (ii) Undergo available outpatient sex offender treatment for up to
30 two years, or inpatient sex offender treatment not to exceed the
31 standard range of confinement for that offense. A community mental
32 health center may not be used for such treatment unless it has an
33 appropriate program designed for sex offender treatment. The
34 respondent shall not change sex offender treatment providers or
35 treatment conditions without first notifying the prosecutor, the
36 probation counselor, and the court, and shall not change providers
37 without court approval after a hearing if the prosecutor or probation
38 counselor object to the change;

1 (iii) Remain within prescribed geographical boundaries and notify
2 the court or the probation counselor prior to any change in the
3 offender's address, educational program, or employment;

4 (iv) Report to the prosecutor and the probation counselor prior to
5 any change in a sex offender treatment provider. This change shall
6 have prior approval by the court;

7 (v) Report as directed to the court and a probation counselor;

8 (vi) Pay all court-ordered legal financial obligations, perform
9 community restitution, or any combination thereof;

10 (vii) Make restitution to the victim for the cost of any counseling
11 reasonably related to the offense;

12 (viii) Comply with the conditions of any court-ordered probation
13 bond; or

14 (ix) The court shall order that the offender may not attend the
15 public or approved private elementary, middle, or high school attended
16 by the victim or the victim's siblings. The parents or legal guardians
17 of the offender are responsible for transportation or other costs
18 associated with the offender's change of school that would otherwise be
19 paid by the school district. The court shall send notice of the
20 disposition and restriction on attending the same school as the victim
21 or victim's siblings to the public or approved private school the
22 juvenile will attend, if known, or if unknown, to the approved private
23 schools and the public school district board of directors of the
24 district in which the juvenile resides or intends to reside. This
25 notice must be sent at the earliest possible date but not later than
26 ten calendar days after entry of the disposition.

27 The sex offender treatment provider shall submit quarterly reports
28 on the respondent's progress in treatment to the court and the parties.
29 The reports shall reference the treatment plan and include at a minimum
30 the following: Dates of attendance, respondent's compliance with
31 requirements, treatment activities, the respondent's relative progress
32 in treatment, and any other material specified by the court at the time
33 of the disposition.

34 At the time of the disposition, the court may set treatment review
35 hearings as the court considers appropriate.

36 Except as provided in this subsection (3), after July 1, 1991,
37 examinations and treatment ordered pursuant to this subsection shall
38 only be conducted by sex offender treatment providers certified by the

1 department of health pursuant to chapter 18.155 RCW. A sex offender
2 therapist who examines or treats a juvenile sex offender pursuant to
3 this subsection does not have to be certified by the department of
4 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
5 offender has already moved to another state or plans to move to another
6 state for reasons other than circumventing the certification
7 requirements; (B) no certified providers are available for treatment
8 within a reasonable geographical distance of the offender's home; and
9 (C) the evaluation and treatment plan comply with this subsection (3)
10 and the rules adopted by the department of health.

11 If the offender violates any condition of the disposition or the
12 court finds that the respondent is failing to make satisfactory
13 progress in treatment, the court may revoke the suspension and order
14 execution of the disposition or the court may impose a penalty of up to
15 thirty days' confinement for violating conditions of the disposition.
16 The court may order both execution of the disposition and up to thirty
17 days' confinement for the violation of the conditions of the
18 disposition. The court shall give credit for any confinement time
19 previously served if that confinement was for the offense for which the
20 suspension is being revoked.

21 For purposes of this section, "victim" means any person who has
22 sustained emotional, psychological, physical, or financial injury to
23 person or property as a direct result of the crime charged. "Victim"
24 may also include a known parent or guardian of a victim who is a minor
25 child unless the parent or guardian is the perpetrator of the offense.

26 A disposition entered under this subsection (3) is not appealable
27 under RCW 13.40.230.

28 (4) If the juvenile offender is subject to a standard range
29 disposition of local sanctions or 15 to 36 weeks of confinement and has
30 not committed an A- or B+ offense, the court may impose the disposition
31 alternative under RCW 13.40.165.

32 (5) RCW 13.40.193 shall govern the disposition of any juvenile
33 adjudicated of possessing a firearm in violation of RCW
34 9.41.040(~~(1)(b)~~) (2)(a)(iii) or any crime in which a special finding
35 is entered that the juvenile was armed with a firearm.

36 (6) Whenever a juvenile offender is entitled to credit for time
37 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time
2 served.

3 (7) Except as provided under subsection (3) or (4) of this section
4 or RCW 13.40.127, the court shall not suspend or defer the imposition
5 or the execution of the disposition.

6 (8) In no case shall the term of confinement imposed by the court
7 at disposition exceed that to which an adult could be subjected for the
8 same offense.

9 **Sec. 100.** RCW 13.40.193 and 1997 c 338 s 30 are each amended to
10 read as follows:

11 (1) If a respondent is found to have been in possession of a
12 firearm in violation of RCW 9.41.040(~~((1)(b))~~) (2)(a)(iii), the court
13 shall impose a minimum disposition of ten days of confinement. If the
14 offender's standard range of disposition for the offense as indicated
15 in RCW 13.40.0357 is more than thirty days of confinement, the court
16 shall commit the offender to the department for the standard range
17 disposition. The offender shall not be released until the offender has
18 served a minimum of ten days in confinement.

19 (2) If the court finds that the respondent or an accomplice was
20 armed with a firearm, the court shall determine the standard range
21 disposition for the offense pursuant to RCW 13.40.160. If the
22 offender or an accomplice was armed with a firearm when the offender
23 committed any felony other than possession of a machine gun, possession
24 of a stolen firearm, drive-by shooting, theft of a firearm, unlawful
25 possession of a firearm in the first and second degree, or use of a
26 machine gun in a felony, the following periods of total confinement
27 must be added to the sentence: For a class A felony, six months; for
28 a class B felony, four months; and for a class C felony, two months.
29 The additional time shall be imposed regardless of the offense's
30 juvenile disposition offense category as designated in RCW 13.40.0357.

31 (3) When a disposition under this section would effectuate a
32 manifest injustice, the court may impose another disposition. When a
33 judge finds a manifest injustice and imposes a disposition of
34 confinement exceeding thirty days, the court shall commit the juvenile
35 to a maximum term, and the provisions of RCW 13.40.030(2) shall be used
36 to determine the range. When a judge finds a manifest injustice and

1 imposes a disposition of confinement less than thirty days, the
2 disposition shall be comprised of confinement or community supervision
3 or both.

4 (4) Any term of confinement ordered pursuant to this section shall
5 run consecutively to any term of confinement imposed in the same
6 disposition for other offenses.

7 **Sec. 101.** RCW 13.40.265 and 1997 c 338 s 37 are each amended to
8 read as follows:

9 (1)(a) If a juvenile thirteen years of age or older is found by
10 juvenile court to have committed an offense while armed with a firearm
11 or an offense that is a violation of RCW 9.41.040(~~((1)(b))~~) (2)(a)(iii)
12 or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify
13 the department of licensing within twenty-four hours after entry of the
14 judgment.

15 (b) Except as otherwise provided in (c) of this subsection, upon
16 petition of a juvenile who has been found by the court to have
17 committed an offense that is a violation of chapter 66.44, 69.41,
18 69.50, or 69.52 RCW, the court may at any time the court deems
19 appropriate notify the department of licensing that the juvenile's
20 driving privileges should be reinstated.

21 (c) If the offense is the juvenile's first violation of chapter
22 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
23 court for reinstatement of the juvenile's privilege to drive revoked
24 pursuant to RCW 46.20.265 until ninety days after the date the juvenile
25 turns sixteen or ninety days after the judgment was entered, whichever
26 is later. If the offense is the juvenile's second or subsequent
27 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
28 may not petition the court for reinstatement of the juvenile's
29 privilege to drive revoked pursuant to RCW 46.20.265 until the date the
30 juvenile turns seventeen or one year after the date judgment was
31 entered, whichever is later.

32 (2)(a) If a juvenile enters into a diversion agreement with a
33 diversion unit pursuant to RCW 13.40.080 concerning an offense that is
34 a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion
35 unit shall notify the department of licensing within twenty-four hours
36 after the diversion agreement is signed.

1 (b) If a diversion unit has notified the department pursuant to (a)
2 of this subsection, the diversion unit shall notify the department of
3 licensing when the juvenile has completed the agreement.

4 **Sec. 102.** RCW 14.20.020 and 1993 c 208 s 2 are each amended to
5 read as follows:

6 (1) It is unlawful for a person to act as an aircraft dealer
7 without a currently valid aircraft dealer's license issued under this
8 chapter.

9 (2)(a) Except as provided in (b) of this subsection, a person
10 acting as an aircraft dealer without a currently issued aircraft
11 dealer's license is guilty of a misdemeanor and shall be punished by
12 either a fine of not more than one thousand dollars or by imprisonment
13 for not more than ninety days, or both.

14 (b) A person convicted on a second or subsequent conviction within
15 a five-year period is guilty of a gross misdemeanor and shall be
16 punished by either a fine of not more than five thousand dollars or by
17 imprisonment for not more than one year, or both.

18 (3) In addition to, or in lieu of, the penalties provided in this
19 section, or as a condition to the suspension of a sentence that may be
20 imposed under this section, the court in its discretion may prohibit
21 the violator from acting as an aircraft dealer within the state for
22 such a period as it may determine but not to exceed one year.
23 Violation of the duly imposed prohibition of the court may be treated
24 as a separate offense under this section or as contempt of court.

25 ~~((+2))~~ (4) Any person applying for an aircraft dealer's license
26 shall do so at the office of the secretary on a form provided for that
27 purpose by the secretary.

28 **Sec. 103.** RCW 15.21.060 and 1965 c 61 s 6 are each amended to read
29 as follows:

30 (1) Except as provided in subsection (2) of this section, any
31 person violating the provisions of this chapter is guilty of a
32 misdemeanor ~~((and guilty of a gross misdemeanor for any))~~.

33 (2) A second ~~((and))~~ or subsequent ~~((offense: PROVIDED, That))~~
34 violation is a gross misdemeanor. Any offense committed more than five
35 years after a previous conviction shall be considered a first offense.

1 **Sec. 104.** RCW 15.24.200 and 1961 c 11 s 15.24.200 are each amended
2 to read as follows:

3 (1) Any person who violates or aids in the violation of any
4 provision of this chapter ((shall-be)) is guilty of a gross
5 misdemeanor((,and)).

6 (2) Any person who violates or aids in the violation of any rule or
7 regulation of the commission ((shall-be)) is guilty of a misdemeanor.

8 **Sec. 105.** RCW 15.26.300 and 1969 c 129 s 30 are each amended to
9 read as follows:

10 (1) Except as provided in subsection (2) of this section, any
11 person violating any provision of this chapter or any rule or
12 regulation adopted hereunder ((shall-be)) is guilty of a misdemeanor
13 ((and guilty of a gross misdemeanor for any)).

14 (2) A second ((and)) or subsequent violation((:PROVIDED, That))
15 is a gross misdemeanor. Any offense committed more than five years
16 after a previous conviction shall be considered a first offense.

17 **Sec. 106.** RCW 15.30.250 and 1961 c 29 s 25 are each amended to
18 read as follows:

19 (1) Except as provided in subsection (2) of this section, any
20 person violating the provisions of this chapter or rules adopted
21 hereunder is guilty of a misdemeanor ((and guilty of a gross
22 misdemeanor for any subsequent offense, however,)).

23 (2) A second or subsequent violation is a gross misdemeanor. Any
24 offense committed more than five years after a previous conviction
25 shall be considered a first offense.

26 **Sec. 107.** RCW 15.60.055 and 1993 c 89 s 17 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (2) of this section, a person
29 who violates or fails to comply with any of the provisions of this
30 chapter or any rule adopted under this chapter ((shall-be)) is guilty
31 of a misdemeanor((,and-for)).

32 (2) A second ((and-each)) or subsequent violation is a gross
33 misdemeanor.

34 ((+2)) (3) Whenever the director finds that a person has committed
35 a violation of any of the provisions of this chapter or any rule

1 adopted under this chapter and that violation has not been punished as
2 a misdemeanor or gross misdemeanor, the director may impose and collect
3 a civil penalty not exceeding one thousand dollars for each violation.
4 Each violation shall be a separate and distinct offense. A person who
5 knowingly, through an act of omission or commission, procures or aids
6 or abets in the violation shall be considered to have violated this
7 section and may be subject to the civil penalty.

8 **Sec. 108.** RCW 15.61.050 and 1963 c 232 s 14 are each amended to
9 read as follows:

10 (1) Except as provided in subsection (2) of this section, any
11 person violating the provisions of this chapter or rules adopted
12 hereunder is guilty of a misdemeanor ((and guilty of a gross
13 misdemeanor for any subsequent offense, however,)).

14 (2) A second or subsequent violation is a gross misdemeanor. Any
15 offense committed more than five years after a previous conviction
16 shall be considered a first offense.

17 **Sec. 109.** RCW 15.80.650 and 1969 ex.s. c 100 s 36 are each amended
18 to read as follows:

19 (1) Except as provided in RCW 15.80.640 or subsection (2) of this
20 section, any person violating any provision of this chapter((, except
21 as provided in RCW 15.80.640,)) or rules adopted hereunder((,)) is
22 guilty of a misdemeanor ((and upon)).

23 (2) A second or subsequent ((offense, shall be guilty of))
24 violation is a gross misdemeanor((: PROVIDED, That)). Any offense
25 committed more than five years after a previous conviction shall be
26 considered a first offense.

27 **Sec. 110.** RCW 16.52.015 and 1994 c 261 s 3 are each amended to
28 read as follows:

29 (1) Law enforcement agencies and animal care and control agencies
30 may enforce the provisions of this chapter. Animal care and control
31 agencies may enforce the provisions of this chapter in a county or city
32 only if the county or city legislative authority has entered into a
33 contract with the agency to enforce the provisions of this chapter.

34 (2) Animal control officers enforcing this chapter shall comply
35 with the same constitutional and statutory restrictions concerning the

1 execution of police powers imposed on law enforcement officers who
2 enforce this chapter and other criminal laws of the state of
3 Washington.

4 (3) Animal control officers have the following enforcement powers
5 when enforcing this chapter:

6 (a) The power to issue citations based on probable cause to
7 offenders for misdemeanor and gross misdemeanor violations of this
8 chapter or RCW 9.08.070, sections 10 through 13 of this act, or
9 81.56.120;

10 (b) The power to cause a law enforcement officer to arrest and take
11 into custody any person the animal control officer has probable cause
12 to believe has committed or is committing a violation of this chapter
13 or RCW 9.08.070 or 81.56.120. Animal control officers may make an oral
14 complaint to a prosecuting attorney or a law enforcement officer to
15 initiate arrest. The animal control officer causing the arrest shall
16 file with the arresting agency a written complaint within twenty-four
17 hours of the arrest, excluding Sundays and legal holidays, stating the
18 alleged act or acts constituting a violation;

19 (c) The power to carry nonfirearm protective devices for personal
20 protection;

21 (d) The power to prepare affidavits in support of search warrants
22 and to execute search warrants when accompanied by law enforcement
23 officers to investigate violations of this chapter or RCW 9.08.070 or
24 81.56.120, and to seize evidence of those violations.

25 (4) Upon request of an animal control officer who has probable
26 cause to believe that a person has violated this chapter or RCW
27 9.08.070 or 81.56.120, a law enforcement agency officer may arrest the
28 alleged offender.

29 **Sec. 111.** RCW 16.52.190 and 1994 c 261 s 13 are each amended to
30 read as follows:

31 (1) Except as provided in subsections (2) and (3) of this section,
32 a person is guilty of the crime of poisoning animals if the person
33 intentionally or knowingly poisons an animal under circumstances which
34 do not constitute animal cruelty in the first degree.

35 (2) Subsection (1) of this section shall not apply to euthanizing
36 by poison an animal in a lawful and humane manner by the animal's

1 owner, or by a duly authorized servant or agent of the owner, or by a
2 person acting pursuant to instructions from a duly constituted public
3 authority.

4 (3) Subsection (1) of this section shall not apply to the
5 reasonable use of rodent or pest poison, insecticides, fungicides, or
6 slug bait for their intended purposes. As used in this section, the
7 term "rodent" includes but is not limited to Columbia ground squirrels,
8 other ground squirrels, rats, mice, gophers, rabbits, and any other
9 rodent designated as injurious to the agricultural interests of the
10 state as provided in chapter 17.16 RCW. The term "pest" as used in
11 this section includes any pest as defined in RCW 17.21.020.

12 (4) A person violating this section is guilty of a gross
13 misdemeanor.

14 **Sec. 112.** RCW 16.52.193 and 1987 c 34 s 7 are each amended to read
15 as follows:

16 (1) It (~~shall be~~) is unlawful for any person other than a
17 registered pharmacist to sell at retail or furnish to any person any
18 strychnine: PROVIDED, That nothing herein (~~shall~~) prohibits county,
19 state, or federal agents, in the course of their duties, from
20 furnishing strychnine to any person. Every such registered pharmacist
21 selling or furnishing such strychnine shall, before delivering the
22 same, record the transaction as provided in RCW 69.38.030. If any such
23 registered pharmacist (~~shall~~) suspects that any person desiring to
24 purchase strychnine intends to use the same for the purpose of
25 poisoning unlawfully any domestic animal or domestic bird, he or she
26 may refuse to sell to such person, but whether or not he or she makes
27 such sale, he or she shall if he or she so suspects an intention to use
28 the strychnine unlawfully, immediately notify the nearest peace
29 officer, giving such officer a complete description of the person
30 purchasing, or attempting to purchase, such strychnine.

31 (2) A person violating this section is guilty of a gross
32 misdemeanor.

33 **Sec. 113.** RCW 16.52.200 and 1994 c 261 s 14 are each amended to
34 read as follows:

35 (1) The sentence imposed for a misdemeanor or gross misdemeanor

1 violation of this chapter may be deferred or suspended in accordance
2 with RCW 3.66.067 and 3.66.068, however the probationary period shall
3 be two years.

4 (2) In case of multiple misdemeanor or gross misdemeanor
5 convictions, the sentences shall be consecutive, however the
6 probationary period shall remain two years.

7 (3) In addition to the penalties imposed by the court, the court
8 shall order the forfeiture of all animals held by law enforcement or
9 animal care and control authorities under the provisions of this
10 chapter if any one of the animals involved dies as a result of a
11 violation of this chapter or if the defendant has a prior conviction
12 under this chapter. In other cases the court may enter an order
13 requiring the owner to forfeit the animal if the court deems the
14 animal's treatment to have been severe and likely to reoccur. If
15 forfeiture is ordered, the owner shall be prohibited from owning or
16 caring for any similar animals for a period of two years. The court
17 may delay its decision on forfeiture under this subsection until the
18 end of the probationary period.

19 (4) In addition to fines and court costs, the defendant, only if
20 convicted or in agreement, shall be liable for reasonable costs
21 incurred pursuant to this chapter by law enforcement agencies, animal
22 care and control agencies, or authorized private or public entities
23 involved with the care of the animals. Reasonable costs include
24 expenses of the investigation, and the animal's care, euthanization, or
25 adoption.

26 (5) If convicted, the defendant shall also pay a civil penalty of
27 one thousand dollars to the county to prevent cruelty to animals.
28 These funds shall be used to prosecute offenses under this chapter and
29 to care for forfeited animals pending trial.

30 (6) As a condition of the sentence imposed under this chapter or
31 RCW 9.08.070 or sections 10 through 13 of this act, the court may also
32 order the defendant to participate in an available animal cruelty
33 prevention or education program or obtain available psychological
34 counseling to treat mental health problems contributing to the
35 violation's commission. The defendant shall bear the costs of the
36 program or treatment.

1 **Sec. 114.** RCW 16.52.230 and 1989 c 359 s 5 are each amended to
2 read as follows:

3 No provision of RCW 9.08.070, sections 10 through 13 of this act,
4 or 16.52.220 shall in any way interfere with or impair the operation of
5 any other provision of this chapter or Title 28B RCW, relating to
6 higher education or biomedical research. The provisions of RCW
7 9.08.070, sections 10 through 13 of this act, and 16.52.220 are
8 cumulative and nonexclusive and shall not affect any other remedy.

9 **Sec. 115.** RCW 16.58.170 and 1971 ex.s. c 181 s 17 are each amended
10 to read as follows:

11 (1) Except as provided in subsection (2) of this section, any
12 person who violates the provisions of this chapter or any rule or
13 regulation adopted hereunder (~~(shall be)~~) is guilty of a misdemeanor
14 (~~(and shall be guilty of a gross misdemeanor for any)~~).

15 (2) A second or subsequent violation(~~(; PROVIDED, That)~~) is a
16 gross misdemeanor. Any offense committed more than five years after a
17 previous conviction shall be considered a first offense.

18 **Sec. 116.** RCW 16.65.440 and 1959 c 107 s 44 are each amended to
19 read as follows:

20 (1) Except as provided in subsection (2) of this section, any
21 person who (~~(shall)~~) violates any provisions or requirements of this
22 chapter or rules and regulations adopted by the director pursuant to
23 this chapter (~~(shall be deemed)~~) is guilty of a misdemeanor(~~(; and~~
24 ~~any)~~).

25 (2) A second or subsequent violation (~~(thereafter shall be deemed)~~)
26 is a gross misdemeanor.

27 **Sec. 117.** RCW 17.10.350 and 1997 c 353 s 31 are each amended to
28 read as follows:

29 (1) Any person found to have committed a civil infraction under
30 this chapter shall be assessed a monetary penalty not to exceed one
31 thousand dollars. The state noxious weed control board shall adopt a
32 schedule of monetary penalties for each violation of this chapter
33 classified as a civil infraction and submit the schedule to the
34 appropriate court. If a monetary penalty is imposed by the court, the

1 penalty is immediately due and payable. The court may, at its
2 discretion, grant an extension of time, not to exceed thirty days, in
3 which the penalty must be paid.

4 (2) Failure to pay any monetary penalties imposed under this
5 chapter is punishable as a misdemeanor.

6 **Sec. 118.** RCW 17.21.310 and 1967 c 177 s 16 are each amended to
7 read as follows:

8 (1) Except as provided in subsection (2) of this section, any
9 person who ~~((shall))~~ violates any provisions or requirements of this
10 chapter or rules adopted hereunder ~~((shall be deemed))~~ is guilty of a
11 misdemeanor ~~((and guilty of a gross misdemeanor for any))~~.

12 (2) A second ((and)) or subsequent offense((: PROVIDED, That)) is
13 a gross misdemeanor. Any offense committed more than five years after
14 a previous conviction shall be considered a first offense.

15 **Sec. 119.** RCW 17.24.100 and 1981 c 296 s 26 are each amended to
16 read as follows:

17 (1) Except as provided in subsection (2) of this section, every
18 person who ~~((shall))~~ violates or fails to comply with any rule or
19 regulation adopted and promulgated by the director of agriculture in
20 accordance with and under the provision of this chapter ~~((17.24 RCW, as~~
21 ~~now or hereafter amended, shall be))~~ is guilty of a misdemeanor~~((, and~~
22 ~~for))~~.

23 (2) A second and each subsequent violation or failure to comply
24 with the provisions of this chapter or rule or regulation adopted
25 hereunder((, shall be guilty of)) is a gross misdemeanor.

26 **Sec. 120.** RCW 18.04.370 and 2001 c 294 s 19 are each amended to
27 read as follows:

28 (1) Any person who violates any provision of this chapter~~((7))~~
29 shall be guilty of a crime, as follows:

30 (a) Any person who violates any provision of this chapter is guilty
31 of a misdemeanor, and upon conviction thereof, shall be subject to a
32 fine of not more than ten thousand dollars, or to imprisonment for not
33 more than six months, or to both such fine and imprisonment.

34 (b) Notwithstanding (a) of this subsection, any person who uses a
35 professional title intended to deceive the public, in violation of RCW

1 18.04.345, having previously entered into a stipulated agreement and
2 order of assurance with the board, is guilty of a class C felony, and
3 upon conviction thereof, is subject to a fine of not more than ten
4 thousand dollars, or to imprisonment for not more than two years, or to
5 both such fine and imprisonment.

6 (2) With the exception of first time violations of RCW 18.04.345,
7 subject to subsection (3) of this section whenever the board has reason
8 to believe that any person is violating the provisions of this chapter
9 it shall certify the facts to the prosecuting attorney of the county in
10 which such person resides or may be apprehended and the prosecuting
11 attorney shall cause appropriate proceedings to be brought against such
12 person.

13 (3) The board may elect to enter into a stipulated agreement and
14 orders of assurance with persons in violation of RCW 18.04.345 who have
15 not previously been found to have violated the provisions of this
16 chapter. The board may order full restitution to injured parties as a
17 condition of a stipulated agreement and order of assurance.

18 (4) Nothing herein contained shall be held to in any way affect the
19 power of the courts to grant injunctive or other relief as above
20 provided.

21 **Sec. 121.** RCW 18.06.130 and 1995 c 323 s 11 are each amended to
22 read as follows:

23 (1) The secretary shall develop a form to be used by an
24 acupuncturist to inform the patient of the acupuncturist's scope of
25 practice and qualifications. All license holders shall bring the form
26 to the attention of the patients in whatever manner the secretary, by
27 rule, provides.

28 (2) A person violating this section is guilty of a misdemeanor.

29 **Sec. 122.** RCW 18.06.140 and 1995 c 323 s 12 are each amended to
30 read as follows:

31 (1) Every licensed acupuncturist shall develop a written plan for
32 consultation, emergency transfer, and referral to other health care
33 practitioners operating within the scope of their authorized practices.
34 The written plan shall be submitted with the initial application for
35 licensure as well as annually thereafter with the license renewal fee

1 to the department. The department may withhold licensure or renewal of
2 licensure if the plan fails to meet the standards contained in rules
3 adopted by the secretary.

4 (2) When the acupuncturist sees patients with potentially serious
5 disorders such as cardiac conditions, acute abdominal symptoms, and
6 such other conditions, the acupuncturist shall immediately request a
7 consultation or recent written diagnosis from a physician licensed
8 under chapter 18.71 or 18.57 RCW. In the event that the patient with
9 the disorder refuses to authorize such consultation or provide a recent
10 diagnosis from such physician, acupuncture treatment shall not be
11 continued.

12 (3) A person violating this section is guilty of a misdemeanor.

13 **Sec. 123.** RCW 18.08.460 and 1985 c 37 s 17 are each amended to
14 read as follows:

15 (1) Any person who violates any provision of this chapter or any
16 rule promulgated under it is guilty of a misdemeanor and may also be
17 subject to a civil penalty in an amount not to exceed one thousand
18 dollars for each offense.

19 ~~((+1))~~ (2) It shall be the duty of all officers in the state or
20 any political subdivision thereof to enforce this chapter. Any public
21 officer may initiate an action before the board to enforce the
22 provisions of this chapter.

23 ~~((+2))~~ (3) The board may apply for relief by injunction without
24 bond to restrain a person from committing any act that is prohibited by
25 this chapter. In such proceedings, it is not necessary to allege or
26 prove either that an adequate remedy at law does not exist or that
27 substantial irreparable damage would result from the continued
28 violation thereof. The members of the board shall not be personally
29 liable for their actions in any such proceeding or in any other
30 proceeding instituted by the board under this chapter. The board in
31 any proper case shall cause prosecution to be instituted in any county
32 or counties where any violation of this chapter occurs, and shall aid
33 the prosecution of the violator.

34 ~~((+3))~~ (4) No person practicing architecture is entitled to
35 maintain a proceeding in any court of this state relating to services
36 in the practice of architecture unless it is alleged and proved that

1 the person was registered or authorized under this chapter to practice
2 or offer to practice architecture at the time the architecture services
3 were offered or provided.

4 **Sec. 124.** RCW 18.32.675 and 1935 c 112 s 19 are each amended to
5 read as follows:

6 (1) No corporation shall practice dentistry or shall solicit
7 through itself, or its agent, officers, employees, directors or
8 trustees, dental patronage for any dentists or dental surgeon employed
9 by any corporation: PROVIDED, That nothing contained in this chapter
10 shall prohibit a corporation from employing a dentist or dentists to
11 render dental services to its employees: PROVIDED, FURTHER, That such
12 dental services shall be rendered at no cost or charge to the
13 employees; nor shall it apply to corporations or associations in which
14 the dental services were originated and are being conducted upon a
15 purely charitable basis for the worthy poor, nor shall it apply to
16 corporations or associations furnishing information or clerical
17 services which can be furnished by persons not licensed to practice
18 dentistry, to any person lawfully engaged in the practice of dentistry,
19 when such dentist assumes full responsibility for such information and
20 services.

21 (2) Any corporation violating (~~(the provisions of)~~) this section is
22 guilty of a gross misdemeanor, and each day that this chapter is
23 violated shall be considered a separate offense.

24 **Sec. 125.** RCW 18.32.745 and 1994 sp.s. c 9 s 224 are each amended
25 to read as follows:

26 (1) No manager, proprietor, partnership, or association owning,
27 operating, or controlling any room, office, or dental parlors, where
28 dental work is done, provided, or contracted for, shall employ or
29 retain any unlicensed person or dentist as an operator; nor shall fail,
30 within ten days after demand made by the secretary of health or the
31 commission in writing sent by certified mail, addressed to any such
32 manager, proprietor, partnership, or association at the room, office,
33 or dental parlor, to furnish the secretary of health or the commission
34 with the names and addresses of all persons practicing or assisting in
35 the practice of dentistry in his or her place of business or under his

1 or her control, together with a sworn statement showing by what license
2 or authority the persons are practicing dentistry.

3 (2) The sworn statement shall not be used as evidence in any
4 subsequent court proceedings, except in a prosecution for perjury
5 connected with its execution.

6 (3) Any violation of (~~the provisions of~~) this section is
7 improper, unprofessional, and dishonorable conduct(~~(; it also is)~~), and
8 grounds for injunction proceedings as provided by this chapter(~~(, and~~
9 ~~in addition is)~~).

10 (4)(a) Except as provided in (b) of this subsection, a violation of
11 this section is also a gross misdemeanor(~~(, except that)~~).

12 (b) The failure to furnish the information as may be requested in
13 accordance with this section is a misdemeanor.

14 **Sec. 126.** RCW 18.32.755 and 1994 sp.s. c 9 s 225 are each amended
15 to read as follows:

16 (1) Any advertisement or announcement for dental services must
17 include for each office location advertised the names of all persons
18 practicing dentistry at that office location.

19 (2) Any violation of (~~the provisions of~~) this section is
20 improper, unprofessional, and dishonorable conduct(~~(; it also is)~~), and
21 grounds for injunction proceedings as provided by RCW 18.130.190(4)(~~(,~~
22 ~~and in addition is)~~).

23 (3) A violation of this section is also a gross misdemeanor.

24 **Sec. 127.** RCW 18.39.215 and 1987 c 331 s 76 are each amended to
25 read as follows:

26 (1)(a) No licensed embalmer shall embalm a deceased body without
27 first having obtained authorization from a family member or
28 representative of the deceased.

29 (b) Notwithstanding the above prohibition a licensee may embalm
30 without such authority when after due diligence no authorized person
31 can be contacted and embalming is in accordance with legal or accepted
32 standards of care in the community, or the licensee has good reason to
33 believe that the family wishes embalming. If embalming is performed
34 under these circumstances, the licensee shall not be deemed to be in
35 violation of the provisions of this subsection.

1 (c) The funeral director or embalmer shall inform the family member
2 or representative of the deceased that embalming is not required by
3 state law, except that embalming is required under certain conditions
4 as determined by rule by the state board of health.

5 (2)(a) Any person authorized to dispose of human remains shall
6 refrigerate or embalm the body within twenty-four hours upon receipt of
7 the body, unless disposition of the body has been made. However,
8 subsection (1) of this section and RCW 68.50.108 shall be complied with
9 before a body is embalmed. Upon written authorization of the proper
10 state or local authority, the provisions of this subsection may be
11 waived for a specified period of time.

12 (b) Violation of this subsection is a gross misdemeanor.

13 **Sec. 128.** RCW 18.39.217 and 1985 c 402 s 7 are each amended to
14 read as follows:

15 (1) A permit or endorsement issued by the board or under chapter
16 68.05 RCW is required in order to operate a crematory or conduct a
17 cremation.

18 (2) Conducting a cremation without a permit or endorsement is a
19 misdemeanor. Each such cremation is a separate violation.

20 (3) Crematories owned or operated by or located on property
21 licensed as a funeral establishment shall be regulated by the board of
22 funeral directors and embalmers. Crematories not affiliated with a
23 funeral establishment shall be regulated by the cemetery board.

24 **Sec. 129.** RCW 18.39.220 and 1981 c 43 s 16 are each amended to
25 read as follows:

26 (1) Every funeral director or embalmer who pays, or causes to be
27 paid, directly or indirectly, money, or other valuable consideration,
28 for the securing of business, and every person who accepts money, or
29 other valuable consideration, directly or indirectly, from a funeral
30 director or from an embalmer, in order that the latter may obtain
31 business is guilty of a gross misdemeanor.

32 (2) Every person who sells, or offers for sale, any share,
33 certificate, or interest in the business of any funeral director or
34 embalmer, or in any corporation, firm, or association owning or
35 operating a funeral establishment, which promises or purports to give
36 to the purchaser a right to the services of the funeral director,

1 embalmer, or corporation, firm, or association at a charge or cost less
2 than that offered or given to the public, is guilty of a gross
3 misdemeanor.

4 **Sec. 130.** RCW 18.39.231 and 1986 c 259 s 66 are each amended to
5 read as follows:

6 (1) A funeral director or any person under the supervision of a
7 funeral director shall not, in conjunction with any professional
8 services performed for compensation under this chapter, provide
9 financial or investment advice to any person other than a family
10 member, represent any person in a real estate transaction, or act as an
11 agent under a power of attorney for any person. However, this section
12 shall not be deemed to prohibit a funeral establishment from entering
13 into prearrangement funeral service contracts in accordance with this
14 chapter or to prohibit a funeral director from providing advice about
15 government or insurance benefits.

16 (2) A violation of this section is a gross misdemeanor and is
17 grounds for disciplinary action.

18 (3) The board shall adopt such rules as the board deems reasonably
19 necessary to prevent unethical financial dealings between funeral
20 directors and their clients.

21 **Sec. 131.** RCW 18.57.160 and 1981 c 277 s 9 are each amended to
22 read as follows:

23 Every person falsely claiming himself or herself to be the person
24 named in a certificate issued to another, or falsely claiming himself
25 or herself to be the person entitled to the same, (~~shall be~~) is
26 guilty of (~~a felony, and, upon conviction thereof, shall be subject to~~
27 ~~such penalties as are provided by the laws of this state for the crime~~
28 ~~of~~) forgery under RCW 9A.60.020.

29 **Sec. 132.** RCW 18.64.045 and 1996 c 191 s 44 are each amended to
30 read as follows:

31 (1) The owner of each and every place of business which
32 manufactures drugs shall pay a license fee to be determined by the
33 secretary, and thereafter, on or before a date to be determined by the
34 secretary, a fee to be determined by the secretary as provided in RCW
35 43.70.250 and 43.70.280, for which the owner shall receive a license of

1 location from the department, which shall entitle the owner to
2 manufacture drugs at the location specified for the period ending on a
3 date to be determined by the secretary, and each such owner shall at
4 the time of payment of such fee file with the department, on a blank
5 therefor provided, a declaration of ownership and location, which
6 declaration of ownership and location so filed as aforesaid shall be
7 deemed presumptive evidence of the ownership of such place of business
8 mentioned therein. It shall be the duty of the owner to notify
9 immediately the department of any change of location or ownership and
10 to keep the license of location or the renewal thereof properly
11 exhibited in such place of business.

12 (2) Failure to conform with this section (~~((shall be deemed))~~) is a
13 misdemeanor, and each day that (~~((said))~~) the failure continues (~~((shall~~
14 ~~be deemed))~~) is a separate offense.

15 (3) In event (~~((such))~~) the license fee remains unpaid on the date
16 due, no renewal or new license shall be issued except upon compliance
17 with administrative procedures, administrative requirements, and fees
18 determined as provided in RCW 43.70.250 and 43.70.280.

19 **Sec. 133.** RCW 18.64.046 and 1996 c 191 s 45 are each amended to
20 read as follows:

21 (1) The owner of each place of business which sells legend drugs
22 and nonprescription drugs, or nonprescription drugs at wholesale shall
23 pay a license fee to be determined by the secretary, and thereafter, on
24 or before a date to be determined by the secretary as provided in RCW
25 43.70.250 and 43.70.280, a like fee to be determined by the secretary,
26 for which the owner shall receive a license of location from the
27 department, which shall entitle such owner to either sell legend drugs
28 and nonprescription drugs or nonprescription drugs at wholesale at the
29 location specified for the period ending on a date to be determined by
30 the secretary, and each such owner shall at the time of payment of such
31 fee file with the department, on a blank therefor provided, a
32 declaration of ownership and location, which declaration of ownership
33 and location so filed as aforesaid shall be deemed presumptive evidence
34 of the ownership of such place of business mentioned therein. It shall
35 be the duty of the owner to notify immediately the department of any
36 change of location and ownership and to keep the license of location or
37 the renewal thereof properly exhibited in such place of business.

1 (2) Failure to conform with this section (~~(shall be deemed)~~) is a
2 misdemeanor, and each day that (~~(said)~~) the failure continues (~~(shall~~
3 ~~be deemed)~~) is a separate offense.

4 (3) In event (~~(such)~~) the license fee remains unpaid on the date
5 due, no renewal or new license shall be issued except upon compliance
6 with administrative procedures, administrative requirements, and fees
7 determined as provided in RCW 43.70.250 and 43.70.280.

8 **Sec. 134.** RCW 18.64.047 and 1996 c 191 s 46 are each amended to
9 read as follows:

10 (1) Any itinerant vendor or any peddler of any nonprescription drug
11 or preparation for the treatment of disease or injury, shall pay a
12 registration fee determined by the secretary on a date to be determined
13 by the secretary as provided in RCW 43.70.250 and 43.70.280. The
14 department may issue a registration to such vendor on an approved
15 application made to the department.

16 (2) Any itinerant vendor or peddler who shall vend or sell, or
17 offer to sell to the public any such nonprescription drug or
18 preparation without having registered to do so as provided in this
19 section, (~~(shall be)~~) is guilty of a misdemeanor and each sale or offer
20 to sell shall constitute a separate offense.

21 (3) In event (~~(such)~~) the registration fee remains unpaid on the
22 date due, no renewal or new registration shall be issued except upon
23 compliance with administrative procedures, administrative requirements,
24 and fees determined as provided in RCW 43.70.250 and 43.70.280. This
25 registration shall not authorize the sale of legend drugs or controlled
26 substances.

27 **Sec. 135.** RCW 18.64.245 and 1989 1st ex.s. c 9 s 402 and 1989 c
28 352 s 2 are each reenacted and amended to read as follows:

29 (1) Every proprietor or manager of a pharmacy shall keep readily
30 available a suitable record of prescriptions which shall preserve for
31 a period of not less than two years the record of every prescription
32 dispensed at such pharmacy which shall be numbered, dated, and filed,
33 and shall produce the same in court or before any grand jury whenever
34 lawfully required to do so. The record shall be maintained either
35 separately from all other records of the pharmacy or in such form that
36 the information required is readily retrievable from ordinary business

1 records of the pharmacy. All record-keeping requirements for
2 controlled substances must be complied with. Such record of
3 prescriptions shall be for confidential use in the pharmacy, only. The
4 record of prescriptions shall be open for inspection by the board of
5 pharmacy or any officer of the law, who is authorized to enforce
6 chapter 18.64, 69.41, or 69.50 RCW.

7 (2) A person violating this section is guilty of a misdemeanor.

8 **Sec. 136.** RCW 18.64.246 and 2002 c 96 s 1 are each amended to read
9 as follows:

10 (1) To every box, bottle, jar, tube or other container of a
11 prescription which is dispensed there shall be fixed a label bearing
12 the name and address of the dispensing pharmacy, the prescription
13 number, the name of the prescriber, the prescriber's directions, the
14 name and strength of the medication, the name of the patient, the date,
15 and the expiration date. The security of the cover or cap on every
16 bottle or jar shall meet safety standards adopted by the state board of
17 pharmacy. At the prescriber's request, the name and strength of the
18 medication need not be shown. If the prescription is for a combination
19 medication product, the generic names of the medications combined or
20 the trade name used by the manufacturer or distributor for the product
21 shall be noted on the label. The identification of the licensed
22 pharmacist responsible for each dispensing of medication must either be
23 recorded in the pharmacy's record system or on the prescription label.
24 This section shall not apply to the dispensing of medications to in-
25 patients in hospitals.

26 (2) A person violating this section is guilty of a misdemeanor.

27 **Sec. 137.** RCW 18.64.270 and 1963 c 38 s 13 are each amended to
28 read as follows:

29 (1) Every proprietor of a wholesale or retail drug store shall be
30 held responsible for the quality of all drugs, chemicals or medicines
31 sold or dispensed by him or her except those sold in original packages
32 of the manufacturer and except those articles or preparations known as
33 patent or proprietary medicines.

34 (2) Any person who shall knowingly, willfully or fraudulently
35 falsify or adulterate any drug or medicinal substance or preparation
36 authorized or recognized by an official compendium or used or intended

1 to be used in medical practice, or shall willfully, knowingly or
2 fraudulently offer for sale, sell or cause the same to be sold for
3 medicinal purposes, (~~shall be deemed~~) is guilty of a misdemeanor, and
4 upon conviction thereof shall be punished by a fine in any sum not less
5 than seventy-five nor more than one hundred and fifty dollars or by
6 imprisonment in the county jail for a period of not less than one month
7 nor more than three months, and any person convicted a third time for
8 violation of (~~any of the provisions of~~) this section may suffer both
9 fine and imprisonment. In any case he or she shall forfeit to the
10 state of Washington all drugs or preparations so falsified or
11 adulterated.

12 **Sec. 138.** RCW 18.71.190 and 1909 c 192 s 16 are each amended to
13 read as follows:

14 Every person filing for record, or attempting to file for record,
15 the certificate issued to another, falsely claiming himself or herself
16 to be the person named in such certificate, or falsely claiming himself
17 or herself to be the person entitled to the same, (~~shall be~~) is
18 guilty of (~~a felony, and, upon conviction thereof, shall be subject to~~
19 ~~such penalties as are provided by the laws of this state for the crime~~
20 ~~of~~) forgery under RCW 9A.60.020.

21 **Sec. 139.** RCW 18.92.230 and 1941 c 71 s 23 are each amended to
22 read as follows:

23 Any person filing or attempting to file, as his or her own, the
24 diploma or license of another (~~shall be deemed~~) is guilty of (~~a~~
25 ~~felony, and upon conviction thereof, shall be subject to such fine and~~
26 ~~imprisonment as is made and provided by the statutes of this state for~~
27 ~~the crime of~~) forgery under RCW 9A.60.020.

28 **Sec. 140.** RCW 18.130.075 and 1991 c 332 s 2 are each amended to
29 read as follows:

30 (1) If an individual licensed in another state(~~(τ)~~) that has
31 licensing standards substantially equivalent to Washington(~~(τ)~~) applies
32 for a license, the disciplining authority shall issue a temporary
33 practice permit authorizing the applicant to practice the profession
34 pending completion of documentation that the applicant meets the
35 requirements for a license and is also not subject to denial of a

1 license or issuance of a conditional license under this chapter. The
2 temporary permit may reflect statutory limitations on the scope of
3 practice. The permit shall be issued only upon the disciplining
4 authority receiving verification from the states in which the applicant
5 is licensed that the applicant is currently licensed and is not subject
6 to charges or disciplinary action for unprofessional conduct or
7 impairment. Notwithstanding RCW 34.05.422(3), the disciplining
8 authority shall establish, by rule, the duration of the temporary
9 practice permits.

10 (2) Failure to surrender the temporary practice permit is a
11 misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct
12 under this chapter.

13 (3) The issuance of temporary permits is subject to the provisions
14 of this chapter, including summary suspensions.

15 **Sec. 141.** RCW 18.130.190 and 2001 c 207 s 2 are each amended to
16 read as follows:

17 (1) The secretary shall investigate complaints concerning practice
18 by unlicensed persons of a profession or business for which a license
19 is required by the chapters specified in RCW 18.130.040. In the
20 investigation of the complaints, the secretary shall have the same
21 authority as provided the secretary under RCW 18.130.050.

22 (2) The secretary may issue a notice of intention to issue a cease
23 and desist order to any person whom the secretary has reason to believe
24 is engaged in the unlicensed practice of a profession or business for
25 which a license is required by the chapters specified in RCW
26 18.130.040. The person to whom such notice is issued may request an
27 adjudicative proceeding to contest the charges. The request for
28 hearing must be filed within twenty days after service of the notice of
29 intention to issue a cease and desist order. The failure to request a
30 hearing constitutes a default, whereupon the secretary may enter a
31 permanent cease and desist order, which may include a civil fine. All
32 proceedings shall be conducted in accordance with chapter 34.05 RCW.

33 (3) If the secretary makes a final determination that a person has
34 engaged or is engaging in unlicensed practice, the secretary may issue
35 a cease and desist order. In addition, the secretary may impose a
36 civil fine in an amount not exceeding one thousand dollars for each day
37 upon which the person engaged in unlicensed practice of a business or

1 profession for which a license is required by one or more of the
2 chapters specified in RCW 18.130.040. The proceeds of such fines shall
3 be deposited to the health professions account.

4 (4) If the secretary makes a written finding of fact that the
5 public interest will be irreparably harmed by delay in issuing an
6 order, the secretary may issue a temporary cease and desist order. The
7 person receiving a temporary cease and desist order shall be provided
8 an opportunity for a prompt hearing. The temporary cease and desist
9 order shall remain in effect until further order of the secretary. The
10 failure to request a prompt or regularly scheduled hearing constitutes
11 a default, whereupon the secretary may enter a permanent cease and
12 desist order, which may include a civil fine.

13 (5) Neither the issuance of a cease and desist order nor payment of
14 a civil fine shall relieve the person so practicing or operating a
15 business without a license from criminal prosecution therefor, but the
16 remedy of a cease and desist order or civil fine shall be in addition
17 to any criminal liability. The cease and desist order is conclusive
18 proof of unlicensed practice and may be enforced under RCW 7.21.060.
19 This method of enforcement of the cease and desist order or civil fine
20 may be used in addition to, or as an alternative to, any provisions for
21 enforcement of agency orders set out in chapter 34.05 RCW.

22 (6) The attorney general, a county prosecuting attorney, the
23 secretary, a board, or any person may in accordance with the laws of
24 this state governing injunctions, maintain an action in the name of
25 this state to enjoin any person practicing a profession or business for
26 which a license is required by the chapters specified in RCW 18.130.040
27 without a license from engaging in such practice or operating such
28 business until the required license is secured. However, the
29 injunction shall not relieve the person so practicing or operating a
30 business without a license from criminal prosecution therefor, but the
31 remedy by injunction shall be in addition to any criminal liability.

32 (7)(a) Unlicensed practice of a profession or operating a business
33 for which a license is required by the chapters specified in RCW
34 18.130.040, unless otherwise exempted by law, constitutes a gross
35 misdemeanor for a single violation.

36 (b) Each subsequent violation, whether alleged in the same or in
37 subsequent prosecutions, is a class C felony punishable according to
38 chapter 9A.20 RCW.

1 (8) All fees, fines, forfeitures, and penalties collected or
2 assessed by a court because of a violation of this section shall be
3 remitted to the health professions account.

4 **Sec. 142.** RCW 19.09.275 and 1993 c 471 s 15 are each amended to
5 read as follows:

6 (1) Any person who knowingly violates any provision of this chapter
7 or who knowingly gives false or incorrect information to the secretary,
8 attorney general, or county prosecuting attorney in filing statements
9 required by this chapter, whether or not such statement or report is
10 verified is guilty of a gross misdemeanor punishable under chapter
11 9A.20 RCW.

12 (2) Any person who violates any provisions of this chapter or who
13 gives false or incorrect information to the secretary, attorney
14 general, or county prosecuting attorney in filing statements required
15 by this chapter, whether or not such statement or report is verified,
16 is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

17 **Sec. 143.** RCW 19.25.020 and 1991 c 38 s 2 are each amended to read
18 as follows:

19 (1) A person commits an offense if the person:

20 (a) Knowingly reproduces for sale or causes to be transferred any
21 recording with intent to sell it or cause it to be sold or use it or
22 cause it to be used for commercial advantage or private financial gain
23 without the consent of the owner;

24 (b) Transports within this state, for commercial advantage or
25 private financial gain, a recording with the knowledge that the sounds
26 have been reproduced or transferred without the consent of the owner;
27 or

28 (c) Advertises, offers for sale, sells, or rents, or causes the
29 sale, resale, or rental of or possesses for one or more of these
30 purposes any recording that the person knows has been reproduced or
31 transferred without the consent of the owner.

32 (2)(a) An offense under this section is a class B felony punishable
33 by((÷

34 ~~(a)~~) a fine of not more than two hundred fifty thousand dollars,
35 imprisonment for not more than ten years, or both if:

1 (i) The offense involves at least one thousand unauthorized
2 recordings during a one hundred eighty-day period; or

3 (ii) The defendant has been previously convicted under this
4 section(~~(+)~~).

5 (b) An offense under this section is a class C felony punishable by
6 a fine of not more than two hundred fifty thousand dollars,
7 imprisonment for not more than five years, or both, if the offense
8 involves more than one hundred but less than one thousand unauthorized
9 recordings during a one hundred eighty-day period.

10 (~~(+3)~~) (c) Any other offense under this section is a gross
11 misdemeanor punishable by a fine of not more than twenty-five thousand
12 dollars, imprisonment for not more than one year, or both.

13 (~~(+4)~~) (3) This section does not affect the rights and remedies of
14 a party in private litigation.

15 (~~(+5)~~) (4) This section applies only to recordings that were
16 initially fixed before February 15, 1972.

17 **Sec. 144.** RCW 19.25.030 and 1991 c 38 s 3 are each amended to read
18 as follows:

19 (1) A person commits an offense if the person:

20 (a) For commercial advantage or private financial gain advertises,
21 offers for sale, sells, rents, transports, causes the sale, resale,
22 rental, or transportation of or possesses for one or more of these
23 purposes a recording of a live performance with the knowledge that the
24 live performance has been recorded or fixed without the consent of the
25 owner; or

26 (b) With the intent to sell for commercial advantage or private
27 financial gain records or fixes or causes to be recorded or fixed on a
28 recording a live performance with the knowledge that the live
29 performance has been recorded or fixed without the consent of the
30 owner.

31 (2)(a) An offense under this section is a class B felony punishable
32 by(~~(+)~~

33 ~~(+a)~~) a fine of not more than two hundred fifty thousand dollars,
34 imprisonment for not more than ten years, or both, if:

35 (i) The offense involves at least one thousand unauthorized
36 recordings embodying sound or at least one hundred unauthorized
37 audiovisual recordings during a one hundred eighty-day period; or

1 (ii) The defendant has been previously convicted under this
2 section(~~(+)~~).

3 (b) An offense under this section is a class C felony punishable by
4 a fine of not more than two hundred fifty thousand dollars,
5 imprisonment for not more than five years, or both, if the offense
6 involves more than one hundred but less than one thousand unauthorized
7 recordings embodying sound or more than ten but less than one hundred
8 unauthorized audiovisual recordings during a one hundred eighty-day
9 period.

10 (~~(+3)~~) (c) Any other offense under this section is a gross
11 misdemeanor punishable by a fine of not more than twenty-five thousand
12 dollars, imprisonment for not more than one year, or both.

13 (~~(+4)~~) (3) In the absence of a written agreement or law to the
14 contrary, the performer or performers of a live performance are
15 presumed to own the rights to record or fix those sounds.

16 (~~(+5)~~) (4) For the purposes of this section, a person who is
17 authorized to maintain custody and control over business records that
18 reflect whether or not the owner of the live performance consented to
19 having the live performance recorded or fixed is a competent witness in
20 a proceeding regarding the issue of consent.

21 (~~(+6)~~) (5) This section does not affect the rights and remedies of
22 a party in private litigation.

23 **Sec. 145.** RCW 19.25.040 and 1991 c 38 s 4 are each amended to read
24 as follows:

25 (1) A person is guilty of failure to disclose the origin of a
26 recording when, for commercial advantage or private financial gain, the
27 person knowingly advertises, or offers for sale, resale, or rent, or
28 sells or resells, or rents, leases, or lends, or possesses for any of
29 these purposes, any recording which does not contain the true name and
30 address of the manufacturer in a prominent place on the cover, jacket,
31 or label of the recording.

32 (2)(a) An offense under this section is a class B felony punishable
33 by(~~(+~~

34 ~~(+)~~) a fine of not more than two hundred fifty thousand dollars,
35 imprisonment for not more than ten years, or both, if:

36 (i) The offense involves at least one hundred unauthorized
37 recordings during a one hundred eighty-day period; or

1 (ii) The defendant has been previously convicted under this
2 section(~~(+)~~).

3 (b) An offense under this section is a class C felony punishable by
4 a fine of not more than two hundred fifty thousand dollars,
5 imprisonment for not more than five years, or both, if the offense
6 involves more than ten but less than one hundred unauthorized
7 recordings during a one hundred eighty-day period.

8 (~~(+3)~~) (c) Any other offense under this section is a gross
9 misdemeanor punishable by a fine of not more than twenty-five thousand
10 dollars, imprisonment for not more than one year, or both.

11 (~~(+4)~~) (3) This section does not affect the rights and remedies of
12 a party in private litigation.

13 **Sec. 146.** RCW 19.48.110 and 1985 c 129 s 2 are each amended to
14 read as follows:

15 (1)(a) Any person who (~~shall~~) willfully obtains food, money,
16 credit, use of ski area facilities, lodging or accommodation at any
17 hotel, inn, restaurant, commercial ski area, boarding house or lodging
18 house, without paying therefor, with intent to defraud the proprietor,
19 owner, operator or keeper thereof; or who obtains food, money, credit,
20 use of ski area facilities, lodging or accommodation at such hotel,
21 inn, restaurant, commercial ski area, boarding house or lodging house,
22 by the use of any false pretense; or who, after obtaining food, money,
23 credit, use of ski area facilities, lodging, or accommodation at such
24 hotel, inn, restaurant, commercial ski area, boarding house, or lodging
25 house, removes or causes to be removed from such hotel, inn,
26 restaurant, commercial ski area, boarding house or lodging house, his
27 or her baggage, without the permission or consent of the proprietor,
28 manager or authorized employee thereof, before paying for such food,
29 money, credit, use of ski area facilities, lodging or accommodation,
30 (~~shall be~~) is guilty of a gross misdemeanor(~~(+—PROVIDED, That)~~),
31 except as provided in (b) of this subsection.

32 (b) If the aggregate amount of food, money, use of ski area
33 facilities, lodging or accommodation, or credit so obtained is seventy-
34 five dollars or more such person (~~shall be~~) is guilty of a class B
35 felony punishable according to chapter 9A.20 RCW.

36 (2) Proof that food, money, credit, use of ski area facilities,
37 lodging or accommodation were obtained by false pretense or by false or

1 fictitious show or pretense of any baggage or other property, or that
2 the person refused or neglected to pay for such food, money, credit,
3 use of ski area facilities, lodging or accommodation on demand, or that
4 he or she gave in payment for such food, money, credit, use of ski area
5 facilities, lodging or accommodation, negotiable paper on which payment
6 was refused, or that he or she absconded, or departed from, or left,
7 the premises without paying for such food, money, credit, use of ski
8 area facilities, lodging or accommodation, or that he or she removed,
9 or attempted to remove, or caused to be removed, or caused to be
10 attempted to be removed his or her property or baggage, shall be prima
11 facie evidence of the fraudulent intent hereinbefore mentioned.

12 **Sec. 147.** RCW 19.68.010 and 1993 c 492 s 233 are each amended to
13 read as follows:

14 (1) It shall be unlawful for any person, firm, corporation or
15 association, whether organized as a cooperative, or for profit or
16 nonprofit, to pay, or offer to pay or allow, directly or indirectly, to
17 any person licensed by the state of Washington to engage in the
18 practice of medicine and surgery, drugless treatment in any form,
19 dentistry, or pharmacy and it shall be unlawful for such person to
20 request, receive or allow, directly or indirectly, a rebate, refund,
21 commission, unearned discount or profit by means of a credit or other
22 valuable consideration in connection with the referral of patients to
23 any person, firm, corporation or association, or in connection with the
24 furnishings of medical, surgical or dental care, diagnosis, treatment
25 or service, on the sale, rental, furnishing or supplying of clinical
26 laboratory supplies or services of any kind, drugs, medication, or
27 medical supplies, or any other goods, services or supplies prescribed
28 for medical diagnosis, care or treatment.

29 (2) Ownership of a financial interest in any firm, corporation or
30 association which furnishes any kind of clinical laboratory or other
31 services prescribed for medical, surgical, or dental diagnosis shall
32 not be prohibited under this section where (~~(1)~~) (a) the referring
33 practitioner affirmatively discloses to the patient in writing, the
34 fact that such practitioner has a financial interest in such firm,
35 corporation, or association; and (~~(2)~~) (b) the referring practitioner
36 provides the patient with a list of effective alternative facilities,
37 informs the patient that he or she has the option to use one of the

1 alternative facilities, and assures the patient that he or she will not
2 be treated differently by the referring practitioner if the patient
3 chooses one of the alternative facilities.

4 (3) Any person violating (~~the provisions of~~) this section is
5 guilty of a misdemeanor.

6 **Sec. 148.** RCW 19.76.110 and 1897 c 38 s 2 are each amended to read
7 as follows:

8 It is hereby declared to be unlawful for any person or persons
9 hereafter, without the written consent of the owner or owners thereof,
10 to fill with ale, porter, lager beer or soda, mineral water or other
11 beverages, for sale or to be furnished to customers, any such casks,
12 barrels, kegs, bottles or boxes so marked or stamped, or to sell,
13 dispose of, buy or traffic in, or wantonly destroy any such cask,
14 barrel, keg, bottle or box so marked, stamped, by the owner or owners
15 thereof, after such owner or owners shall have complied with the
16 provisions of RCW 19.76.100. (~~Any person or persons who shall violate
17 any of the provisions of RCW 19.76.100 through 19.76.120 shall be
18 deemed guilty of a misdemeanor, and upon conviction thereof shall be
19 fined five dollars for each and every cask, barrel, keg, or box, and
20 fifty cents for each and every bottle so by him, her or them filled,
21 bought, sold, used, trafficked in or wantonly destroyed, together with
22 costs of suit for first offense, and ten dollars for each and every
23 cask, barrel, keg and box and one dollar for each and every bottle so
24 filled, bought, sold, used, trafficked in, or wantonly destroyed,
25 together with the costs of suit for each subsequent offense.))~~)

26 NEW SECTION. **Sec. 149.** A new section is added to chapter 19.76
27 RCW to read as follows:

28 Any person who violates RCW 19.76.100 through 19.76.120 is guilty
29 of a misdemeanor, and upon conviction shall be fined five dollars for
30 each and every cask, barrel, keg, or box, and fifty cents for each and
31 every bottle so by him, her, or them filled, bought, sold, used,
32 trafficked in, or wantonly destroyed, together with costs of suit for
33 first offense, and ten dollars for each and every cask, barrel, keg,
34 and box and one dollar for each and every bottle so filled, bought,
35 sold, used, trafficked in, or wantonly destroyed, together with the
36 costs of suit for each subsequent offense.

1 **Sec. 150.** RCW 19.86.145 and 1989 c 359 s 4 are each amended to
2 read as follows:

3 Any violation of RCW 9.08.070, sections 10 through 13 of this act,
4 or 16.52.220 constitutes an unfair or deceptive practice in violation
5 of this chapter. The relief available under this chapter for
6 violations of RCW 9.08.070, sections 10 through 13 of this act, or
7 16.52.220 by a research institution shall be limited to only monetary
8 penalties in an amount not to exceed two thousand five hundred dollars.

9 **Sec. 151.** RCW 19.100.210 and 1980 c 63 s 2 are each amended to
10 read as follows:

11 (1) The attorney general or director may bring an action in the
12 name of the state against any person to restrain and prevent the doing
13 of any act herein prohibited or declared to be unlawful. Upon a proper
14 showing, a permanent or temporary injunction, restraining order, or
15 writ of mandamus shall be granted and a receiver or conservator may be
16 appointed for the defendant or the defendant's assets. The prevailing
17 party may in the discretion of the court recover the costs of such
18 action including a reasonable attorneys' fee.

19 (2) Every person who shall violate the terms of any injunction
20 issued as in this chapter provided shall forfeit and pay a civil
21 penalty of not more than twenty-five thousand dollars.

22 (3) Every person who violates RCW 19.100.020, 19.100.080,
23 19.100.150, and 19.100.170 (~~(as now or hereafter amended)~~) shall
24 forfeit a civil penalty of not more than two thousand dollars for each
25 violation.

26 (4) For the purpose of this section the superior court issuing an
27 injunction shall retain jurisdiction and the cause shall be continued
28 and in such cases the attorney general or director acting in the name
29 of the state may petition for the recovery of civil penalties.

30 (5) In the enforcement of this chapter, the attorney general or
31 director may accept an assurance of discontinuance with the provisions
32 of this chapter from any person deemed by the attorney general or
33 director in violation hereof. Any such assurance shall be in writing,
34 shall state that the person giving such assurance does not admit to any
35 violation of this chapter or to any facts alleged by the attorney
36 general or director, and shall be filed with and subject to the
37 approval of the superior court of the county in which the alleged

1 violator resides or has his or her principal place of business, or in
2 Thurston county. Proof of failure to comply with the assurance of
3 discontinuance shall be prima facie evidence of a violation of this
4 chapter.

5 ((+3)) (6) Any person who willfully violates any provision of this
6 chapter or who willfully violates any rule adopted or order issued
7 under this chapter is guilty of a class B felony and shall upon
8 conviction be fined not more than five thousand dollars or imprisoned
9 for not more than ten years or both, but no person may be imprisoned
10 for the violation of any rule or order if he or she proves that he or
11 she had no knowledge of the rule or order. No indictment or
12 information may be returned under this chapter more than five years
13 after the alleged violation.

14 ((+4)) (7) Nothing in this chapter limits the power of the state
15 to punish any person for any conduct which constitutes a crime by
16 statute or at common law.

17 **Sec. 152.** RCW 19.105.480 and 1988 c 159 s 24 are each amended to
18 read as follows:

19 (1) Any person who willfully fails to register an offering of
20 camping resort contracts under this chapter is guilty of a gross
21 misdemeanor.

22 (2) It is a gross misdemeanor for any person in connection with the
23 offer or sale of any camping resort contracts willfully and knowingly:

24 ((+1)) (a) To make any untrue or misleading statement of a
25 material fact, or to omit to state a material fact necessary in order
26 to make the statements made, in the light of the circumstances under
27 which they are made, not misleading;

28 ((+2)) (b) To employ any device, scheme, or artifice to defraud;

29 ((+3)) (c) To engage in any act, practice, or course of business
30 which operates or would operate as a fraud or deceit upon any person;

31 ((+4)) (d) To file, or cause to be filed, with the director any
32 document which contains any untrue or misleading information;

33 ((+5)) (e) To breach any impound, escrow, trust, or other security
34 arrangement provided for by this chapter;

35 ((+6)) (f) To cause the breaching of any trust, escrow, impound,
36 or other arrangement placed in a registration for compliance with RCW
37 19.105.336; or

1 ~~((7))~~ (g) To employ unlicensed salespersons or permit
2 salespersons or employees to make misrepresentations or violate this
3 chapter.

4 (3) No indictment or information may be returned under this chapter
5 more than five years after the date of the event alleged to have been
6 a violation.

7 **Sec. 153.** RCW 19.105.520 and 1988 c 159 s 26 are each amended to
8 read as follows:

9 (1) Neither the fact that an application for registration nor the
10 written disclosures required by this chapter have been filed, nor the
11 fact that a camping resort contract offering has been effectively
12 registered or exempted, constitutes a finding by the director that the
13 offering or any document filed under this chapter is true, complete,
14 and not misleading, nor does the fact mean that the director has
15 determined in any way the merits or qualifications of or recommended or
16 given approval to any person, camping resort operator, or camping
17 resort contract transaction.

18 (2) It is a gross misdemeanor to make or cause to be made to any
19 prospective purchaser any representation inconsistent with this
20 section.

21 **Sec. 154.** RCW 19.110.120 and 1981 c 155 s 12 are each amended to
22 read as follows:

23 (1) It is unlawful for any person to:

24 ~~((1) To)~~ (a) Make any untrue or misleading statement of a
25 material fact or to omit to state a material fact in connection with
26 the offer, sale, or lease of any business opportunity in the state; or

27 ~~((2) To)~~ (b) Employ any device, scheme, or artifice to defraud;
28 or

29 ~~((3) To)~~ (c) Engage in any act, practice, or course of business
30 which operates or would operate as a fraud or deceit upon any person;
31 or

32 ~~((4) To)~~ (d) Knowingly file or cause to be filed with the
33 director any document which contains any untrue or misleading
34 information; or

35 ~~((5) To)~~ (e) Knowingly violate any rule or order of the director.

1 (2) A violation of this section is a class B felony punishable
2 according to chapter 9A.20 RCW.

3 **Sec. 155.** RCW 19.110.160 and 1981 c 155 s 16 are each amended to
4 read as follows:

5 (1)(a) The attorney general, in the name of the state or the
6 director, or the proper prosecuting attorney may bring an action to
7 enjoin any person from violating any provision of this chapter. Upon
8 proper showing, the superior court shall grant a permanent or temporary
9 injunction, restraining order, or writ of mandamus.

10 The court may make such additional orders or judgments as may be
11 necessary to restore to any person in interest and money or property,
12 real or personal, which may have been acquired by means of an act
13 prohibited or declared unlawful by this chapter.

14 The prevailing party may recover costs of the action, including a
15 reasonable attorney's fee.

16 (b) The superior court issuing an injunction shall retain
17 jurisdiction. Any person who violates the terms of an injunction shall
18 pay a civil penalty of not more than twenty-five thousand dollars.

19 (2) The attorney general, in the name of the state or the director,
20 or the proper prosecuting attorney may apply to the superior court to
21 appoint a receiver or conservator for any person, or the assets of any
22 person, who is subject to a cease and desist order, permanent or
23 temporary injunction, restraining order, or writ of mandamus.

24 (3) Any person who violates any provision of this chapter except as
25 provided in subsection (1)(b) of this section, is subject to a civil
26 penalty not to exceed two thousand dollars for each violation. Civil
27 penalties authorized by this subsection may be imposed in any civil
28 action brought by the attorney general or proper prosecuting attorney
29 under this chapter and shall be deposited in the state treasury. Any
30 action for recovery of such civil penalty shall be commenced within
31 five years.

32 ~~(4) ((Any person who violates RCW 19.110.050 or 19.110.070 is~~
33 ~~guilty of a gross misdemeanor. Any person who knowingly violates RCW~~
34 ~~19.110.050 or 19.110.070 is guilty of a class B felony. Any violation~~
35 ~~of RCW 19.110.120 is a class B felony. No indictment or information~~
36 ~~for a felony may be returned under this chapter more than five years~~
37 ~~after the alleged violation.~~

1 (5)) The director may refer evidence concerning violations of this
2 chapter to the attorney general or proper prosecuting attorney. The
3 prosecuting attorney, or the attorney general pursuant to authority
4 granted by RCW 10.01.190, 43.10.230, 43.10.232, and 43.10.234 may, with
5 or without such reference, institute appropriate criminal proceedings.

6 NEW SECTION. **Sec. 156.** A new section is added to chapter 19.110
7 RCW to read as follows:

8 (1) Any person who violates RCW 19.110.050 or 19.110.070 is guilty
9 of a gross misdemeanor.

10 (2) Any person who knowingly violates RCW 19.110.050 or 19.110.070
11 is guilty of a class B felony punishable according to chapter 9A.20
12 RCW.

13 (3) No indictment or information for a felony may be returned under
14 this chapter more than five years after the alleged violation.

15 **Sec. 157.** RCW 19.116.080 and 1990 c 44 s 9 are each amended to
16 read as follows:

17 (1) Unlawful subleasing ((or unlawful transfer of an ownership
18 interest in)) of a motor vehicle is a class C felony punishable under
19 chapter 9A.20 RCW.

20 (2) Unlawful transfer of an ownership interest in a motor vehicle
21 is a class C felony punishable under chapter 9A.20 RCW.

22 **Sec. 158.** RCW 19.146.050 and 1998 c 311 s 1 are each amended to
23 read as follows:

24 (1) All moneys received by a mortgage broker from a borrower for
25 payment of third-party provider services shall be deemed as held in
26 trust immediately upon receipt by the mortgage broker. A mortgage
27 broker shall deposit, prior to the end of the third business day
28 following receipt of such trust funds, all such trust funds in a trust
29 account of a federally insured financial institution located in this
30 state. All trust account funds collected under this chapter must
31 remain on deposit in a trust account in the state of Washington until
32 disbursement. The trust account shall be designated and maintained for
33 the benefit of borrowers. Moneys maintained in the trust account shall
34 be exempt from execution, attachment, or garnishment. A mortgage
35 broker shall not in any way encumber the corpus of the trust account or

1 commingle any other operating funds with trust account funds.
2 Withdrawals from the trust account shall be only for the payment of
3 bona fide services rendered by a third-party provider or for refunds to
4 borrowers.

5 (2) The director shall make rules which: ~~((+1))~~ (a) Direct
6 mortgage brokers how to handle checks and other instruments that are
7 received by the broker and that combine trust funds with other funds;
8 and ~~((+2))~~ (b) permit transfer of trust funds out of the trust account
9 for payment of other costs only when necessary and only with the prior
10 express written permission of the borrower.

11 (3) Any interest earned on the trust account shall be refunded or
12 credited to the borrowers at closing.

13 (4) Trust accounts that are operated in a manner consistent with
14 this section and any rules adopted by the director, are not considered
15 gross receipts taxable under chapter 82.04 RCW.

16 (5) A person violating this section is guilty of a class C felony
17 punishable according to chapter 9A.20 RCW.

18 **Sec. 159.** RCW 19.146.110 and 1993 c 468 s 20 are each amended to
19 read as follows:

20 Any person who violates any provision of this chapter other than
21 RCW 19.146.050 or any rule or order of the director ~~((shall be))~~ is
22 guilty of a misdemeanor punishable under chapter 9A.20 RCW. ~~((Any~~
23 ~~person who violates RCW 19.146.050 shall be guilty of a class C felony~~
24 ~~under chapter 9A.20 RCW.))~~

25 **Sec. 160.** RCW 19.158.160 and 1989 c 20 s 16 are each amended to
26 read as follows:

27 (1) Except as provided in RCW 19.158.150, any person who knowingly
28 violates any provision of this chapter or who knowingly, directly or
29 indirectly employs any device, scheme or artifice to deceive in
30 connection with the offer or sale by any commercial telephone solicitor
31 ~~((shall be))~~ is guilty of the following:

32 (a) If the value of a transaction made in violation of RCW
33 19.158.040(1) is~~((+~~

34 ~~(+))~~ less than fifty dollars, the person ~~((shall be))~~ is guilty of
35 a misdemeanor;

1 (b) If the value of a transaction made in violation of RCW
2 19.158.040(1) is fifty dollars or more, then ((such)) the person
3 ((shall be)) is guilty of a gross misdemeanor; and

4 (c) If the value of a transaction made in violation of RCW
5 19.158.040(1) is two hundred fifty dollars or more, then ((such)) the
6 person ((shall be)) is guilty of a class C felony.

7 (2) When any series of transactions which constitute a violation of
8 this section would, when considered separately, constitute a series of
9 misdemeanors or gross misdemeanors because of the value of the
10 transactions, and the series of transactions are part of a common
11 scheme or plan, the transactions may be aggregated in one count and the
12 sum of the value of all the transactions shall be the value considered
13 in determining whether the violations are to be punished as a class C
14 felony or a gross misdemeanor.

15 **Sec. 161.** RCW 20.01.482 and 1986 c 178 s 1 are each amended to
16 read as follows:

17 (1) The director shall have the authority to issue a notice of
18 civil infraction if an infraction is committed in his or her presence
19 or, if after investigation, the director has reasonable cause to
20 believe an infraction has been committed.

21 (2) It ~~((shall be))~~ is a misdemeanor for any person to refuse to
22 properly identify himself or herself for the purpose of issuance of a
23 notice of infraction or to refuse to sign the written promise to appear
24 or respond to a notice of infraction.

25 (3) Any person willfully violating a written and signed promise to
26 respond to a notice of infraction ~~((shall be))~~ is guilty of a
27 misdemeanor regardless of the disposition of the notice of infraction.

28 **Sec. 162.** RCW 20.01.490 and 1986 c 178 s 5 are each amended to
29 read as follows:

30 (1) Any person found to have committed a civil infraction under
31 this chapter shall be assessed a monetary penalty. No monetary penalty
32 so assessed may exceed one thousand dollars. The director shall adopt
33 a schedule of monetary penalties for each violation of this chapter
34 classified as a civil infraction and shall submit the schedule to the
35 proper courts. Whenever a monetary penalty is imposed by the court,

1 the penalty is immediately due and payable. The court may, at its
2 discretion, grant an extension of time, not to exceed thirty days, in
3 which the penalty must be paid.

4 (2) Failure to pay any monetary penalties imposed under this
5 chapter (~~shall be punishable as~~) is a misdemeanor.

6 **Sec. 163.** RCW 21.20.400 and 1979 ex.s. c 68 s 28 are each amended
7 to read as follows:

8 Any person who willfully violates any provision of this chapter
9 except RCW 21.20.350, or who willfully violates any rule or order under
10 this chapter, or who willfully violates RCW 21.20.350 knowing the
11 statement made to be false or misleading in any material respect, is
12 guilty of a class B felony and shall upon conviction be fined not more
13 than five thousand dollars or imprisoned not more than ten years, or
14 both; but no person may be imprisoned for the violation of any rule or
15 order if that person proves that he or she had no knowledge of the rule
16 or order. No indictment or information may be returned under this
17 chapter more than five years after the alleged violation.

18 **Sec. 164.** RCW 21.30.140 and 1986 c 14 s 14 are each amended to
19 read as follows:

20 A person who willfully violates this chapter, or who willfully
21 violates a rule or order under this chapter, is guilty of a class B
22 felony and shall upon conviction be fined not more than twenty thousand
23 dollars or imprisoned not more than ten years, or both. However, no
24 person may be imprisoned for the violation of a rule or order if the
25 person proves that he or she had no knowledge of the rule or order. No
26 indictment or information may be returned under this chapter more than
27 five years after the alleged violation.

28 **Sec. 165.** RCW 24.06.465 and 1994 c 287 s 11 are each amended to
29 read as follows:

30 (1) Each corporation, domestic or foreign, which fails or refuses
31 to file its annual report for any year within the time prescribed by
32 this chapter shall be subject to a penalty as established and assessed
33 by the secretary of state.

34 (2) Each corporation, domestic or foreign, which fails or refuses
35 to answer truthfully and fully within the time prescribed by this

1 chapter any interrogatories propounded by the secretary of state in
2 accordance with the provisions of this chapter, (~~shall be deemed to~~
3 ~~be~~) is guilty of a misdemeanor and upon conviction thereof shall be
4 fined in an amount not to exceed five hundred dollars on each count.

5 **Sec. 166.** RCW 26.04.210 and 1995 c 301 s 78 are each amended to
6 read as follows:

7 (1) The county auditor, before a marriage license is issued, upon
8 the payment of a license fee as fixed in RCW 36.18.010 shall require
9 each applicant therefor to make and file in the auditor's office upon
10 blanks to be provided by the county for that purpose, an affidavit
11 showing that if an applicant is afflicted with any contagious sexually
12 transmitted disease, the condition is known to both applicants, and
13 that the applicants are the age of eighteen years or over. If the
14 consent in writing is obtained of the father, mother, or legal guardian
15 of the person for whom the license is required, the license may be
16 granted in cases where the female has attained the age of seventeen
17 years or the male has attained the age of seventeen years. Such
18 affidavit may be subscribed and sworn to before any person authorized
19 to administer oaths.

20 (2) Anyone knowingly swearing falsely to any of the statements
21 contained in the affidavits mentioned in this section (~~shall be~~
22 ~~deemed~~) is guilty of perjury (~~and punished as provided by the laws of~~
23 ~~the state of Washington~~) under chapter 9A.72 RCW.

24 (~~(+2)~~) (3) The affidavit form shall be designed to require a
25 statement that no contagious sexually transmitted disease is present or
26 that the condition is known to both applicants, without requiring the
27 applicants to state whether or not either or both of them are afflicted
28 by such disease.

29 (4) Any person knowingly violating this section is guilty of a
30 class C felony and shall be punished by a fine of not more than one
31 thousand dollars, or by imprisonment in a state correctional facility
32 for a period of not more than three years, or by both such fine and
33 imprisonment.

34 **Sec. 167.** RCW 28A.405.040 and 1990 c 33 s 384 are each amended to
35 read as follows:

36 (1) No person, whose certificate or permit authorizing him or her

1 to teach in the common schools of this state has been revoked due to
2 his or her failure to endeavor to impress on the minds of his or her
3 pupils the principles of patriotism, or to train them up to the true
4 comprehension of the rights, duty and dignity of American citizenship,
5 shall be permitted to teach in any common school in this state.

6 (2) Any person teaching in any school in violation of this section,
7 and any school director knowingly permitting any person to teach in any
8 school in violation of this section is guilty of a misdemeanor.

9 **Sec. 168.** RCW 28A.635.050 and 1990 c 33 s 537 are each amended to
10 read as follows:

11 (1) Except as otherwise provided in chapter 42.23 RCW, it shall be
12 unlawful for any member of the state board of education, the
13 superintendent of public instruction or any employee of the
14 superintendent's office, any educational service district
15 superintendent, any school district superintendent or principal, or any
16 director of any school district, to request or receive, directly or
17 indirectly, anything of value for or on account of his or her influence
18 with respect to any act or proceeding of the state board of education,
19 the office of the superintendent of public instruction, any office of
20 educational service district superintendent or any school district, or
21 any of these, when such act or proceeding shall inure to the benefit of
22 those offering or giving the thing of value.

23 (2) Any willful violation of ~~((the provisions of))~~ this section
24 ~~((shall be))~~ is a misdemeanor ~~((and punished as such))~~.

25 **Sec. 169.** RCW 28A.635.090 and 1996 c 321 s 3 are each amended to
26 read as follows:

27 (1) It shall be unlawful for any person, singly or in concert with
28 others, to interfere by force or violence with any administrator,
29 teacher, classified employee, person under contract with the school or
30 school district, or student of any common school who is in the peaceful
31 discharge or conduct of his or her duties or studies. Any such
32 interference by force or violence committed by a student shall be
33 grounds for immediate suspension or expulsion of the student.

34 (2) A person violating this section is guilty of a gross
35 misdemeanor and shall be fined not more than five hundred dollars, or

1 imprisoned in jail not more than six months, or both such fine and
2 imprisonment.

3 **Sec. 170.** RCW 28A.635.100 and 1990 c 33 s 541 are each amended to
4 read as follows:

5 (1) It shall be unlawful for any person, singly or in concert with
6 others, to intimidate by threat of force or violence any administrator,
7 teacher, classified employee, or student of any common school who is in
8 the peaceful discharge or conduct of his or her duties or studies.

9 (2) A person violating this section is guilty of a gross
10 misdemeanor and shall be fined not more than five hundred dollars, or
11 imprisoned in jail not more than six months, or both such fine and
12 imprisonment.

13 **Sec. 171.** RCW 28B.10.570 and 1971 c 45 s 1 are each amended to
14 read as follows:

15 (1) It shall be unlawful for any person, singly or in concert with
16 others, to interfere by force or violence with any administrator,
17 faculty member or student of any university, college or community
18 college who is in the peaceful discharge or conduct of his or her
19 duties or studies.

20 (2) A person violating this section is guilty of a gross
21 misdemeanor and shall be fined not more than five hundred dollars, or
22 imprisoned in jail not more than six months, or both such fine and
23 imprisonment.

24 **Sec. 172.** RCW 28B.10.571 and 1971 c 45 s 2 are each amended to
25 read as follows:

26 (1) It shall be unlawful for any person, singly or in concert with
27 others, to intimidate by threat of force or violence any administrator,
28 faculty member or student of any university, college or community
29 college who is in the peaceful discharge or conduct of his or her
30 duties or studies.

31 (2) A person violating this section is guilty of a gross
32 misdemeanor and shall be fined not more than five hundred dollars, or
33 imprisoned in jail not more than six months, or both such fine and
34 imprisonment.

1 **Sec. 173.** RCW 28B.10.572 and 1970 ex.s. c 98 s 3 are each amended
2 to read as follows:

3 The crimes defined in RCW 28B.10.570 (~~((through 28B.10.573))~~) and
4 28B.10.571 shall not apply to school administrators or teachers who are
5 engaged in the reasonable exercise of their disciplinary authority.

6 **Sec. 174.** RCW 28B.20.320 and 1969 ex.s. c 223 s 28B.20.320 are
7 each amended to read as follows:

8 (1) There is hereby created an area of preserve of marine
9 biological materials useful for scientific purposes, except when
10 gathered for human food, and except, also, the plant nereocystis,
11 commonly called "kelp." (~~Said~~) Such area of preserve shall consist
12 of the salt waters and the beds and shores of the islands constituting
13 San Juan county and of Cypress Island in Skagit county.

14 (2) No person shall gather such marine biological materials from
15 the area of preserve, except upon permission first granted by the
16 director of the Friday Harbor Laboratories of the University of
17 Washington.

18 (3) A person gathering such marine biological materials contrary to
19 the terms of this section is guilty of a misdemeanor.

20 **Sec. 175.** RCW 28B.85.030 and 1986 c 136 s 3 are each amended to
21 read as follows:

22 (1) A degree-granting institution shall not operate and shall not
23 grant or offer to grant any degree unless the institution has obtained
24 current authorization from the board.

25 (2) Any person, group, or entity or any owner, officer, agent, or
26 employee of such entity who willfully violates this section is guilty
27 of a gross misdemeanor and shall be punished by a fine not to exceed
28 one thousand dollars or by imprisonment in the county jail for a term
29 not to exceed one year, or by both such fine and imprisonment. Each
30 day on which a violation occurs constitutes a separate violation. The
31 criminal sanctions may be imposed by a court of competent jurisdiction
32 in an action brought by the attorney general of this state.

33 **Sec. 176.** RCW 29.04.120 and 1999 c 298 s 2 are each amended to
34 read as follows:

35 (1) Any person who uses registered voter data furnished under RCW

1 29.04.100 or 29.04.110 for the purpose of mailing or delivering any
2 advertisement or offer for any property, establishment, organization,
3 product, or service or for the purpose of mailing or delivering any
4 solicitation for money, services, or anything of value (~~shall be~~) is
5 guilty of a class C felony punishable by imprisonment in a state
6 correctional facility for a period of not more than five years or a
7 fine of not more than ten thousand dollars or both such fine and
8 imprisonment, and shall be liable to each person provided such
9 advertisement or solicitation, without the person's consent, for the
10 nuisance value of such person having to dispose of it, which value is
11 herein established at five dollars for each item mailed or delivered to
12 the person's residence: PROVIDED, That any person who mails or
13 delivers any advertisement, offer or solicitation for a political
14 purpose shall not be liable under this section, unless the person is
15 liable under subsection (2) of this section. For purposes of this
16 subsection, two or more attached papers or sheets or two or more papers
17 which are enclosed in the same envelope or container or are folded
18 together shall be deemed to constitute one item. Merely having a
19 mailbox or other receptacle for mail on or near the person's residence
20 shall not be any indication that such person consented to receive the
21 advertisement or solicitation. A class action may be brought to
22 recover damages under this section and the court may award a reasonable
23 attorney's fee to any party recovering damages under this section.

24 (2) It shall be the responsibility of each person furnished data
25 under RCW 29.04.100 or 29.04.110 to take reasonable precautions
26 designed to assure that the data is not used for the purpose of mailing
27 or delivering any advertisement or offer for any property,
28 establishment, organization, product or service or for the purpose of
29 mailing or delivering any solicitation for money, services, or anything
30 of value: PROVIDED, That such data may be used for any political
31 purpose. Where failure to exercise due care in carrying out this
32 responsibility results in the data being used for such purposes, then
33 such person shall be jointly and severally liable for damages under the
34 provisions of subsection (1) of this section along with any other
35 person liable under subsection (1) of this section for the misuse of
36 such data.

1 **Sec. 177.** RCW 29.15.100 and 1965 c 9 s 29.18.070 are each amended
2 to read as follows:

3 A person is guilty of a class B felony punishable according to
4 chapter 9A.20 RCW who files a declaration of candidacy for any public
5 office of:

6 (1) A nonexistent or fictitious person; or

7 (2) The name of any person not his or her true name; or

8 (3) A name similar to that of an incumbent seeking reelection to
9 the same office with intent to confuse and mislead the electors by
10 taking advantage of the public reputation of the incumbent; or

11 (4) A surname similar to one who has already filed for the same
12 office, and whose political reputation is widely known, with intent to
13 confuse and mislead the electors by capitalizing on the public
14 reputation of the candidate who had previously filed.

15 **Sec. 178.** RCW 29.15.110 and 1965 c 9 s 29.18.080 are each amended
16 to read as follows:

17 Any person who with intent to mislead or confuse the electors
18 conspires with another person who has a surname similar to an incumbent
19 seeking reelection to the same office, or to an opponent for the same
20 office whose political reputation has been well established, by
21 persuading such other person to file for such office with no intention
22 of being elected, but to defeat the incumbent or the well known
23 opponent, (~~shall be~~) is guilty of a class B felony punishable
24 according to chapter 9A.20 RCW. In addition thereto such person or
25 persons shall be subject to a suit for civil damages the amount of
26 which shall not exceed the salary which the injured person would have
27 received had he or she been elected or reelected.

28 **Sec. 179.** RCW 29.36.370 and 2001 c 241 s 14 are each amended to
29 read as follows:

30 (1) A person who willfully violates any provision of this chapter
31 regarding the assertion or declaration of qualifications to receive or
32 cast an absentee ballot or unlawfully casts a vote by absentee ballot
33 is guilty of a class C felony punishable under RCW 9A.20.021.

34 (2) Except as provided in chapter 29.85 RCW a person who willfully
35 violates any other provision of this chapter is guilty of a
36 misdemeanor.

1 **Sec. 180.** RCW 29.51.200 and 1981 c 34 s 1 are each amended to read
2 as follows:

3 (1) Voting shall be secret except to the extent necessary to assist
4 sensory or physically handicapped voters.

5 (2) If any voter declares in the presence of the election officers
6 that because of sensory or physical handicap he or she is unable to
7 register or record his or her vote, he or she may designate a person of
8 his or her choice or two election officers from opposite political
9 parties to enter the voting machine booth with him or her and record
10 his or her vote as he or she directs.

11 (3) A person violating this section is guilty of a misdemeanor.

12 **Sec. 181.** RCW 29.51.230 and 1965 c 9 s 29.51.230 are each amended
13 to read as follows:

14 (1) It (~~(shall be)~~) is unlawful for a voter to:

15 (~~(+1)~~) (a) Show his or her ballot after it is marked to any person
16 in such a way as to reveal the contents thereof or the name of any
17 candidate for whom he or she has marked his or her vote;

18 (~~(+2)~~) (b) Receive a ballot from any person other than the
19 election officer having charge of the ballots;

20 (~~(+3)~~) (c) Vote or offer to vote any ballot except one that he or
21 she has received from the election officer having charge of the
22 ballots;

23 (~~(+4)~~) (d) Place any mark upon his or her ballot by which it may
24 afterward be identified as the one voted by him or her;

25 (~~(+5)~~) (e) Fail to return to the election officers any ballot he
26 or she received from an election officer.

27 (2) A violation of (~~(any provision of)~~) this section (~~(shall be)~~)
28 is a misdemeanor, punishable by a fine not exceeding one hundred
29 dollars, plus costs of prosecution.

30 **Sec. 182.** RCW 29.79.440 and 1993 c 256 s 2 are each amended to
31 read as follows:

32 (1) Every person who signs an initiative or referendum petition
33 with any other than his or her true name (~~(shall be)~~) is guilty of a
34 class C felony punishable under RCW 9A.20.021.

35 (2) Every person who knowingly signs more than one petition for the
36 same initiative or referendum measure or who signs an initiative or

1 referendum petition knowing that he or she is not a legal voter or who
2 makes a false statement as to his or her residence on any initiative or
3 referendum petition, (~~shall be~~) is guilty of a gross misdemeanor
4 (~~punishable to the same extent as a gross misdemeanor that is~~
5 ~~punishable under RCW 9A.20.021~~)).

6 **Sec. 183.** RCW 29.82.170 and 1984 c 170 s 11 are each amended to
7 read as follows:

8 (1) Every person who signs a recall petition with any other than
9 his or her true name is guilty of a class B felony punishable according
10 to chapter 9A.20 RCW.

11 (2) Every person who knowingly (~~(+1)~~) (a) signs more than one
12 petition for the same recall, (~~(+2)~~) (b) signs a recall petition when
13 he or she is not a legal voter, or (~~(+3)~~) (c) makes a false statement
14 as to his or her residence on any recall petition is guilty of a gross
15 misdemeanor.

16 (3) Every registration officer who makes any false report or
17 certificate on any recall petition is guilty of a gross misdemeanor.

18 **Sec. 184.** RCW 30.04.240 and 1994 c 92 s 25 are each amended to
19 read as follows:

20 (1) Every corporation doing a trust business shall maintain in its
21 office a trust department in which it shall keep books and accounts of
22 its trust business, separate and apart from its other business. Such
23 books and accounts shall specify the cash, securities and other
24 properties, real and personal, held in each trust, and such securities
25 and properties shall be at all times segregated from all other
26 securities and properties except as otherwise provided in this section.

27 (2) Any person connected with a bank or trust company who shall,
28 contrary to this section or any other provision of law, commingle any
29 funds or securities of any kind held by such corporation in trust, for
30 safekeeping or as agent for another, with the funds or assets of the
31 corporation (~~shall be~~) is guilty of a class B felony punishable
32 according to chapter 9A.20 RCW.

33 (~~(+2)~~) (3) Notwithstanding any other provisions of law, any
34 fiduciary holding securities in its fiduciary capacity or any state
35 bank, national bank, or trust company holding securities as fiduciary
36 or as custodian for a fiduciary is authorized to deposit or arrange for

1 the deposit of such securities: (a) In a clearing corporation (as
2 defined in Article 8 of the Uniform Commercial Code, chapter 62A.8
3 RCW); (b) within another state bank, national bank, or trust company
4 having trust power whether located inside or outside of this state; or
5 (c) within itself. When such securities are so deposited, certificates
6 representing securities of the same class of the same issuer may be
7 merged and held in bulk in the name of the nominee of such clearing
8 corporation or state bank, national bank, or trust company holding the
9 securities as the depository, with any other such securities deposited
10 in such clearing corporation or depository by any person, regardless of
11 the ownership of such securities, and certificates of small
12 denomination may be merged into one or more certificates of larger
13 denomination. The records of such fiduciary and the records of such
14 state bank, national bank, or trust company as a fiduciary or as
15 custodian for a fiduciary shall at all times show the name of the party
16 for whose account the securities are so deposited. Ownership of, and
17 other interests in, such securities may be transferred by bookkeeping
18 entries on the books of such clearing corporation, state bank, national
19 bank, or trust company without physical delivery or alteration of
20 certificates representing such securities. A state bank, national
21 bank, or trust company so depositing securities pursuant to this
22 section shall be subject to such rules and regulations as, in the case
23 of state chartered banks and trust companies, the director and, in the
24 case of national banking associations, the comptroller of the currency
25 may from time to time issue. A state bank, national bank, or trust
26 company acting as custodian for a fiduciary shall, on demand by the
27 fiduciary, certify in writing to the fiduciary the securities so
28 deposited by such state bank, national bank, or trust company in such
29 clearing corporation or state bank, national bank, or trust company
30 acting as such depository for the account of such fiduciary. A
31 fiduciary shall, on demand by any party to a judicial proceeding for
32 the settlement of such fiduciary's account or on demand by the attorney
33 for such party, certify in writing to such party the securities
34 deposited by such fiduciary in such clearing corporation or state bank,
35 national bank, or trust company acting as such depository for its
36 account as such fiduciary.

37 This subsection shall apply to any fiduciary holding securities in
38 its fiduciary capacity, and to any state bank, national bank, or trust

1 company holding securities as a custodian, managing agent, or custodian
2 for a fiduciary, acting on March 14, 1973 or who thereafter may act
3 regardless of the date of the agreement, instrument, or court order by
4 which it is appointed and regardless of whether or not such fiduciary,
5 custodian, managing agent, or custodian for a fiduciary owns capital
6 stock of such clearing corporation.

7 **Sec. 185.** RCW 30.04.260 and 1974 ex.s. c 117 s 43 are each amended
8 to read as follows:

9 (1) No trust company or other corporation which advertises that it
10 will furnish legal advice, construct or prepare wills, or do other
11 legal work for its customers, shall be permitted to act as executor,
12 administrator, or guardian; and any trust company or other corporation
13 whose officers or agents shall solicit legal business shall be
14 ineligible for a period of one year thereafter to be appointed
15 executor, administrator or guardian in any of the courts of this state.

16 (2) Any trust company or other corporation which advertises that it
17 will furnish legal advice, construct or prepare wills, or do other
18 legal work for its customers, and any officer, agent, or employee of
19 any trust company or corporation who shall solicit legal business
20 (~~shall be~~) is guilty of a gross misdemeanor.

21 **Sec. 186.** RCW 30.12.090 and 1955 c 33 s 30.12.090 are each amended
22 to read as follows:

23 Every person who shall knowingly subscribe to or make or cause to
24 be made any false statement or false entry in the books of any bank or
25 trust company or shall knowingly subscribe to or exhibit any false or
26 fictitious paper or security, instrument or paper, with the intent to
27 deceive any person authorized to examine into the affairs of any bank
28 or trust company or shall make, state or publish any false statement of
29 the amount of the assets or liabilities of any bank or trust company
30 (~~shall be~~) is guilty of a class B felony punishable according to
31 chapter 9A.20 RCW.

32 **Sec. 187.** RCW 30.12.100 and 1994 c 92 s 71 are each amended to
33 read as follows:

34 Every officer, director or employee or agent of any bank or trust
35 company who, for the purpose of concealing any fact or suppressing any

1 evidence against himself or herself, or against any other person,
2 abstracts, removes, mutilates, destroys or secretes any paper, book or
3 record of any bank or trust company, or of the director, or of anyone
4 connected with his or her office, (~~shall be~~) is guilty of a class B
5 felony punishable according to chapter 9A.20 RCW.

6 **Sec. 188.** RCW 30.12.120 and 1955 c 33 s 30.12.120 are each amended
7 to read as follows:

8 No corporation doing a trust business shall make any loan to any
9 officer, or employee from its trust funds, nor shall it permit any
10 officer, or employee to become indebted to it in any way out of its
11 trust funds. Every officer, director, or employee of any such
12 corporation, who knowingly violates (~~any provision of~~) this section,
13 or who aids or abets any other person in any such violation, (~~shall~~
14 ~~be~~) is guilty of a class B felony punishable according to chapter
15 9A.20 RCW.

16 **Sec. 189.** RCW 30.42.290 and 1994 c 92 s 99 are each amended to
17 read as follows:

18 (1) The director shall have the responsibility for assuring
19 compliance with the provisions of this chapter. An alien bank that
20 conducts business in this state in violation of any provisions of this
21 chapter (~~shall be~~) is guilty of a misdemeanor and in addition thereto
22 shall be liable in the sum of one hundred dollars per day that each
23 such offense continues, such sum to be recovered by the attorney
24 general in a civil action in the name of the state.

25 (2) Every person who shall knowingly subscribe to or make or cause
26 to be made any false entry in the books of any alien bank office or
27 bureau doing business in this state pursuant to this chapter or shall
28 knowingly subscribe to or exhibit any false or fictitious paper or
29 security, instrument or paper, with the intent to deceive any person
30 authorized to examine into the affairs of any such office or bureau or
31 shall make, state or publish any false statement of the amount of the
32 assets or liabilities of any such office or bureau (~~shall be~~) is
33 guilty of a class B felony punishable according to chapter 9A.20 RCW.

34 (3) Every director or member of the governing body, officer,
35 employee or agent of such alien bank operating an office or bureau in

1 this state who conceals or destroys any fact or otherwise suppresses
2 any evidence relating to a violation of this chapter is guilty of a
3 class B felony punishable according to chapter 9A.20 RCW.

4 (4) Any person who transacts business in this state on behalf of an
5 alien bank which is subject to the provisions of this chapter, but
6 which is not authorized to transact such business pursuant to this
7 chapter is guilty of a misdemeanor and in addition thereto shall be
8 liable in the sum of one hundred dollars per day for each day that such
9 offense continues, such sum to be recovered by the attorney general in
10 a civil action in the name of the state.

11 **Sec. 190.** RCW 30.44.110 and 1955 c 33 s 30.44.110 are each amended
12 to read as follows:

13 Every transfer of its property or assets by any bank or trust
14 company in this state, made in contemplation of insolvency, or after it
15 shall have become insolvent, with a view to the preference of one
16 creditor over another, or to prevent the equal distribution of its
17 property and assets among its creditors, shall be void. Every
18 director, officer, or employee making any such transfer (~~shall be~~) is
19 guilty of a class B felony punishable according to chapter 9A.20 RCW.

20 **Sec. 191.** RCW 30.44.120 and 1955 c 33 s 30.44.120 are each amended
21 to read as follows:

22 An officer, director or employee of any bank or trust company who
23 shall fraudulently receive for it any deposit, knowing that such bank
24 or trust company is insolvent, (~~shall be~~) is guilty of a class B
25 felony punishable according to chapter 9A.20 RCW.

26 **Sec. 192.** RCW 31.12.724 and 1997 c 397 s 86 are each amended to
27 read as follows:

28 (1) Every transfer of a credit union's property or assets, and
29 every assignment by a credit union for the benefit of creditors, made
30 in contemplation of insolvency, or after it has become insolvent, to
31 intentionally prefer one creditor over another, or to intentionally
32 prevent the equal distribution of its property and assets among its
33 creditors, is void.

34 (2) Every credit union director, officer, or employee making any

1 ((such)) transfer described in subsection (1) of this section is guilty
2 of a class B felony punishable according to chapter 9A.20 RCW.

3 (3) An officer, director, or employee of a credit union who
4 fraudulently receives any share or deposit on behalf of the credit
5 union, knowing that the credit union is insolvent, is guilty of a class
6 B felony punishable according to chapter 9A.20 RCW.

7 **Sec. 193.** RCW 31.12.850 and 1997 c 397 s 87 are each amended to
8 read as follows:

9 (1)(a) It is unlawful for a director, supervisory committee member,
10 officer, employee, or agent of a credit union to knowingly violate or
11 consent to a violation of this chapter.

12 (b) Unless otherwise provided by law, a violation of this
13 subsection is a misdemeanor under chapter 9A.20 RCW.

14 (2)(a) It is unlawful for a person to perform any of the following
15 acts:

16 ((+a)) (i) To knowingly subscribe to, make, or cause to be made a
17 false statement or entry in the books of a credit union;

18 ((+b)) (ii) To knowingly make a false statement or entry in a
19 report required to be made to the director; or

20 ((+c)) (iii) To knowingly exhibit a false or fictitious paper,
21 instrument, or security to a person authorized to examine a credit
22 union.

23 (b) A violation of this subsection is a class C felony under
24 chapter 9A.20 RCW.

25 **Sec. 194.** RCW 32.04.100 and 1955 c 13 s 32.04.100 are each amended
26 to read as follows:

27 Every person who knowingly subscribes to or makes or causes to be
28 made any false statement or false entry in the books of any savings
29 bank, or knowingly subscribes to or exhibits any false or fictitious
30 security, document or paper, with the intent to deceive any person
31 authorized to examine into the affairs of any savings bank, or makes or
32 publishes any false statement of the amount of the assets or
33 liabilities of any such savings bank ((shall be)) is guilty of a class
34 B felony punishable according to chapter 9A.20 RCW.

1 **Sec. 195.** RCW 32.04.110 and 1994 c 92 s 299 are each amended to
2 read as follows:

3 Every trustee, officer, employee, or agent of any savings bank who
4 for the purpose of concealing any fact suppresses any evidence against
5 himself or herself, or against any other person, or who abstracts,
6 removes, mutilates, destroys, or secretes any paper, book, or record of
7 any savings bank, or of the director, or anyone connected with his or
8 her office (~~shall be~~) is guilty of a class B felony punishable
9 according to chapter 9A.20 RCW.

10 **Sec. 196.** RCW 32.24.080 and 1994 c 92 s 346 are each amended to
11 read as follows:

12 (1) Every transfer of its property or assets by any mutual savings
13 bank in this state, made (~~(+1)~~) (a) after it has become insolvent,
14 (~~(+2)~~) (b) within ninety days before the date the director takes
15 possession of such savings bank under RCW 32.24.050 or the federal
16 deposit insurance corporation is appointed as receiver or liquidator of
17 such savings bank under RCW 32.24.090, and (~~(+3)~~) (c) with the view to
18 the preference of one creditor over another or to prevent equal
19 distribution of its property and assets among its creditors, shall be
20 void.

21 (2) Every trustee, officer, or employee making any (~~such~~)
22 transfer (~~shall be~~) described in subsection (1) of this section is
23 guilty of a class B felony punishable according to chapter 9A.20 RCW.

24 **Sec. 197.** RCW 33.24.360 and 1994 c 92 s 447 are each amended to
25 read as follows:

26 (1) It is unlawful for any acquiring party to acquire control of an
27 association until thirty days after the date of filing with the
28 director an application containing substantially all of the following
29 information and any additional information that the director may
30 prescribe as necessary or appropriate in the public interest or for the
31 protection of deposit account holders, borrowers or stockholders:

32 (a) The identity, character, and experience of each acquiring party
33 by whom or on whose behalf acquisition is to be made;

34 (b) The financial and managerial resources and future prospects of
35 each acquiring party involved in the acquisition;

1 (c) The terms and conditions of any proposed acquisition and the
2 manner in which such acquisition is to be made;

3 (d) The source and amount of the funds or other consideration used
4 or to be used in making the acquisition and, if any part of these funds
5 or other consideration has been or is to be borrowed or otherwise
6 obtained for the purpose of making the acquisition, a description of
7 the transaction and the names of the parties. However, where a source
8 of funds is a loan made in the lender's ordinary course of business, if
9 the person filing the statement so requests, the director shall not
10 disclose the name of the lender to the public;

11 (e) Any plans or proposals which any acquiring party making the
12 acquisition may have to liquidate the association to sell its assets,
13 to merge it with any company, or to make any other major changes in its
14 business or corporate structure or management;

15 (f) The identification of any persons employed, retained or to be
16 compensated by the acquiring party, or by any person on his or her
17 behalf, who makes solicitations or recommendations to stockholders for
18 the purpose of assisting in the acquisition, and brief description of
19 the terms of such employment, retainer, or arrangements for
20 compensation;

21 (g) Copies of all invitations for tenders or advertisements making
22 a tender offer to stockholders for purchase of their stock to be used
23 in connection with the proposed acquisition.

24 (2) When an unincorporated company is required to file the
25 statements under subsection (1)(a), (b), and (f) of this section, the
26 director may require that the information be given with respect to each
27 partner of a partnership or limited partnership, by each member of a
28 syndicate or group, and by each person who controls a partner or
29 member. When an incorporated company is required to file the
30 statements under subsection (1)(a), (b), and (f) of this section, the
31 director may require that the information be given for the corporation
32 and for each officer and director of the corporation and for each
33 person who is directly or indirectly the beneficial owner of twenty-
34 five percent or more of the outstanding voting securities of the
35 corporation. If any tender offer, request or invitation for tenders or
36 other agreement to acquire control is proposed to be made by means of
37 a registration statement under the federal securities act of 1933 (48
38 Stat. 74, 15 U.S.C. Sec. 77a), as amended, or in circumstances

1 requiring the disclosure of similar information under the federal
2 securities exchange act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 77b), as
3 amended, or in an application filed with the federal home loan bank
4 board requiring similar disclosure, such registration statement or
5 application may be filed with the director in lieu of the requirements
6 of this section.

7 ~~((+2))~~ (3) The director shall give notice by mail to all
8 associations doing business within the state of the filing of an
9 application to acquire control of an association. The association
10 shall transmit a check to the director for two hundred dollars when
11 filing the application to cover the expense of notification. Persons
12 interested in protesting the application may contact the director in
13 person or by writing prior to a date which shall be given in the
14 notice.

15 (4) Any person who willfully violates this section, or any
16 regulation or order thereunder, is guilty of a misdemeanor and shall be
17 fined not more than one thousand dollars for each day during which the
18 violation continues.

19 **Sec. 198.** RCW 35.32A.090 and 1967 c 7 s 11 are each amended to
20 read as follows:

21 (1) There shall be no orders, authorizations, allowances, contracts
22 or payments made or attempted to be made in excess of the expenditure
23 allowances authorized in the final budget as adopted or modified as
24 provided in this chapter, and any such attempted excess expenditure
25 shall be void and shall never be the foundation of a claim against the
26 city.

27 (2) Any public official authorizing, auditing, allowing, or paying
28 any claims or demands against the city in violation of the provisions
29 of this chapter shall be jointly and severally liable to the city in
30 person and upon their official bonds to the extent of any payments upon
31 such claims or demands.

32 (3) Any person violating any of the provisions of this chapter, in
33 addition to any other liability or penalty provided therefor, ~~((shall~~
34 ~~be))~~ is guilty of a misdemeanor.

35 **Sec. 199.** RCW 35.36.040 and 1965 c 7 s 35.36.040 are each amended
36 to read as follows:

1 (1) The sheriff shall make duplicate receipts for all payments for
2 his or her services specifying the particular items thereof, at the
3 time of payment, whether paid by virtue of the laws of this state or of
4 the United States. Such duplicate receipts shall be numbered
5 consecutively for each month commencing with number one. One of such
6 receipts shall have written or printed upon it the word "original"; and
7 the other shall have written or printed upon it the word "duplicate."

8 (2) At the time of payment of any fees, the sheriff shall deliver
9 to the person making payment, either personally or by mail, the copy of
10 the receipt designated "duplicate."

11 (3) The receipts designated "original" for each month shall be
12 attached to the verified statement of fees for the corresponding month
13 and the sheriff shall file with the county treasurer of his or her
14 county all original receipts for each month with such verified
15 statement.

16 (4) A sheriff shall not receive his or her salary for the preceding
17 month until the provisions of this section have been complied with.

18 (5) Any sheriff violating this section, or failing to perform any
19 of the duties required thereby, is guilty of a misdemeanor and shall be
20 fined in any sum not less than ten dollars nor more than fifty dollars
21 for each offense.

22 **Sec. 203.** RCW 36.29.060 and 1991 c 245 s 6 are each amended to
23 read as follows:

24 (1) Whenever the county treasurer has funds belonging to any fund
25 upon which "interest-bearing" warrants are outstanding, the treasurer
26 shall have the discretion to call warrants. The county treasurer shall
27 give notice as provided for in RCW 36.29.010(4). The treasurer shall
28 pay on demand, in the order of their issue, any warrants when there
29 shall be in the treasury sufficient funds applicable to such payment.

30 (2) Any treasurer who knowingly fails to call for or pay any
31 warrant in accordance with this section is guilty of a misdemeanor and
32 shall be fined not less than twenty-five dollars nor more than five
33 hundred dollars, and such conviction shall be sufficient cause for
34 removal from office.

35 **Sec. 204.** RCW 36.32.210 and 1997 c 245 s 3 are each amended to
36 read as follows:

1 (1) Each board of county commissioners of the several counties of
2 the state of Washington shall, on the first Monday of March of each
3 year, file with the auditor of the county a statement verified by oath
4 showing for the twelve months period ending December 31st of the
5 preceding year, the following:

6 ~~((1))~~ (a) A full and complete inventory of all capitalized assets
7 shall be kept in accordance with standards established by the state
8 auditor. This inventory shall be segregated to show the following
9 subheads:

10 ~~((a))~~ (i) The assets, including equipment, on hand, together with
11 a statement of the date when acquired, the amount paid therefor, the
12 estimated life thereof and a sufficient description to fully identify
13 such property;

14 ~~((b))~~ (ii) All equipment of every kind or nature sold or disposed
15 of in any manner during such preceding twelve months period, together
16 with the name of the purchaser, the amount paid therefor, whether or
17 not the same was sold at public or private sale, the reason for such
18 disposal and a sufficient description to fully identify the same; and

19 ~~((c))~~ (iii) All the equipment purchased during ~~((said))~~ the
20 period, together with the date of purchase, the amount paid therefor,
21 whether or not the same was bought under competitive bidding, the price
22 paid therefor and the probable life thereof, the reason for making the
23 purchase and a sufficient description to fully identify such property;
24 and

25 ~~((2))~~ (b) The person to whom such money or any part thereof was
26 paid and why so paid and the date of such payment.

27 (2) Inventories shall be filed with the county auditor as a public
28 record and shall be open to the inspection of the public.

29 (3) Any county commissioner failing to file such statement or
30 willfully making any false or incorrect statement therein or aiding or
31 abetting in the making of any false or incorrect statement is guilty of
32 a gross misdemeanor.

33 (4) It is the duty of the prosecuting attorney of each county to
34 within three days from the calling to his or her attention of any
35 violation to institute proceedings against such offending official and
36 in addition thereto to prosecute appropriate action to remove such
37 commissioner from office.

1 (5) Any taxpayer of such county is hereby authorized to institute
2 the action in conjunction with or independent of the action of the
3 prosecuting attorney.

4 **Sec. 205.** RCW 36.68.080 and 1979 ex.s. c 136 s 36 are each amended
5 to read as follows:

6 (1) Except as otherwise provided in this section, any person
7 violating any rules or regulations adopted by the board of county
8 commissioners relating to parks, playgrounds, or other recreational
9 facilities ((shall be)) is guilty of a misdemeanor((:—PROVIDED,
10 That)).

11 (2)(a) Except as provided in (b) of this subsection, violation of
12 such a rule or regulation relating to traffic including parking,
13 standing, stopping, and pedestrian offenses is a traffic infraction((
14 except that)).

15 (b) Violation of such a rule or regulation equivalent to those
16 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a
17 misdemeanor.

18 **Sec. 206.** RCW 36.69.180 and 1979 ex.s. c 136 s 37 are each amended
19 to read as follows:

20 (1) Except as otherwise provided in this section, the violation of
21 any of the rules or regulations of a park and recreation district
22 adopted by its board for the preservation of order, control of traffic,
23 protection of life or property, or for the regulation of the use of
24 park property ((shall constitute)) is a misdemeanor((:—PROVIDED,
25 That)).

26 (2)(a) Except as provided in (b) of this subsection, violation of
27 such a rule or regulation relating to traffic including parking,
28 standing, stopping, and pedestrian offenses is a traffic infraction((
29 except that)).

30 (b) Violation of such a rule or regulation equivalent to those
31 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a
32 misdemeanor.

33 **Sec. 207.** RCW 36.71.060 and 1963 c 4 s 36.71.060 are each amended
34 to read as follows:

35 Every peddler who sells or offers for sale or exposes for sale, at

1 public or private sale any goods, wares, or merchandise without a
2 county license, is guilty of a misdemeanor and shall be punished by
3 imprisonment for not less than thirty days nor more than ninety days or
4 by fine of not less than fifty dollars nor more than two hundred
5 dollars or by both.

6 **Sec. 208.** RCW 36.75.130 and 1963 c 4 s 36.75.130 are each amended
7 to read as follows:

8 (1) No person shall be permitted to build or construct any approach
9 to any county road without first obtaining permission therefor from the
10 board.

11 (2) The boards of the several counties of the state may adopt
12 reasonable rules for the construction of approaches which, when
13 complied with, shall entitle a person to build or construct an approach
14 from any abutting property to any county road. The rules may include
15 provisions for the construction of culverts under the approaches, the
16 depth of fills over the culverts, and for such other drainage
17 facilities as the board deems necessary. The construction of
18 approaches, culverts, fills, or such other drainage facilities as may
19 be required, shall be under the supervision of the county road
20 engineer, and all such construction shall be at the expense of the
21 person benefited by the construction.

22 (3) Any person violating this section is guilty of a misdemeanor.

23 **Sec. 209.** RCW 38.32.090 and 1989 c 19 s 43 are each amended to
24 read as follows:

25 Any physician who shall knowingly make and deliver a false
26 certificate of physical disability concerning any member of the militia
27 who shall have been ordered out or summoned for active service (~~shall~~
28 ~~be~~) is guilty of perjury under chapter 9A.72 RCW and, upon conviction,
29 as an additional penalty, shall forfeit forever his or her license and
30 right to practice in this state.

31 **Sec. 210.** RCW 38.32.120 and 1989 c 19 s 44 are each amended to
32 read as follows:

33 (1) The commanding officer at any drill, parade, encampment or
34 other duty may place in arrest for the time of such drill, parade,
35 encampment or other duty any person or persons who shall trespass on

1 the camp grounds, parade grounds, rifle range or armory, or in any way
2 or manner interrupt or molest the orderly discharge of duty of those on
3 duty, or who shall disturb or prevent the passage of troops going to or
4 returning from any regularly ordered tour of duty; and may prohibit and
5 prevent the sale or use of all spirituous liquors, wines, ale or beer,
6 or holding of huckster or auction sales, and all gambling therein, and
7 remove disorderly persons beyond the limits of such parade or
8 encampment, or within a distance of two miles therefrom, and the
9 commanding officer shall have full authority to abate as common
10 nuisances all disorderly places, and bar all unauthorized sales within
11 such limits.

12 (2) Any person violating (~~(any of the provisions of)~~) this section,
13 or any order issued in pursuance thereof, (~~(shall be)~~) is guilty of a
14 misdemeanor(~~(7)~~) and upon conviction shall be fined not more than one
15 hundred dollars, or imprisoned not more than thirty days, or (~~by~~)
16 both such fine and imprisonment.

17 (3) No license or renewal thereof shall be issued or granted to any
18 person, firm or corporation for the sale of intoxicating or spirituous
19 liquors within a distance of three hundred feet from any armory used by
20 the state of Washington for military purposes, without the approval of
21 the adjutant general.

22 **Sec. 211.** RCW 38.52.150 and 1984 c 38 s 14 are each amended to
23 read as follows:

24 (1) It shall be the duty of every organization for emergency
25 management established pursuant to this chapter and of the officers
26 thereof to execute and enforce such orders, rules, and regulations as
27 may be made by the governor under authority of this chapter. Each such
28 organization shall have available for inspection at its office all
29 orders, rules, and regulations made by the governor, or under his or
30 her authority.

31 (2)(a) Except as provided in (b) of this subsection, every
32 violation of any rule, regulation, or order issued under the authority
33 of this chapter (~~(shall constitute)~~) is a misdemeanor (~~(and shall be~~
34 punishable as such: PROVIDED, That whenever any person shall commit)).

35 (b) A second offense hereunder the same (~~(shall constitute)~~) is a
36 gross misdemeanor (~~(and shall be punishable as such)~~).

1 **Sec. 212.** RCW 39.44.101 and 1955 c 375 s 2 are each amended to
2 read as follows:

3 Every printer, engraver, or lithographer, who with the intent to
4 defraud, prints, engraves, or lithographs a facsimile signature upon
5 any bond or coupon without written order of the issuing authority, or
6 fails to destroy such plate or plates containing the facsimile
7 signature upon direction of such issuing authority, (~~shall be~~) is
8 guilty of a class B felony punishable according to chapter 9A.20 RCW.

9 **Sec. 213.** RCW 39.62.040 and 1969 c 86 s 4 are each amended to read
10 as follows:

11 Any person who with intent to defraud uses on a public security or
12 an instrument of payment:

13 (1) A facsimile signature, or any reproduction of it, of any
14 authorized officer, or

15 (2) Any facsimile seal, or any reproduction of it, of this state or
16 any of its departments, agencies, counties, cities, towns, municipal
17 corporations, junior taxing districts, school districts, or other
18 instrumentalities or of any of its political subdivisions is guilty of
19 a class B felony punishable according to chapter 9A.20 RCW.

20 **Sec. 214.** RCW 40.16.010 and 1992 c 7 s 34 are each amended to read
21 as follows:

22 Every person who shall willfully and unlawfully remove, alter,
23 mutilate, destroy, conceal, or obliterate a record, map, book, paper,
24 document, or other thing filed or deposited in a public office, or with
25 any public officer, by authority of law, is guilty of a class C felony
26 and shall be punished by imprisonment in a state correctional facility
27 for not more than five years, or by a fine of not more than one
28 thousand dollars, or by both.

29 **Sec. 215.** RCW 40.16.020 and 1992 c 7 s 35 are each amended to read
30 as follows:

31 Every officer who shall mutilate, destroy, conceal, erase,
32 obliterate, or falsify any record or paper appertaining to the
33 officer's office, or who shall fraudulently appropriate to the
34 officer's own use or to the use of another person, or secrete with
35 intent to appropriate to such use, any money, evidence of debt or other

1 property intrusted to the officer by virtue of the officer's office, is
2 guilty of a class B felony and shall be punished by imprisonment in a
3 state correctional facility for not more than ten years, or by a fine
4 of not more than five thousand dollars, or by both.

5 **Sec. 216.** RCW 40.16.030 and 1992 c 7 s 36 are each amended to read
6 as follows:

7 Every person who shall knowingly procure or offer any false or
8 forged instrument to be filed, registered, or recorded in any public
9 office, which instrument, if genuine, might be filed, registered or
10 recorded in such office under any law of this state or of the United
11 States, is guilty of a class C felony and shall be punished by
12 imprisonment in a state correctional facility for not more than five
13 years, or by a fine of not more than five thousand dollars, or by both.

14 **Sec. 217.** RCW 41.26.062 and 1972 ex.s. c 131 s 10 are each amended
15 to read as follows:

16 Any employer, member or beneficiary who shall knowingly make false
17 statements or shall falsify or permit to be falsified any record or
18 records of the retirement system in an attempt to defraud the
19 retirement system, (~~shall be~~) is guilty of a class B felony
20 punishable according to chapter 9A.20 RCW.

21 **Sec. 218.** RCW 41.32.055 and 1947 c 80 s 67 are each amended to
22 read as follows:

23 Any person who shall knowingly make false statements or shall
24 falsify or permit to be falsified any record or records of the
25 retirement system in any attempt to defraud such system as a result of
26 such act, (~~shall be~~) is guilty of a class B felony punishable
27 according to chapter 9A.20 RCW.

28 **Sec. 219.** RCW 42.20.070 and 1992 c 7 s 37 are each amended to read
29 as follows:

30 Every public officer, and every other person receiving money on
31 behalf or for or on account of the people of the state or of any
32 department of the state government or of any bureau or fund created by
33 law in which the people are directly or indirectly interested, or for

1 or on account of any county, city, town, or any school, diking,
2 drainage, or irrigation district, who:

3 (1) (~~Shall~~) Appropriates to his or her own use or the use of any
4 person not entitled thereto, without authority of law, any money so
5 received by him or her as such officer or otherwise; or

6 (2) (~~Shall~~) Knowingly keeps any false account, or makes any false
7 entry or erasure in any account, of or relating to any money so
8 received by him or her; or

9 (3) (~~Shall~~) Fraudulently alters, (~~falsify~~) falsifies, conceals,
10 destroys, or obliterates any such account; or

11 (4) (~~Shall~~) Willfully omits or refuses to pay over to the state,
12 its officer or agent authorized by law to receive the same, or to such
13 county, city, town, or such school, diking, drainage, or irrigation
14 district or to the proper officer or authority empowered to demand and
15 receive the same, any money received by him or her as such officer when
16 it is a duty imposed upon him or her by law to pay over and account for
17 the same,

18 is guilty of a class B felony and shall be punished by imprisonment in
19 a state correctional facility for not more than fifteen years.

20 **Sec. 220.** RCW 42.20.090 and 1992 c 7 s 38 are each amended to read
21 as follows:

22 Every state, county, city, or town treasurer who willfully
23 misappropriates any moneys, funds, or securities received by or
24 deposited with him or her as such treasurer, or who shall be guilty of
25 any other malfeasance or willful neglect of duty in his or her office,
26 is guilty of a class C felony and shall be punished by imprisonment in
27 a state correctional facility for not more than five years or by a fine
28 of not more than five thousand dollars.

29 **Sec. 221.** RCW 43.01.100 and 1965 c 8 s 43.01.100 are each amended
30 to read as follows:

31 (1) The inclusion of any question relative to an applicant's race
32 or religion in any application blank or form for employment or license
33 required to be filled in and submitted by an applicant to any
34 department, board, commission, officer, agent, or employee of this
35 state or the disclosure on any license of the race or religion of the
36 licensee is hereby prohibited.

1 (2) A person violating this section is guilty of a misdemeanor.

2 **Sec. 222.** RCW 43.06.220 and 1969 ex.s. c 186 s 3 are each amended
3 to read as follows:

4 (1) The governor after proclaiming a state of emergency and prior
5 to terminating such, may, in the area described by the proclamation
6 issue an order prohibiting:

7 ~~((1))~~ (a) Any person being on the public streets, or in the
8 public parks, or at any other public place during the hours declared by
9 the governor to be a period of curfew;

10 ~~((2))~~ (b) Any number of persons, as designated by the governor,
11 from assembling or gathering on the public streets, parks, or other
12 open areas of this state, either public or private;

13 ~~((3))~~ (c) The manufacture, transfer, use, possession or
14 transportation of a molotov cocktail or any other device, instrument or
15 object designed to explode or produce uncontained combustion;

16 ~~((4))~~ (d) The transporting, possessing or using of gasoline,
17 kerosene, or combustible, flammable, or explosive liquids or materials
18 in a glass or uncapped container of any kind except in connection with
19 the normal operation of motor vehicles, normal home use or legitimate
20 commercial use;

21 ~~((5))~~ (e) The possession of firearms or any other deadly weapon
22 by a person (other than a law enforcement officer) in a place other
23 than that person's place of residence or business;

24 ~~((6))~~ (f) The sale, purchase or dispensing of alcoholic
25 beverages;

26 ~~((7))~~ (g) The sale, purchase or dispensing of other commodities
27 or goods, as he or she reasonably believes should be prohibited to help
28 preserve and maintain life, health, property or the public peace;

29 ~~((8))~~ (h) The use of certain streets, highways or public ways by
30 the public; and

31 ~~((9))~~ (i) Such other activities as he or she reasonably believes
32 should be prohibited to help preserve and maintain life, health,
33 property or the public peace.

34 (2) In imposing the restrictions provided for by RCW 43.06.010, and
35 43.06.200 through 43.06.270, the governor may impose them for such
36 times, upon such conditions, with such exceptions and in such areas of
37 this state he or she from time to time deems necessary.

1 (3) Any person willfully violating any provision of an order issued
2 by the governor under this section (~~shall be~~) is guilty of a gross
3 misdemeanor.

4 **Sec. 223.** RCW 43.06.230 and 1992 c 7 s 39 are each amended to read
5 as follows:

6 After the proclamation of a state of emergency as provided in RCW
7 43.06.010, any person who maliciously destroys or damages any real or
8 personal property or maliciously injures another (~~shall be~~) is guilty
9 of a class B felony and upon conviction thereof shall be imprisoned in
10 a state correctional facility for not less than two years nor more than
11 ten years.

12 **Sec. 224.** RCW 43.08.140 and 1992 c 7 s 40 are each amended to read
13 as follows:

14 If any person holding the office of state treasurer fails to
15 account for and pay over all moneys in his or her hands in accordance
16 with law, or unlawfully converts to his or her own use in any way
17 whatever, or uses by way of investment in any kind of property, or
18 loans without authority of law, any portion of the public money
19 intrusted to him or her for safekeeping, transfer, or disbursement, or
20 unlawfully converts to his or her own use any money that comes into his
21 or her hands by virtue of his or her office, the person (~~shall be~~) is
22 guilty of (~~embezzlement~~) a class B felony, and upon conviction
23 thereof, shall be imprisoned in a state correctional facility not
24 exceeding fourteen years, and fined a sum equal to the amount
25 embezzled.

26 **Sec. 225.** RCW 43.09.165 and 1995 c 301 s 5 are each amended to
27 read as follows:

28 (1) The state auditor, his or her employees and every person
29 legally appointed to perform such service, may issue subpoenas and
30 compulsory process and direct the service thereof by any constable or
31 sheriff, compel the attendance of witnesses and the production of books
32 and papers before him or her at any designated time and place, and may
33 administer oaths.

34 (2) When any person summoned to appear and give testimony neglects
35 or refuses to do so, or neglects or refuses to answer any question that

1 may be put to him or her touching any matter under examination, or to
2 produce any books or papers required, the person making such
3 examination shall apply to a superior court judge of the proper county
4 to issue a subpoena for the appearance of such person before him or
5 her; and the judge shall order the issuance of a subpoena for the
6 appearance of such person forthwith before him or her to give
7 testimony; and if any person so summoned fails to appear, or appearing,
8 refuses to testify, or to produce any books or papers required, he or
9 she shall be subject to like proceedings and penalties for contempt as
10 witnesses in the superior court.

11 (3) Willful false swearing in any such examination (~~((shall be))~~) is
12 perjury (~~((and punishable as such))~~) under chapter 9A.72 RCW.

13 **Sec. 226.** RCW 43.19.1939 and 1965 c 8 s 43.19.1939 are each
14 amended to read as follows:

15 (1) When any competitive bid or bids are to be or have been
16 solicited, requested, or advertised for by the state under the
17 provisions of RCW 43.19.190 through 43.19.1939, it shall be unlawful
18 for any person acting for himself, herself, or as agent of another, to
19 offer, give, or promise to give, any money, check, draft, property, or
20 other thing of value, to another for the purpose of inducing such other
21 person to refrain from submitting any bids upon such purchase or to
22 enter into any agreement, understanding or arrangement whereby full and
23 unrestricted competition for the securing of such public work will be
24 suppressed, prevented, or eliminated; and it shall be unlawful for any
25 person to solicit, accept or receive any money, check, draft, property,
26 or other thing of value upon a promise or understanding, express or
27 implied, that he or she individually or as an agent or officer of
28 another will refrain from bidding upon such contract, or that he or she
29 will on behalf of himself, herself, or such others submit or permit
30 another to submit for him or her any bid upon such purchase in such sum
31 as to eliminate full and unrestricted competition thereon.

32 (2) Any person violating (~~((any provision of))~~) this section (~~((shall~~
33 ~~be))~~) is guilty of a misdemeanor.

34 **Sec. 227.** RCW 43.22.300 and 1965 c 8 s 43.22.300 are each amended
35 to read as follows:

36 (1) The director may issue subpoenas, administer oaths and take

1 testimony in all matters relating to the duties herein required, such
2 testimony to be taken in some suitable place in the vicinity to which
3 testimony is applicable.

4 (2) Witnesses subpoenaed and testifying before any officer of the
5 department shall be paid the same fees as witnesses before a superior
6 court, such payment to be made from the funds of the department.

7 (3) Any person duly subpoenaed under the provisions of this section
8 who willfully neglects or refuses to attend or testify at the time and
9 place named in the subpoena, (~~shall be~~) is guilty of a misdemeanor,
10 and, upon conviction thereof, shall be punished by a fine of not less
11 than twenty-five dollars nor more than one hundred dollars, or by
12 imprisonment in the county jail not exceeding thirty days.

13 **Sec. 228.** RCW 43.22.340 and 2002 c 268 s 6 are each amended to
14 read as follows:

15 (1) The director shall adopt specific rules for conversion vending
16 units and medical units. The rules for conversion vending units and
17 medical units shall be established to protect the occupants from fire;
18 to address other life safety issues; and to ensure that the design and
19 construction are capable of supporting any concentrated load of five
20 hundred pounds or more.

21 (2) The director of labor and industries shall adopt rules
22 governing safety of body and frame design, and the installation of
23 plumbing, heating, and electrical equipment in mobile homes, commercial
24 coaches, recreational vehicles, and/or park trailers: PROVIDED, That
25 the director shall not prescribe or enforce rules governing the body
26 and frame design of recreational vehicles and park trailers until after
27 the American National Standards Institute shall have published
28 standards and specifications upon this subject. The rules shall be
29 reasonably consistent with recognized and accepted principles of safety
30 for body and frame design and plumbing, heating, and electrical
31 installations, in order to protect the health and safety of the people
32 of this state from dangers inherent in the use of substandard and
33 unsafe body and frame design, construction, plumbing, heating,
34 electrical, and other equipment and shall correlate with and, so far as
35 practicable, conform to the then current standards and specifications
36 of the American National Standards Institute standards A119.1 for

1 mobile homes and commercial coaches, A119.2 for recreational vehicles,
2 and A119.5 for park trailers.

3 (3) Except as provided in RCW 43.22.436, it shall be unlawful for
4 any person to lease, sell or offer for sale, within this state, any
5 mobile homes, commercial coaches, conversion vending units, medical
6 units, recreational vehicles, and/or park trailers manufactured after
7 January 1, 1968, containing plumbing, heating, electrical, or other
8 equipment, and after July 1, 1970, body and frame design or
9 construction, unless such equipment, design, or construction meets the
10 requirements of the rules provided for in this section.

11 (4) Any person violating this section is guilty of a misdemeanor.
12 Each day upon which a violation occurs shall constitute a separate
13 violation.

14 **Sec. 229.** RCW 43.30.310 and 1987 c 380 s 14 are each amended to
15 read as follows:

16 (1) For the promotion of the public safety and the protection of
17 public property, the department of natural resources may, in accordance
18 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
19 pertaining to use by the public of state-owned lands and property which
20 are administered by the department.

21 (2)(a) Except as otherwise provided in this subsection, a violation
22 of any rule adopted under this section ((shall constitute)) is a
23 misdemeanor ((unless the department specifies)).

24 (b) Except as provided in (c) of this subsection, the department
25 may specify by rule, when not inconsistent with applicable statutes,
26 that violation of ((the)) such a rule is an infraction under chapter
27 7.84 RCW: PROVIDED, That violation of a rule relating to traffic
28 including parking, standing, stopping, and pedestrian offenses is a
29 traffic infraction((, except that)).

30 (c) Violation of such a rule equivalent to those provisions of
31 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

32 (3) The commissioner of public lands and such of his or her
33 employees as he or she may designate shall be vested with police powers
34 when enforcing:

35 ((+1)) (a) The rules of the department adopted under this section;
36 or

1 ((+2)) (b) The general criminal statutes or ordinances of the
2 state or its political subdivisions where enforcement is necessary for
3 the protection of state-owned lands and property.

4 **Sec. 230.** RCW 43.43.856 and 1973 1st ex.s. c 202 s 4 are each
5 amended to read as follows:

6 (1)(a) On and after April 26, 1973, it shall be unlawful for any
7 person to divulge specific investigative information pertaining to
8 activities related to organized crime which he or she has obtained by
9 reason of public employment with the state of Washington or its
10 political subdivisions unless such person is authorized or required to
11 do so by operation of state or federal law.

12 (b) Any person violating (a) of this subsection (~~shall be~~) is
13 guilty of a class B felony punishable according to chapter 9A.20 RCW.

14 (2) Except as provided in RCW 43.43.854, or pursuant to the rules
15 of the supreme court of Washington, all of the information and data
16 collected and processed by the organized crime intelligence unit shall
17 be confidential and not subject to examination or publication pursuant
18 to chapter 42.17 RCW (Initiative Measure No. 276).

19 (3) The chief of the Washington state patrol shall prescribe such
20 standards and procedures relating to the security of the records and
21 files of the organized crime intelligence unit, as he or she deems to
22 be in the public interest with the advice of the governor and the
23 board.

24 **Sec. 231.** RCW 43.70.185 and 2001 c 253 s 2 are each amended to
25 read as follows:

26 (1) The department may enter and inspect any property, lands, or
27 waters, of this state in or on which any marine species are located or
28 from which such species are harvested, whether recreationally or for
29 sale or barter, and any land or water of this state which may cause or
30 contribute to the pollution of areas in or on which such species are
31 harvested or processed. The department may take any reasonably
32 necessary samples to determine whether such species or any lot, batch,
33 or quantity of such species is safe for human consumption.

34 (2) If the department determines that any species or any lot,
35 batch, or other quantity of such species is unsafe for human
36 consumption because consumption is likely to cause actual harm or

1 because consumption presents a potential risk of substantial harm, the
2 department may, by order under chapter 34.05 RCW, prohibit or restrict
3 the commercial or recreational harvest or landing of any marine species
4 except the recreational harvest of shellfish as defined in chapter
5 69.30 RCW if taken from privately owned tidelands.

6 (3) It is unlawful to harvest any marine species in violation of a
7 departmental order prohibiting or restricting such harvest under this
8 section or to possess or sell any marine species so harvested.

9 (4)(a) Any person who sells any marine species taken in violation
10 of this section is guilty of a gross misdemeanor and subject to the
11 penalties provided in RCW 69.30.140 and 69.30.150.

12 (b) Any person who harvests or possesses marine species taken in
13 violation of this section is guilty of a civil infraction and is
14 subject to the penalties provided in RCW 69.30.150.

15 (c) Notwithstanding this section, any person who harvests,
16 possesses, sells, offers to sell, culls, shucks, or packs shellfish is
17 subject to the penalty provisions of chapter 69.30 RCW.

18 (d) Charges shall not be brought against a person under both
19 chapter 69.30 RCW and this section in connection with this same action,
20 incident, or event.

21 (5) The criminal provisions of this section are subject to
22 enforcement by fish and wildlife officers or ex officio fish and
23 wildlife officers as defined in RCW 77.08.010.

24 (6) As used in this section, marine species include all fish,
25 invertebrate or plant species which are found during any portion of the
26 life cycle of those species in the marine environment.

27 **Sec. 232.** RCW 46.08.170 and 1987 c 202 s 213 are each amended to
28 read as follows:

29 (1) Except as provided in subsection (2) of this section, any
30 violation of a rule or regulation prescribed under RCW 46.08.150 is a
31 traffic infraction, and the district courts of Thurston county shall
32 have jurisdiction over such offenses: PROVIDED, That violation of a
33 rule or regulation relating to traffic including parking, standing,
34 stopping, and pedestrian offenses is a traffic infraction(~~(, except~~
35 ~~that)).~~

36 (2) Violation of such a rule or regulation equivalent to those

1 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a
2 misdemeanor.

3 **Sec. 233.** RCW 46.09.130 and 1994 c 264 s 35 are each amended to
4 read as follows:

5 (1) No person may operate a nonhighway vehicle in such a way as to
6 endanger human life.

7 (2) No person shall operate a nonhighway vehicle in such a way as
8 to run down or harass any wildlife or animal, nor carry, transport, or
9 convey any loaded weapon in or upon, nor hunt from, any nonhighway
10 vehicle except by permit issued by the director of fish and wildlife
11 under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry,
12 transport, or convey a loaded pistol in or upon a nonhighway vehicle if
13 the person complies with the terms and conditions of chapter 9.41 RCW.

14 (3) Violation of this section is a gross misdemeanor.

15 **Sec. 234.** RCW 46.10.130 and 1994 c 264 s 37 are each amended to
16 read as follows:

17 (1) No person shall operate a snowmobile in such a way as to
18 endanger human life.

19 (2) No person shall operate a snowmobile in such a way as to run
20 down or harass deer, elk, or any wildlife, or any domestic animal, nor
21 shall any person carry any loaded weapon upon, nor hunt from, any
22 snowmobile except by permit issued by the director of fish and wildlife
23 under RCW 77.32.237.

24 (3) Any person violating (~~the provisions of~~) this section (~~shall~~
25 ~~be~~) is guilty of a gross misdemeanor.

26 **Sec. 235.** RCW 46.12.070 and 2002 c 245 s 2 are each amended to
27 read as follows:

28 (1) Upon the destruction of any vehicle issued a certificate of
29 ownership under this chapter or a license registration under chapter
30 46.16 RCW, the registered owner and the legal owner shall forthwith and
31 within fifteen days thereafter forward and surrender the certificate to
32 the department, together with a statement of the reason for the
33 surrender and the date and place of destruction. Failure to notify the
34 department or the possession by any person of any such certificate for

1 a vehicle so destroyed, after fifteen days following its destruction,
2 is prima facie evidence of violation of the provisions of this chapter
3 and constitutes a gross misdemeanor.

4 (2) Any insurance company settling an insurance claim on a vehicle
5 that has been issued a certificate of ownership under this chapter or
6 a certificate of license registration under chapter 46.16 RCW as a
7 total loss, less salvage value, shall notify the department thereof
8 within fifteen days after the settlement of the claim. Notification
9 shall be provided regardless of where or in what jurisdiction the total
10 loss occurred.

11 (3) For a motor vehicle having a model year designation at least
12 six years before the calendar year of destruction, the notification to
13 the department must include a statement of whether the retail fair
14 market value of the motor vehicle immediately before the destruction
15 was at least the then market value threshold amount as defined in RCW
16 46.12.005.

17 **Sec. 236.** RCW 46.12.210 and 1961 c 12 s 46.12.210 are each amended
18 to read as follows:

19 Any person who (~~shall~~) knowingly makes any false statement of a
20 material fact, either in his or her application for the certificate of
21 ownership or in any assignment thereof, or who with intent to procure
22 or pass ownership to a vehicle which he or she knows or has reason to
23 believe has been stolen, (~~shall~~) receives or transfers possession of
24 the same from or to another or who (~~shall have~~) has in his or her
25 possession any vehicle which he or she knows or has reason to believe
26 has been stolen, and who is not an officer of the law engaged at the
27 time in the performance of his or her duty as such officer, (~~shall~~
28 ~~be~~) is guilty of a class B felony and upon conviction shall be
29 punished by a fine of not more than five thousand dollars or by
30 imprisonment for not more than ten years, or both such fine and
31 imprisonment. This provision shall not exclude any other offenses or
32 penalties prescribed by any existing or future law for the larceny or
33 unauthorized taking of a motor vehicle.

34 **Sec. 237.** RCW 46.12.220 and 1967 c 32 s 12 are each amended to
35 read as follows:

36 Any person who (~~shall~~) alters or forges or causes to be altered

1 or forged any certificate issued by the director pursuant to the
2 provisions of this chapter, or any assignment thereof, or any release
3 or notice of release of any encumbrance referred to therein, or who
4 shall hold or use any such certificate or assignment, or release or
5 notice of release, knowing the same to have been altered or forged,
6 (~~shall be~~) is guilty of a class B felony punishable according to
7 chapter 9A.20 RCW.

8 **Sec. 238.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to
9 read as follows:

10 (1) It is unlawful for a person to operate any vehicle over and
11 along a public highway of this state without first having obtained and
12 having in full force and effect a current and proper vehicle license
13 and display vehicle license number plates therefor as by this chapter
14 provided.

15 (2) Failure to make initial registration before operation on the
16 highways of this state is a misdemeanor, and any person convicted
17 thereof must be punished by a fine of no less than three hundred thirty
18 dollars, no part of which may be suspended or deferred.

19 (3) Failure to renew an expired registration before operation on
20 the highways of this state is a traffic infraction.

21 (~~(+2)~~) (4) The licensing of a vehicle in another state by a
22 resident of this state, as defined in RCW 46.16.028, evading the
23 payment of any tax or license fee imposed in connection with
24 registration, is a gross misdemeanor punishable as follows:

25 (a) For a first offense, up to one year in the county jail and a
26 fine equal to twice the amount of delinquent taxes and fees, no part of
27 which may be suspended or deferred;

28 (b) For a second or subsequent offense, up to one year in the
29 county jail and a fine equal to four times the amount of delinquent
30 taxes and fees, no part of which may be suspended or deferred;

31 (c) For fines levied under (b) of this subsection, an amount equal
32 to the avoided taxes and fees owed will be deposited in the vehicle
33 licensing fraud account created in the state treasury;

34 (d) The avoided taxes and fees shall be deposited and distributed
35 in the same manner as if the taxes and fees were properly paid in a
36 timely fashion.

1 (~~(3)~~) (5) These provisions shall not apply to the following
2 vehicles:

3 (a) Electric-assisted bicycles;

4 (b) Farm vehicles if operated within a radius of fifteen miles of
5 the farm where principally used or garaged, farm tractors and farm
6 implements including trailers designed as cook or bunk houses used
7 exclusively for animal herding temporarily operating or drawn upon the
8 public highways, and trailers used exclusively to transport farm
9 implements from one farm to another during the daylight hours or at
10 night when such equipment has lights that comply with the law;

11 (c) Spray or fertilizer applicator rigs designed and used
12 exclusively for spraying or fertilization in the conduct of
13 agricultural operations and not primarily for the purpose of
14 transportation, and nurse rigs or equipment auxiliary to the use of and
15 designed or modified for the fueling, repairing, or loading of spray
16 and fertilizer applicator rigs and not used, designed, or modified
17 primarily for the purpose of transportation;

18 (d) Fork lifts operated during daylight hours on public highways
19 adjacent to and within five hundred feet of the warehouses which they
20 serve: PROVIDED FURTHER, That these provisions shall not apply to
21 vehicles used by the state parks and recreation commission exclusively
22 for park maintenance and operations upon public highways within state
23 parks;

24 (e) "Special highway construction equipment" defined as follows:
25 Any vehicle which is designed and used primarily for grading of
26 highways, paving of highways, earth moving, and other construction work
27 on highways and which is not designed or used primarily for the
28 transportation of persons or property on a public highway and which is
29 only incidentally operated or moved over the highway. It includes, but
30 is not limited to, road construction and maintenance machinery so
31 designed and used such as portable air compressors, air drills, asphalt
32 spreaders, bituminous mixers, bucket loaders, track laying tractors,
33 ditchers, leveling graders, finishing machines, motor graders, paving
34 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
35 lighting plants, welders, pumps, power shovels and draglines, self-
36 propelled and tractor-drawn earth moving equipment and machinery,
37 including dump trucks and tractor-dump trailer combinations which
38 either (i) are in excess of the legal width, or (ii) which, because of

1 their length, height, or unladen weight, may not be moved on a public
2 highway without the permit specified in RCW 46.44.090 and which are not
3 operated laden except within the boundaries of the project limits as
4 defined by the contract, and other similar types of construction
5 equipment, or (iii) which are driven or moved upon a public highway
6 only for the purpose of crossing such highway from one property to
7 another, provided such movement does not exceed five hundred feet and
8 the vehicle is equipped with wheels or pads which will not damage the
9 roadway surface.

10 Exclusions:

11 "Special highway construction equipment" does not include any of
12 the following:

13 Dump trucks originally designed to comply with the legal size and
14 weight provisions of this code notwithstanding any subsequent
15 modification which would require a permit, as specified in RCW
16 46.44.090, to operate such vehicles on a public highway, including
17 trailers, truck-mounted transit mixers, cranes and shovels, or other
18 vehicles designed for the transportation of persons or property to
19 which machinery has been attached.

20 ~~((4))~~ (6) The following vehicles, whether operated solo or in
21 combination, are exempt from license registration and displaying
22 license plates as required by this chapter:

23 (a) A converter gear used to convert a semitrailer into a trailer
24 or a two-axle truck or tractor into a three or more axle truck or
25 tractor or used in any other manner to increase the number of axles of
26 a vehicle. Converter gear includes an auxiliary axle, booster axle,
27 dolly, and jeep axle.

28 (b) A tow dolly that is used for towing a motor vehicle behind
29 another motor vehicle. The front or rear wheels of the towed vehicle
30 are secured to and rest on the tow dolly that is attached to the towing
31 vehicle by a tow bar.

32 **Sec. 239.** RCW 46.44.175 and 1995 c 38 s 11 are each amended to
33 read as follows:

34 (1) Failure of any person or agent acting for a person who causes
35 to be moved or moves a mobile home as defined in RCW 46.04.302 upon
36 public highways of this state and failure to comply with any of the
37 provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for

1 which a penalty of not less than one hundred dollars or more than five
2 hundred dollars shall be assessed. In addition to the above penalty,
3 the department of transportation or local authority may withhold
4 issuance of a special permit or suspend a continuous special permit as
5 provided by RCW 46.44.090 and 46.44.093 for a period of not less than
6 thirty days.

7 (2) Any person who shall alter, reuse, transfer, or forge the decal
8 required by RCW 46.44.170, or who shall display a decal knowing it to
9 have been forged, reused, transferred, or altered, shall be guilty of
10 a gross misdemeanor.

11 (3) Any person or agent who is denied a special permit or whose
12 special permit is suspended may upon request receive a hearing before
13 the department of transportation or the local authority having
14 jurisdiction. The department or the local authority after such hearing
15 may revise its previous action.

16 **Sec. 240.** RCW 46.44.180 and 1980 c 153 s 3 are each amended to
17 read as follows:

18 (1) It is unlawful for a person, other than an employee of a dealer
19 or other principal licensed to transport mobile homes within this state
20 acting within the course of employment with the principal, to operate
21 a pilot vehicle accompanying a mobile home, as defined in RCW
22 46.04.302, being transported on the public highways of this state,
23 without maintaining insurance for the pilot vehicle in the minimum
24 amounts of:

25 (a) One hundred thousand dollars for bodily injury to or death of
26 one person in any one accident;

27 (b) Three hundred thousand dollars for bodily injury to or death of
28 two or more persons in any one accident; and

29 (c) Fifty thousand dollars for damage to or destruction of property
30 of others in any one accident.

31 (2) Satisfactory evidence of the insurance shall be carried at all
32 times by the operator of the pilot vehicle, which evidence shall be
33 displayed upon demand by a police officer.

34 (3) Failure to maintain the insurance as required by this section
35 is a gross misdemeanor.

36 (4) Failure to carry or disclose the evidence of the insurance as
37 required by this section is a misdemeanor.

1 **Sec. 241.** RCW 46.52.010 and 1979 ex.s. c 136 s 79 are each amended
2 to read as follows:

3 (1) The operator of any vehicle which collided with any other
4 vehicle which is unattended shall immediately stop and shall then and
5 there either locate and notify the operator or owner of such vehicle of
6 the name and address of the operator and owner of the vehicle striking
7 the unattended vehicle or shall leave in a conspicuous place in the
8 vehicle struck a written notice, giving the name and address of the
9 operator and of the owner of the vehicle striking such other vehicle.

10 (2) The driver of any vehicle involved in an accident resulting
11 only in damage to property fixed or placed upon or adjacent to any
12 public highway shall take reasonable steps to locate and notify the
13 owner or person in charge of such property of such fact and of the name
14 and address of the operator and owner of the vehicle striking such
15 property, or shall leave in a conspicuous place upon the property
16 struck a written notice, giving the name and address of the operator
17 and of the owner of the vehicle so striking the property, and such
18 person shall further make report of such accident as in the case of
19 other accidents upon the public highways of this state.

20 (3) Any person violating (~~(the provisions of)~~) this section is
21 guilty of a misdemeanor.

22 **Sec. 242.** RCW 46.52.090 and 1983 c 142 s 1 are each amended to
23 read as follows:

24 (1) Any person, firm, corporation, or association engaged in the
25 business of repairs of any kind to vehicles or any person, firm,
26 corporation, or association which may at any time engage in any kind of
27 major repair, restoration, or substantial alteration to a vehicle
28 required to be licensed or registered under this title shall maintain
29 verifiable records regarding the source of used major component parts
30 used in such repairs, restoration, or alteration. Satisfactory records
31 include but are not limited to personal identification of the seller if
32 such parts were acquired from other than a (~~(motor)~~) vehicle wrecker
33 licensed under chapter 46.80 RCW, signed work orders, and bills of sale
34 signed by the seller whose identity and address has been verified
35 describing parts acquired, and the make, model, and vehicle
36 identification number of a vehicle from which the following parts are
37 removed: (~~(+1)~~) (a) Engines and short blocks, (~~(+2)~~) (b) frames,

1 ~~((+3+))~~ (c) transmissions and transfer cases, ~~((+4+))~~ (d) cabs, ~~((+5+))~~
2 (e) doors, ~~((+6+))~~ (f) front or rear differentials, ~~((+7+))~~ (g) front
3 or rear clips, ~~((+8+))~~ (h) quarter panels or fenders, ~~((+9+))~~ (i)
4 bumpers, ~~((+10+))~~ (j) truck beds or boxes, ~~((+11+))~~ (k) seats, and
5 ~~((+12+))~~ (l) hoods.

6 ~~((Such records))~~ (2) The records required under subsection (1) of
7 this section shall be kept for a period of four years and shall be made
8 available for inspection by a law enforcement officer during ordinary
9 business hours.

10 ~~((The acquisition of))~~ (3) It is a gross misdemeanor to: (a)
11 Acquire a part without a substantiating bill of sale or invoice from
12 the parts supplier or ~~((failure))~~ fail to comply with any rules adopted
13 under this section ~~((is a gross misdemeanor. Failure));~~ (b) fail to
14 obtain the vehicle identification number for those parts requiring that
15 it be obtained ~~((is a gross misdemeanor. Failure));~~ or (c) fail to
16 keep records for four years or to make such records available during
17 normal business hours to a law enforcement officer ~~((is a gross~~
18 ~~misdemeanor))~~.

19 (3) The chief of the Washington state patrol shall adopt rules for
20 the purpose of regulating record-keeping and parts acquisition by
21 vehicle repairers, restorers, rebuilders, or those who perform
22 substantial vehicle alterations.

23 (4) The provisions of this section do not apply to major repair,
24 restoration, or alteration of a vehicle thirty years of age or older.

25 **Sec. 243.** RCW 46.55.020 and 1989 c 111 s 2 are each amended to
26 read as follows:

27 (1) A person shall not engage in or offer to engage in the
28 activities of a registered tow truck operator without a current
29 registration certificate from the department of licensing authorizing
30 him or her to engage in such activities.

31 (2) Any person engaging in or offering to engage in the activities
32 of a registered tow truck operator without the registration certificate
33 required by this chapter is guilty of a gross misdemeanor.

34 (3) A registered operator who engages in a business practice that
35 is prohibited under this chapter may be issued a notice of traffic
36 infraction under chapter 46.63 RCW and is also subject to the civil
37 penalties that may be imposed by the department under this chapter.

1 (4) A person found to have committed an offense that is a traffic
2 infraction under this chapter is subject to a monetary penalty of at
3 least two hundred fifty dollars.

4 (5) All traffic infractions issued under this chapter shall be
5 under the jurisdiction of the district court in whose jurisdiction they
6 were issued.

7 **Sec. 244.** RCW 46.61.015 and 2000 c 239 s 4 are each amended to
8 read as follows:

9 (1) No person shall willfully fail or refuse to comply with any
10 lawful order or direction of any duly authorized flagger or any police
11 officer or fire fighter invested by law with authority to direct,
12 control, or regulate traffic.

13 (2) A violation of this section is a misdemeanor.

14 **Sec. 245.** RCW 46.61.020 and 1995 c 50 s 2 are each amended to read
15 as follows:

16 (1) It is unlawful for any person while operating or in charge of
17 any vehicle to refuse when requested by a police officer to give his or
18 her name and address and the name and address of the owner of such
19 vehicle, or for such person to give a false name and address, and it is
20 likewise unlawful for any such person to refuse or neglect to stop when
21 signaled to stop by any police officer or to refuse upon demand of such
22 police officer to produce his or her certificate of license
23 registration of such vehicle, his or her insurance identification card,
24 or his or her vehicle driver's license or to refuse to permit such
25 officer to take any such license, card, or certificate for the purpose
26 of examination thereof or to refuse to permit the examination of any
27 equipment of such vehicle or the weighing of such vehicle or to refuse
28 or neglect to produce the certificate of license registration of such
29 vehicle, insurance card, or his or her vehicle driver's license when
30 requested by any court. Any police officer shall on request produce
31 evidence of his or her authorization as such.

32 (2) A violation of this section is a misdemeanor.

33 **Sec. 246.** RCW 46.61.685 and 1990 c 250 s 57 are each amended to
34 read as follows:

35 (1) It is unlawful for any person, while operating or in charge of

1 a vehicle, to park or willfully allow such vehicle to stand upon a
2 public highway or in a public place with its motor running, leaving a
3 minor child or children under the age of sixteen years unattended in
4 the vehicle.

5 (2) Any person violating (~~the provisions of~~) this section is
6 guilty of a misdemeanor. Upon a second or subsequent conviction for a
7 violation of this section, the department shall revoke the operator's
8 license of such person.

9 **Sec. 247.** RCW 46.64.010 and 1961 c 12 s 46.64.010 are each amended
10 to read as follows:

11 (1) Every traffic enforcement agency in this state shall provide in
12 appropriate form traffic citations containing notices to appear which
13 shall be issued in books with citations in quadruplicate and meeting
14 the requirements of this section. The chief administrative officer of
15 every such traffic enforcement agency shall be responsible for the
16 issuance of such books and shall maintain a record of every such book
17 and each citation contained therein issued to individual members of the
18 traffic enforcement agency and shall require and retain a receipt for
19 every book so issued.

20 (2) Every traffic enforcement officer upon issuing a traffic
21 citation to an alleged violator of any provision of the motor vehicle
22 laws of this state or of any traffic ordinance of any city or town
23 shall deposit the original or a copy of such traffic citation with a
24 court having competent jurisdiction over the alleged offense or with
25 its traffic violations bureau. Upon the deposit of the original or a
26 copy of such traffic citation with a court having competent
27 jurisdiction over the alleged offense or with its traffic violations
28 bureau as aforesaid, (~~said~~) the original or copy of such traffic
29 citation may be disposed of only by trial in (~~said~~) the court or
30 other official action by a judge of (~~said~~) the court, including
31 forfeiture of the bail or by the deposit of sufficient bail with or
32 payment of a fine to (~~said~~) the traffic violations bureau by the
33 person to whom such traffic citation has been issued by the traffic
34 enforcement officer.

35 (3) It shall be unlawful and official misconduct for any traffic
36 enforcement officer or other officer or public employee to dispose of

1 a traffic citation or copies thereof or of the record of the issuance
2 of the same in a manner other than as required (~~herein~~) in this
3 section.

4 (4) The chief administrative officer of every traffic enforcement
5 agency shall require the return to him or her of a copy of every
6 traffic citation issued by an officer under his or her supervision to
7 an alleged violator of any traffic law or ordinance and of all copies
8 of every traffic citation which has been spoiled or upon which any
9 entry has been made and not issued to an alleged violator. Such chief
10 administrative officer shall also maintain or cause to be maintained in
11 connection with every traffic citation issued by an officer under his
12 or her supervision a record of the disposition of the charge by the
13 court or its traffic violations bureau in which the original or copy of
14 the traffic citation was deposited.

15 (5) Any person who cancels or solicits the cancellation of any
16 traffic citation, in any manner other than as provided in this section,
17 (~~shall be~~) is guilty of a misdemeanor.

18 (6) Every record of traffic citations required in this section
19 shall be audited monthly by the appropriate fiscal officer of the
20 government agency to which the traffic enforcement agency is
21 responsible.

22 **Sec. 248.** RCW 46.68.010 and 1997 c 22 s 1 are each amended to read
23 as follows:

24 (1) Whenever any license fee, paid under the provisions of this
25 title, has been erroneously paid, either wholly or in part, the payor
26 is entitled to have refunded the amount so erroneously paid.

27 (2) A license fee is refundable in one or more of the following
28 circumstances: (~~(1)~~) (a) If the vehicle for which the renewal
29 license was purchased was destroyed before the beginning date of the
30 registration period for which the renewal fee was paid; (~~(2)~~) (b) if
31 the vehicle for which the renewal license was purchased was permanently
32 removed from the state before the beginning date of the registration
33 period for which the renewal fee was paid; (~~(3)~~) (c) if the vehicle
34 license was purchased after the owner has sold the vehicle; (~~(4)~~) (d)
35 if the vehicle is currently licensed in Washington and is subsequently
36 licensed in another jurisdiction, in which case any full months of
37 Washington fees between the date of license application in the other

1 jurisdiction and the expiration of the Washington license are
2 refundable; or ~~((+5))~~ (e) if the vehicle for which the renewal license
3 was purchased is sold before the beginning date of the registration
4 period for which the renewal fee was paid, and the payor returns the
5 new, unused, never affixed license renewal tabs to the department
6 before the beginning of the registration period for which the
7 registration was purchased.

8 (3) Upon the refund being certified to the state treasurer by the
9 director as correct and being claimed in the time required by law the
10 state treasurer shall mail or deliver the amount of each refund to the
11 person entitled thereto. No claim for refund shall be allowed for such
12 erroneous payments unless filed with the director within three years
13 after such claimed erroneous payment was made.

14 (4) If due to error a person has been required to pay a vehicle
15 license fee under this title and an excise tax under Title 82 RCW that
16 amounts to an overpayment of ten dollars or more, that person shall be
17 entitled to a refund of the entire amount of the overpayment,
18 regardless of whether a refund of the overpayment has been requested.

19 (5) If due to error the department or its agent has failed to
20 collect the full amount of the license fee and excise tax due and the
21 underpayment is in the amount of ten dollars or more, the department
22 shall charge and collect such additional amount as will constitute full
23 payment of the tax and fees.

24 (6) Any person who makes a false statement under which he or she
25 obtains a refund to which he or she is not entitled under this section
26 is guilty of a gross misdemeanor.

27 **Sec. 249.** RCW 46.70.021 and 1993 c 307 s 4 are each amended to
28 read as follows:

29 (1) It is unlawful for any person, firm, or association to act as
30 a vehicle dealer or vehicle manufacturer, to engage in business as
31 such, serve in the capacity of such, advertise himself, herself, or
32 themselves as such, solicit sales as such, or distribute or transfer
33 vehicles for resale in this state, without first obtaining and holding
34 a current license as provided in this chapter, unless the title of the
35 vehicle is in the name of the seller.

36 (2) It is unlawful for any person other than a licensed vehicle

1 dealer to display a vehicle for sale unless the registered owner or
2 legal owner is the displayer or holds a notarized power of attorney.

3 (3)(a) Except as provided in (b) of this subsection, a person or
4 firm engaged in buying and offering for sale, or buying and selling
5 five or more vehicles in a twelve-month period, or in any other way
6 engaged in dealer activity without holding a vehicle dealer license, is
7 guilty of a gross misdemeanor, and upon conviction (~~(is)~~) subject to a
8 fine of up to five thousand dollars for each violation and up to one
9 year in jail.

10 (b) A second offense is a class C felony punishable under chapter
11 9A.20 RCW.

12 (4) A violation of this section is also a per se violation of
13 chapter 19.86 RCW and is considered a deceptive practice.

14 (5) The department of licensing, the Washington state patrol, the
15 attorney general's office, and the department of revenue shall
16 cooperate in the enforcement of this section.

17 (6) A distributor, factory branch, or factory representative shall
18 not be required to have a vehicle manufacturer license so long as the
19 vehicle manufacturer so represented is properly licensed pursuant to
20 this chapter.

21 (7) Nothing in this chapter prohibits financial institutions from
22 cooperating with vehicle dealers licensed under this chapter in dealer
23 sales or leases. However, financial institutions shall not broker
24 vehicles and cooperation is limited to organizing, promoting, and
25 financing of such dealer sales or leases.

26 **Sec. 250.** RCW 46.72.100 and 2002 c 86 s 293 are each amended to
27 read as follows:

28 (1) In addition to the unprofessional conduct specified in RCW
29 18.235.130, the director may take disciplinary action if he or she has
30 good reason to believe that one of the following is true of the
31 operator or the applicant for a permit or certificate: (~~(1)~~) (a) He
32 or she is guilty of committing two or more offenses for which mandatory
33 revocation of driver's license is provided by law; (~~(2)~~) (b) he or
34 she has been convicted of vehicular homicide or vehicular assault;
35 (~~(3)~~) (c) he or she is intemperate or addicted to the use of
36 narcotics.

1 (2) Any for hire operator who operates a for hire vehicle without
2 first having filed a bond or insurance policy and having received a for
3 hire permit and a for hire certificate as required by this chapter is
4 guilty of a gross misdemeanor, and upon conviction shall be punished by
5 imprisonment in jail for a period not exceeding ninety days or a fine
6 of not exceeding five hundred dollars, or both fine and imprisonment.

7 **Sec. 251.** RCW 46.72A.060 and 1996 c 87 s 9 are each amended to
8 read as follows:

9 (1) The department shall require limousine carriers to obtain and
10 continue in effect, liability and property damage insurance from a
11 company licensed to sell liability insurance in this state for each
12 limousine used to transport persons for compensation.

13 (2) The department shall fix the amount of the insurance policy or
14 policies, giving consideration to the character and amount of traffic,
15 the number of persons affected, and the degree of danger that the
16 proposed operation involves. The limousine carrier must maintain the
17 liability and property damage insurance in force on each motor-
18 propelled vehicle while so used.

19 (3) Failure to file and maintain in effect (~~(this)~~) the insurance
20 required under this section is a gross misdemeanor.

21 **Sec. 252.** RCW 46.72A.070 and 1996 c 87 s 10 are each amended to
22 read as follows:

23 (1) If the limousine carrier substitutes a liability and property
24 damage insurance policy after a vehicle certificate has been issued, a
25 new vehicle certificate is required. The limousine carrier shall
26 submit the substituted policy to the department for approval, together
27 with a fee. If the department approves the substituted policy, the
28 department shall issue a new vehicle certificate.

29 (2) If a vehicle certificate has been lost, destroyed, or stolen,
30 a duplicate vehicle certificate may be obtained by filing an affidavit
31 of loss and paying a fee.

32 (3)(a) Except as provided in (b) of this subsection, a limousine
33 carrier who operates a vehicle without first having received a vehicle
34 certificate as required by this chapter is guilty of a misdemeanor (~~(on~~
35 ~~the first offense and)~~).

1 (b) A second or subsequent offense is a gross misdemeanor (~~on a~~
2 ~~second or subsequent offense~~)).

3 **Sec. 253.** RCW 46.80.020 and 1995 c 256 s 5 are each amended to
4 read as follows:

5 (1) It is unlawful for a person to engage in the business of
6 wrecking vehicles without having first applied for and received a
7 license.

8 (2)(a) Except as provided in (b) of this subsection, a person or
9 firm engaged in the unlawful activity described in this section is
10 guilty of a gross misdemeanor.

11 (b) A second or subsequent offense is a class C felony punishable
12 according to chapter 9A.20 RCW.

13 **Sec. 254.** RCW 46.80.190 and 1995 c 256 s 20 are each amended to
14 read as follows:

15 (1) The department of licensing or its authorized agent may examine
16 or subpoena any persons, books, papers, records, data, vehicles, or
17 vehicle parts bearing upon the investigation or proceeding under this
18 chapter.

19 (2) The persons subpoenaed may be required to testify and produce
20 any books, papers, records, data, vehicles, or vehicle parts that the
21 director deems relevant or material to the inquiry.

22 (3) The director or an authorized agent may administer an oath to
23 the person required to testify, and a person giving false testimony
24 after the administration of the oath is guilty of perjury in the first
25 degree under RCW 9A.72.020.

26 (4) A court of competent jurisdiction may, upon application by the
27 director, issue to a person who fails to comply, an order to appear
28 before the director or officer designated by the director, to produce
29 documentary or other evidence touching the matter under investigation
30 or in question.

31 **Sec. 255.** RCW 46.87.260 and 1987 c 244 s 39 are each amended to
32 read as follows:

33 Any person who alters or forges or causes to be altered or forged
34 any cab card, letter of authority, or other temporary authority issued
35 by the department under this chapter or holds or uses a cab card,

1 letter of authority, or other temporary authority, knowing the document
2 to have been altered or forged, is guilty of a class B felony
3 punishable according to chapter 9A.20 RCW.

4 **Sec. 256.** RCW 46.87.290 and 1997 c 183 s 6 are each amended to
5 read as follows:

6 (1) If the department determines at any time that an applicant for
7 proportional registration of a vehicle or a fleet of vehicles is not
8 entitled to a cab card for a vehicle or fleet of vehicles, the
9 department may refuse to issue the cab card(s) or to license the
10 vehicle or fleet of vehicles and may for like reason, after notice, and
11 in the exercise of discretion, cancel the cab card(s) and license
12 plate(s) already issued. The department shall send the notice of
13 cancellation by first class mail, addressed to the owner of the vehicle
14 in question at the owner's address as it appears in the proportional
15 registration records of the department, and record the transmittal on
16 an affidavit of first class mail. It is then unlawful for any person
17 to remove, drive, or operate the vehicle(s) until a proper
18 certificate(s) of registration or cab card(s) has been issued.

19 (2) Any person removing, driving, or operating the vehicle(s) after
20 the refusal of the department to issue a cab card(s), certificate(s) of
21 registration, license plate(s), or the revocation or cancellation of
22 the cab card(s), certificate(s) of registration, or license plate(s) is
23 guilty of a gross misdemeanor.

24 (3) At the discretion of the department, a vehicle that has been
25 moved, driven, or operated in violation of this section may be
26 impounded by the Washington state patrol, county sheriff, or city
27 police in a manner directed for such cases by the chief of the
28 Washington state patrol until proper registration and license plate
29 have been issued.

30 **Sec. 257.** RCW 47.36.180 and 1984 c 7 s 201 are each amended to
31 read as follows:

32 (1) It is unlawful to erect or maintain at or near a city street,
33 county road, or state highway any structure, sign, or device:

34 ~~((+1))~~ (a) Visible from a city street, county road, or state
35 highway and simulating any directional, warning, or danger sign or

1 light likely to be mistaken for such a sign or bearing any such words
2 as "danger," "stop," "slow," "turn," or similar words, figures, or
3 directions likely to be construed as giving warning to traffic;

4 ~~((+2))~~ (b) Visible from a city street, county road, or state
5 highway and displaying any red, green, blue, or yellow light or
6 intermittent or blinking light or rotating light identical or similar
7 in size, shape, and color to that used on any emergency vehicle or road
8 equipment or any light otherwise likely to be mistaken for a warning,
9 danger, directional, or traffic control signal or sign;

10 ~~((+3))~~ (c) Visible from a city street, county road, or state
11 highway and displaying any lights tending to blind persons operating
12 vehicles upon the highway, city street, or county road, or any glaring
13 light, or any light likely to be mistaken for a vehicle upon the
14 highway or otherwise to be so mistaken as to constitute a danger; or

15 ~~((+4))~~ (d) Visible from a city street, county road, or state
16 highway and flooding or intending to flood or directed across the
17 roadway of the highway with a directed beam or diffused light, whether
18 or not the flood light is shielded against directing its flood beam
19 toward approaching traffic on the highway, city street, or county road.

20 (2) Any structure or device erected or maintained contrary to the
21 provisions of this section is a public nuisance, and the department,
22 the chief of the Washington state patrol, the county sheriff, or the
23 chief of police of any city or town shall notify the owner thereof that
24 it constitutes a public nuisance and must be removed, and if the owner
25 fails to do so, the department, the chief of the Washington state
26 patrol, the county sheriff, or the chief of police of any city or town
27 may abate the nuisance.

28 (3) If the owner fails to remove any ~~((such))~~ structure or device
29 within fifteen days after being notified to remove the structure or
30 device as provided in this section, he or she is guilty of a
31 misdemeanor.

32 **Sec. 258.** RCW 47.36.200 and 1984 c 7 s 202 are each amended to
33 read as follows:

34 (1) When construction, repair, or maintenance work is conducted on
35 or adjacent to a public highway, county road, street, bridge, or other
36 thoroughfare commonly traveled and when the work interferes with the
37 normal and established mode of travel on the highway, county road,

1 street, bridge, or thoroughfare, the location shall be properly posted
2 by prominently displayed signs or flagmen or both. Signs used for
3 posting in such an area shall be consistent with the provisions found
4 in the state of Washington "Manual on Uniform Traffic Control Devices
5 for Streets and Highways" obtainable from the department of
6 transportation.

7 (2) Any contractor, firm, corporation, political subdivision, or
8 other agency performing such work shall comply with this section.

9 (3) Each driver of a motor vehicle used in connection with such
10 construction, repair, or maintenance work shall obey traffic signs
11 posted for, and flaggers stationed at such location in the same manner
12 and under the same restrictions as is required for the driver of any
13 other vehicle.

14 (4) A violation of or a failure to comply with this section is a
15 misdemeanor. Each day upon which there is a violation, or there is a
16 failure to comply, constitutes a separate violation.

17 **Sec. 259.** RCW 47.36.250 and 1987 c 330 s 747 are each amended to
18 read as follows:

19 (1) If the department or its delegate determines at any time for
20 any part of the public highway system that the unsafe conditions of the
21 roadway require particular tires, tire chains, or traction equipment in
22 addition to or beyond the ordinary pneumatic rubber tires, the
23 department may establish the following recommendations or requirements
24 with respect to the use of such equipment for all persons using such
25 public highway:

26 ~~((+1))~~ (a) Dangerous road conditions, chains or other approved
27 traction devices recommended.

28 ~~((+2))~~ (b) Dangerous road conditions, chains or other approved
29 traction devices required.

30 ~~((+3))~~ (c) Dangerous road conditions, chains required.

31 (2) Any equipment that may be required by this section shall be
32 approved by the state patrol as authorized under RCW 46.37.420.

33 (3) The department shall place and maintain signs and other traffic
34 control devices on the public highways that indicate the tire, tire
35 chain, or traction equipment recommendation or requirement determined
36 under this section. Such signs or traffic control devices shall in no
37 event prohibit the use of studded tires from November 1st to April 1st,

1 but when the department determines that chains are required and that no
2 other traction equipment will suffice, the requirement is applicable to
3 all types of tires including studded tires. The signs or traffic
4 control devices may specify different recommendations or requirements
5 for four wheel drive vehicles in gear.

6 (4) Failure to obey a requirement indicated by a sign or other
7 traffic control device placed or maintained under this section is a
8 misdemeanor.

9 **Sec. 260.** RCW 47.38.010 and 1993 c 116 s 1 are each amended to
10 read as follows:

11 (1) Pursuant to chapter 34.05 RCW, the department and the
12 Washington state patrol shall jointly adopt rules governing the conduct
13 and the safety of the traveling public relating to the use and control
14 of rest areas and other areas as designated in RCW 47.12.250. Nothing
15 herein may be construed as limiting the powers of the department as
16 provided by law.

17 (2) Except as otherwise provided in this section, any person
18 violating this section or any rule or regulation adopted pursuant to
19 this section is guilty of a misdemeanor.

20 (3)(a) Except as provided in (b) of this subsection, violation of
21 such a rule or regulation relating to traffic including parking,
22 standing, stopping, and pedestrian offenses is a traffic infraction.

23 (b) Violation of such a rule or regulation equivalent to those
24 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a
25 misdemeanor.

26 **Sec. 261.** RCW 47.41.070 and 1984 c 7 s 220 are each amended to
27 read as follows:

28 (1) If the owner of the land upon which any such junkyard is
29 located, or the operator thereof, as the case may be, fails to comply
30 with the notice or remove any such junk within the time provided in
31 this chapter after being so notified, he or she is guilty of a
32 misdemeanor. In addition to the penalties imposed by law upon
33 conviction, an order may be entered compelling compliance with this
34 chapter. Each day the junkyard is maintained in a manner so as not to
35 comply with this chapter constitutes a separate offense.

1 (2) If the operator of the junkyard or the owner of the property
2 upon which it is located, as the case may be, is not found or refuses
3 receipt of the notice, the department, the chief of the Washington
4 state patrol, the county sheriff, or the chief of police of any city or
5 town shall post the property upon which it is located with a notice
6 that the junkyard constitutes a public nuisance and that the junk
7 thereon must be removed as provided in this chapter. If the notice is
8 not complied with, the department, the chief of the Washington state
9 patrol, the county sheriff, or the chief of police of any city or town
10 shall abate the nuisance and remove the junk, and for that purpose may
11 enter upon private property without incurring liability for doing so.

12 **Sec. 262.** RCW 47.52.120 and 1987 c 330 s 748 are each amended to
13 read as follows:

14 (1) After the opening of any limited access highway facility, it
15 shall be unlawful for any person (~~((1))~~) to: (a) Drive a vehicle over,
16 upon, or across any curb, central dividing section, or other separation
17 or dividing line on limited access facilities; (~~((2) to))~~ (b) make a
18 left turn or semicircular or U-turn except through an opening provided
19 for that purpose in the dividing curb section, separation, or line;
20 (~~((3) to))~~ (c) drive any vehicle except in the proper lane provided for
21 that purpose and in the proper direction and to the right of the
22 central dividing curb, separation section, or line; (~~((4) to))~~ (d)
23 drive any vehicle into the limited access facility from a local service
24 road except through an opening provided for that purpose in the
25 dividing curb, dividing section, or dividing line which separates such
26 service road from the limited access facility proper; (~~((5) to))~~ (e)
27 stop or park any vehicle or equipment within the right of way of such
28 facility, including the shoulders thereof, except at points specially
29 provided therefor, and to make only such use of such specially provided
30 stopping or parking points as is permitted by the designation thereof:
31 PROVIDED, That this subsection (1)(e) shall not apply to authorized
32 emergency vehicles, law enforcement vehicles, assistance vans, or to
33 vehicles stopped for emergency causes or equipment failures; (~~((6) to))~~
34 (f) travel to or from such facility at any point other than a point
35 designated by the establishing authority as an approach to the facility
36 or to use an approach to such facility for any use in excess of that
37 specified by the establishing authority.

1 (2) For the purposes of this section, an assistance van is a
2 vehicle rendering aid free of charge to vehicles with equipment or fuel
3 problems. The state patrol shall establish by rule additional
4 standards and operating procedures, as needed, for assistance vans.

5 (3) Any person who violates (~~(any of the provisions of)~~) this
6 section is guilty of a misdemeanor and upon arrest and conviction
7 therefor shall be punished by a fine of not less than five dollars nor
8 more than one hundred dollars, or by imprisonment in the city or county
9 jail for not less than five days nor more than ninety days, or by both
10 fine and imprisonment.

11 (4) Nothing contained in this section prevents the highway
12 authority from proceeding to enforce the prohibitions or limitations of
13 access to such facilities by injunction or as otherwise provided by
14 law.

15 **Sec. 263.** RCW 47.68.233 and 2000 c 176 s 1 are each amended to
16 read as follows:

17 (1) The department shall require that every pilot who is a resident
18 of this state and every nonresident pilot who regularly operates any
19 aircraft in this state be registered with the department. The
20 department shall charge an annual fee not to exceed ten dollars for
21 each registration. All registration certificates issued under this
22 section shall be renewed annually during the month of the registrant's
23 birthdate.

24 (2) The registration fee imposed by this section shall be used by
25 the department for the purpose of (a) search and rescue of lost and
26 downed aircraft and airmen under the direction and supervision of the
27 secretary, (b) safety and education, and (c) volunteer recognition and
28 support.

29 (3) Registration shall be effected by filing with the department a
30 certified written statement that contains the information reasonably
31 required by the department. The department shall issue certificates of
32 registration and in connection therewith shall prescribe requirements
33 for the possession and exhibition of the certificates.

34 (4) The provisions of this section do not apply to:

35 (~~(1)~~) (a) A pilot who operates an aircraft exclusively in the
36 service of any government or any political subdivision thereof,

1 including the government of the United States, any state, territory, or
2 possession of the United States, or the District of Columbia;

3 ~~((+2))~~ (b) A pilot registered under the laws of a foreign country;

4 ~~((+3))~~ (c) A pilot engaged exclusively in commercial flying
5 constituting an act of interstate or foreign commerce;

6 ~~((+4))~~ (d) A person piloting an aircraft equipped with fully
7 functioning dual controls when a licensed instructor is in full charge
8 of one set of the controls and the flight is solely for instruction or
9 for the demonstration of the aircraft to a bona fide prospective
10 purchaser.

11 (5) Failure to register as provided in this section is a violation
12 of RCW 47.68.230 and subjects the offender to the penalties ~~((incident~~
13 ~~thereto))~~ set forth in RCW 47.68.240(2).

14 **Sec. 264.** RCW 47.68.234 and 1993 c 208 s 3 are each amended to
15 read as follows:

16 (1) The department shall require that every airman or airwoman that
17 is not registered under RCW 47.68.233 and who is a resident of this
18 state, or every nonresident airman or airwoman who is regularly
19 performing duties as an airman or airwoman within this state, be
20 registered with the department. The department shall charge an annual
21 fee not to exceed ten dollars for each registration. A registration
22 certificate issued under this section is to be renewed annually during
23 the month of the registrant's birthdate.

24 (2) The department shall use the registration fee imposed under
25 this section for the purposes of: ~~((+1))~~ (a) Search and rescue of
26 lost and downed aircraft and airmen or airwomen under the direction and
27 supervision of the secretary; and ~~((+2))~~ (b) safety and education.

28 (3) Registration is ~~((affected [effected]))~~ effected by filing with
29 the department a certified written statement that contains the
30 information reasonably required by the department. The department
31 shall issue certificates of registration and, in connection with the
32 certificates, shall provide requirements for the possession and
33 exhibition of the certificates.

34 (4) Failure to register as provided in this section is a violation
35 of RCW 47.68.230 and subjects the offender to the penalties ~~((incident~~
36 ~~to this section))~~ set forth in RCW 47.68.240(2).

1 **Sec. 265.** RCW 47.68.240 and 2000 c 229 s 2 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section, any
4 person violating any of the provisions of this chapter, or any of the
5 rules, regulations, or orders issued pursuant thereto, (~~shall be~~) is
6 guilty of a misdemeanor (~~and shall be punished as provided under~~
7 ~~chapter 9A.20 RCW, except that~~)).

8 (2)(a) Any person violating any of the provisions of RCW 47.68.220,
9 47.68.230, or 47.68.255 (~~shall be~~) is guilty of a gross misdemeanor
10 (~~which shall be punished as provided under chapter 9A.20 RCW~~)).

11 (b) In addition to, or in lieu of, the penalties provided in this
12 section, or as a condition to the suspension of a sentence which may be
13 imposed pursuant thereto, for violations of RCW 47.68.220 and
14 47.68.230, the court in its discretion may prohibit the violator from
15 operating an aircraft within the state for such period as it may
16 determine but not to exceed one year. Violation of the duly imposed
17 prohibition of the court may be treated as a separate offense under
18 this section or as a contempt of court.

19 **Sec. 266.** RCW 47.68.255 and 2000 c 229 s 3 are each amended to
20 read as follows:

21 A person who is required to register an aircraft under this chapter
22 and who registers an aircraft in another state or foreign country
23 evading the Washington aircraft excise tax is guilty of a gross
24 misdemeanor. For a second or subsequent offense, the person convicted
25 is also subject to a fine equal to four times the amount of avoided
26 taxes and fees, no part of which may be suspended or deferred. Excise
27 taxes owed and fines assessed will be deposited in the manner provided
28 under RCW 46.16.010(~~(+2)~~) (4).

29 **Sec. 267.** RCW 48.06.030 and 1947 c 79 s .06.03 are each amended to
30 read as follows:

31 (1) No person forming or proposing to form in this state an
32 insurer, or insurance holding corporation, or stock corporation to
33 finance an insurer or insurance production therefor, or corporation to
34 manage an insurer, or corporation to be attorney in fact for a
35 reciprocal insurer, or a syndicate for any of such purposes, shall
36 advertise, or solicit or receive any funds, agreement, stock

1 subscription, or membership on account thereof unless he or she has
2 applied for and has received from the commissioner a solicitation
3 permit.

4 (2) Any person violating this section is guilty of a class B felony
5 and shall be subject to a fine of not more than ten thousand dollars or
6 imprisonment for not more than ten years, or by both fine and
7 imprisonment.

8 **Sec. 268.** RCW 48.06.190 and 1947 c 79 s .06.19 are each amended to
9 read as follows:

10 Every person who, with intent to deceive, knowingly exhibits any
11 false account, or document, or advertisement, relative to the affairs
12 of any insurer, or of any corporation or syndicate of the kind
13 enumerated in RCW 48.06.030, formed or proposed to be formed, (~~shall~~
14 ~~be~~) is guilty of a class B felony punishable according to chapter
15 9A.20 RCW.

16 **Sec. 269.** RCW 48.17.480 and 1988 c 248 s 12 are each amended to
17 read as follows:

18 (1) An agent or any other representative of an insurer involved in
19 the procuring or issuance of an insurance contract shall report to the
20 insurer the exact amount of consideration charged as premium for such
21 contract, and such amount shall likewise be shown in the contract and
22 in the records of the agent. Each willful violation of this provision
23 (~~shall constitute~~) is a misdemeanor.

24 (2) All funds representing premiums or return premiums received by
25 an agent, solicitor or broker, shall be so received in his or her
26 fiduciary capacity, and shall be promptly accounted for and paid to the
27 insured, insurer, or agent as entitled thereto.

28 (3) Any person licensed under this chapter who receives funds which
29 belong to or should be paid to another person as a result of or in
30 connection with an insurance transaction is deemed to have received the
31 funds in a fiduciary capacity. The licensee shall promptly account for
32 and pay the funds to the person entitled to the funds.

33 (4) Any agent, solicitor, broker, adjuster or other person licensed
34 under this chapter who, not being lawfully entitled thereto, diverts or
35 appropriates funds received in a fiduciary capacity or any portion

1 thereof to his or her own use, (~~shall be~~) is guilty of (~~larceny by~~
2 ~~embezzlement, and shall be punished as provided in the criminal~~
3 ~~statutes of this state~~) theft under chapter 9A.56 RCW.

4 **Sec. 270.** RCW 48.30.230 and 1990 1st ex.s. c 3 s 11 are each
5 amended to read as follows:

6 (1) It is unlawful for any person, (~~who~~) knowing it to be such,
7 to:

8 (~~(1)~~) (a) Present(~~s~~), or cause(~~s~~) to be presented, a false or
9 fraudulent claim, or any proof in support of such a claim, for the
10 payment of a loss under a contract of insurance; or

11 (~~(2)~~) (b) Prepare(~~s~~), make(~~s~~), or subscribe(~~s~~) any false or
12 fraudulent account, certificate, affidavit, or proof of loss, or other
13 document or writing, with intent that it be presented or used in
14 support of such a claim(~~t~~).

15 (2)(a) Except as provided in (b) of this subsection, a violation of
16 this section is (~~guilty of~~) a gross misdemeanor(~~t or~~).

17 (b) If (~~such~~) the claim is in excess of one thousand five hundred
18 dollars, (~~of~~) the violation is a class C felony punishable according
19 to chapter 9A.20 RCW.

20 **Sec. 271.** RCW 48.30A.015 and 1995 c 285 s 3 are each amended to
21 read as follows:

22 (1) It is unlawful for a person:

23 (a) Knowing that the payment is for the referral of a claimant to
24 a service provider, either to accept payment from a service provider
25 or, being a service provider, to pay another; or

26 (b) To provide or claim or represent to have provided services to
27 a claimant, knowing the claimant was referred in violation of (a) of
28 this subsection.

29 (2) It is unlawful for a service provider to engage in a regular
30 practice of waiving, rebating, giving, paying, or offering to waive,
31 rebate, give, or pay all or any part of a claimant's casualty or
32 property insurance deductible.

33 (3) A violation of this section constitutes trafficking in
34 insurance claims.

35 (4)(a) Trafficking in insurance claims is a gross misdemeanor for
36 a single violation.

1 (b) Each subsequent violation, whether alleged in the same or in
2 subsequent prosecutions, is a class C felony.

3 **Sec. 272.** RCW 48.31.105 and 1993 c 462 s 58 are each amended to
4 read as follows:

5 (1) An officer, manager, director, trustee, owner, employee, or
6 agent of an insurer or other person with authority over or in charge of
7 a segment of the insurer's affairs shall cooperate with the
8 commissioner in a proceeding under this chapter or an investigation
9 preliminary to the proceeding. The term "person" as used in this
10 section includes a person who exercises control directly or indirectly
11 over activities of the insurer through a holding company or other
12 affiliate of the insurer. "To cooperate" as used in this section
13 includes the following:

14 (a) To reply promptly in writing to an inquiry from the
15 commissioner requesting such a reply; and

16 (b) To make available to the commissioner books, accounts,
17 documents, or other records or information or property of or pertaining
18 to the insurer and in his or her possession, custody, or control.

19 (2) A person may not obstruct or interfere with the commissioner in
20 the conduct of a delinquency proceeding or an investigation preliminary
21 or incidental thereto.

22 (3) This section does not abridge existing legal rights, including
23 the right to resist a petition for liquidation or other delinquency
24 proceedings, or other orders.

25 (4) A person included within subsection (1) of this section who
26 fails to cooperate with the commissioner, or a person who obstructs or
27 interferes with the commissioner in the conduct of a delinquency
28 proceeding or an investigation preliminary or incidental thereto, or
29 who violates an order the commissioner issued validly under this
30 chapter may:

31 (a) Be guilty of a gross misdemeanor and sentenced to pay a fine
32 not exceeding ten thousand dollars or to undergo imprisonment for a
33 term of not more than one year, or both; or

34 (b) After a hearing, be subject to the imposition by the
35 commissioner of a civil penalty not to exceed ten thousand dollars and
36 be subject further to the revocation or suspension of insurance
37 licenses issued by the commissioner.

1 **Sec. 273.** RCW 49.12.410 and 1991 c 303 s 5 are each amended to
2 read as follows:

3 (1) An employer who knowingly or recklessly violates the
4 requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted
5 under RCW 49.12.121 or 49.12.123, is guilty of a gross misdemeanor.

6 (2) An employer whose practices in violation of the requirements of
7 RCW 49.12.121 or 49.12.123, or a rule or order adopted under RCW
8 49.12.121 or 49.12.123, result in the death or permanent disability of
9 a minor employee is guilty of a class C felony punishable according to
10 chapter 9A.20 RCW.

11 **Sec. 274.** RCW 49.28.010 and 1899 c 101 s 1 are each amended to
12 read as follows:

13 (1) Hereafter eight hours in any calendar day shall constitute a
14 day's work on any work done for the state or any county or municipality
15 within the state, subject to conditions hereinafter provided.

16 (2) All work done by contract or subcontract on any building or
17 improvements or works on roads, bridges, streets, alleys, or buildings
18 for the state or any county or municipality within the state, shall be
19 done under the provisions of this section. In cases of extraordinary
20 emergency such as danger to life or property, the hours for work may be
21 extended, but in such case the rate of pay for time employed in excess
22 of eight hours of each calendar day, shall be one and one-half times
23 the rate of pay allowed for the same amount of time during eight hours'
24 service. And for this purpose this section is made a part of all
25 contracts, subcontracts, or agreements for work done for the state or
26 any county or municipality within the state.

27 (3) Any contractor, subcontractor, or agent of contractor or
28 subcontractor, foreman, or employer who violates this section is guilty
29 of a misdemeanor and shall be fined a sum not less than twenty-five
30 dollars nor more than two hundred dollars, or imprisoned in the county
31 jail for a period of not less than ten days nor more than ninety days,
32 or both such fine and imprisonment, at the discretion of the court.

33 **Sec. 275.** RCW 49.28.080 and 1937 c 129 s 1 are each amended to
34 read as follows:

35 (1) No male or female household or domestic employee shall be
36 employed by any person for a longer period than sixty hours in any one

1 week. Employed time shall include minutes or hours when the employee
2 has to remain subject to the call of the employer and when the employee
3 is not free to follow his or her inclinations.

4 (2) In cases of emergency such employee may be employed for a
5 longer period than sixty hours.

6 (3) Any employer violating this section is guilty of a misdemeanor.

7 **Sec. 276.** RCW 49.28.100 and 1953 c 271 s 1 are each amended to
8 read as follows:

9 (1) It shall be unlawful for any employer to permit any of his or
10 her employees to operate on docks, in warehouses and/or in or on other
11 waterfront properties any power driven mechanical equipment for the
12 purpose of loading cargo on, or unloading cargo from, ships, barges, or
13 other watercraft, or of assisting in such loading or unloading
14 operations, for a period in excess of twelve and one-half hours at any
15 one time without giving such person an interval of eight hours' rest:
16 PROVIDED, HOWEVER, The provisions of this section (~~and RCW 49.28.110~~)
17 shall not be applicable in cases of emergency, including fire, violent
18 storms, leaking or sinking ships or services required by the armed
19 forces of the United States.

20 (2) Any person violating this section is guilty of a misdemeanor.

21 **Sec. 277.** RCW 49.44.100 and 1961 c 180 s 1 are each amended to
22 read as follows:

23 (1) It shall be unlawful for any person, firm or corporation not
24 directly involved in a labor strike or lockout to recruit and bring
25 into this state from outside this state any person or persons for
26 employment, or to secure or offer to secure for such person or persons
27 any employment, when the purpose of such recruiting, securing or
28 offering to secure employment(~~(7)~~) is to have such persons take the
29 place in employment of employees in a business owned by a person, firm
30 or corporation involved in a labor strike or lockout, or to have such
31 persons act as pickets of a business owned by a person, firm or
32 corporation where a labor strike or lockout exists: PROVIDED, That
33 this section (~~and RCW 49.44.110~~) shall not apply to activities and
34 services offered by or through the Washington employment security
35 department.

1 more than ninety days(~~(: PROVIDED, That any person who violates the~~
2 ~~provisions of RCW 50.40.010 shall be guilty of a gross misdemeanor)~~)).

3 (3) Any person who in connection with any compromise or offer of
4 compromise willfully conceals from any officer or employee of the state
5 any property belonging to an employing unit which is liable for
6 contributions, interest, or penalties, or receives, destroys,
7 mutilates, or falsifies any book, document, or record, or makes under
8 oath any false statement relating to the financial condition of the
9 employing unit which is liable for contributions, is guilty of a gross
10 misdemeanor and shall upon conviction thereof be fined not more than
11 five thousand dollars or be imprisoned for not more than one year, or
12 both.

13 (4) The penalty prescribed in this section shall not be deemed
14 exclusive, but any act which shall constitute a crime under any law of
15 this state may be the basis of prosecution under such law
16 notwithstanding that it may also be the basis for prosecution under
17 this section.

18 **Sec. 280.** RCW 50.36.020 and 1953 ex.s. c 8 s 23 are each amended
19 to read as follows:

20 (1) Any person required under this title to collect, account for
21 and pay over any contributions imposed by this title, who willfully
22 fails to collect or truthfully account for and pay over such
23 contributions, and any person who willfully attempts in any manner to
24 evade or defeat any contributions imposed by this title or the payment
25 thereof, is guilty of a gross misdemeanor and shall, in addition to
26 other penalties provided by law, upon conviction thereof, be fined not
27 more than five thousand dollars, or imprisoned for not more than one
28 year, or both, together with the costs of prosecution.

29 (2) The term "person" as used in this section includes an officer
30 or individual in the employment of a corporation, or a member or
31 individual in the employment of a partnership, who as such officer,
32 individual or member is under a duty to perform the act in respect of
33 which the violation occurs. A corporation may likewise be prosecuted
34 under this section and may be subjected to fine and payment of costs of
35 prosecution as prescribed herein for a person.

1 **Sec. 281.** RCW 50.40.010 and 1945 c 35 s 182 are each amended to
2 read as follows:

3 (1) Any agreement by an individual to waive, release, or commute
4 his or her rights to benefits or any other rights under this title
5 shall be void.

6 (2) Any agreement by an individual in the employ of any person or
7 concern to pay all or any portion of an employer's contributions,
8 required under this title from such employer, shall be void.

9 (3) No employer shall directly or indirectly make or require or
10 accept any deduction from remuneration for services to finance the
11 employer's contributions required from him or her, or require or accept
12 any waiver of any right hereunder by any individual in his or her
13 employ.

14 (4) A person violating this section is guilty of a gross
15 misdemeanor.

16 **Sec. 282.** RCW 51.48.040 and 1986 c 9 s 9 are each amended to read
17 as follows:

18 (1) The books, records and payrolls of the employer pertinent to
19 the administration of this title shall always be open to inspection by
20 the department or its traveling auditor, agent or assistant, for the
21 purpose of ascertaining the correctness of the payroll, the persons
22 employed, and such other information as may be necessary for the
23 department and its management under this title.

24 (2) Refusal on the part of the employer to submit his or her books,
25 records and payrolls for such inspection to the department, or any
26 assistant presenting written authority from the director, shall subject
27 the offending employer to a penalty determined by the director but not
28 to exceed two hundred fifty dollars for each offense and the individual
29 who personally gives such refusal (~~shall be~~) is guilty of a
30 misdemeanor.

31 (3) Any employer who fails to allow adequate inspection in
32 accordance with the requirements of this section is subject to having
33 its certificate of coverage revoked by order of the department and is
34 forever barred from questioning in any proceeding in front of the board
35 of industrial insurance appeals or any court, the correctness of any
36 assessment by the department based on any period for which such records
37 have not been produced for inspection.

1 **Sec. 283.** RCW 51.48.103 and 1986 c 9 s 12 are each amended to read
2 as follows:

3 (1) It is (~~(unlawful)~~) a gross misdemeanor:

4 (a) For any employer to engage in business subject to this title
5 without having obtained a certificate of coverage as provided for in
6 this title;

7 (b) For the president, vice-president, secretary, treasurer, or
8 other officer of any company to cause or permit the company to engage
9 in business subject to this title without having obtained a certificate
10 of coverage as provided for in this title.

11 (~~(Any person violating any of the provisions of this subsection is
12 guilty of a gross misdemeanor punishable under RCW 9A.20.021.)~~)

13 (2) It is (~~(unlawful)~~) a class C felony punishable according to
14 chapter 9A.20 RCW:

15 (a) For any employer to engage in business subject to this title
16 after the employer's certificate of coverage has been revoked by order
17 of the department;

18 (b) For the president, vice-president, secretary, treasurer, or
19 other officer of any company to cause or permit the company to engage
20 in business subject to this title after revocation of a certificate of
21 coverage.

22 (~~(Any person violating any of the provisions of this subsection is
23 guilty of a class C felony punishable under RCW 9A.20.021.)~~)

24 **Sec. 284.** RCW 51.48.280 and 1997 c 336 s 1 are each amended to
25 read as follows:

26 (1) It is a class C felony for any person, firm, corporation,
27 partnership, association, agency, institution, or other legal entity(~~(~~
28 ~~that~~) to solicit(~~(s)~~) or receive(~~(s)~~) any remuneration (including any
29 kickback, bribe, or rebate) directly or indirectly, overtly or
30 covertly, in cash or in kind:

31 (a) In return for referring an individual to a person for the
32 furnishing or arranging for the furnishing of any item or service for
33 which payment may be made in whole or in part under this chapter; or

34 (b) In return for purchasing, leasing, ordering, or arranging for
35 or recommending purchasing, leasing, or ordering any goods, facility,
36 service, or item for which payment may be made in whole or in part
37 under this chapter(~~(+~~

1 ~~shall be guilty of a class C felony. However, the fine, if imposed,~~
2 ~~shall not be in an amount more than twenty five thousand dollars,~~
3 ~~except as authorized by RCW 9A.20.030)).~~

4 (2) It is a class C felony for any person, firm, corporation,
5 partnership, association, agency, institution, or other legal entity~~((~~
6 ~~that))~~ to offer~~((s))~~ or pay~~((s))~~ any remuneration (including any
7 kickback, bribe, or rebate) directly or indirectly, overtly or
8 covertly, in cash or in kind to any person to induce such person:

9 (a) To refer an individual to a person for the furnishing or
10 arranging for the furnishing of any item or service for which payment
11 may be made, in whole or in part, under this chapter; or

12 (b) To purchase, lease, order, or arrange for or recommend
13 purchasing, leasing, or ordering any goods, facility, service, or item
14 for which payment may be made in whole or in part under this chapter~~((~~
15 ~~shall be guilty of a class C felony. However, the fine, if imposed,~~
16 ~~shall not be in an amount more than twenty five thousand dollars,~~
17 ~~except as authorized by RCW 9A.20.030)).~~

18 (3) A health services provider who (a) provides a health care
19 service to a claimant, while acting as the claimant's representative
20 for the purpose of obtaining authorization for the services, and (b)
21 charges a percentage of the claimant's benefits or other fee for acting
22 as the claimant's representative under this title ~~((shall be))~~ is
23 guilty of a gross misdemeanor. ~~((However, the fine, if imposed,))~~

24 (4) Any fine imposed as a result of a violation of subsection (1),
25 (2), or (3) of this section shall not be in an amount more than twenty-
26 five thousand dollars, except as authorized by RCW 9A.20.030.

27 ~~((4))~~ (5) Subsections (1) and (2) of this section shall not apply
28 to:

29 (a) A discount or other reduction in price obtained by a provider
30 of services or other entity under this chapter if the reduction in
31 price is properly disclosed and appropriately reflected in the costs
32 claimed or charges made by the provider or entity under this chapter;
33 and

34 (b) Any amount paid by an employer to an employee (who has a bona
35 fide employment relationship with such employer) for employment in the
36 provision of covered items or services.

37 ~~((5))~~ (6) Subsections (1) and (2) of this section, if applicable

1 to the conduct involved, shall supersede the criminal provisions of
2 chapter 19.68 RCW, but shall not preclude administrative proceedings
3 authorized by chapter 19.68 RCW.

4 **Sec. 285.** RCW 51.52.120 and 1990 c 15 s 1 are each amended to read
5 as follows:

6 (1) It shall be unlawful for an attorney engaged in the
7 representation of any worker or beneficiary to charge for services in
8 the department any fee in excess of a reasonable fee, of not more than
9 thirty percent of the increase in the award secured by the attorney's
10 services. Such reasonable fee shall be fixed by the director or the
11 director's designee for services performed by an attorney for such
12 worker or beneficiary, if written application therefor is made by the
13 attorney, worker, or beneficiary within one year from the date the
14 final decision and order of the department is communicated to the party
15 making the application.

16 (2) If, on appeal to the board, the order, decision, or award of
17 the department is reversed or modified and additional relief is granted
18 to a worker or beneficiary, or in cases where a party other than the
19 worker or beneficiary is the appealing party and the worker's or
20 beneficiary's right to relief is sustained by the board, the board
21 shall fix a reasonable fee for the services of his or her attorney in
22 proceedings before the board if written application therefor is made by
23 the attorney, worker, or beneficiary within one year from the date the
24 final decision and order of the board is communicated to the party
25 making the application. In fixing the amount of such attorney's fee,
26 the board shall take into consideration the fee allowed, if any, by the
27 director, for services before the department, and the board may review
28 the fee fixed by (~~said~~) the director. Any attorney's fee set by the
29 department or the board may be reviewed by the superior court upon
30 application of such attorney, worker, or beneficiary. The department
31 or self-insured employer, as the case may be, shall be served a copy of
32 the application and shall be entitled to appear and take part in the
33 proceedings. Where the board, pursuant to this section, fixes the
34 attorney's fee, it shall be unlawful for an attorney to charge or
35 receive any fee for services before the board in excess of that fee
36 fixed by the board.

1 (3) Any person who violates (~~(any provision of)~~) this section
2 (~~(shall be)~~) is guilty of a misdemeanor.

3 **Sec. 286.** RCW 53.08.220 and 1979 ex.s. c 136 s 103 are each
4 amended to read as follows:

5 (1) A port district may formulate all needful regulations for the
6 use by tenants, agents, servants, licensees, invitees, suppliers,
7 passengers, customers, shippers, business visitors, and members of the
8 general public of any properties or facilities owned or operated by it,
9 and request the adoption, amendment, or repeal of such regulations as
10 part of the ordinances of the city or town in which such properties or
11 facilities are situated, or as part of the resolutions of the county,
12 if such properties or facilities be situated outside any city or town.
13 The port commission shall make such request by resolution after holding
14 a public hearing on the proposed regulations, of which at least ten
15 days' notice shall be published in a legal newspaper of general
16 circulation in the port district. Such regulations must conform to and
17 be consistent with federal and state law. As to properties or
18 facilities situated within a city or town, such regulations must
19 conform to and be consistent with the ordinances of the city or town.
20 As to properties or facilities situated outside any city or town, such
21 regulations must conform to and be consistent with county resolutions.
22 Upon receiving such request, the governing body of the city, town, or
23 county, as the case may be, may adopt such regulations as part of its
24 ordinances or resolutions, or amend or repeal such regulations in
25 accordance with the terms of the request.

26 (2)(a) Except as otherwise provided in this subsection, any
27 violation of (~~(such)~~) the regulations (~~(shall constitute)~~) described in
28 subsection (1) of this section is a misdemeanor which shall be
29 redressed in the same manner as other police regulations of the city,
30 town, or county, and it shall be the duty of all law enforcement
31 officers to enforce such regulations accordingly(~~(; PROVIDED, That)~~).

32 (b) Except as provided in (c) of this subsection, violation of such
33 a regulation relating to traffic including parking, standing, stopping,
34 and pedestrian offenses is a traffic infraction(~~(, except that)~~).

35 (c) Violation of such a regulation equivalent to those provisions
36 of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

1 **Sec. 287.** RCW 53.34.190 and 1959 c 236 s 19 are each amended to
2 read as follows:

3 (1) Any port district establishing a project under the authority of
4 this chapter may make such bylaws, rules, and regulations for the
5 management and use of such project and for the collection of rentals,
6 tolls, fees, and other charges for services or commodities sold,
7 furnished or supplied through such project(~~, and~~).

8 (2) The violation of any ((such)) bylaw, rule, or regulation
9 ((shall be an offense)) described in subsection (1) of this section is
10 a misdemeanor punishable by fine not to exceed one hundred dollars or
11 by imprisonment for not longer than thirty days, or both.

12 **Sec. 288.** RCW 61.12.030 and 1989 c 343 s 21 are each amended to
13 read as follows:

14 (1) When any real estate in this state is subject to, or is
15 security for, any mortgage, mortgages, lien or liens, other than
16 general liens arising under personal judgments, it shall be unlawful
17 for any person who is the owner, mortgagor, lessee, or occupant of such
18 real estate to destroy or remove or to cause to be destroyed or removed
19 from ((said)) the real estate any fixtures, buildings, or permanent
20 improvements including a manufactured home whose title has been
21 eliminated under chapter 65.20 RCW, not including crops growing
22 thereon, without having first obtained from the owners or holders of
23 each and all of such mortgages or other liens his, her, or their
24 written consent for such removal or destruction.

25 (2) Any person willfully violating this section is guilty of a
26 misdemeanor, and upon conviction thereof shall be punished by
27 imprisonment in the county jail for a period not to exceed six months,
28 or by a fine of not more than five hundred dollars, or by both such
29 fine and imprisonment.

30 **Sec. 289.** RCW 64.36.020 and 1983 1st ex.s. c 22 s 2 are each
31 amended to read as follows:

32 (1) A timeshare offering registration must be effective before any
33 advertisement, solicitation of an offer, or any offer or sale of a
34 timeshare may be made in this state.

35 (2) An applicant shall apply for registration by filing with the
36 director:

1 (a) A copy of the disclosure document prepared in accordance with
2 RCW 64.36.140 and signed by the applicant;

3 (b) An application for registration prepared in accordance with RCW
4 64.36.030;

5 (c) An irrevocable consent to service of process signed by the
6 applicant;

7 (d) The prescribed registration fee; and

8 (e) Any other information the director may by rule require in the
9 protection of the public interest.

10 (3) The registration requirements do not apply to:

11 (a) An offer, sale, or transfer of not more than one timeshare in
12 any twelve-month period;

13 (b) A gratuitous transfer of a timeshare;

14 (c) A sale under court order;

15 (d) A sale by a government or governmental agency;

16 (e) A sale by forfeiture, foreclosure, or deed in lieu of
17 foreclosure; or

18 (f) A sale of a timeshare property or all timeshare units therein
19 to any one purchaser.

20 (4) The director may by rule or order exempt any potential
21 registrant from the requirements of this chapter if the director finds
22 registration is unnecessary for the protection of the public interest.

23 (5)(a) Except as provided in (b) of this subsection, any person who
24 violates this section is guilty of a gross misdemeanor.

25 (b) Any person who knowingly violates this section is guilty of a
26 class C felony punishable according to chapter 9A.20 RCW.

27 (c) No indictment or information for a felony may be returned under
28 this chapter more than five years after the alleged violation.

29 **Sec. 290.** RCW 64.36.210 and 1983 1st ex.s. c 22 s 20 are each
30 amended to read as follows:

31 (1) It is unlawful for any person in connection with the offer,
32 sale, or lease of any timeshare in the state:

33 ~~((1))~~ (a) To make any untrue or misleading statement of a
34 material fact, or to omit a material fact;

35 ~~((2))~~ (b) To employ any device, scheme, or artifice to defraud;

36 ~~((3))~~ (c) To engage in any act, practice, or course of business
37 which operates or would operate as a fraud or deceit upon any person;

1 ~~((4))~~ (d) To file, or cause to be filed, with the director any
2 document which contains any untrue or misleading information; or

3 ~~((5))~~ (e) To violate any rule or order of the director.

4 (2)(a) Any person who knowingly violates this section is guilty of
5 a class C felony punishable according to chapter 9A.20 RCW.

6 (b) No indictment or information for a felony may be returned under
7 this chapter more than five years after the alleged violation.

8 **Sec. 291.** RCW 65.12.730 and 1907 c 250 s 89 are each amended to
9 read as follows:

10 Certificates of title or duplicate certificates entered under this
11 chapter, shall be subjects of ~~((larceny))~~ theft, and anyone unlawfully
12 stealing or carrying away any such certificate, shall, upon conviction
13 thereof, be deemed guilty of ~~((grand larceny, and punished~~
14 ~~accordingly))~~ theft under chapter 9A.56 RCW.

15 **Sec. 292.** RCW 65.12.740 and 1907 c 250 s 90 are each amended to
16 read as follows:

17 Whoever knowingly swears falsely to any statement required by this
18 chapter to be made under oath ~~((shall be))~~ is guilty of perjury~~((, and~~
19 ~~shall be liable to the statutory penalties therefor))~~ under chapter
20 9A.72 RCW.

21 **Sec. 293.** RCW 65.12.750 and 1907 c 250 s 91 are each amended to
22 read as follows:

23 Whoever fraudulently procures, or assists fraudulently procuring,
24 or is privy to the fraudulent procurement of any certificate of title,
25 or other instrument, or of any entry in the register of titles, or
26 other book kept in the registrar's office, or of any erasure or
27 alteration in any entry in any such book, or in any instrument
28 authorized by this chapter, or knowingly defrauds or is privy to
29 defrauding any person by means of a false or fraudulent instrument,
30 certificate, statement, or affidavit affecting registered land, shall
31 be guilty of a class C felony, and upon conviction, shall be fined in
32 any sum not exceeding five thousand dollars, or imprisoned in ~~((the~~
33 ~~penitentiary not exceeding))~~ a state correctional facility for not more
34 than five years, or both such fine and imprisonment, in the discretion
35 of the court.

1 **Sec. 294.** RCW 65.12.760 and 1907 c 250 s 92 are each amended to
2 read as follows:

3 Whoever forges or procures to be forged, or assists in forging, the
4 seal of the registrar, or the name, signature, or handwriting of any
5 officer of the registry office, in case where such officer is expressly
6 or impliedly authorized to affix his or her signature; or forges or
7 procures to be forged, or assists in forging, the name, signature, or
8 handwriting of any person whomsoever, to any instrument which is
9 expressly or impliedly authorized to be signed by such person; or
10 uses any document upon which any impression or part of the impression
11 of any seal of (~~said~~) the registrar has been forged, knowing the same
12 to have been forged, or any document, the signature to which has been
13 forged, shall be guilty of a class B felony, and upon conviction shall
14 be imprisoned in (~~the penitentiary not exceeding~~) a state
15 correctional facility for not more than ten years, or fined not
16 (~~exceeding~~) more than one thousand dollars, or both fined and
17 imprisoned, in the discretion of the court.

18 **Sec. 295.** RCW 66.20.200 and 2002 c 175 s 41 are each amended to
19 read as follows:

20 (1) It shall be unlawful for the owner of a card of identification
21 to transfer the card to any other person for the purpose of aiding such
22 person to procure alcoholic beverages from any licensee or store
23 employee. Any person who shall permit his or her card of
24 identification to be used by another or transfer such card to another
25 for the purpose of aiding such transferee to obtain alcoholic beverages
26 from a licensee or store employee or gain admission to a premises or
27 portion of a premises classified by the board as off-limits to persons
28 under twenty-one years of age, shall be guilty of a misdemeanor
29 punishable as provided by RCW 9A.20.021, except that a minimum fine of
30 two hundred fifty dollars shall be imposed and any sentence requiring
31 community restitution shall require not fewer than twenty-five hours of
32 community restitution.

33 (2) Any person not entitled thereto who unlawfully procures or has
34 issued or transferred to him or her a card of identification, and any
35 person who possesses a card of identification not issued to him or her,
36 and any person who makes any false statement on any certification card
37 required by RCW 66.20.190, (~~as now or hereafter amended,~~) to be

1 signed by him or her, shall be guilty of a misdemeanor punishable as
2 provided by RCW 9A.20.021, except that a minimum fine of two hundred
3 fifty dollars shall be imposed and any sentence requiring community
4 restitution shall require not fewer than twenty-five hours of community
5 restitution.

6 **Sec. 296.** RCW 66.28.200 and 1998 c 126 s 13 are each amended to
7 read as follows:

8 (1) Licensees holding a beer and/or wine restaurant or a tavern
9 license in combination with an off-premises beer and wine retailer's
10 license may sell malt liquor in kegs or other containers capable of
11 holding four gallons or more of liquid. Under a special endorsement
12 from the board, a grocery store licensee may sell malt liquor in
13 containers no larger than five and one-half gallons. The sale of any
14 container holding four gallons or more must comply with the provisions
15 of this section and RCW 66.28.210 through 66.28.240.

16 (2) Any person who sells or offers for sale the contents of kegs or
17 other containers containing four gallons or more of malt liquor, or
18 leases kegs or other containers that will hold four gallons of malt
19 liquor, to consumers who are not licensed under chapter 66.24 RCW shall
20 do the following for any transaction involving the container:

21 ~~((1))~~ (a) Require the purchaser of the malt liquor to sign a
22 declaration and receipt for the keg or other container or beverage in
23 substantially the form provided in RCW 66.28.220;

24 ~~((2))~~ (b) Require the purchaser to provide one piece of
25 identification pursuant to RCW 66.16.040;

26 ~~((3))~~ (c) Require the purchaser to sign a sworn statement, under
27 penalty of perjury, that:

28 ~~((a))~~ (i) The purchaser is of legal age to purchase, possess, or
29 use malt liquor;

30 ~~((b))~~ (ii) The purchaser will not allow any person under the age
31 of twenty-one years to consume the beverage except as provided by RCW
32 66.44.270;

33 ~~((c))~~ (iii) The purchaser will not remove, obliterate, or allow
34 to be removed or obliterated, the identification required under RCW
35 66.28.220 to be affixed to the container;

36 ~~((4))~~ (d) Require the purchaser to state the particular address

1 where the malt liquor will be consumed, or the particular address where
2 the keg or other container will be physically located; and

3 ~~((+5+))~~ (e) Require the purchaser to maintain a copy of the
4 declaration and receipt next to or adjacent to the keg or other
5 container, in no event a distance greater than five feet, and visible
6 without a physical barrier from the keg, during the time that the keg
7 or other container is in the purchaser's possession or control.

8 (3) A violation of this section is a gross misdemeanor.

9 **Sec. 297.** RCW 66.28.210 and 1989 c 271 s 230 are each amended to
10 read as follows:

11 (1) Any person who purchases the contents of kegs or other
12 containers containing four gallons or more of malt liquor, or purchases
13 or leases the container shall:

14 ~~((+1+))~~ (a) Sign a declaration and receipt for the keg or other
15 container or beverage in substantially the form provided in RCW
16 66.28.220;

17 ~~((+2+))~~ (b) Provide one piece of identification pursuant to RCW
18 66.16.040;

19 ~~((+3+))~~ (c) Be of legal age to purchase, possess, or use malt
20 liquor;

21 ~~((+4+))~~ (d) Not allow any person under the age of twenty-one to
22 consume the beverage except as provided by RCW 66.44.270;

23 ~~((+5+))~~ (e) Not remove, obliterate, or allow to be removed or
24 obliterated, the identification required under rules adopted by the
25 board;

26 ~~((+6+))~~ (f) Not move, keep, or store the keg or its contents,
27 except for transporting to and from the distributor, at any place other
28 than that particular address declared on the receipt and declaration;
29 and

30 ~~((+7+))~~ (g) Maintain a copy of the declaration and receipt next to
31 or adjacent to the keg or other container, in no event a distance
32 greater than five feet, and visible without a physical barrier from the
33 keg, during the time that the keg or other container is in the
34 purchaser's possession or control.

35 (2) A violation of this section is a gross misdemeanor.

1 **Sec. 298.** RCW 66.28.220 and 1999 c 281 s 7 are each amended to
2 read as follows:

3 (1) The board shall adopt rules requiring retail licensees to affix
4 appropriate identification on all containers of four gallons or more of
5 malt liquor for the purpose of tracing the purchasers of such
6 containers. The rules may provide for identification to be done on a
7 statewide basis or on the basis of smaller geographical areas.

8 (2) The board shall develop and make available forms for the
9 declaration and receipt required by RCW 66.28.200. The board may
10 charge grocery store licensees for the costs of providing the forms and
11 that money collected for the forms shall be deposited into the liquor
12 revolving fund for use by the board, without further appropriation, to
13 continue to administer the cost of the keg registration program.

14 (3) It is unlawful for any person to sell or offer for sale kegs or
15 other containers containing four gallons or more of malt liquor to
16 consumers who are not licensed under chapter 66.24 RCW if the kegs or
17 containers are not identified in compliance with rules adopted by the
18 board.

19 (4) A violation of this section is a gross misdemeanor.

20 **Sec. 299.** RCW 66.44.120 and 1992 c 7 s 42 are each amended to read
21 as follows:

22 (1) No person other than an employee of the board shall keep or
23 have in his or her possession any official seal prescribed under this
24 title, unless the same is attached to a package which has been
25 purchased from a vendor or store employee; nor shall any person keep or
26 have in his or her possession any design in imitation of any official
27 seal prescribed under this title, or calculated to deceive by its
28 resemblance thereto, or any paper upon which any design in imitation
29 thereof, or calculated to deceive as aforesaid, is stamped, engraved,
30 lithographed, printed, or otherwise marked.

31 (2)(a) Except as provided in (b) of this subsection, every person
32 who willfully violates ((any provision of)) this section ((shall be))
33 is guilty of a gross misdemeanor and shall be liable on conviction
34 thereof for a first offense to imprisonment in the county jail for a
35 period of not less than three months nor more than six months, without
36 the option of the payment of a fine((+)), and for a second offense, to

1 imprisonment in the county jail for not less than six months nor more
2 than one year, without the option of the payment of a fine(~~(+for)~~).

3 (b) A third (~~offense~~) or subsequent offense(~~(s-to)~~) is a class C
4 felony, punishable by imprisonment in a state correctional facility for
5 not less than one year nor more than two years.

6 **Sec. 300.** RCW 66.44.180 and 1987 c 202 s 225 are each amended to
7 read as follows:

8 (1) Every person guilty of a violation of this title for which no
9 penalty has been specifically provided (~~(shall be liable, on~~
10 conviction, for a first offense to a penalty)):

11 (a) For a first offense, is guilty of a misdemeanor punishable by
12 a fine of not more than five hundred dollars, or (~~(to)) by imprisonment~~
13 for not more than two months, or both;

14 (b) For a second offense (~~(to)~~), is guilty of a gross misdemeanor
15 punishable by imprisonment for not more than six months; and

16 (c) For a third or subsequent offense (~~(to)~~), is guilty of a gross
17 misdemeanor punishable by imprisonment for not more than one year.

18 (2) If the offender convicted of an offense referred to in this
19 section is a corporation, it shall for a first offense be liable to a
20 penalty of not more than five thousand dollars, and for a second or
21 subsequent offense to a penalty of not more than ten thousand dollars,
22 or to forfeiture of its corporate license, or both.

23 (3) Every district judge and municipal judge shall have concurrent
24 jurisdiction with superior court judges of the state of Washington of
25 all violations of the provisions of this title and may impose any
26 punishment provided therefor.

27 **Sec. 301.** RCW 66.44.290 and 2001 c 295 s 1 are each amended to
28 read as follows:

29 (1) Every person under the age of twenty-one years who purchases or
30 attempts to purchase liquor shall be guilty of a violation of this
31 title. This section does not apply to persons between the ages of
32 eighteen and twenty-one years who are participating in a controlled
33 purchase program authorized by the liquor control board under rules
34 adopted by the board. Violations occurring under a private, controlled
35 purchase program authorized by the liquor control board may not be used
36 for criminal or administrative prosecution.

1 (2) An employer who conducts an in-house controlled purchase
2 program authorized under this section shall provide his or her
3 employees a written description of the employer's in-house controlled
4 purchase program. The written description must include notice of
5 actions an employer may take as a consequence of an employee's failure
6 to comply with company policies regarding the sale of alcohol during an
7 in-house controlled purchase.

8 (3) An in-house controlled purchase program authorized under this
9 section shall be for the purposes of employee training and employer
10 self-compliance checks. An employer may not terminate an employee
11 solely for a first-time failure to comply with company policies
12 regarding the sale of alcohol during an in-house controlled purchase
13 program authorized under this section.

14 (4) Every person between the ages of eighteen and twenty,
15 inclusive, who is convicted of a violation of this section is guilty of
16 a misdemeanor punishable as provided by RCW 9A.20.021, except that a
17 minimum fine of two hundred fifty dollars shall be imposed and any
18 sentence requiring community restitution shall require not fewer than
19 twenty-five hours of community restitution.

20 **Sec. 302.** RCW 67.24.010 and 1992 c 7 s 43 are each amended to read
21 as follows:

22 Every person who shall give, offer, receive, or promise, directly
23 or indirectly, any compensation, gratuity, or reward, or make any
24 promise thereof, or who shall fraudulently commit any act by trick,
25 device, or bunco, or any means whatsoever with intent to influence or
26 change the outcome of any sporting contest between people or between
27 animals, (~~shall be~~) is guilty of a class B felony and shall be
28 punished by imprisonment in a state correctional facility for not less
29 than five years.

30 **Sec. 303.** RCW 67.70.120 and 1987 c 511 s 6 are each amended to
31 read as follows:

32 (1) A ticket or share shall not be sold to any person under the age
33 of eighteen, but this shall not be deemed to prohibit the purchase of
34 a ticket or share for the purpose of making a gift by a person eighteen
35 years of age or older to a person less than that age.

1 (2) Any licensee who knowingly sells or offers to sell a lottery
2 ticket or share to any person under the age of eighteen is guilty of a
3 misdemeanor.

4 (3) In the event that a person under the age of eighteen years
5 directly purchases a ticket in violation of this section, that person
6 is guilty of a misdemeanor. No prize will be paid to such person and
7 the prize money otherwise payable on the ticket will be treated as
8 unclaimed pursuant to RCW 67.70.190.

9 **Sec. 304.** RCW 67.70.130 and 1982 2nd ex.s. c 7 s 13 are each
10 amended to read as follows:

11 (1) A person shall not alter or forge a lottery ticket. A person
12 shall not claim a lottery prize or share of a lottery prize by means of
13 fraud, deceit, or misrepresentation. A person shall not conspire, aid,
14 abet, or agree to aid another person or persons to claim a lottery
15 prize or share of a lottery prize by means of fraud, deceit, or
16 misrepresentation.

17 (2) A violation of this section is a class B felony punishable
18 according to chapter 9A.20 RCW.

19 **Sec. 305.** RCW 67.70.140 and 1982 2nd ex.s. c 7 s 14 are each
20 amended to read as follows:

21 (1) Any person who conducts any activity for which a license is
22 required by this chapter, or by rule of the commission, without the
23 required license, is guilty of a class B felony punishable according to
24 chapter 9A.20 RCW.

25 (2) If any corporation conducts any activity for which a license is
26 required by this chapter, or by rule of the commission, without the
27 required license, it may be punished by forfeiture of its corporate
28 charter, in addition to the other penalties set forth in this section.

29 **Sec. 306.** RCW 68.28.060 and 1943 c 247 s 140 are each amended to
30 read as follows:

31 Every owner or operator of a mausoleum or columbarium erected in
32 violation of this act is guilty of maintaining a public nuisance, a
33 gross misdemeanor, and upon conviction is punishable by a fine of not
34 less than five hundred dollars nor more than five thousand dollars or

1 by imprisonment in a county jail for not less than one month nor more
2 than six months, or by both; and, in addition is liable for all costs,
3 expenses, and disbursements paid or incurred in prosecuting the case.

4 **Sec. 307.** RCW 68.50.100 and 1963 c 178 s 2 are each amended to
5 read as follows:

6 (1) The right to dissect a dead body shall be limited to cases
7 specially provided by statute or by the direction or will of the
8 deceased; cases where a coroner is authorized to hold an inquest upon
9 the body, and then only as he or she may authorize dissection; and
10 cases where the spouse or next of kin charged by law with the duty of
11 burial shall authorize dissection for the purpose of ascertaining the
12 cause of death, and then only to the extent so authorized: PROVIDED,
13 That the coroner, in his or her discretion, may make or cause to be
14 made by a competent pathologist, toxicologist, or physician, an autopsy
15 or postmortem in any case in which the coroner has jurisdiction of a
16 body: PROVIDED, FURTHER, That the coroner may with the approval of the
17 University of Washington and with the consent of a parent or guardian
18 deliver any body of a deceased person under the age of three years over
19 which he or she has jurisdiction to the University of Washington
20 medical school for the purpose of having an autopsy made to determine
21 the cause of death.

22 (2) Every person who shall make, cause, or procure to be made any
23 dissection of a body, except as (~~above~~) provided in this section,
24 (~~shall be~~) is guilty of a gross misdemeanor.

25 **Sec. 308.** RCW 68.50.140 and 1992 c 7 s 44 are each amended to read
26 as follows:

27 (1) Every person who shall remove the dead body of a human being,
28 or any part thereof, from a grave, vault, or other place where the same
29 has been buried or deposited awaiting burial or cremation, without
30 authority of law, with intent to sell the same, or for the purpose of
31 securing a reward for its return, or for dissection, or from malice or
32 wantonness, is guilty of a class C felony and shall be punished by
33 imprisonment in a state correctional facility for not more than five
34 years, or by a fine of not more than one thousand dollars, or by both.

35 (2) Every person who shall purchase or receive, except for burial
36 or cremation, any such dead body, or any part thereof, knowing that the

1 same has been removed contrary to the foregoing provisions, is guilty
2 of a class C felony and shall be punished by imprisonment in a state
3 correctional facility for not more than three years, or by a fine of
4 not more than one thousand dollars, or by both.

5 (3) Every person who shall open a grave or other place of
6 interment, temporary or otherwise, or a building where such dead body
7 is deposited while awaiting burial or cremation, with intent to remove
8 (~~said~~) the body or any part thereof, for the purpose of selling or
9 demanding money for the same, for dissection, from malice or
10 wantonness, or with intent to sell or remove the coffin or of any part
11 thereof, or anything attached thereto, or any vestment, or other
12 article interred, or intended to be interred with the body, is guilty
13 of a class C felony and shall be punished by imprisonment in a state
14 correctional facility for not more than three years, or by a fine of
15 not more than one thousand dollars, or by both.

16 **Sec. 309.** RCW 68.50.145 and 1992 c 7 s 45 are each amended to read
17 as follows:

18 Every person who removes any part of any human remains from any
19 place where it has been interred, or from any place where it is
20 deposited while awaiting interment, with intent to sell it, or to
21 dissect it, without authority of law, or from malice or wantonness, is
22 guilty of a class C felony and shall be punished by imprisonment in a
23 state correctional facility for not more than five years, or by a fine
24 of not more than one thousand dollars, or by both.

25 **Sec. 310.** RCW 68.50.150 and 1992 c 7 s 46 are each amended to read
26 as follows:

27 Every person who mutilates, disinters, or removes from the place of
28 interment any human remains without authority of law, is guilty of a
29 class C felony and shall be punished by imprisonment in a state
30 correctional facility for not more than three years, or by a fine of
31 not more than one thousand dollars, or by both.

32 **Sec. 311.** RCW 68.50.250 and 1943 c 247 s 57 are each amended to
33 read as follows:

34 (1) No crematory shall hereafter cremate the remains of any human
35 body without making a permanent signed record of the color, shape, and

1 outside covering of the casket consumed with such body, (~~said~~) the
2 record to be open to inspection of any person lawfully entitled
3 thereto.

4 (2) A person violating this section is guilty of a misdemeanor, and
5 each violation shall constitute a separate offense.

6 **Sec. 312.** RCW 68.50.610 and 1993 c 228 s 10 are each amended to
7 read as follows:

8 (1) A person may not knowingly, for valuable consideration,
9 purchase or sell a part for transplantation or therapy, if removal of
10 the part is intended to occur after the death of the decedent.

11 (2) Valuable consideration does not include reasonable payment for
12 the removal, processing, disposal, preservation, quality control,
13 storage, transportation, or implantation of a part.

14 (3) A person who violates this section is guilty of a class C
15 felony and upon conviction is subject to a fine not exceeding fifty
16 thousand dollars or imprisonment not exceeding five years, or both.

17 **Sec. 313.** RCW 68.56.040 and 1943 c 247 s 145 are each amended to
18 read as follows:

19 Every person, firm, or corporation who is the owner or operator of
20 a cemetery established in violation of this act is guilty of
21 maintaining a public nuisance, a gross misdemeanor, and upon conviction
22 is punishable by a fine of not less than five hundred dollars nor more
23 than five thousand dollars or by imprisonment in a county jail for not
24 less than one month nor more than six months, or by both; and, in
25 addition is liable for all costs, expenses, and disbursements paid or
26 incurred in prosecuting the case.

27 **Sec. 314.** RCW 69.04.060 and 1945 c 257 s 24 are each amended to
28 read as follows:

29 Any person who violates any provision of RCW 69.04.040 (~~shall be~~)
30 is guilty of a misdemeanor and shall on conviction thereof be subject
31 to the following penalties:

32 (1) A fine of not more than two hundred dollars; (~~but~~) or

33 (2) If the violation is committed after a conviction of such person
34 under this section has become final, (~~such person shall be subject~~

1 ~~to~~) imprisonment for not more than thirty days, or a fine of not more
2 than five hundred dollars, or both such imprisonment and fine.

3 **Sec. 315.** RCW 69.04.070 and 1945 c 257 s 25 are each amended to
4 read as follows:

5 Notwithstanding the provisions of RCW 69.04.060, (~~in case of a~~
6 ~~violation of any provision of~~) a person who violates RCW
7 69.04.040(~~(7)~~) with intent to defraud or mislead(~~(7)~~) is guilty of a
8 misdemeanor and the penalty shall be imprisonment for not more than
9 ninety days, or a fine of not more than one thousand dollars, or both
10 such imprisonment and fine.

11 **Sec. 316.** RCW 69.07.150 and 1991 c 137 s 9 are each amended to
12 read as follows:

13 (1)(a) Except as provided in (b) of this subsection, any person
14 violating any provision of this chapter or any rule or regulation
15 adopted hereunder (~~shall be~~) is guilty of a misdemeanor (~~and guilty~~
16 ~~of a gross misdemeanor for any~~).

17 (b) A second (~~and~~) or subsequent violation(~~(: PROVIDED, That)~~)
18 is a gross misdemeanor. Any offense committed more than five years
19 after a previous conviction shall be considered a first offense. (~~A~~
20 ~~misdemeanor under this section is punishable to the same extent that a~~
21 ~~misdemeanor is punishable under RCW 9A.20.021 and a gross misdemeanor~~
22 ~~under this section is punishable to the same extent that a gross~~
23 ~~misdemeanor is punishable under RCW 9A.20.021.))~~

24 (2) Whenever the director finds that a person has committed a
25 violation of any of the provisions of this chapter, and that violation
26 has not been punished pursuant to subsection (1) of this section, the
27 director may impose upon and collect from the violator a civil penalty
28 not exceeding one thousand dollars per violation per day. Each
29 violation shall be a separate and distinct offense.

30 **Sec. 317.** RCW 69.25.150 and 1995 c 374 s 27 are each amended to
31 read as follows:

32 (1)(a) Except as provided in (b) of this subsection, any person
33 violating any provision of this chapter or any rule adopted under this
34 chapter is guilty of a misdemeanor (~~and guilty of a gross misdemeanor~~
35 ~~for any~~).

1 (b) A second ~~((and))~~ or subsequent violation is a gross
2 misdemeanor. Any offense committed more than five years after a
3 previous conviction shall be considered a first offense. ~~((A~~
4 ~~misdemeanor under this section is punishable to the same extent that a~~
5 ~~misdemeanor is punishable under RCW 9A.20.021 and a gross misdemeanor~~
6 ~~under this section is punishable to the same extent that a gross~~
7 ~~misdemeanor is punishable under RCW 9A.20.021.~~

8 ~~(b))~~ (2) Whenever the director finds that a person has committed
9 a violation of any of the provisions of this chapter, and that
10 violation has not been punished pursuant to ~~((a) of this))~~ subsection
11 (1) of this section, the director may impose upon and collect from the
12 violator a civil penalty not exceeding one thousand dollars per
13 violation per day. Each violation shall be a separate and distinct
14 offense.

15 (3) When construing or enforcing the provisions of RCW 69.25.110,
16 the act, omission, or failure of any person acting for or employed by
17 any individual, partnership, corporation, or association within the
18 scope of the person's employment or office shall in every case be
19 deemed the act, omission, or failure of such individual, partnership,
20 corporation, or association, as well as of such person.

21 ~~((2))~~ (4) No carrier or warehouseman shall be subject to the
22 penalties of this chapter, other than the penalties for violation of
23 RCW 69.25.140, or ~~((subsection (3) of this section))~~ section 318 of
24 this act, by reason of his or her receipt, carriage, holding, or
25 delivery, in the usual course of business, as a carrier or warehouseman
26 of eggs or egg products owned by another person unless the carrier or
27 warehouseman has knowledge, or is in possession of facts which would
28 cause a reasonable person to believe that such eggs or egg products
29 were not eligible for transportation under, or were otherwise in
30 violation of, this chapter, or unless the carrier or warehouseman
31 refuses to furnish on request of a representative of the director the
32 name and address of the person from whom he or she received such eggs
33 or egg products and copies of all documents, if there be any,
34 pertaining to the delivery of the eggs or egg products to, or by, such
35 carrier or warehouseman.

36 ~~((3) Notwithstanding any other provision of law any person who~~
37 ~~forcibly assaults, resists, impedes, intimidates, or interferes with~~
38 ~~any person while engaged in or on account of the performance of his or~~

1 ~~her official duties under this chapter shall be punished by a fine of~~
2 ~~not more than five thousand dollars or imprisonment in a state~~
3 ~~correctional facility for not more than three years, or both. Whoever,~~
4 ~~in the commission of any such act, uses a deadly or dangerous weapon,~~
5 ~~shall be punished by a fine of not more than ten thousand dollars or by~~
6 ~~imprisonment in a state correctional facility for not more than ten~~
7 ~~years, or both.))~~

8 NEW SECTION. **Sec. 318.** A new section is added to chapter 69.25
9 RCW to read as follows:

10 (1) Notwithstanding any other provision of law, any person who
11 forcibly assaults, resists, impedes, intimidates, or interferes with
12 any person while engaged in or on account of the performance of his or
13 her official duties under this chapter is guilty of a class C felony
14 and shall be punished by a fine of not more than five thousand dollars
15 or imprisonment in a state correctional facility for not more than
16 three years, or both.

17 (2) Whoever, in the commission of any act described in subsection
18 (1) of this section, uses a deadly or dangerous weapon is guilty of a
19 class B felony and shall be punished by a fine of not more than ten
20 thousand dollars or by imprisonment in a state correctional facility
21 for not more than ten years, or both.

22 **Sec. 319.** RCW 69.25.160 and 1975 1st ex.s. c 201 s 17 are each
23 amended to read as follows:

24 Before any violation of this chapter, other than ((RCW
25 ~~69.25.150(3)~~)) section 318 of this act, is reported by the director to
26 any prosecuting attorney for institution of a criminal proceeding, the
27 person against whom such proceeding is contemplated shall be given
28 reasonable notice of the alleged violation and opportunity to present
29 his or her views orally or in writing with regard to such contemplated
30 proceeding. Nothing in this chapter shall be construed as requiring
31 the director to report for criminal prosecution violation of this
32 chapter whenever he or she believes that the public interest will be
33 adequately served and compliance with this chapter obtained by a
34 suitable written notice of warning.

1 **Sec. 320.** RCW 69.40.020 and 1905 c 50 s 1 are each amended to read
2 as follows:

3 Any person who shall sell, offer to sell, or have in his or her
4 possession for the purpose of sale, either as owner, proprietor, or
5 assistant, or in any manner whatsoever, whether for hire or otherwise,
6 any milk or any food products, containing the chemical ingredient
7 commonly known as formaldehyde, or in which any formaldehyde or other
8 poisonous substance has been mixed, for the purpose of preservation or
9 otherwise, (~~shall be~~) is guilty of a class C felony, and upon
10 conviction thereof shall be imprisoned in the penitentiary for the
11 period of not less than one year nor more than three years.

12 **Sec. 321.** RCW 69.40.030 and 1992 c 7 s 48 are each amended to read
13 as follows:

14 (1) Every person who willfully mingles poison or (~~place[s]~~)
15 places any harmful object or substance, including but not limited to
16 pins, tacks, needles, nails, razor blades, wire, or glass in any food,
17 drink, medicine, or other edible substance intended or prepared for the
18 use of a human being or who shall knowingly furnish, with intent to
19 harm another person, any food, drink, medicine, or other edible
20 substance containing such poison or harmful object or substance to
21 another human being, and every person who willfully poisons any spring,
22 well, or reservoir of water, is guilty of a class B felony and shall be
23 punished by imprisonment in a state correctional facility for not less
24 than five years or by a fine of not less than one thousand dollars(~~(+~~
25 ~~PROVIDED, HOWEVER, That)~~).

26 (2) This act shall not apply to the employer or employers of a
27 person who violates (~~the provisions contained herein~~) this section
28 without such employer's knowledge.

29 **Sec. 322.** RCW 69.41.020 and 1989 1st ex.s. c 9 s 408 and 1989 c
30 352 s 8 are each reenacted and amended to read as follows:

31 Legend drugs shall not be sold, delivered, dispensed or
32 administered except in accordance with this chapter.

33 (1) No person shall obtain or attempt to obtain a legend drug, or
34 procure or attempt to procure the administration of a legend drug:

35 (a) By fraud, deceit, misrepresentation, or subterfuge; or

1 (b) By the forgery or alteration of a prescription or of any
2 written order; or

3 (c) By the concealment of a material fact; or

4 (d) By the use of a false name or the giving of a false address.

5 (2) Information communicated to a practitioner in an effort
6 unlawfully to procure a legend drug, or unlawfully to procure the
7 administration of any such drug, shall not be deemed a privileged
8 communication.

9 (3) No person shall willfully make a false statement in any
10 prescription, order, report, or record, required by this chapter.

11 (4) No person shall, for the purpose of obtaining a legend drug,
12 falsely assume the title of, or represent himself or herself to be, a
13 manufacturer, wholesaler, or any practitioner.

14 (5) No person shall make or utter any false or forged prescription
15 or other written order for legend drugs.

16 (6) No person shall affix any false or forged label to a package or
17 receptacle containing legend drugs.

18 (7) No person shall willfully fail to maintain the records required
19 by RCW 69.41.042 and 69.41.270.

20 (8) A violation of this section is a class B felony punishable
21 according to chapter 9A.20 RCW.

22 **Sec. 323.** RCW 69.41.030 and 1996 c 178 s 17 are each amended to
23 read as follows:

24 (1) It shall be unlawful for any person to sell, deliver, or
25 possess any legend drug except upon the order or prescription of a
26 physician under chapter 18.71 RCW, an osteopathic physician and surgeon
27 under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric
28 physician and surgeon under chapter 18.22 RCW, a veterinarian under
29 chapter 18.92 RCW, a commissioned medical or dental officer in the
30 United States armed forces or public health service in the discharge of
31 his or her official duties, a duly licensed physician or dentist
32 employed by the veterans administration in the discharge of his or her
33 official duties, a registered nurse or advanced registered nurse
34 practitioner under chapter 18.79 RCW when authorized by the nursing
35 care quality assurance commission, an osteopathic physician assistant
36 under chapter 18.57A RCW when authorized by the board of osteopathic
37 medicine and surgery, a physician assistant under chapter 18.71A RCW

1 when authorized by the medical quality assurance commission, a
2 physician licensed to practice medicine and surgery or a physician
3 licensed to practice osteopathic medicine and surgery, a dentist
4 licensed to practice dentistry, a podiatric physician and surgeon
5 licensed to practice podiatric medicine and surgery, or a veterinarian
6 licensed to practice veterinary medicine, in any province of Canada
7 which shares a common border with the state of Washington or in any
8 state of the United States: PROVIDED, HOWEVER, That the above
9 provisions shall not apply to sale, delivery, or possession by drug
10 wholesalers or drug manufacturers, or their agents or employees, or to
11 any practitioner acting within the scope of his or her license, or to
12 a common or contract carrier or warehouseman, or any employee thereof,
13 whose possession of any legend drug is in the usual course of business
14 or employment: PROVIDED FURTHER, That nothing in this chapter or
15 chapter 18.64 RCW shall prevent a family planning clinic that is under
16 contract with the department of social and health services from
17 selling, delivering, possessing, and dispensing commercially
18 prepackaged oral contraceptives prescribed by authorized, licensed
19 health care practitioners.

20 (2)(a) A violation of this section involving the sale, delivery, or
21 possession with intent to sell or deliver is a class B felony
22 punishable according to chapter 9A.20 RCW.

23 (b) A violation of this section involving possession is a
24 misdemeanor.

25 **Sec. 324.** RCW 69.41.040 and 1973 1st ex.s. c 186 s 4 are each
26 amended to read as follows:

27 (1) A prescription, in order to be effective in legalizing the
28 possession of legend drugs, must be issued for a legitimate medical
29 purpose by one authorized to prescribe the use of such legend drugs.
30 An order purporting to be a prescription issued to a drug abuser or
31 habitual user of legend drugs, not in the course of professional
32 treatment, is not a prescription within the meaning and intent of this
33 section; and the person who knows or should know that he or she is
34 filling such an order, as well as the person issuing it, may be charged
35 with violation of this chapter. A legitimate medical purpose shall
36 include use in the course of a bona fide research program in
37 conjunction with a hospital or university.

1 (2) A violation of this section is a class B felony punishable
2 according to chapter 9A.20 RCW.

3 **Sec. 325.** RCW 69.41.050 and 1980 c 83 s 8 are each amended to read
4 as follows:

5 (1) To every box, bottle, jar, tube or other container of a legend
6 drug, which is dispensed by a practitioner authorized to prescribe
7 legend drugs, there shall be affixed a label bearing the name of the
8 prescriber, complete directions for use, the name of the drug either by
9 the brand or generic name and strength per unit dose, name of patient
10 and date: PROVIDED, That the practitioner may omit the name and dosage
11 of the drug if he or she determines that his or her patient should not
12 have this information and that, if the drug dispensed is a trial sample
13 in its original package and which is labeled in accordance with federal
14 law or regulation, there need be set forth additionally only the name
15 of the issuing practitioner and the name of the patient.

16 (2) A violation of this section is a misdemeanor.

17 **Sec. 326.** RCW 69.41.070 and 1989 c 369 s 4 are each amended to
18 read as follows:

19 ~~((Whoever violates any provision of this chapter shall, upon~~
20 ~~conviction, be fined and imprisoned as herein provided:)~~

21 ~~(1) For a violation of RCW 69.41.020, the offender shall be guilty~~
22 ~~of a felony.~~

23 ~~(2) For a violation of RCW 69.41.030 involving the sale, delivery,~~
24 ~~or possession with intent to sell or deliver, the offender shall be~~
25 ~~guilty of a felony.~~

26 ~~(3) For a violation of RCW 69.41.030 involving possession, the~~
27 ~~offender shall be guilty of a misdemeanor.~~

28 ~~(4) For a violation of RCW 69.41.040, the offender shall be guilty~~
29 ~~of a felony.~~

30 ~~(5) For a violation of RCW 69.41.050, the offender shall be guilty~~
31 ~~of a misdemeanor.~~

32 ~~(6) Any offense which is a violation of chapter 69.50 RCW other~~
33 ~~than RCW 69.50.401(c) shall not be charged under this chapter.~~

34 ~~(7) For a violation of RCW 69.41.320(1), the offender shall be~~
35 ~~guilty of a gross misdemeanor and subject to disciplinary action under~~
36 ~~RCW 18.130.180.~~

1 ~~(8)(a))~~ (1) A person who violates the provisions of this chapter
2 by possessing under two hundred tablets or eight 2cc bottles of steroid
3 without a valid prescription is guilty of a gross misdemeanor.

4 ~~((b))~~ (2) A person who violates the provisions of this chapter by
5 possessing over two hundred tablets or eight 2cc bottles of steroid
6 without a valid prescription is guilty of a class C felony and shall be
7 punished according to ~~((RCW 9A.20.010(1)(c))~~ chapter 9A.20 RCW.

8 NEW SECTION. Sec. 327. A new section is added to chapter 69.41
9 RCW to read as follows:

10 Any offense which is a violation of chapter 69.50 RCW other than
11 section 333 of this act shall not be charged under this chapter.

12 **Sec. 328.** RCW 69.41.300 and 1989 c 369 s 1 are each amended to
13 read as follows:

14 For the purposes of RCW 69.41.070 (as recodified by this act) and
15 69.41.300 through 69.41.340, "steroids" shall include the following:

16 (1) "Anabolic steroids" means synthetic derivatives of testosterone
17 or any isomer, ester, salt, or derivative that act in the same manner
18 on the human body;

19 (2) "Androgens" means testosterone in one of its forms or a
20 derivative, isomer, ester, or salt, that act in the same manner on the
21 human body; and

22 (3) "Human growth hormones" means growth hormones, or a derivative,
23 isomer, ester, or salt that act in the same manner on the human body.

24 **Sec. 329.** RCW 69.41.320 and 1989 c 369 s 3 are each amended to
25 read as follows:

26 (1)(a) A practitioner shall not prescribe, administer, or dispense
27 steroids, as defined in RCW 69.41.300, or any form of autotransfusion
28 for the purpose of manipulating hormones to increase muscle mass,
29 strength, or weight, or for the purpose of enhancing athletic ability,
30 without a medical necessity to do so.

31 (b) A person violating this subsection is guilty of a gross
32 misdemeanor and is subject to disciplinary action under RCW 18.130.180.

33 (2) A practitioner shall complete and maintain patient medical
34 records which accurately reflect the prescribing, administering, or
35 dispensing of any substance or drug described in this section or any

1 form of autotransfusion. Patient medical records shall indicate the
2 diagnosis and purpose for which the substance, drug, or autotransfusion
3 is prescribed, administered, or dispensed and any additional
4 information upon which the diagnosis is based.

5 **Sec. 330.** RCW 69.41.330 and 1989 c 369 s 5 are each amended to
6 read as follows:

7 The superintendent of public instruction shall develop and
8 distribute to all school districts signs of appropriate design and
9 dimensions advising students of the health risks that steroids present
10 when used solely to enhance athletic ability, and of the penalties for
11 their unlawful possession provided by RCW 69.41.070 (as recodified by
12 this act) and 69.41.300 through 69.41.340.

13 School districts shall post or cause the signs to be posted in a
14 prominent place for ease of viewing on the premises of school athletic
15 departments.

16 **Sec. 331.** RCW 69.50.401 and 1998 c 290 s 1 and 1998 c 82 s 2 are
17 each reenacted and amended to read as follows:

18 ~~((+a))~~ (1) Except as authorized by this chapter, it is unlawful
19 for any person to manufacture, deliver, or possess with intent to
20 manufacture or deliver, a controlled substance.

21 ~~((+1))~~ (2) Any person who violates this ~~((subsection))~~ section
22 with respect to:

23 ~~((+i))~~ (a) A controlled substance classified in Schedule I or II
24 which is a narcotic drug or flunitrazepam classified in Schedule IV, is
25 guilty of a ~~((crime))~~ class B felony and upon conviction may be
26 imprisoned for not more than ten years, or ~~((+A))~~ (i) fined not more
27 than twenty-five thousand dollars if the crime involved less than two
28 kilograms of the drug, or both such imprisonment and fine; or ~~((+B))~~
29 (ii) if the crime involved two or more kilograms of the drug, then
30 fined not more than one hundred thousand dollars for the first two
31 kilograms and not more than fifty dollars for each gram in excess of
32 two kilograms, or both such imprisonment and fine;

33 ~~((+ii))~~ (b) Amphetamine or methamphetamine, is guilty of a
34 ~~((crime))~~ class B felony and upon conviction may be imprisoned for not
35 more than ten years, or ~~((+A))~~ (i) fined not more than twenty-five
36 thousand dollars if the crime involved less than two kilograms of the

1 drug, or both such imprisonment and fine; or ~~((B))~~ (ii) if the crime
2 involved two or more kilograms of the drug, then fined not more than
3 one hundred thousand dollars for the first two kilograms and not more
4 than fifty dollars for each gram in excess of two kilograms, or both
5 such imprisonment and fine. Three thousand dollars of the fine may not
6 be suspended. As collected, the first three thousand dollars of the
7 fine must be deposited with the law enforcement agency having
8 responsibility for cleanup of laboratories, sites, or substances used
9 in the manufacture of the methamphetamine. The fine moneys deposited
10 with that law enforcement agency must be used for such clean-up cost;

11 ~~((iii))~~ (c) Any other controlled substance classified in Schedule
12 I, II, or III, is guilty of a ~~((crime and upon conviction may be
13 imprisoned for not more than five years, fined not more than ten
14 thousand dollars, or both))~~ class C felony punishable according to
15 chapter 9A.20 RCW;

16 ~~((iv))~~ (d) A substance classified in Schedule IV, except
17 flunitrazepam, is guilty of a ~~((crime and upon conviction may be
18 imprisoned for not more than five years, fined not more than ten
19 thousand dollars, or both))~~ class C felony punishable according to
20 chapter 9A.20 RCW; or

21 ~~((v))~~ (e) A substance classified in Schedule V, is guilty of a
22 ~~((crime and upon conviction may be imprisoned for not more than five
23 years, fined not more than ten thousand dollars, or both))~~ class C
24 felony punishable according to chapter 9A.20 RCW.

25 ~~((b) Except as authorized by this chapter, it is unlawful for any
26 person to create, deliver, or possess a counterfeit substance.~~

27 ~~(1) Any person who violates this subsection with respect to:~~

28 ~~(i) a counterfeit substance classified in Schedule I or II which is
29 a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty
30 of a crime and upon conviction may be imprisoned for not more than ten
31 years, fined not more than twenty five thousand dollars, or both;~~

32 ~~(ii) a counterfeit substance which is methamphetamine, is guilty of
33 a crime and upon conviction may be imprisoned for not more than ten
34 years, fined not more than twenty five thousand dollars, or both;~~

35 ~~(iii) any other counterfeit substance classified in Schedule I, II,
36 or III, is guilty of a crime and upon conviction may be imprisoned for
37 not more than five years, fined not more than ten thousand dollars, or
38 both;~~

1 ~~(iv) a counterfeit substance classified in Schedule IV, except~~
2 ~~flunitrazepam, is guilty of a crime and upon conviction may be~~
3 ~~imprisoned for not more than five years, fined not more than ten~~
4 ~~thousand dollars, or both;~~

5 ~~(v) a counterfeit substance classified in Schedule V, is guilty of~~
6 ~~a crime and upon conviction may be imprisoned for not more than five~~
7 ~~years, fined not more than ten thousand dollars, or both.~~

8 ~~(c) It is unlawful, except as authorized in this chapter and~~
9 ~~chapter 69.41 RCW, for any person to offer, arrange, or negotiate for~~
10 ~~the sale, gift, delivery, dispensing, distribution, or administration~~
11 ~~of a controlled substance to any person and then sell, give, deliver,~~
12 ~~dispense, distribute, or administer to that person any other liquid,~~
13 ~~substance, or material in lieu of such controlled substance. Any~~
14 ~~person who violates this subsection is guilty of a crime and upon~~
15 ~~conviction may be imprisoned for not more than five years, fined not~~
16 ~~more than ten thousand dollars, or both.~~

17 ~~(d) It is unlawful for any person to possess a controlled substance~~
18 ~~unless the substance was obtained directly from, or pursuant to, a~~
19 ~~valid prescription or order of a practitioner while acting in the~~
20 ~~course of his or her professional practice, or except as otherwise~~
21 ~~authorized by this chapter. Any person who violates this subsection is~~
22 ~~guilty of a crime, and upon conviction may be imprisoned for not more~~
23 ~~than five years, fined not more than ten thousand dollars, or both,~~
24 ~~except as provided for in subsection (e) of this section.~~

25 ~~(e) Except as provided for in subsection (a)(1)(iii) of this~~
26 ~~section any person found guilty of possession of forty grams or less of~~
27 ~~marihuana shall be guilty of a misdemeanor.~~

28 ~~(f) It is unlawful to compensate, threaten, solicit, or in any~~
29 ~~other manner involve a person under the age of eighteen years in a~~
30 ~~transaction unlawfully to manufacture, sell, or deliver a controlled~~
31 ~~substance. A violation of this subsection shall be punished as a class~~
32 ~~C felony punishable in accordance with RCW 9A.20.021.~~

33 ~~This section shall not apply to offenses defined and punishable~~
34 ~~under the provisions of RCW 69.50.410.))~~

35 NEW SECTION. **Sec. 332.** A new section is added to chapter 69.50
36 RCW to read as follows:

1 (1) Except as authorized by this chapter, it is unlawful for any
2 person to create, deliver, or possess a counterfeit substance.

3 (2) Any person who violates this section with respect to:

4 (a) A counterfeit substance classified in Schedule I or II which is
5 a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty
6 of a class B felony and upon conviction may be imprisoned for not more
7 than ten years, fined not more than twenty-five thousand dollars, or
8 both;

9 (b) A counterfeit substance which is methamphetamine, is guilty of
10 a class B felony and upon conviction may be imprisoned for not more
11 than ten years, fined not more than twenty-five thousand dollars, or
12 both;

13 (c) Any other counterfeit substance classified in Schedule I, II,
14 or III, is guilty of a class C felony punishable according to chapter
15 9A.20 RCW;

16 (d) A counterfeit substance classified in Schedule IV, except
17 flunitrazepam, is guilty of a class C felony punishable according to
18 chapter 9A.20 RCW;

19 (e) A counterfeit substance classified in Schedule V, is guilty of
20 a class C felony punishable according to chapter 9A.20 RCW.

21 NEW SECTION. **Sec. 333.** A new section is added to chapter 69.50
22 RCW to read as follows:

23 (1) It is unlawful, except as authorized in this chapter and
24 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
25 the sale, gift, delivery, dispensing, distribution, or administration
26 of a controlled substance to any person and then sell, give, deliver,
27 dispense, distribute, or administer to that person any other liquid,
28 substance, or material in lieu of such controlled substance.

29 (2) Any person who violates this section is guilty of a class C
30 felony punishable according to chapter 9A.20 RCW.

31 NEW SECTION. **Sec. 334.** A new section is added to chapter 69.50
32 RCW to read as follows:

33 (1) It is unlawful for any person to possess a controlled substance
34 unless the substance was obtained directly from, or pursuant to, a
35 valid prescription or order of a practitioner while acting in the

1 course of his or her professional practice, or except as otherwise
2 authorized by this chapter.

3 (2) Except as provided in section 335 of this act, any person who
4 violates this section is guilty of a class C felony punishable under
5 chapter 9A.20 RCW.

6 NEW SECTION. **Sec. 335.** A new section is added to chapter 69.50
7 RCW to read as follows:

8 Except as provided in RCW 69.50.401(2)(c), any person found guilty
9 of possession of forty grams or less of marihuana is guilty of a
10 misdemeanor.

11 NEW SECTION. **Sec. 336.** A new section is added to chapter 69.50
12 RCW to read as follows:

13 (1) It is unlawful to compensate, threaten, solicit, or in any
14 other manner involve a person under the age of eighteen years in a
15 transaction unlawfully to manufacture, sell, or deliver a controlled
16 substance.

17 (2) A violation of this section is a class C felony punishable
18 according to chapter 9A.20 RCW.

19 NEW SECTION. **Sec. 337.** A new section is added to chapter 69.50
20 RCW to read as follows:

21 RCW 69.50.401 and sections 332 through 336 of this act shall not
22 apply to offenses defined and punishable under the provisions of RCW
23 69.50.410.

24 **Sec. 338.** RCW 69.50.402 and 1994 sp.s. c 9 s 740 are each amended
25 to read as follows:

26 ~~((a))~~ (1) It is unlawful for any person:

27 ~~((1))~~ (a) Who is subject to Article III to distribute or dispense
28 a controlled substance in violation of RCW 69.50.308;

29 ~~((2))~~ (b) Who is a registrant, to manufacture a controlled
30 substance not authorized by his or her registration, or to distribute
31 or dispense a controlled substance not authorized by his or her
32 registration to another registrant or other authorized person;

33 ~~((3))~~ (c) Who is a practitioner, to prescribe, order, dispense,
34 administer, supply, or give to any person:

1 (i) Any amphetamine, including its salts, optical isomers, and
2 salts of optical isomers classified as a schedule II controlled
3 substance by the board of pharmacy pursuant to chapter 34.05 RCW; or

4 (ii) Any nonnarcotic stimulant classified as a schedule II
5 controlled substance and designated as a nonnarcotic stimulant by the
6 board of pharmacy pursuant to chapter 34.05 RCW;

7 except for the treatment of narcolepsy or for the treatment of
8 hyperkinesia, or for the treatment of drug-induced brain dysfunction,
9 or for the treatment of epilepsy, or for the differential diagnostic
10 psychiatric evaluation of depression, or for the treatment of
11 depression shown to be refractory to other therapeutic modalities, or
12 for the clinical investigation of the effects of such drugs or
13 compounds, in which case an investigative protocol therefor shall have
14 been submitted to and reviewed and approved by the state board of
15 pharmacy before the investigation has been begun: PROVIDED, That the
16 board of pharmacy, in consultation with the medical quality assurance
17 commission and the osteopathic disciplinary board, may establish by
18 rule, pursuant to chapter 34.05 RCW, disease states or conditions in
19 addition to those listed in this subsection for the treatment of which
20 Schedule II nonnarcotic stimulants may be prescribed, ordered,
21 dispensed, administered, supplied, or given to patients by
22 practitioners: AND PROVIDED, FURTHER, That investigations by the board
23 of pharmacy of abuse of prescriptive authority by physicians, licensed
24 pursuant to chapter 18.71 RCW, pursuant to subsection ~~((a)(3))~~ (1)(c)
25 of this section shall be done in consultation with the medical quality
26 assurance commission;

27 ~~((4))~~ (d) To refuse or fail to make, keep or furnish any record,
28 notification, order form, statement, invoice, or information required
29 under this chapter;

30 ~~((5))~~ (e) To refuse an entry into any premises for any inspection
31 authorized by this chapter; or

32 ~~((6))~~ (f) Knowingly to keep or maintain any store, shop,
33 warehouse, dwelling, building, vehicle, boat, aircraft, or other
34 structure or place, which is resorted to by persons using controlled
35 substances in violation of this chapter for the purpose of using these
36 substances, or which is used for keeping or selling them in violation
37 of this chapter.

1 ~~((b))~~ (2) Any person who violates this section is guilty of a
2 ~~((crime))~~ class C felony and upon conviction may be imprisoned for not
3 more than two years, fined not more than two thousand dollars, or both.

4 **Sec. 339.** RCW 69.50.403 and 1996 c 255 s 1 are each amended to
5 read as follows:

6 ~~((a))~~ (1) It is unlawful for any person knowingly or
7 intentionally:

8 ~~((1))~~ (a) To distribute as a registrant a controlled substance
9 classified in Schedules I or II, except pursuant to an order form as
10 required by RCW 69.50.307;

11 ~~((2))~~ (b) To use in the course of the manufacture, distribution,
12 or dispensing of a controlled substance, or to use for the purpose of
13 acquiring or obtaining a controlled substance, a registration number
14 which is fictitious, revoked, suspended, or issued to another person;

15 ~~((3))~~ (c) To obtain or attempt to obtain a controlled substance,
16 or procure or attempt to procure the administration of a controlled
17 substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or
18 (ii) by forgery or alteration of a prescription or any written order;
19 or (iii) by the concealment of material fact; or (iv) by the use of a
20 false name or the giving of a false address~~((-))~~i

21 ~~((4))~~ (d) To falsely assume the title of, or represent herself or
22 himself to be, a manufacturer, wholesaler, pharmacist, physician,
23 dentist, veterinarian, or other authorized person for the purpose of
24 obtaining a controlled substance~~((-))~~i

25 ~~((5))~~ (e) To make or utter any false or forged prescription or
26 false or forged written order~~((-))~~i

27 ~~((6))~~ (f) To affix any false or forged label to a package or
28 receptacle containing controlled substances~~((-))~~i

29 ~~((7))~~ (g) To furnish false or fraudulent material information in,
30 or omit any material information from, any application, report, or
31 other document required to be kept or filed under this chapter, or any
32 record required to be kept by this chapter; ~~((or~~

33 ~~+8))~~ (h) To possess a false or fraudulent prescription with intent
34 to obtain a controlled substance~~((-))~~i or

35 ~~((9))~~ (i) To attempt to illegally obtain controlled substances by
36 providing more than one name to a practitioner when obtaining a
37 prescription for a controlled substance. If a person's name is legally

1 changed during the time period that he or she is receiving health care
2 from a practitioner, the person shall inform all providers of care so
3 that the medical and pharmacy records for the person may be filed under
4 a single name identifier.

5 ~~((b))~~ (2) Information communicated to a practitioner in an effort
6 unlawfully to procure a controlled substance or unlawfully to procure
7 the administration of such substance, shall not be deemed a privileged
8 communication.

9 ~~((e))~~ (3) A person who violates this section is guilty of a
10 ~~(crime)~~ class C felony and upon conviction may be imprisoned for not
11 more than two years, or fined not more than two thousand dollars, or
12 both.

13 **Sec. 340.** RCW 69.50.406 and 1998 c 290 s 2 are each amended to
14 read as follows:

15 ~~((a))~~ (1) Any person eighteen years of age or over who violates
16 RCW 69.50.401~~((a))~~ by distributing a controlled substance listed in
17 Schedules I or II which is a narcotic drug or methamphetamine, or
18 flunitrazepam listed in Schedule IV, to a person under eighteen years
19 of age is guilty of a class A felony punishable by the fine authorized
20 by RCW 69.50.401~~((a)(1) (i) or (ii))~~ (2) (a) or (b), by a term of
21 imprisonment of up to twice that authorized by RCW 69.50.401~~((a)(1)~~
22 ~~(i) or (ii))~~ (2) (a) or (b), or by both.

23 ~~((b))~~ (2) Any person eighteen years of age or over who violates
24 RCW 69.50.401~~((a))~~ by distributing any other controlled substance
25 listed in Schedules I, II, III, IV, and V to a person under eighteen
26 years of age who is at least three years his or her junior is guilty of
27 a class B felony punishable by the fine authorized by RCW
28 69.50.401~~((a)(1) (iii), (iv), or (v))~~ (2) (c), (d), or (e), by a term
29 of imprisonment up to twice that authorized by RCW 69.50.401~~((a)(1)~~
30 ~~(iii), (iv), or (v))~~ (2) (c), (d), or (e), or both.

31 **Sec. 341.** RCW 69.50.408 and 1989 c 8 s 3 are each amended to read
32 as follows:

33 ~~((a))~~ (1) Any person convicted of a second or subsequent offense
34 under this chapter may be imprisoned for a term up to twice the term
35 otherwise authorized, fined an amount up to twice that otherwise
36 authorized, or both.

1 ~~((b))~~ (2) For purposes of this section, an offense is considered
2 a second or subsequent offense, if, prior to his or her conviction of
3 the offense, the offender has at any time been convicted under this
4 chapter or under any statute of the United States or of any state
5 relating to narcotic drugs, marihuana, depressant, stimulant, or
6 hallucinogenic drugs.

7 ~~((c))~~ (3) This section does not apply to offenses under ~~((RCW~~
8 ~~69.50.401(d))~~ section 334 of this act.

9 **Sec. 342.** RCW 69.50.410 and 1999 c 324 s 6 are each amended to
10 read as follows:

11 (1) Except as authorized by this chapter it ~~((shall be unlawful))~~
12 is a class C felony for any person to sell for profit any controlled
13 substance or counterfeit substance classified in Schedule I, RCW
14 69.50.204, except leaves and flowering tops of marihuana.

15 For the purposes of this section only, the following words and
16 phrases shall have the following meanings:

17 (a) "To sell" means the passing of title and possession of a
18 controlled substance from the seller to the buyer for a price whether
19 or not the price is paid immediately or at a future date.

20 (b) "For profit" means the obtaining of anything of value in
21 exchange for a controlled substance.

22 (c) "Price" means anything of value.

23 (2)(a) Any person convicted of a violation of subsection (1) of
24 this section shall receive a sentence of not more than five years in a
25 correctional facility of the department of social and health services
26 for the first offense.

27 (b) Any person convicted on a second or subsequent cause, the sale
28 having transpired after prosecution and conviction on the first cause,
29 of subsection (1) of this section shall receive a mandatory sentence of
30 five years in a correctional facility of the department of social and
31 health services and no judge of any court shall suspend or defer the
32 sentence imposed for the second or subsequent violation of subsection
33 (1) of this section.

34 (3)(a) Any person convicted of a violation of subsection (1) of
35 this section by selling heroin shall receive a mandatory sentence of
36 two years in a correctional facility of the department of social and

1 health services and no judge of any court shall suspend or defer the
2 sentence imposed for such violation.

3 (b) Any person convicted on a second or subsequent sale of heroin,
4 the sale having transpired after prosecution and conviction on the
5 first cause of the sale of heroin shall receive a mandatory sentence of
6 ten years in a correctional facility of the department of social and
7 health services and no judge of any court shall suspend or defer the
8 sentence imposed for this second or subsequent violation: PROVIDED,
9 That the indeterminate sentence review board under RCW 9.95.040 shall
10 not reduce the minimum term imposed for a violation under this
11 subsection.

12 (4) Whether or not a mandatory minimum term has expired, an
13 offender serving a sentence under this section may be granted an
14 extraordinary medical placement when authorized under RCW 9.94A.728(4).

15 (5) In addition to the sentences provided in subsection (2) of this
16 section, any person convicted of a violation of subsection (1) of this
17 section shall be fined in an amount calculated to at least eliminate
18 any and all proceeds or profits directly or indirectly gained by such
19 person as a result of sales of controlled substances in violation of
20 the laws of this or other states, or the United States, up to the
21 amount of five hundred thousand dollars on each count.

22 (6) Any person, addicted to the use of controlled substances, who
23 voluntarily applies to the department of social and health services for
24 the purpose of participating in a rehabilitation program approved by
25 the department for addicts of controlled substances shall be immune
26 from prosecution for subsection (1) offenses unless a filing of an
27 information or indictment against such person for a violation of
28 subsection (1) of this section is made prior to his or her voluntary
29 participation in the program of the department of social and health
30 services. All applications for immunity under this section shall be
31 sent to the department of social and health services in Olympia. It
32 shall be the duty of the department to stamp each application received
33 pursuant to this section with the date and time of receipt.

34 (7) This section shall not apply to offenses defined and punishable
35 under the provisions of RCW 69.50.401 or sections 332 through 336 of
36 this act.

1 **Sec. 343.** RCW 69.50.415 and 1996 c 205 s 8 are each amended to
2 read as follows:

3 ~~((a))~~ (1) A person who unlawfully delivers a controlled substance
4 in violation of RCW 69.50.401~~((a)(1)-(i), (ii), or (iii))~~ (2) (a),
5 (b), or (c) which controlled substance is subsequently used by the
6 person to whom it was delivered, resulting in the death of the user, is
7 guilty of controlled substances homicide.

8 ~~((b))~~ (2) Controlled substances homicide is a class B felony
9 punishable according to chapter 9A.20 RCW ~~((9A.20.021))~~.

10 **Sec. 344.** RCW 69.50.416 and 1993 c 187 s 22 are each amended to
11 read as follows:

12 ~~((a))~~ (1) It is unlawful for any person knowingly or
13 intentionally to manufacture, deliver, or possess with intent to
14 manufacture or deliver, a controlled substance which, or the container
15 or labeling of which, without authorization, bears the trademark, trade
16 name, or other identifying mark, imprint, number, or device, or any
17 likeness thereof, of a manufacturer, distributor, or dispenser, other
18 than the person who in fact manufactured, distributed, or dispensed the
19 substance.

20 ~~((b))~~ (2) It is unlawful for any person knowingly or
21 intentionally to make, distribute, or possess a punch, die, plate,
22 stone, or other thing designed to print, imprint, or reproduce the
23 trademark, trade name, or other identifying mark, imprint, or device of
24 another or any likeness of any of the foregoing upon any drug or
25 container or labeling thereof.

26 ~~((c))~~ (3) A person who violates this section is guilty of a
27 ~~(crime)~~ class C felony and upon conviction may be imprisoned for not
28 more than two years, fined not more than two thousand dollars, or both.

29 **Sec. 345.** RCW 69.50.430 and 1989 c 271 s 106 are each amended to
30 read as follows:

31 (1) Every person convicted of a felony violation of RCW 69.50.401,
32 sections 332 through 334 and 336 of this act, 69.50.402, 69.50.403,
33 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one
34 thousand dollars in addition to any other fine or penalty imposed.
35 Unless the court finds the person to be indigent, this additional fine
36 shall not be suspended or deferred by the court.

1 (2) On a second or subsequent conviction for violation of any of
2 the laws listed in subsection (1) of this section, the person shall be
3 fined two thousand dollars in addition to any other fine or penalty
4 imposed. Unless the court finds the person to be indigent, this
5 additional fine shall not be suspended or deferred by the court.

6 **Sec. 346.** RCW 69.50.435 and 1997 c 30 s 2 and 1997 c 23 s 1 are
7 each reenacted and amended to read as follows:

8 ((+a)) (1) Any person who violates RCW 69.50.401((+a)) by
9 manufacturing, selling, delivering, or possessing with the intent to
10 manufacture, sell, or deliver a controlled substance listed under
11 ((that subsection)) RCW 69.50.401 or who violates RCW 69.50.410 by
12 selling for profit any controlled substance or counterfeit substance
13 classified in schedule I, RCW 69.50.204, except leaves and flowering
14 tops of marihuana to a person:

15 ((+1)) (a) In a school;

16 ((+2)) (b) On a school bus;

17 ((+3)) (c) Within one thousand feet of a school bus route stop
18 designated by the school district;

19 ((+4)) (d) Within one thousand feet of the perimeter of the school
20 grounds;

21 ((+5)) (e) In a public park;

22 ((+6)) (f) In a public housing project designated by a local
23 governing authority as a drug-free zone;

24 ((+7)) (g) On a public transit vehicle;

25 ((+8)) (h) In a public transit stop shelter;

26 ((+9)) (i) At a civic center designated as a drug-free zone by the
27 local governing authority; or

28 ((+10)) (j) Within one thousand feet of the perimeter of a
29 facility designated under ((+9)) (i) of this subsection, if the local
30 governing authority specifically designates the one thousand foot
31 perimeter

32 may be punished by a fine of up to twice the fine otherwise authorized
33 by this chapter, but not including twice the fine authorized by RCW
34 69.50.406, or by imprisonment of up to twice the imprisonment otherwise
35 authorized by this chapter, but not including twice the imprisonment
36 authorized by RCW 69.50.406, or by both such fine and imprisonment.

1 The provisions of this section shall not operate to more than double
2 the fine or imprisonment otherwise authorized by this chapter for an
3 offense.

4 ~~((b))~~ (2) It is not a defense to a prosecution for a violation of
5 this section that the person was unaware that the prohibited conduct
6 took place while in a school or school bus or within one thousand feet
7 of the school or school bus route stop, in a public park, in a public
8 housing project designated by a local governing authority as a drug-
9 free zone, on a public transit vehicle, in a public transit stop
10 shelter, at a civic center designated as a drug-free zone by the local
11 governing authority, or within one thousand feet of the perimeter of a
12 facility designated under subsection ~~((a)(9))~~ (1)(i) of this section,
13 if the local governing authority specifically designates the one
14 thousand foot perimeter.

15 ~~((e))~~ (3) It is not a defense to a prosecution for a violation of
16 this section or any other prosecution under this chapter that persons
17 under the age of eighteen were not present in the school, the school
18 bus, the public park, the public housing project designated by a local
19 governing authority as a drug-free zone, or the public transit vehicle,
20 or at the school bus route stop, the public transit vehicle stop
21 shelter, at a civic center designated as a drug-free zone by the local
22 governing authority, or within one thousand feet of the perimeter of a
23 facility designated under subsection ~~((a)(9))~~ (1)(i) of this section,
24 if the local governing authority specifically designates the one
25 thousand foot perimeter at the time of the offense or that school was
26 not in session.

27 ~~((d))~~ (4) It is an affirmative defense to a prosecution for a
28 violation of this section that the prohibited conduct took place
29 entirely within a private residence, that no person under eighteen
30 years of age or younger was present in such private residence at any
31 time during the commission of the offense, and that the prohibited
32 conduct did not involve delivering, manufacturing, selling, or
33 possessing with the intent to manufacture, sell, or deliver any
34 controlled substance in RCW 69.50.401~~((a))~~ for profit. The
35 affirmative defense established in this section shall be proved by the
36 defendant by a preponderance of the evidence. This section shall not
37 be construed to establish an affirmative defense with respect to a

1 prosecution for an offense defined in any other section of this
2 chapter.

3 (~~(e)~~) (5) In a prosecution under this section, a map produced or
4 reproduced by any municipality, school district, county, transit
5 authority engineer, or public housing authority for the purpose of
6 depicting the location and boundaries of the area on or within one
7 thousand feet of any property used for a school, school bus route stop,
8 public park, public housing project designated by a local governing
9 authority as a drug-free zone, public transit vehicle stop shelter, or
10 a civic center designated as a drug-free zone by a local governing
11 authority, or a true copy of such a map, shall under proper
12 authentication, be admissible and shall constitute prima facie evidence
13 of the location and boundaries of those areas if the governing body of
14 the municipality, school district, county, or transit authority has
15 adopted a resolution or ordinance approving the map as the official
16 location and record of the location and boundaries of the area on or
17 within one thousand feet of the school, school bus route stop, public
18 park, public housing project designated by a local governing authority
19 as a drug-free zone, public transit vehicle stop shelter, or civic
20 center designated as a drug-free zone by a local governing authority.
21 Any map approved under this section or a true copy of the map shall be
22 filed with the clerk of the municipality or county, and shall be
23 maintained as an official record of the municipality or county. This
24 section shall not be construed as precluding the prosecution from
25 introducing or relying upon any other evidence or testimony to
26 establish any element of the offense. This section shall not be
27 construed as precluding the use or admissibility of any map or diagram
28 other than the one which has been approved by the governing body of a
29 municipality, school district, county, transit authority, or public
30 housing authority if the map or diagram is otherwise admissible under
31 court rule.

32 (~~(f)~~) (6) As used in this section the following terms have the
33 meanings indicated unless the context clearly requires otherwise:

34 (~~(1)~~) (a) "School" has the meaning under RCW 28A.150.010 or
35 28A.150.020. The term "school" also includes a private school approved
36 under RCW 28A.195.010;

37 (~~(2)~~) (b) "School bus" means a school bus as defined by the
38 superintendent of public instruction by rule which is owned and

1 operated by any school district and all school buses which are
2 privately owned and operated under contract or otherwise with any
3 school district in the state for the transportation of students. The
4 term does not include buses operated by common carriers in the urban
5 transportation of students such as transportation of students through
6 a municipal transportation system;

7 ((+3)) (c) "School bus route stop" means a school bus stop as
8 designated by a school district;

9 ((+4)) (d) "Public park" means land, including any facilities or
10 improvements on the land, that is operated as a park by the state or a
11 local government;

12 ((+5)) (e) "Public transit vehicle" means any motor vehicle,
13 street car, train, trolley vehicle, or any other device, vessel, or
14 vehicle which is owned or operated by a transit authority and which is
15 used for the purpose of carrying passengers on a regular schedule;

16 ((+6)) (f) "Transit authority" means a city, county, or state
17 transportation system, transportation authority, public transportation
18 benefit area, public transit authority, or metropolitan municipal
19 corporation within the state that operates public transit vehicles;

20 ((+7)) (g) "Stop shelter" means a passenger shelter designated by
21 a transit authority;

22 ((+8)) (h) "Civic center" means a publicly owned or publicly
23 operated place or facility used for recreational, educational, or
24 cultural activities;

25 ((+9)) (i) "Public housing project" means the same as "housing
26 project" as defined in RCW 35.82.020.

27 **Sec. 347.** RCW 69.50.440 and 2002 c 134 s 1 are each amended to
28 read as follows:

29 (1) It is unlawful for any person to possess ephedrine or any of
30 its salts or isomers or salts of isomers, pseudoephedrine or any of its
31 salts or isomers or salts of isomers, pressurized ammonia gas, or
32 pressurized ammonia gas solution with intent to manufacture
33 methamphetamine.

34 (2) Any person who violates this section is guilty of a ~~(crime)~~
35 class B felony and may be imprisoned for not more than ten years, fined
36 not more than twenty-five thousand dollars, or both. Three thousand
37 dollars of the fine may not be suspended. As collected, the first

1 three thousand dollars of the fine must be deposited with the law
2 enforcement agency having responsibility for cleanup of laboratories,
3 sites, or substances used in the manufacture of the methamphetamine.
4 The fine moneys deposited with that law enforcement agency must be used
5 for such clean-up cost.

6 **Sec. 348.** RCW 69.50.505 and 2001 c 168 s 1 are each amended to
7 read as follows:

8 ~~((a))~~ (1) The following are subject to seizure and forfeiture and
9 no property right exists in them:

10 ~~((1))~~ (a) All controlled substances which have been manufactured,
11 distributed, dispensed, acquired, or possessed in violation of this
12 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as
13 defined in RCW 64.44.010, used or intended to be used in the
14 manufacture of controlled substances;

15 ~~((2))~~ (b) All raw materials, products, and equipment of any kind
16 which are used, or intended for use, in manufacturing, compounding,
17 processing, delivering, importing, or exporting any controlled
18 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

19 ~~((3))~~ (c) All property which is used, or intended for use, as a
20 container for property described in ~~((paragraphs (1) or (2)))~~ (a) or
21 (b) of this subsection;

22 ~~((4))~~ (d) All conveyances, including aircraft, vehicles, or
23 vessels, which are used, or intended for use, in any manner to
24 facilitate the sale, delivery, or receipt of property described in
25 ~~((paragraphs (1) or (2)))~~ (a) or (b) of this subsection, except that:

26 (i) No conveyance used by any person as a common carrier in the
27 transaction of business as a common carrier is subject to forfeiture
28 under this section unless it appears that the owner or other person in
29 charge of the conveyance is a consenting party or privy to a violation
30 of this chapter or chapter 69.41 or 69.52 RCW;

31 (ii) No conveyance is subject to forfeiture under this section by
32 reason of any act or omission established by the owner thereof to have
33 been committed or omitted without the owner's knowledge or consent;

34 (iii) No conveyance is subject to forfeiture under this section if
35 used in the receipt of only an amount of marijuana for which possession
36 constitutes a misdemeanor under ~~((RCW 69.50.401(e)))~~ section 335 of
37 this act;

1 (iv) A forfeiture of a conveyance encumbered by a bona fide
2 security interest is subject to the interest of the secured party if
3 the secured party neither had knowledge of nor consented to the act or
4 omission; and

5 (v) When the owner of a conveyance has been arrested under this
6 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
7 person is arrested may not be subject to forfeiture unless it is seized
8 or process is issued for its seizure within ten days of the owner's
9 arrest;

10 ~~((+5))~~ (e) All books, records, and research products and
11 materials, including formulas, microfilm, tapes, and data which are
12 used, or intended for use, in violation of this chapter or chapter
13 69.41 or 69.52 RCW;

14 ~~((+6))~~ (f) All drug paraphernalia;

15 ~~((+7))~~ (g) All moneys, negotiable instruments, securities, or
16 other tangible or intangible property of value furnished or intended to
17 be furnished by any person in exchange for a controlled substance in
18 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
19 or intangible personal property, proceeds, or assets acquired in whole
20 or in part with proceeds traceable to an exchange or series of
21 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
22 and all moneys, negotiable instruments, and securities used or intended
23 to be used to facilitate any violation of this chapter or chapter 69.41
24 or 69.52 RCW. A forfeiture of money, negotiable instruments,
25 securities, or other tangible or intangible property encumbered by a
26 bona fide security interest is subject to the interest of the secured
27 party if, at the time the security interest was created, the secured
28 party neither had knowledge of nor consented to the act or omission.
29 No personal property may be forfeited under this ~~((paragraph))~~
30 subsection (1)(g), to the extent of the interest of an owner, by reason
31 of any act or omission which that owner establishes was committed or
32 omitted without the owner's knowledge or consent; and

33 ~~((+8))~~ (h) All real property, including any right, title, and
34 interest in the whole of any lot or tract of land, and any
35 appurtenances or improvements which are being used with the knowledge
36 of the owner for the manufacturing, compounding, processing, delivery,
37 importing, or exporting of any controlled substance, or which have been
38 acquired in whole or in part with proceeds traceable to an exchange or

1 series of exchanges in violation of this chapter or chapter 69.41 or
2 69.52 RCW, if such activity is not less than a class C felony and a
3 substantial nexus exists between the commercial production or sale of
4 the controlled substance and the real property. However:

5 (i) No property may be forfeited pursuant to this subsection
6 (1)(h), to the extent of the interest of an owner, by reason of any act
7 or omission committed or omitted without the owner's knowledge or
8 consent;

9 (ii) The bona fide gift of a controlled substance, legend drug, or
10 imitation controlled substance shall not result in the forfeiture of
11 real property;

12 (iii) The possession of marijuana shall not result in the
13 forfeiture of real property unless the marijuana is possessed for
14 commercial purposes, the amount possessed is five or more plants or one
15 pound or more of marijuana, and a substantial nexus exists between the
16 possession of marijuana and the real property. In such a case, the
17 intent of the offender shall be determined by the preponderance of the
18 evidence, including the offender's prior criminal history, the amount
19 of marijuana possessed by the offender, the sophistication of the
20 activity or equipment used by the offender, and other evidence which
21 demonstrates the offender's intent to engage in commercial activity;

22 (iv) The unlawful sale of marijuana or a legend drug shall not
23 result in the forfeiture of real property unless the sale was forty
24 grams or more in the case of marijuana or one hundred dollars or more
25 in the case of a legend drug, and a substantial nexus exists between
26 the unlawful sale and the real property; and

27 (v) A forfeiture of real property encumbered by a bona fide
28 security interest is subject to the interest of the secured party if
29 the secured party, at the time the security interest was created,
30 neither had knowledge of nor consented to the act or omission.

31 ~~((b))~~ (2) Real or personal property subject to forfeiture under
32 this chapter may be seized by any board inspector or law enforcement
33 officer of this state upon process issued by any superior court having
34 jurisdiction over the property. Seizure of real property shall include
35 the filing of a lis pendens by the seizing agency. Real property
36 seized under this section shall not be transferred or otherwise
37 conveyed until ninety days after seizure or until a judgment of
38 forfeiture is entered, whichever is later: PROVIDED, That real

1 property seized under this section may be transferred or conveyed to
2 any person or entity who acquires title by foreclosure or deed in lieu
3 of foreclosure of a security interest. Seizure of personal property
4 without process may be made if:

5 ~~((1))~~ (a) The seizure is incident to an arrest or a search under
6 a search warrant or an inspection under an administrative inspection
7 warrant;

8 ~~((2))~~ (b) The property subject to seizure has been the subject of
9 a prior judgment in favor of the state in a criminal injunction or
10 forfeiture proceeding based upon this chapter;

11 ~~((3))~~ (c) A board inspector or law enforcement officer has
12 probable cause to believe that the property is directly or indirectly
13 dangerous to health or safety; or

14 ~~((4))~~ (d) The board inspector or law enforcement officer has
15 probable cause to believe that the property was used or is intended to
16 be used in violation of this chapter.

17 ~~((e))~~ (3) In the event of seizure pursuant to subsection ~~((b))~~
18 (2) of this section, proceedings for forfeiture shall be deemed
19 commenced by the seizure. The law enforcement agency under whose
20 authority the seizure was made shall cause notice to be served within
21 fifteen days following the seizure on the owner of the property seized
22 and the person in charge thereof and any person having any known right
23 or interest therein, including any community property interest, of the
24 seizure and intended forfeiture of the seized property. Service of
25 notice of seizure of real property shall be made according to the rules
26 of civil procedure. However, the state may not obtain a default
27 judgment with respect to real property against a party who is served by
28 substituted service absent an affidavit stating that a good faith
29 effort has been made to ascertain if the defaulted party is
30 incarcerated within the state, and that there is no present basis to
31 believe that the party is incarcerated within the state. Notice of
32 seizure in the case of property subject to a security interest that has
33 been perfected by filing a financing statement in accordance with
34 chapter 62A.9A RCW, or a certificate of title, shall be made by service
35 upon the secured party or the secured party's assignee at the address
36 shown on the financing statement or the certificate of title. The
37 notice of seizure in other cases may be served by any method authorized
38 by law or court rule including but not limited to service by certified

1 mail with return receipt requested. Service by mail shall be deemed
2 complete upon mailing within the fifteen day period following the
3 seizure.

4 ~~((d))~~ (4) If no person notifies the seizing law enforcement
5 agency in writing of the person's claim of ownership or right to
6 possession of items specified in subsection ~~((a)(4), (a)(7), or~~
7 ~~(a)(8))~~ (1)(d), (g), or (h) of this section within forty-five days of
8 the seizure in the case of personal property and ninety days in the
9 case of real property, the item seized shall be deemed forfeited. The
10 community property interest in real property of a person whose spouse
11 committed a violation giving rise to seizure of the real property may
12 not be forfeited if the person did not participate in the violation.

13 ~~((e))~~ (5) If any person notifies the seizing law enforcement
14 agency in writing of the person's claim of ownership or right to
15 possession of items specified in subsection ~~((a)(2), (a)(3), (a)(4),~~
16 ~~(a)(5), (a)(6), (a)(7), or (a)(8))~~ (1)(b), (c), (d), (e), (f), (g), or
17 (h) of this section within forty-five days of the seizure in the case
18 of personal property and ninety days in the case of real property, the
19 person or persons shall be afforded a reasonable opportunity to be
20 heard as to the claim or right. The hearing shall be before the chief
21 law enforcement officer of the seizing agency or the chief law
22 enforcement officer's designee, except where the seizing agency is a
23 state agency as defined in RCW 34.12.020(4), the hearing shall be
24 before the chief law enforcement officer of the seizing agency or an
25 administrative law judge appointed under chapter 34.12 RCW, except that
26 any person asserting a claim or right may remove the matter to a court
27 of competent jurisdiction. Removal of any matter involving personal
28 property may only be accomplished according to the rules of civil
29 procedure. The person seeking removal of the matter must serve process
30 against the state, county, political subdivision, or municipality that
31 operates the seizing agency, and any other party of interest, in
32 accordance with RCW 4.28.080 or 4.92.020, within forty-five days after
33 the person seeking removal has notified the seizing law enforcement
34 agency of the person's claim of ownership or right to possession. The
35 court to which the matter is to be removed shall be the district court
36 when the aggregate value of personal property is within the
37 jurisdictional limit set forth in RCW 3.66.020. A hearing before the
38 seizing agency and any appeal therefrom shall be under Title 34 RCW.

1 In all cases, the burden of proof is upon the law enforcement agency to
2 establish, by a preponderance of the evidence, that the property is
3 subject to forfeiture.

4 The seizing law enforcement agency shall promptly return the
5 article or articles to the claimant upon a determination by the
6 administrative law judge or court that the claimant is the present
7 lawful owner or is lawfully entitled to possession thereof of items
8 specified in subsection ~~((a)(2), (a)(3), (a)(4), (a)(5), (a)(6),~~
9 ~~(a)(7), or (a)(8))~~ (1)(b), (c), (d), (e), (f), (g), or (h) of this
10 section.

11 ~~((f))~~ (6) In any proceeding to forfeit property under this title,
12 where the claimant substantially prevails, the claimant is entitled to
13 reasonable attorneys' fees reasonably incurred by the claimant. In
14 addition, in a court hearing between two or more claimants to the
15 article or articles involved, the prevailing party is entitled to a
16 judgment for costs and reasonable attorneys' fees.

17 ~~((g))~~ (7) When property is forfeited under this chapter the board
18 or seizing law enforcement agency may:

19 ~~((1))~~ (a) Retain it for official use or upon application by any
20 law enforcement agency of this state release such property to such
21 agency for the exclusive use of enforcing the provisions of this
22 chapter;

23 ~~((2))~~ (b) Sell that which is not required to be destroyed by law
24 and which is not harmful to the public;

25 ~~((3))~~ (c) Request the appropriate sheriff or director of public
26 safety to take custody of the property and remove it for disposition in
27 accordance with law; or

28 ~~((4))~~ (d) Forward it to the drug enforcement administration for
29 disposition.

30 ~~((h)(1))~~ (8)(a) When property is forfeited, the seizing agency
31 shall keep a record indicating the identity of the prior owner, if
32 known, a description of the property, the disposition of the property,
33 the value of the property at the time of seizure, and the amount of
34 proceeds realized from disposition of the property.

35 ~~((2))~~ (b) Each seizing agency shall retain records of forfeited
36 property for at least seven years.

37 ~~((3))~~ (c) Each seizing agency shall file a report including a

1 copy of the records of forfeited property with the state treasurer each
2 calendar quarter.

3 ~~((4))~~ (d) The quarterly report need not include a record of
4 forfeited property that is still being held for use as evidence during
5 the investigation or prosecution of a case or during the appeal from a
6 conviction.

7 ~~((i)(1))~~ (9)(a) By January 31st of each year, each seizing agency
8 shall remit to the state treasurer an amount equal to ten percent of
9 the net proceeds of any property forfeited during the preceding
10 calendar year. Money remitted shall be deposited in the violence
11 reduction and drug enforcement account under RCW 69.50.520.

12 ~~((2))~~ (b) The net proceeds of forfeited property is the value of
13 the forfeitable interest in the property after deducting the cost of
14 satisfying any bona fide security interest to which the property is
15 subject at the time of seizure; and in the case of sold property, after
16 deducting the cost of sale, including reasonable fees or commissions
17 paid to independent selling agents, and the cost of any valid
18 landlord's claim for damages under subsection ~~((e))~~ (15) of this
19 section.

20 ~~((3))~~ (c) The value of sold forfeited property is the sale price.
21 The value of retained forfeited property is the fair market value of
22 the property at the time of seizure, determined when possible by
23 reference to an applicable commonly used index, such as the index used
24 by the department of licensing for valuation of motor vehicles. A
25 seizing agency may use, but need not use, an independent qualified
26 appraiser to determine the value of retained property. If an appraiser
27 is used, the value of the property appraised is net of the cost of the
28 appraisal. The value of destroyed property and retained firearms or
29 illegal property is zero.

30 ~~((j))~~ (10) Forfeited property and net proceeds not required to be
31 paid to the state treasurer shall be retained by the seizing law
32 enforcement agency exclusively for the expansion and improvement of
33 controlled substances related law enforcement activity. Money retained
34 under this section may not be used to supplant preexisting funding
35 sources.

36 ~~((k))~~ (11) Controlled substances listed in Schedule I, II, III,
37 IV, and V that are possessed, transferred, sold, or offered for sale in
38 violation of this chapter are contraband and shall be seized and

1 summarily forfeited to the state. Controlled substances listed in
2 Schedule I, II, III, IV, and V, which are seized or come into the
3 possession of the board, the owners of which are unknown, are
4 contraband and shall be summarily forfeited to the board.

5 ~~((1))~~ (12) Species of plants from which controlled substances in
6 Schedules I and II may be derived which have been planted or cultivated
7 in violation of this chapter, or of which the owners or cultivators are
8 unknown, or which are wild growths, may be seized and summarily
9 forfeited to the board.

10 ~~((m))~~ (13) The failure, upon demand by a board inspector or law
11 enforcement officer, of the person in occupancy or in control of land
12 or premises upon which the species of plants are growing or being
13 stored to produce an appropriate registration or proof that he or she
14 is the holder thereof constitutes authority for the seizure and
15 forfeiture of the plants.

16 ~~((n))~~ (14) Upon the entry of an order of forfeiture of real
17 property, the court shall forward a copy of the order to the assessor
18 of the county in which the property is located. Orders for the
19 forfeiture of real property shall be entered by the superior court,
20 subject to court rules. Such an order shall be filed by the seizing
21 agency in the county auditor's records in the county in which the real
22 property is located.

23 ~~((o))~~ (15) A landlord may assert a claim against proceeds from
24 the sale of assets seized and forfeited under subsection ~~((g)(2))~~
25 (7)(b) of this section, only if:

26 ~~((1))~~ (a) A law enforcement officer, while acting in his or her
27 official capacity, directly caused damage to the complaining landlord's
28 property while executing a search of a tenant's residence; and

29 ~~((2))~~ (b) The landlord has applied any funds remaining in the
30 tenant's deposit, to which the landlord has a right under chapter 59.18
31 RCW, to cover the damage directly caused by a law enforcement officer
32 prior to asserting a claim under the provisions of this section;

33 (i) Only if the funds applied under ~~((2))~~ (b) of this subsection
34 are insufficient to satisfy the damage directly caused by a law
35 enforcement officer, may the landlord seek compensation for the damage
36 by filing a claim against the governmental entity under whose authority
37 the law enforcement agency operates within thirty days after the
38 search;

1 (ii) Only if the governmental entity denies or fails to respond to
2 the landlord's claim within sixty days of the date of filing, may the
3 landlord collect damages under this subsection by filing within thirty
4 days of denial or the expiration of the sixty-day period, whichever
5 occurs first, a claim with the seizing law enforcement agency. The
6 seizing law enforcement agency must notify the landlord of the status
7 of the claim by the end of the thirty-day period. Nothing in this
8 section requires the claim to be paid by the end of the sixty-day or
9 thirty-day period.

10 ~~((3))~~ (c) For any claim filed under ~~((2))~~ (b) of this
11 subsection, the law enforcement agency shall pay the claim unless the
12 agency provides substantial proof that the landlord either:

13 (i) Knew or consented to actions of the tenant in violation of this
14 chapter or chapter 69.41 or 69.52 RCW; or

15 (ii) Failed to respond to a notification of the illegal activity,
16 provided by a law enforcement agency under RCW 59.18.075, within seven
17 days of receipt of notification of the illegal activity.

18 ~~((p))~~ (16) The landlord's claim for damages under subsection
19 ~~((o))~~ (15) of this section may not include a claim for loss of
20 business and is limited to:

21 ~~((1))~~ (a) Damage to tangible property and clean-up costs;

22 ~~((2))~~ (b) The lesser of the cost of repair or fair market value
23 of the damage directly caused by a law enforcement officer;

24 ~~((3))~~ (c) The proceeds from the sale of the specific tenant's
25 property seized and forfeited under subsection ~~((g)(2))~~ (7)(b) of
26 this section; and

27 ~~((4))~~ (d) The proceeds available after the seizing law
28 enforcement agency satisfies any bona fide security interest in the
29 tenant's property and costs related to sale of the tenant's property as
30 provided by subsection ~~((i)(2))~~ (9)(b) of this section.

31 ~~((g))~~ (17) Subsections ~~((o) and (p))~~ (15) and (16) of this
32 section do not limit any other rights a landlord may have against a
33 tenant to collect for damages. However, if a law enforcement agency
34 satisfies a landlord's claim under subsection ~~((o))~~ (15) of this
35 section, the rights the landlord has against the tenant for damages
36 directly caused by a law enforcement officer under the terms of the
37 landlord and tenant's contract are subrogated to the law enforcement
38 agency.

1 **Sec. 349.** RCW 69.90.020 and 1985 c 127 s 3 are each amended to
2 read as follows:

3 (1) No person may knowingly sell or offer for sale any food product
4 represented as "kosher" or "kosher style" when that person knows that
5 the food product is not kosher and when the representation is likely to
6 cause a prospective purchaser to believe that it is kosher. Such a
7 representation can be made orally or in writing, or by display of a
8 sign, mark, insignia, or simulation.

9 (2) A person violating this section is guilty of a gross
10 misdemeanor.

11 **Sec. 350.** RCW 70.05.120 and 1999 c 391 s 6 are each amended to
12 read as follows:

13 (1) Any local health officer or administrative officer appointed
14 under RCW 70.05.040, if any, who shall refuse or neglect to obey or
15 enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the
16 rules, regulations or orders of the state board of health or who shall
17 refuse or neglect to make prompt and accurate reports to the state
18 board of health, may be removed as local health officer or
19 administrative officer by the state board of health and shall not again
20 be reappointed except with the consent of the state board of health.
21 Any person may complain to the state board of health concerning the
22 failure of the local health officer or administrative officer to carry
23 out the laws or the rules and regulations concerning public health, and
24 the state board of health shall, if a preliminary investigation so
25 warrants, call a hearing to determine whether the local health officer
26 or administrative officer is guilty of the alleged acts. Such hearings
27 shall be held pursuant to the provisions of chapter 34.05 RCW, and the
28 rules and regulations of the state board of health adopted thereunder.

29 (2) Any member of a local board of health who shall violate any of
30 the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or
31 neglect to obey or enforce any of the rules, regulations or orders of
32 the state board of health made for the prevention, suppression or
33 control of any dangerous contagious or infectious disease or for the
34 protection of the health of the people of this state, (~~shall be~~) is
35 guilty of a misdemeanor, and upon conviction shall be fined not less
36 than ten dollars nor more than two hundred dollars.

1 (3) Any physician who shall refuse or neglect to report to the
2 proper health officer or administrative officer within twelve hours
3 after first attending any case of contagious or infectious disease or
4 any diseases required by the state board of health to be reported or
5 any case suspicious of being one of such diseases, (~~shall be~~) is
6 guilty of a misdemeanor, and upon conviction shall be fined not less
7 than ten dollars nor more than two hundred dollars for each case that
8 is not reported.

9 (4) Any person violating any of the provisions of chapters 70.05,
10 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any
11 of the rules, regulations or orders made for the prevention,
12 suppression and control of dangerous contagious and infectious diseases
13 by the local board of health or local health officer or administrative
14 officer or state board of health, or who shall leave any isolation
15 hospital or quarantined house or place without the consent of the
16 proper health officer or who evades or breaks quarantine or conceals a
17 case of contagious or infectious disease or assists in evading or
18 breaking any quarantine or concealing any case of contagious or
19 infectious disease, (~~shall be~~) is guilty of a misdemeanor, and upon
20 conviction thereof shall be subject to a fine of not less than twenty-
21 five dollars nor more than one hundred dollars or to imprisonment in
22 the county jail not to exceed ninety days or to both fine and
23 imprisonment.

24 **Sec. 351.** RCW 70.54.090 and 1953 c 185 s 1 are each amended to
25 read as follows:

26 (1) It shall be unlawful to attach to utility poles any of the
27 following: Advertising signs, posters, vending machines, or any
28 similar object which presents a hazard to, or endangers the lives of,
29 electrical workers. Any attachment to utility poles shall only be made
30 with the permission of the utility involved, and shall be placed not
31 less than twelve feet above the surface of the ground.

32 (2) A person violating this section is guilty of a misdemeanor.

33 **Sec. 352.** RCW 70.54.160 and 1977 ex.s. c 97 s 1 are each amended
34 to read as follows:

35 (1) Every establishment which maintains restrooms for use by the

1 public shall not discriminate in charges required between facilities
2 used by men and facilities used by women.

3 (2) When coin lock controls are used, the controls shall be so
4 allocated as to allow for a proportionate equality of free toilet units
5 available to women as compared with those units available to men, and
6 at least one-half of the units in any restroom shall be free of charge.
7 As used in this section, toilet units are defined as constituting
8 commodes and urinals.

9 (3) In situations involving coin locks placed on restroom entry
10 doors, admission keys shall be readily provided without charge when
11 requested, and notice as to the availability of the keys shall be
12 posted on the restroom entry door.

13 (4) Any owner, agent, manager, or other person charged with the
14 responsibility of the operation of an establishment who operates such
15 establishment in violation of this section is guilty of a misdemeanor.

16 **Sec. 353.** RCW 70.58.280 and 1915 c 180 s 12 are each amended to
17 read as follows:

18 (1) Every person who ((shall)) violates or willfully fails,
19 neglects, or refuses to comply with any provisions of this act ((shall
20 be)) is guilty of a misdemeanor and for a second offense shall be
21 punished by a fine of not less than twenty-five dollars, and for a
22 third and each subsequent offense shall be punished by a fine of not
23 less than fifty dollars or more than two hundred and fifty dollars or
24 by imprisonment for not more than ninety days, or by both fine and
25 imprisonment((, and)).

26 (2) Every person who ((shall)) willfully furnishes any false
27 information for any certificate required by this act or who ((shall))
28 makes any false statement in any such certificate ((shall-be)) is
29 guilty of a gross misdemeanor.

30 **Sec. 354.** RCW 70.74.180 and 1984 c 55 s 1 are each amended to read
31 as follows:

32 Any person who has in his or her possession or control any shell,
33 bomb, or similar device, charged or filled with one or more explosives,
34 intending to use it or cause it to be used for an unlawful purpose, is
35 guilty of a class A felony, and upon conviction shall be punished by

1 imprisonment in a state prison for a term of not more than twenty
2 years.

3 **Sec. 355.** RCW 70.94.430 and 1991 c 199 s 310 are each amended to
4 read as follows:

5 (1) Any person who knowingly violates any of the provisions of
6 chapter 70.94 or 70.120 RCW, or any ordinance, resolution, or
7 regulation in force pursuant thereto (~~(shall be)~~) is guilty of a
8 (~~(crime)~~) gross misdemeanor and upon conviction thereof shall be
9 punished by a fine of not more than ten thousand dollars, or by
10 imprisonment in the county jail for not more than one year, or by both
11 for each separate violation.

12 (2) Any person who negligently releases into the ambient air any
13 substance listed by the department of ecology as a hazardous air
14 pollutant, other than in compliance with the terms of an applicable
15 permit or emission limit, and who at the time negligently places
16 another person in imminent danger of death or substantial bodily harm
17 (~~(shall be)~~) is guilty of a (~~(crime)~~) gross misdemeanor and shall, upon
18 conviction, be punished by a fine of not more than ten thousand
19 dollars, or by imprisonment for not more than one year, or both.

20 (3) Any person who knowingly releases into the ambient air any
21 substance listed by the department of ecology as a hazardous air
22 pollutant, other than in compliance with the terms of an applicable
23 permit or emission limit, and who knows at the time that he or she
24 thereby places another person in imminent danger of death or
25 substantial bodily harm, (~~(shall be)~~) is guilty of a (~~(crime)~~) class C
26 felony and shall, upon conviction, be punished by a fine of not less
27 than fifty thousand dollars, or by imprisonment for not more than five
28 years, or both.

29 (4) Any person who knowingly fails to disclose a potential conflict
30 of interest under RCW 70.94.100 (~~(shall be)~~) is guilty of a gross
31 misdemeanor, and upon conviction thereof shall be punished by a fine
32 (~~(of)~~) of not more than five thousand dollars.

33 **Sec. 356.** RCW 70.95D.100 and 1989 c 431 s 74 are each amended to
34 read as follows:

35 (1) Any person, including any firm, corporation, municipal
36 corporation, or other governmental subdivision or agency, with the

1 exception of incinerator operators, violating any provision of this
2 chapter or the rules adopted under this chapter, is guilty of a
3 misdemeanor.

4 (2) Any incinerator operator~~((s))~~ who violates any provision of
5 this chapter ~~((shall be))~~ is guilty of a gross misdemeanor.

6 (3) Each day of operation in violation of this chapter or any rules
7 adopted under this chapter shall constitute a separate offense.

8 (4) The prosecuting attorney or the attorney general, as
9 appropriate, shall secure injunctions of continuing violations of any
10 provisions of this chapter or the rules adopted under this chapter.

11 **Sec. 357.** RCW 70.105.085 and 1989 c 2 s 15 are each amended to
12 read as follows:

13 (1) Any person who knowingly transports, treats, stores, handles,
14 disposes of, or exports a hazardous substance in violation of this
15 chapter is guilty of: ~~((+1))~~ (a) A class B felony punishable
16 according to chapter 9A.20 RCW if the person knows at the time that the
17 conduct constituting the violation places another person in imminent
18 danger of death or serious bodily injury; or ~~((+2))~~ (b) a class C
19 felony punishable according to chapter 9A.20 RCW if the person knows
20 that the conduct constituting the violation places any property of
21 another person or any natural resources owned by the state of
22 Washington or any of its local governments in imminent danger of harm.

23 (2) As used in this section~~((τ))~~: (a) "Imminent danger" means that
24 there is a substantial likelihood that harm will be experienced within
25 a reasonable period of time should the danger not be eliminated~~((—As~~
26 ~~used in this section,τ))~~; and (b) "knowingly" refers to an awareness of
27 facts, not awareness of law. ~~((Violators shall be punished as provided~~
28 ~~under RCW 9A.20.021.))~~

29 **Sec. 358.** RCW 70.106.140 and 1974 ex.s. c 49 s 16 are each amended
30 to read as follows:

31 (1) Except as provided in subsection (2) of this section, any
32 person violating the provisions of this chapter or rules adopted
33 ((hereunder)) under this chapter is guilty of a misdemeanor ~~((and is~~
34 ~~guilty of)).~~

35 (2) A second or subsequent violation of the provisions of this
36 chapter or rules adopted under this chapter is a gross misdemeanor

1 (~~for any subsequent offense, however,~~). Any offense committed more
2 than five years after a previous conviction shall be considered a first
3 offense.

4 **Sec. 359.** RCW 70.108.130 and 1979 ex.s. c 136 s 104 are each
5 amended to read as follows:

6 (1) Except as otherwise provided in this section, any person who
7 (~~shall~~) willfully fails to comply with the rules, regulations, and
8 conditions set forth in this chapter or who (~~shall~~) aids or abets
9 such a violation or failure to comply(~~, shall be deemed~~) is guilty of
10 a gross misdemeanor(~~(: PROVIDED, That)~~).

11 (2)(a) Except as provided in (b) of this subsection, violation of
12 such a rule, regulation, or condition relating to traffic including
13 parking, standing, stopping, and pedestrian offenses is a traffic
14 infraction(~~, except that~~).

15 (b) Violation of such a rule, regulation, or condition equivalent
16 to those provisions of Title 46 RCW set forth in RCW 46.63.020 is a
17 misdemeanor.

18 **Sec. 360.** RCW 70.110.040 and 1973 1st ex.s. c 211 s 4 are each
19 amended to read as follows:

20 (1) It shall be unlawful to manufacture for sale, sell, or offer
21 for sale any new and unused article of children's sleepwear which does
22 not comply with the standards established in the Standard for the
23 Flammability of Children's Sleepwear (DOC FF 3-71), 36 F.R. 14062 and
24 the Flammable Fabrics Act, 15 U.S.C. 1191-1204.

25 (2) A violation of this section is a gross misdemeanor.

26 **Sec. 361.** RCW 70.111.030 and 1996 c 158 s 4 are each amended to
27 read as follows:

28 (1) No commercial user may remanufacture, retrofit, sell, contract
29 to sell or resell, lease, sublet, or otherwise place in the stream of
30 commerce, on or after June 6, 1996, a full-size or nonfull-size crib
31 that is unsafe for any infant using the crib.

32 (2) A crib is presumed to be unsafe pursuant to this chapter if it
33 does not conform to all of the following:

34 (a) Part 1508 (commencing with Section 1508.1) of Title 16 of the
35 Code of Federal Regulations;

1 (b) Part 1509 (commencing with Section 1509.1) of Title 16 of the
2 Code of Federal Regulations;

3 (c) Part 1303 (commencing with Section 1303.1) of Title 16 of the
4 Code of Federal Regulations;

5 (d) American Society for Testing Materials Voluntary Standards
6 F966-90;

7 (e) American Society for Testing Materials Voluntary Standards
8 F1169.88;

9 (f) Any regulations that are adopted in order to amend or
10 supplement the regulations described in (a) through (e) of this
11 subsection.

12 (3) Cribs that are unsafe or fail to perform as expected pursuant
13 to subsection (2) of this section include, but are not limited to,
14 cribs that have any of the following dangerous features or
15 characteristics:

16 (a) Corner posts that extend more than one-sixteenth of an inch;

17 (b) Spaces between side slats more than two and three-eighths
18 inches;

19 (c) Mattress support than can be easily dislodged from any point of
20 the crib. A mattress segment can be easily dislodged if it cannot
21 withstand at least a twenty-five pound upward force from underneath the
22 crib;

23 (d) Cutout designs on the end panels;

24 (e) Rail height dimensions that do not conform to the following:

25 (i) The height of the rail and end panel as measured from the top
26 of the rail or panel in its lowest position to the top of the mattress
27 support in its highest position is at least nine inches;

28 (ii) The height of the rail and end panel as measured from the top
29 of the rail or panel in its highest position to the top of the mattress
30 support in its lowest position is at least twenty-six inches;

31 (f) Any screws, bolts, or hardware that are loose and not secured;

32 (g) Sharp edges, points, or rough surfaces, or any wood surfaces
33 that are not smooth and free from splinters, splits, or cracks;

34 (h) Nonfull-size cribs with tears in mesh or fabric sides.

35 (4) On or after January 1, 1997, any commercial user who willfully
36 and knowingly violates this section is guilty of a misdemeanor,
37 punishable by a fine not exceeding one thousand dollars. Hotels,

1 motels, and similar transient lodging, child care facilities, and
2 family child care homes are not subject to this section until January
3 1, 1999.

4 **Sec. 362.** RCW 70.122.090 and 1992 c 98 s 9 are each amended to
5 read as follows:

6 (1) Any person who willfully conceals, cancels, defaces,
7 obliterates, or damages the directive of another without such
8 declarer's consent (~~(shall be)~~) is guilty of a gross misdemeanor.

9 (2) Any person who falsifies or forges the directive of another, or
10 willfully conceals or withholds personal knowledge of a revocation as
11 provided in RCW 70.122.040 with the intent to cause a withholding or
12 withdrawal of life-sustaining treatment contrary to the wishes of the
13 declarer, and thereby, because of any such act, directly causes life-
14 sustaining treatment to be withheld or withdrawn and death to thereby
15 be hastened, shall be subject to prosecution for murder in the first
16 degree as defined in RCW 9A.32.030.

17 **Sec. 363.** RCW 70.127.020 and 2000 c 175 s 2 are each amended to
18 read as follows:

19 (1) After July 1, 1990, a license is required for a person to
20 advertise, operate, manage, conduct, open, or maintain an in-home
21 services agency.

22 (2) An in-home services agency license is required for a nursing
23 home, hospital, or other person that functions as a home health,
24 hospice, hospice care center, or home care agency.

25 (3) Any person violating this section is guilty of a misdemeanor.
26 Each day of a continuing violation is a separate violation.

27 (4) If any corporation conducts any activity for which a license is
28 required by this chapter without the required license, it may be
29 punished by forfeiture of its corporate charter.

30 (5) All fines, forfeitures, and penalties collected or assessed by
31 a court because of a violation of this section shall be deposited in
32 the department's local fee account.

33 **Sec. 364.** RCW 72.23.170 and 1959 c 28 s 72.23.170 are each amended
34 to read as follows:

35 Any person who procures the escape of any patient of any state

1 hospital for the mentally ill, or institutions for psychopaths to which
2 such patient has been lawfully committed, or who advises, connives at,
3 aids, or assists in such escape or conceals any such escape, is guilty
4 of a class C felony and shall be punished by imprisonment in a state
5 (~~penal~~) correctional institution for a term of not more than five
6 years or by a fine of not more than five hundred dollars or by both
7 imprisonment and fine.

8 **Sec. 365.** RCW 72.23.300 and 1959 c 28 s 72.23.300 are each amended
9 to read as follows:

10 Any person not authorized by law so to do, who brings into any
11 state institution for the care and treatment of mental illness or
12 within the grounds thereof, any opium, morphine, cocaine or other
13 narcotic, or any intoxicating liquor of any kind whatever, except for
14 medicinal or mechanical purposes, or any firearms, weapons, or
15 explosives of any kind is guilty of a class B felony punishable
16 according to chapter 9A.20 RCW.

17 **Sec. 366.** RCW 74.08.055 and 1979 c 141 s 323 are each amended to
18 read as follows:

19 (1) Each applicant for or recipient of public assistance shall make
20 an application for assistance which shall contain or be verified by a
21 written declaration that it is made under the penalties of perjury.
22 The secretary, by rule and regulation, may require that any other forms
23 filled out by applicants or recipients of public assistance shall
24 contain or be verified by a written declaration that it is made under
25 the penalties of perjury and such declaration shall be in lieu of any
26 oath otherwise required, and each applicant shall be so informed at the
27 time of the signing.

28 (2) Any applicant for or recipient of public assistance who
29 willfully makes and subscribes any application, statement or other
30 paper which contains or is verified by a written declaration that it is
31 made under the penalties of perjury and which he or she does not
32 believe to be true and correct as to every material matter (~~shall be~~)
33 is guilty of a class B felony punishable according to chapter 9A.20
34 RCW.

1 **Sec. 367.** RCW 74.08.100 and 1971 c 81 s 137 are each amended to
2 read as follows:

3 Proof of age and length of residence in the state of any applicant
4 may be established as provided by the rules and regulations of the
5 department: PROVIDED, That if an applicant is unable to establish
6 proof of age or length of residence in the state by any other method he
7 or she may make a statement under oath of his or her age on the date of
8 application or the length of his or her residence in the state, before
9 any judge of the superior court, any judge of the court of appeals, or
10 any justice of the supreme court of the state of Washington, and such
11 statement shall constitute sufficient proof of age of applicant or of
12 length of residence in the state: PROVIDED HOWEVER, That any applicant
13 who willfully makes a false statement as to his or her age or length of
14 residence in the state under oath before a judge of the superior court,
15 a judge of the court of appeals, or a justice of the supreme court, as
16 provided above, shall be guilty of a class B felony punishable
17 according to chapter 9A.20 RCW.

18 **Sec. 368.** RCW 74.08.331 and 1998 c 79 s 16 are each amended to
19 read as follows:

20 (1) Any person who by means of a willfully false statement, or
21 representation, or impersonation, or a willful failure to reveal any
22 material fact, condition, or circumstance affecting eligibility or need
23 for assistance, including medical care, surplus commodities, and food
24 stamps or food stamp benefits transferred electronically, as required
25 by law, or a willful failure to promptly notify the county office in
26 writing as required by law or any change in status in respect to
27 resources, or income, or need, or family composition, money
28 contribution and other support, from whatever source derived, including
29 unemployment insurance, or any other change in circumstances affecting
30 the person's eligibility or need for assistance, or other fraudulent
31 device, obtains, or attempts to obtain, or aids or abets any person to
32 obtain any public assistance to which the person is not entitled or
33 greater public assistance than that to which he or she is justly
34 entitled (~~(shall be)~~) is guilty of (~~(grand larceny)~~) theft in the first
35 degree under RCW 9A.56.030 and upon conviction thereof shall be
36 punished by imprisonment in a state correctional facility for not more
37 than fifteen years.

1 (2) Any person who by means of a willfully false statement or
2 representation or by impersonation or other fraudulent device aids or
3 abets in buying, selling, or in any other way disposing of the real
4 property of a recipient of public assistance without the consent of the
5 secretary (~~shall be~~) is guilty of a gross misdemeanor and upon
6 conviction thereof shall be punished by imprisonment for not more than
7 one year in the county jail or a fine of not to exceed one thousand
8 dollars or by both.

9 **Sec. 369.** RCW 76.12.140 and 2000 c 11 s 10 are each amended to
10 read as follows:

11 (1) Any lands acquired by the state under RCW 76.12.020, 76.12.030,
12 76.12.080, 76.12.090, 76.12.110, 76.12.120, and 76.12.140, or any
13 amendments thereto, shall be logged, protected and cared for in such
14 manner as to insure natural reforestation of such lands, and to that
15 end the department shall have power, and it shall be its duty to make
16 rules and regulations, and amendments thereto, governing logging
17 operations on such areas, and to embody in any contract for the sale of
18 timber on such areas, such conditions as it shall deem advisable, with
19 respect to methods of logging, disposition of slashings, and debris,
20 and protection and promotion of new forests. All such rules and
21 regulations, or amendments thereto, shall be adopted by the department
22 under chapter 34.05 RCW.

23 (2)(a) Except as provided in (b) of this subsection, any violation
24 of any (~~such~~) rule(~~s shall be~~) adopted by the department under the
25 authority of this section is a gross misdemeanor (~~unless~~).

26 (b) The department (~~has specified~~) may specify by rule, when not
27 inconsistent with applicable statutes, that violation of a specific
28 rule is an infraction under chapter 7.84 RCW.

29 **Sec. 370.** RCW 76.36.035 and 1987 c 380 s 18 are each amended to
30 read as follows:

31 (1) All applications for brands, catch brands, renewals, and
32 assignments thereof shall be submitted to and approved by the
33 department prior to use. The department may refuse to approve any
34 brand or catch brand which is identical to or closely resembles a
35 registered brand or catch brand, or is in use by any other person or

1 was not selected in good faith for the marking or branding of forest
2 products. If approval is denied the applicant will select another
3 brand.

4 (2) The registration for all existing brands or catch brands shall
5 expire on December 31, 1984, unless renewed prior to that date.
6 Renewals or new approved applications shall be for five-year periods or
7 portions thereof beginning on January 1, 1985. On or before September
8 30, 1984, and September 30th immediately preceding the end of each
9 successive five-year period the department shall notify by mail all
10 registered owners of brands or catch brands of the forthcoming
11 expiration of their brands and the requirements for renewal.

12 (3) A fee of fifteen dollars shall be charged by the department for
13 registration of all brands, catch brands, renewals or assignments prior
14 to January 1, 1985. Thereafter the fee shall be twenty-five dollars.

15 (4) Abandoned or canceled brands shall not be reissued for a period
16 of at least one year. The department shall determine the right to use
17 brands or catch brands in dispute by applicants.

18 ~~((+2))~~ (5) The department may adopt and enforce rules implementing
19 the provisions of this chapter.

20 (6)(a) Except as provided in (b) of this subsection, a violation of
21 any ((such)) rule ((shall constitute)) adopted by the department under
22 this authority of this section is a misdemeanor ((unless)).

23 (b) The department ((has specified)) may specify by rule, when not
24 inconsistent with applicable statutes, that violation of a specific
25 rule is an infraction under chapter 7.84 RCW.

26 **Sec. 371.** RCW 76.36.110 and 1994 c 163 s 1 are each amended to
27 read as follows:

28 Every person is guilty of a gross misdemeanor:

29 (1) Except boom companies organized as corporations for the purpose
30 of catching or reclaiming and holding or disposing of forest products
31 for the benefit of the owners, and authorized to do business under the
32 laws of this state, who has or takes in tow or into custody or
33 possession or under control, without the authorization of the owner of
34 a registered mark or brand thereupon, any forest products or booming
35 equipment having thereupon a mark or brand registered as required by
36 the terms of this chapter, or, with or without such authorization, any

1 forest products or booming equipment which may be branded under the
2 terms of this chapter with a registered mark or brand and having no
3 registered mark or brand impressed thereupon or cut therein; or,

4 (2) Who impresses upon or cut in any forest products or booming
5 equipment a mark or brand that is false, forged or counterfeit; or,

6 (3) Who interferes with, prevents, or obstructs the owner of any
7 registered mark or brand, or his or her duly authorized agent or
8 representative, entering into or upon any tidelands, marshes or beaches
9 of this state or any mill, mill site, mill yard or mill boom or rafting
10 or storage grounds or any forest products or any raft or boom thereof
11 for the purpose of searching for forest products and booming equipment
12 having impressed thereupon a registered mark or brand belonging to him
13 or her or retaking any forest products or booming equipment so found by
14 him or her; or,

15 (4) Who impresses or cuts a catch brand that is not registered
16 under the terms of this chapter upon or into any forest products or
17 booming equipment upon which there is a registered mark or brand as
18 authorized by the terms of this chapter or a catch brand, whether
19 registered or not, upon any forest products or booming equipment that
20 was not purchased or lawfully acquired by him or her from the owner(~~+~~
21 ~~is guilty of a gross misdemeanor~~)).

22 **Sec. 372.** RCW 76.36.120 and 1925 ex.s. c 154 s 12 are each amended
23 to read as follows:

24 Every person is guilty of a class B felony punishable according to
25 chapter 9A.20 RCW who, with an intent to injure or defraud the owner:

26 (1) Shall falsely make, forge or counterfeit a mark or brand
27 registered as herein provided and use it in marking or branding forest
28 products or booming equipment; or,

29 (2) Shall cut out, destroy, alter, deface, or obliterate any
30 registered mark or brand impressed upon or cut into any forest products
31 or booming equipment; or,

32 (3) Shall sell, encumber or otherwise dispose of or deal in, or
33 appropriate to his or her own use, any forest products or booming
34 equipment having impressed thereupon a mark or brand registered as
35 required by the terms of this chapter; or

36 (4) Shall buy or otherwise acquire or deal in any forest products

1 or booming equipment having impressed thereupon a registered mark or
2 brand(~~(+~~
3 ~~shall be guilty of a felony))~~).

4 **Sec. 373.** RCW 76.48.120 and 1995 c 366 s 12 are each amended to
5 read as follows:

6 (1) It is unlawful for any person, upon official inquiry,
7 investigation, or other authorized proceedings, to offer as genuine any
8 paper, document, or other instrument in writing purporting to be a
9 specialized forest products permit, or true copy thereof,
10 authorization, sales invoice, or bill of lading, or to make any
11 representation of authority to possess or conduct harvesting or
12 transporting of specialized forest products, knowing the same to be in
13 any manner false, fraudulent, forged, or stolen.

14 (2) Any person who knowingly or intentionally violates this section
15 is guilty of (~~forgery, and shall be punished as~~) a class C felony
16 (~~providing for~~) punishable by imprisonment in a state correctional
17 institution for a maximum term fixed by the court of not more than five
18 years or by a fine of not more than five thousand dollars, or by both
19 imprisonment and fine.

20 (3) Whenever any law enforcement officer reasonably suspects that
21 a specialized forest products permit or true copy thereof,
22 authorization, sales invoice, or bill of lading is forged, fraudulent,
23 or stolen, it may be retained by the officer until its authenticity can
24 be verified.

25 **Sec. 374.** RCW 77.15.194 and 2001 c 1 s 3 are each amended to read
26 as follows:

27 (1) It is unlawful to use or authorize the use of any steel-jawed
28 leghold trap, neck snare, or other body-gripping trap to capture any
29 mammal for recreation or commerce in fur.

30 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
31 exchange, or offer to buy, sell, barter, or otherwise exchange the raw
32 fur of a mammal or a mammal that has been trapped in this state with a
33 steel-jawed leghold trap or any other body-gripping trap, whether or
34 not pursuant to permit.

35 (3) It is unlawful to use or authorize the use of any steel-jawed

1 leghold trap or any other body-gripping trap to capture any animal,
2 except as provided in subsections (4) and (5) of this section.

3 (4) Nothing in this section prohibits the use of a Conibear trap in
4 water, a padded leghold trap, or a nonstrangling type foot snare with
5 a special permit granted by (~~the~~) the director under (a) through
6 (d) of this subsection. Issuance of the special permits shall be
7 governed by rules adopted by the department and in accordance with the
8 requirements of this section. Every person granted a special permit to
9 use a trap or device listed in this subsection shall check the trap or
10 device at least every twenty-four hours.

11 (a) Nothing in this section prohibits the director, in consultation
12 with the department of social and health services or the United States
13 department of health and human services from granting a permit to use
14 traps listed in this subsection for the purpose of protecting people
15 from threats to their health and safety.

16 (b) Nothing in this section prohibits the director from granting a
17 special permit to use traps listed in this subsection to a person who
18 applies for such a permit in writing, and who establishes that there
19 exists on a property an animal problem that has not been and cannot be
20 reasonably abated by the use of nonlethal control tools, including but
21 not limited to guard animals, electric fencing, or box and cage traps,
22 or if such nonlethal means cannot be reasonably applied. Upon making
23 a finding in writing that the animal problem has not been and cannot be
24 reasonably abated by nonlethal control tools or if the tools cannot be
25 reasonably applied, the director may authorize the use, setting,
26 placing, or maintenance of the traps for a period not to exceed thirty
27 days.

28 (c) Nothing in this section prohibits the director from granting a
29 special permit to department employees or agents to use traps listed in
30 this subsection where the use of the traps is the only practical means
31 of protecting threatened or endangered species as designated under RCW
32 77.08.010.

33 (d) Nothing in this section prohibits the director from issuing a
34 permit to use traps listed in this subsection, excluding Conibear
35 traps, for the conduct of legitimate wildlife research.

36 (5) Nothing in this section prohibits the United States fish and
37 wildlife service, its employees or agents, from using a trap listed in
38 subsection (4) of this section where the fish and wildlife service

1 determines, in consultation with the director, that the use of such
2 traps is necessary to protect species listed as threatened or
3 endangered under the federal endangered species act (16 U.S.C. Sec.
4 1531 et seq.).

5 (6) A person violating this section is guilty of a gross
6 misdemeanor.

7 **Sec. 375.** RCW 77.15.196 and 2001 c 1 s 4 are each amended to read
8 as follows:

9 (1) It is unlawful to poison or attempt to poison any animal using
10 sodium fluoroacetate, also known as compound 1080, or sodium cyanide.

11 (2) A person violating this section is guilty of a gross
12 misdemeanor.

13 **Sec. 376.** RCW 77.15.198 and 2001 c 1 s 5 are each amended to read
14 as follows:

15 (~~(Any person who violates RCW 77.15.194 or 77.15.196 is guilty of~~
16 ~~a gross misdemeanor.)) In addition to appropriate criminal penalties,
17 the director shall revoke the trapping license of any person convicted
18 of a violation of RCW 77.15.194 or 77.15.196. The director shall not
19 issue the violator a trapping license for a period of five years
20 following the revocation. Following a subsequent conviction for a
21 violation of RCW 77.15.194 or 77.15.196 by the same person, the
22 director shall not issue a trapping license to the person at any time.~~

23 **Sec. 377.** RCW 78.12.061 and 1890 p 123 s 7 are each amended to
24 read as follows:

25 (1) It shall be unlawful for any person or persons, company or
26 companies, corporation or corporations, to sink or work through any
27 vertical shaft at a greater depth than one hundred and fifty feet,
28 unless the (~~said~~) shaft shall be provided with an iron-bonneted
29 safety cage, to be used in the lowering and hoisting of the employees
30 of such person or persons, company or companies, corporation or
31 corporations. The safety apparatus, whether consisting of eccentrics,
32 springs or other device, shall be securely fastened to the cage, and
33 shall be of sufficient strength to hold the cage loaded at any depth to
34 which the shaft may be sunk, provided the cable shall break. The iron
35 bonnet (~~aforesaid~~) shall be made of boiler sheet iron of a good

1 quality, of at least three-sixteenths of an inch in thickness, and
2 shall cover the top of (~~said~~) the cage in such manner as to afford
3 the greatest protection to life and limb from any matter falling down
4 (~~said~~) the shaft.

5 (2) Any person or persons, company or companies, or corporation or
6 corporations, who shall neglect, fail, or refuse to comply with this
7 section is guilty of a misdemeanor and shall be fined not less than
8 five hundred dollars nor more than one thousand dollars.

9 **Sec. 378.** RCW 79.01.072 and 1988 c 128 s 53 are each amended to
10 read as follows:

11 If any state land inspector shall knowingly or willfully make any
12 false statement in any report of inspection of lands, or any false
13 estimate of the value of lands inspected or the timber or other
14 valuable materials or improvements thereon, or shall knowingly or
15 willfully divulge anything or give any information in regard to lands
16 inspected by him or her, other than to the commissioner of public
17 lands, the deputy commissioner of public lands, or the board of natural
18 resources, he or she shall forthwith be removed from office, and shall
19 be deemed guilty of a class B felony punishable according to chapter
20 9A.20 RCW and in such case it shall be the duty of the commissioner of
21 public lands and of the members of the board of natural resources, to
22 report all facts within their knowledge to the proper prosecuting
23 officer to the end that prosecution for the offense may be had.

24 **Sec. 379.** RCW 79.01.748 and 1927 c 255 s 197 are each amended to
25 read as follows:

26 Every person who willfully commits any trespass upon any public
27 lands of the state and cuts down, destroys or injures any timber, or
28 any tree standing or growing thereon, or takes, or removes, or causes
29 to be taken, or removed, therefrom any wood or timber lying thereon, or
30 maliciously injures or severs anything attached thereto, or the produce
31 thereof, or digs, quarries, mines, takes or removes therefrom any
32 earth, soil, stone, mineral, clay, sand, gravel, or any valuable
33 materials, (~~shall be~~) is guilty of (~~larceny~~) theft under chapter
34 9A.56 RCW.

1 except in conformity with such general rules as the commission may
2 prescribe; or

3 ~~((4))~~ (d) Willfully mutilates, injures, defaces, or destroys any
4 guidepost, notice, tablet, fence, inclosure, or work for the protection
5 or ornamentation of any park or parkway; or

6 ~~((5))~~ (e) Lights any fire upon any park or parkway, except in
7 such places as the commission has authorized, or willfully or
8 carelessly permits any fire which he or she has lighted or which is
9 under his or her charge, to spread or extend to or burn any of the
10 shrubbery, trees, timber, ornaments, or improvements upon any park or
11 parkway, or leaves any campfire which he or she has lighted or which
12 has been left in his or her charge, unattended by a competent person,
13 without extinguishing it; or

14 ~~((6))~~ (f) Places within any park or parkway or affixes to any
15 object therein contained, without a written license from the
16 commission, any word, character, or device designed to advertise any
17 business, profession, article, thing, exhibition, matter, or event(
18 ~~or~~
19 ~~(7))~~).

20 (2)(a) Except as provided in (b) of this subsection, a person who
21 violates any rule adopted, promulgated, or issued by the commission
22 pursuant to the provisions of this chapter~~((; shall be))~~ is guilty of
23 a misdemeanor ~~((unless))~~.

24 (b) The commission ~~((has specified))~~ may specify by rule, when not
25 inconsistent with applicable statutes, that violation of the rule is an
26 infraction under chapter 7.84 RCW.

27 **Sec. 383.** RCW 80.28.190 and 1971 c 81 s 141 are each amended to
28 read as follows:

29 (1) No gas company shall, after January 1, 1956, operate in this
30 state any gas plant for hire without first having obtained from the
31 commission under the provisions of this chapter a certificate declaring
32 that public convenience and necessity requires or will require such
33 operation and setting forth the area or areas within which service is
34 to be rendered; but a certificate shall be granted where it appears to
35 the satisfaction of the commission that such gas company was actually
36 operating in good faith, within the confines of the area for which such
37 certificate shall be sought, on June 8, 1955. Any right, privilege,

1 certificate held, owned or obtained by a gas company may be sold,
2 assigned, leased, transferred or inherited as other property, only upon
3 authorization by the commission. The commission shall have power,
4 after hearing, when the applicant requests a certificate to render
5 service in an area already served by a certificate holder under this
6 chapter only when the existing gas company or companies serving such
7 area will not provide the same to the satisfaction of the commission
8 and in all other cases, with or without hearing, to issue (~~said~~) the
9 certificate as prayed for; or for good cause shown to refuse to issue
10 same, or to issue it for the partial exercise only of (~~said~~) the
11 privilege sought, and may attach to the exercise of the rights granted
12 by (~~said~~) the certificate such terms and conditions as, in its
13 judgment, the public convenience and necessity may require.

14 (2) The commission may, at any time, by its order duly entered
15 after a hearing had upon notice to the holder of any certificate
16 hereunder, and an opportunity to such holder to be heard, at which it
17 shall be proven that such holder willfully violates or refuses to
18 observe any of its proper orders, rules or regulations, suspend,
19 revoke, alter or amend any certificate issued under the provisions of
20 this section, but the holder of such certificate shall have all the
21 rights of rehearing, review and appeal as to such order of the
22 commission as is provided herein.

23 (3) In all respects in which the commission has power and authority
24 under this chapter applications and complaints may be made and filed
25 with it, process issued, hearings held, opinions, orders and decisions
26 made and filed, petitions for rehearing filed and acted upon, and
27 petitions for writs of review to the superior court filed therewith,
28 appeals or mandate filed with the supreme court or the court of appeals
29 of this state considered and disposed of by (~~said~~) such courts in the
30 manner, under the conditions, and subject to the limitations and with
31 the effect specified in the Washington utilities and transportation
32 commission laws of this state.

33 (4) Every officer, agent, or employee of any corporation, and every
34 other person who violates or fails to comply with, or who procures,
35 aids or abets in the violation of any of the provisions of this section
36 or who fails to obey, observe or comply with any order, decision, rule
37 or regulation, directive, demand or requirements, or any provision of

1 this section, is guilty of a gross misdemeanor (~~and punishable as~~
2 ~~such~~)).

3 (5) Neither this section, RCW 80.28.200, 80.28.210, nor any
4 provisions thereof shall apply or be construed to apply to commerce
5 with foreign nations or commerce among the several states of this union
6 except insofar as the same may be permitted under the provisions of the
7 Constitution of the United States and acts of congress.

8 (6) The commission shall collect the following miscellaneous fees
9 from gas companies: Application for a certificate of public
10 convenience and necessity or to amend a certificate, twenty-five
11 dollars; application to sell, lease, mortgage or transfer a certificate
12 of public convenience and necessity or any interest therein, ten
13 dollars.

14 **Sec. 384.** RCW 80.28.210 and 1969 ex.s. c 210 s 2 are each amended
15 to read as follows:

16 (1) Every person or corporation transporting natural gas by
17 pipeline, or having for one or more of its principal purposes the
18 construction, maintenance or operation of pipelines for transporting
19 natural gas, in this state, even though such person or corporation not
20 be a public service company under chapter 80.28 RCW, and even though
21 such person or corporation does not deliver, sell or furnish any such
22 gas to any person or corporation within this state, shall be subject to
23 regulation by the utilities and transportation commission insofar as
24 the construction and operation of such facilities shall affect matters
25 of public safety, and every such company shall construct and maintain
26 such facilities as will be safe and efficient. The commission shall
27 have the authority to prescribe rules and regulations to effectuate the
28 purpose of this enactment.

29 (2) Every such person and every such officer, agent and employee of
30 a corporation who, as an individual or as an officer or agent of such
31 corporation, violates or fails to comply with, or who procures, aids,
32 or abets another, or his or her company, in the violation of, or
33 noncompliance with, any provision of this section or any order, rule or
34 requirement of the commission hereunder, (~~shall be~~) is guilty of a
35 gross misdemeanor.

1 **Sec. 385.** RCW 81.04.390 and 1980 c 104 s 5 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section, every
4 person who, either individually, or acting as an officer or agent of a
5 corporation other than a public service company, violates any provision
6 of this title, or fails to observe, obey, or comply with any order made
7 by the commission under this title, so long as the same is or remains
8 in force, or who procures, aids, or abets any such corporation in its
9 violation of this title, or in its failure to obey, observe, or comply
10 with any such order, is guilty of a gross misdemeanor(~~(, except that)~~).

11 (2) A violation pertaining to equipment on motor carriers
12 transporting hazardous material is a misdemeanor.

13 **Sec. 386.** RCW 81.40.010 and 1992 c 102 s 1 are each amended to
14 read as follows:

15 (1) No law or order of any regulatory agency of this state shall
16 prevent a common carrier by railroad from staffing its passenger trains
17 in accordance with collective bargaining agreements or any national or
18 other applicable settlement of train crew size. In the absence of a
19 collective bargaining agreement or any national or other applicable
20 settlement of train crew size, any common carrier railroad operating a
21 passenger train with a crew of less than two members shall be subject
22 to a safety review by the Washington utilities and transportation
23 commission, which, as to staffing, may issue an order requiring as many
24 as two crew members.

25 (2) Each train or engine run in violation of this section is a
26 separate offense: PROVIDED, That nothing in this section shall be
27 construed as applying in the case of disability of one or more of any
28 train crew while out on the road between division terminals, wrecking
29 trains, or to any line, or part of line, where not more than two trains
30 are run in each twenty-four hours.

31 (3) Any person, corporation, company, or officer of court operating
32 any railroad or railway, or part of any railroad or railway in the
33 state of Washington, and engaged as a common carrier, in the
34 transportation of freight or passengers, who violates this section is
35 guilty of a misdemeanor and upon conviction thereof shall be fined not
36 less than one hundred dollars nor more than five hundred dollars for
37 each offense.

1 (4) It is the duty of the commission to enforce this section.

2 **Sec. 387.** RCW 81.40.040 and 1977 c 70 s 1 are each amended to read
3 as follows:

4 (1) It ((shall be)) is unlawful for any common carrier by railroad
5 or any of its officers or agents, to require or permit any employee
6 engaged in or connected with the movement of any train to remain on
7 duty more than twelve consecutive hours, except when by casualty
8 occurring after such employee has started on his or her trip; or,
9 except by accident or unavoidable delay of trains scheduled to make
10 connection with the train on which such employee is serving, he or she
11 is prevented from reaching his or her terminal; or, to require or
12 permit any such employee who has been on duty twelve consecutive hours
13 to go on duty without having had at least ten hours off duty; or, to
14 require or permit any such employee who has been on duty twelve hours
15 in the aggregate in any twenty-four hour period to continue on duty
16 without having had at least eight hours off duty within the twenty-four
17 hour period.

18 (2) Any such common carrier, or any of its officers or agents
19 violating this section is guilty of a misdemeanor punishable by a fine
20 of not less than one hundred or more than one thousand dollars for each
21 and every such violation to be recovered in a suit or suits to be
22 brought by the attorney general.

23 (3) It shall be the duty of the attorney general to bring such
24 suits upon duly verified information being lodged with him or her of
25 such violation having occurred, in any superior court.

26 (4) It shall also be the duty of the commission to fully
27 investigate all cases of the violation of this section, and to lodge
28 with the attorney general information of any such violation as may come
29 to its knowledge.

30 **Sec. 388.** RCW 81.40.060 and 1961 c 14 s 81.40.060 are each amended
31 to read as follows:

32 (1) It shall be unlawful for any railroad or other transportation
33 company doing business in the state of Washington, or of any officer,
34 agent or servant of such railroad or other transportation company, to
35 require any conductor, engineer, brakeman, fireman, purser, or other
36 employee, as a condition of his or her continued employment, or

1 otherwise to require or compel, or attempt to require or compel, any
2 such employees to purchase of any such railroad or other transportation
3 company or of any particular person, firm or corporation or at any
4 particular place or places, any uniform or other clothing or apparel,
5 required by any such railroad or other transportation company to be
6 used by any such employee in the performance of his or her duties as
7 such; and any such railroad or transportation company or any officer,
8 agent or servant thereof, who shall order or require any conductor,
9 engineer, brakeman, fireman, purser, or other person in its employ, to
10 purchase any uniform or other clothing or apparel as aforesaid, shall
11 be deemed to have required such purchase as a condition of such
12 employee's continued employment.

13 (2) Any railroad or other transportation company doing business in
14 the state of Washington, or any officer, agent, or servant thereof,
15 violating this section is guilty of a misdemeanor and upon conviction
16 thereof shall be punished by a fine in any sum not less than one
17 hundred dollars nor more than five hundred dollars, or by imprisonment
18 in the county jail of the county where the misdemeanor is committed,
19 not exceeding six months.

20 **Sec. 389.** RCW 81.40.080 and 1961 c 14 s 81.40.080 are each amended
21 to read as follows:

22 (1) It shall be unlawful for any railroad company, corporation,
23 association or other person owning, controlling or operating any line
24 of railroad in the state of Washington, to build, construct,
25 reconstruct, or repair railroad car equipment or motive power in this
26 state without first erecting and maintaining at every point where five
27 employees or more are regularly employed on such work, a shed over a
28 sufficient portion of the tracks used for such work, so as to provide
29 that all men regularly employed in such work shall be sheltered and
30 protected from rain and other inclement weather: PROVIDED, That the
31 provisions of this section shall not apply at points where it is
32 necessary to make light repairs only on equipment or motive power, nor
33 to equipment loaded with time or perishable freight, nor to equipment
34 when trains are being held for the movement of equipment, nor to
35 equipment on tracks where trains arrive or depart or are assembled or
36 made up for departure. The term "light repairs," as herein used, shall

1 not include repairs usually made in roundhouse, shop or shed upon well
2 equipped railroads.

3 (2) Any railroad company or officer or agent thereof, or any other
4 person, who violates this section by failing or refusing to comply with
5 its provisions is guilty of a misdemeanor, and each day's failure or
6 refusal to comply shall be considered a separate offense.

7 **Sec. 390.** RCW 81.40.130 and 1961 c 14 s 81.40.130 are each amended
8 to read as follows:

9 (1) It is unlawful for any employer to require any employee or
10 applicant for employment to pay the cost of a medical examination or
11 the cost of furnishing any records required by the employer as a
12 condition of employment.

13 (2) Any employer who violates this section is guilty of a
14 misdemeanor and upon conviction shall be punished by a fine of not more
15 than one hundred dollars. Each violation shall constitute a separate
16 offense.

17 (3) As used in this section:

18 (a) "Employer" means any common carrier by rail, doing business in
19 or operating within the state, and any subsidiary thereof.

20 (b) "Employee" means every person who may be permitted, required,
21 or directed by any employer, in consideration of direct or indirect
22 gain or profit, to engage in any employment.

23 **Sec. 391.** RCW 81.44.085 and 1969 ex.s. c 210 s 7 are each amended
24 to read as follows:

25 (1) Every person operating a common carrier railroad in this state
26 shall equip each locomotive and caboose used in train or yard switching
27 service, and every car used in passenger service with a first aid kit
28 of a type to be approved by the commission, which kit shall be plainly
29 marked and be readily visible and accessible and be maintained in a
30 fully quipped condition: PROVIDED, That such kits shall not be
31 required on equipment used exclusively in yard or switching service
32 where such kits are maintained in the yard or terminal.

33 (2) Each locomotive and caboose shall also be furnished with
34 sanitary cups and sanitary ice-cooled drinking water.

35 (3) For the purpose of this section a "locomotive" shall include

1 all railroad engines propelled by any form of energy and used in rail
2 line haul or yard switching service.

3 (4) Any person violating (~~(any provisions of)~~) this section (~~(shall~~
4 ~~be)~~) is guilty of a misdemeanor.

5 **Sec. 392.** RCW 81.54.030 and 1991 c 46 s 1 are each amended to read
6 as follows:

7 (1) Every person operating any logging railroad or industrial
8 railway shall, prior to July 1st of each year, file with the commission
9 a statement showing the number of, and location, by name of highway,
10 quarter section, section, township, and range of all crossings on his
11 or her line and pay with the filing a fee for each crossing so
12 reported. The commission shall, by order, fix the exact fee based on
13 the cost of rendering such inspection service. All fees collected
14 shall be deposited in the state treasury to the credit of the public
15 service revolving fund. Intersections having one or more tracks shall
16 be treated as a single crossing. Tracks separated a distance in excess
17 of one hundred feet from the nearest track or group of tracks shall
18 constitute an additional crossing. Where two or more independently
19 operated railroads cross each other or the same highway intersection,
20 each independent track shall constitute a separate crossing.

21 (2) Every person failing to make the report and pay the fees as
22 required(~~(, shall be)~~) by this section is guilty of a misdemeanor and
23 in addition (~~(be)~~) subject to a penalty of twenty-five dollars for each
24 day that the fee remains unpaid after it becomes due.

25 **Sec. 393.** RCW 81.56.150 and 1961 c 14 s 81.56.150 are each amended
26 to read as follows:

27 (1) It shall be the duty of every person or corporation engaged
28 wholly or in part in the business of carrying passengers for hire, to
29 provide every agent authorized to sell its passage tickets in this
30 state, with a certificate of his or her authority, attested by its seal
31 and the signature of its manager, secretary or general passenger agent,
32 which shall contain a designation of the place of business at which
33 such authority shall be exercised.

34 (2) Every person and every corporation or association, and every
35 officer, agent or employee thereof who shall sell, exchange or
36 transfer, or have in his or her possession with intent to sell,

1 exchange or transfer, or maintain, conduct or operate any office or
2 place of business for the sale, exchange or transfer of any passage
3 ticket or pass or part thereof, or any other evidence of a right to
4 travel upon any railroad or boat, whether the same be owned or operated
5 within or without the limits of this state, in any place except his or
6 her place of business, or within such place of business without having
7 rightfully in his or her possession and posted in a conspicuous place
8 therein the certificate of authority (~~hereinabove provided for, shall~~
9 ~~be~~) required by this section is guilty of a misdemeanor.

10 **Sec. 394.** RCW 81.60.070 and 1999 c 352 s 4 are each amended to
11 read as follows:

12 Every person who, in such manner as might, if not discovered,
13 endanger the safety of any engine, motor, car or train, or any person
14 thereon, shall in any manner interfere or tamper with or obstruct any
15 switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle,
16 culvert, embankment, structure, or appliance pertaining to or connected
17 with any railway, or any train, engine, motor, or car on such railway,
18 and every person who shall discharge any firearm or throw any dangerous
19 missile at any train, engine, motor, or car on any railway, is guilty
20 of a class B felony and shall be punished by imprisonment in a state
21 correctional facility for not more than ten years.

22 **Sec. 395.** RCW 81.60.080 and 1992 c 7 s 61 are each amended to read
23 as follows:

24 (1) Any person or persons who shall willfully or maliciously, with
25 intent to injure or deprive the owner thereof, take, steal, remove,
26 change, add to, alter, or in any manner interfere with any journal
27 bearing, brass, waste, packing, triple valve, pressure cock, brake, air
28 hose, or any other part of the operating mechanism of any locomotive,
29 engine, tender, coach, car, caboose, or motor car used or capable of
30 being used by any railroad or railway company in this state, (~~shall~~
31 ~~be~~) is guilty of a class C felony, and upon conviction thereof shall
32 be punished by imprisonment in a state correctional facility for not
33 more than five years, or by a fine not exceeding one thousand dollars,
34 or by both such fine and imprisonment.

35 (2) Every person who buys or receives any of the property described

1 in subsection (1) of this section, knowing the same to have been
2 stolen, is guilty of a class C felony, and upon conviction thereof
3 shall be punished as provided in subsection (1) of this section.

4 **Sec. 396.** RCW 81.64.090 and 1961 c 14 s 81.64.090 are each amended
5 to read as follows:

6 (1) Street railway or street car companies, or street car
7 corporations, shall employ none but competent men to operate or assist
8 as conductors, motormen or gripmen upon any street railway, or
9 streetcar line in this state.

10 (2) A person shall be deemed competent to operate or assist in
11 operating cars or (dummies) usually used by street railway or streetcar
12 companies, or corporations, only after first having served at least
13 three days under personal instruction of a regularly employed
14 conductor, motorman, or gripman on a car or dummy in actual service on
15 the particular street railway or streetcar line for which the service
16 of an additional person or additional persons may be required:
17 PROVIDED, That during a strike on the streetcar lines the railway
18 companies may employ competent persons who have not worked three days
19 on the particular streetcar line.

20 (3) Any violation of this section by the president, secretary,
21 manager, superintendent, assistant superintendent, stockholder, or
22 other officer or employee of any company or corporation owning or
23 operating any street railway or streetcar line or any receiver of
24 street railway or streetcar company, or street railway or streetcar
25 corporations appointed by any court within this state to operate such
26 car line is a misdemeanor punishable by a fine in any amount not less
27 than fifty dollars nor more than two hundred dollars, or imprisonment
28 in the county jail for a term of thirty days, or both such fine and
29 imprisonment at the discretion of the court.

30 **Sec. 397.** RCW 81.64.160 and 1961 c 14 s 81.64.160 are each amended
31 to read as follows:

32 (1) No person, agent, officer, manager, or superintendent or
33 receiver of any corporation or owner of streetcars shall require his,
34 her, or its gripmen, motormen, drivers, or conductors to work more than
35 ten hours in any twenty-four hours.

1 (2) Any person, agent, officer, manager, superintendent, or
2 receiver of any corporation, or owner of streetcar or cars, violating
3 this section is guilty of a misdemeanor, and shall be fined in any sum
4 not less than twenty-five dollars nor more than one hundred dollars for
5 each day in which such gripman, motorman, driver, or conductor in the
6 employ of such person, agent, officer, manager, superintendent, or
7 receiver of such corporation or owner is required to work more than ten
8 hours during each twenty-four hours, as provided in this section.

9 (3) It is the duty of the prosecuting attorney of each county of
10 this state to institute the necessary proceedings to enforce the
11 provisions of this section.

12 **Sec. 398.** RCW 81.68.080 and 1979 ex.s. c 136 s 106 are each
13 amended to read as follows:

14 (1) Except as otherwise provided in this section, every officer,
15 agent, or employee of any corporation, and every other person who
16 violates or fails to comply with, or who procures, aids, or abets in
17 the violation of any provisions of this chapter, or who fails to obey,
18 observe, or comply with any order, decision, rule or regulation,
19 direction, demand, or requirement, or any part of provision thereof, is
20 guilty of a gross misdemeanor (~~and punishable as such: PROVIDED,~~
21 That)).

22 (2)(a) Except as provided in (b) of this subsection, violation of
23 such an order, decision, rule or regulation, direction, demand, or
24 requirement relating to traffic including parking, standing, stopping,
25 and pedestrian offenses is a traffic infraction(~~, except that~~)).

26 (b) Violation of such an order, decision, rule or regulation,
27 direction, demand, or requirement equivalent to those provisions of
28 Title 46 RCW set forth in RCW 46.63.020 is a misdemeanor.

29 **Sec. 399.** RCW 82.08.0273 and 1993 c 444 s 1 are each amended to
30 read as follows:

31 (1) The tax levied by RCW 82.08.020 shall not apply to sales to
32 nonresidents of this state of tangible personal property for use
33 outside this state when the purchaser (a) is a bona fide resident of a
34 state or possession or Province of Canada other than the state of
35 Washington and such state, possession, or Province of Canada does not
36 impose a retail sales tax or use tax of three percent or more or, if

1 imposing such a tax, permits Washington residents exemption from
2 otherwise taxable sales by reason of their residence, and (b) agrees,
3 when requested, to grant the department of revenue access to such
4 records and other forms of verification at his or her place of
5 residence to assure that such purchases are not first used
6 substantially in the state of Washington.

7 (2)(a) Any person claiming exemption from retail sales tax under
8 the provisions of this section must display proof of his or her current
9 nonresident status as herein provided.

10 (b) Acceptable proof of a nonresident person's status shall include
11 one piece of identification such as a valid driver's license from the
12 jurisdiction in which the out-of-state residency is claimed or a valid
13 identification card which has a photograph of the holder and is issued
14 by the out-of-state jurisdiction. Identification under this subsection
15 (2)(b) must show the holder's residential address and have as one of
16 its legal purposes the establishment of residency in that out-of-state
17 jurisdiction.

18 (3) Nothing in this section requires the vendor to make tax exempt
19 retail sales to nonresidents. A vendor may choose to make sales to
20 nonresidents, collect the sales tax, and remit the amount of sales tax
21 collected to the state as otherwise provided by law. If the vendor
22 chooses to make a sale to a nonresident without collecting the sales
23 tax, the vendor shall, in good faith, examine the proof of
24 nonresidence, determine whether the proof is acceptable under
25 subsection (2)(b) of this section, and maintain records for each
26 nontaxable sale which shall show the type of proof accepted, including
27 any identification numbers where appropriate, and the expiration date,
28 if any.

29 (4)(a) Any person making fraudulent statements, which includes the
30 offer of fraudulent identification or fraudulently procured
31 identification to a vendor, in order to purchase goods without paying
32 retail sales tax (~~shall be~~) is guilty of perjury under chapter 9A.72
33 RCW.

34 (b) Any person making tax exempt purchases under this section by
35 displaying proof of identification not his or her own, or counterfeit
36 identification, with intent to violate the provisions of this section,
37 (~~shall be~~) is guilty of a misdemeanor and, in addition, shall be

1 liable for the tax and subject to a penalty equal to the greater of one
2 hundred dollars or the tax due on such purchases.

3 ~~((b))~~ (5)(a) Any vendor who makes sales without collecting the
4 tax to a person who does not hold valid identification establishing
5 out-of-state residency, and any vendor who fails to maintain records of
6 sales to nonresidents as provided in this section, shall be personally
7 liable for the amount of tax due.

8 (b) Any vendor who makes sales without collecting the retail sales
9 tax under this section and who has actual knowledge that the
10 purchaser's proof of identification establishing out-of-state residency
11 is fraudulent ~~((shall be))~~ is guilty of a misdemeanor and, in addition,
12 shall be liable for the tax and subject to a penalty equal to the
13 greater of one thousand dollars or the tax due on such sales. In
14 addition, both the purchaser and the vendor shall be liable for any
15 penalties and interest assessable under chapter 82.32 RCW.

16 **Sec. 400.** RCW 82.08.050 and 2001 c 188 s 4 are each amended to
17 read as follows:

18 (1) The tax hereby imposed shall be paid by the buyer to the
19 seller, and each seller shall collect from the buyer the full amount of
20 the tax payable in respect to each taxable sale in accordance with the
21 schedule of collections adopted by the department pursuant to the
22 provisions of RCW 82.08.060.

23 (2) The tax required by this chapter, to be collected by the
24 seller, shall be deemed to be held in trust by the seller until paid to
25 the department, and any seller who appropriates or converts the tax
26 collected to his or her own use or to any use other than the payment of
27 the tax to the extent that the money required to be collected is not
28 available for payment on the due date as prescribed in this chapter
29 ~~((shall be))~~ is guilty of a gross misdemeanor.

30 (3) In case any seller fails to collect the tax herein imposed or
31 having collected the tax, fails to pay it to the department in the
32 manner prescribed by this chapter, whether such failure is the result
33 of his or her own acts or the result of acts or conditions beyond his
34 or her control, he or she shall, nevertheless, be personally liable to
35 the state for the amount of the tax, unless the seller has taken from
36 the buyer in good faith a properly executed resale certificate under

1 RCW 82.04.470 or a copy of a direct pay permit issued under RCW
2 82.32.087.

3 (4) The amount of tax, until paid by the buyer to the seller or to
4 the department, shall constitute a debt from the buyer to the seller
5 and any seller who fails or refuses to collect the tax as required with
6 intent to violate the provisions of this chapter or to gain some
7 advantage or benefit, either direct or indirect, and any buyer who
8 refuses to pay any tax due under this chapter (~~shall be~~) is guilty of
9 a misdemeanor.

10 (5) The tax required by this chapter to be collected by the seller
11 shall be stated separately from the selling price in any sales invoice
12 or other instrument of sale. On all retail sales through vending
13 machines, the tax need not be stated separately from the selling price
14 or collected separately from the buyer. For purposes of determining
15 the tax due from the buyer to the seller and from the seller to the
16 department it shall be conclusively presumed that the selling price
17 quoted in any price list, sales document, contract or other agreement
18 between the parties does not include the tax imposed by this chapter,
19 but if the seller advertises the price as including the tax or that the
20 seller is paying the tax, the advertised price shall not be considered
21 the selling price.

22 (6) Where a buyer has failed to pay to the seller the tax imposed
23 by this chapter and the seller has not paid the amount of the tax to
24 the department, the department may, in its discretion, proceed directly
25 against the buyer for collection of the tax, in which case a penalty of
26 ten percent may be added to the amount of the tax for failure of the
27 buyer to pay the same to the seller, regardless of when the tax may be
28 collected by the department; and all of the provisions of chapter 82.32
29 RCW, including those relative to interest and penalties, shall apply in
30 addition; and, for the sole purpose of applying the various provisions
31 of chapter 82.32 RCW, the twenty-fifth day of the month following the
32 tax period in which the purchase was made shall be considered as the
33 due date of the tax.

34 **Sec. 401.** RCW 82.36.330 and 1998 c 176 s 39 are each amended to
35 read as follows:

36 (1) Upon the approval of the director of the claim for refund, the
37 state treasurer shall draw a warrant upon the state treasury for the

1 amount of the claim in favor of the person making such claim and the
2 warrant shall be paid from the excise tax collected on motor vehicle
3 fuel: PROVIDED, That the state treasurer shall deduct from each marine
4 use refund claim an amount equivalent to one cent per gallon and shall
5 deposit the same in the coastal protection fund created by RCW
6 90.48.390.

7 (2) Applications for refunds of excise tax shall be filed in the
8 office of the director not later than the close of the last business
9 day of a period thirteen months from the date of purchase of such motor
10 fuel, and if not filed within this period the right to refund shall be
11 forever barred, except that such limitation shall not apply to claims
12 for loss or destruction of motor vehicle fuel as provided by the
13 provisions of RCW 82.36.370.

14 (3) The department shall pay interest of one percent on any refund
15 payable under this chapter that is issued more than thirty state
16 business days after the receipt of a claim properly filed and completed
17 in accordance with this section. After the end of the thirty business-
18 day period, additional interest shall accrue at the rate of one percent
19 on the amount payable for each thirty calendar-day period, until the
20 refund is issued.

21 (4) Any person or the member of any firm or the officer or agent of
22 any corporation who makes any false statement in any claim required for
23 the refund of excise tax, as provided in this chapter, or who collects
24 or causes to be repaid to him or her or to any other person any such
25 refund without being entitled to the same under the provisions of this
26 chapter (~~shall be~~) is guilty of a gross misdemeanor.

27 **Sec. 402.** RCW 82.36.400 and 1998 c 176 s 46 are each amended to
28 read as follows:

29 (1) It shall be unlawful for any person to commit any of the
30 following acts:

31 ~~((1))~~ (a) To display, or cause to permit to be displayed, or to
32 have in possession, any motor vehicle fuel license knowing the same to
33 be fictitious or to have been suspended, canceled, revoked or altered;

34 ~~((2))~~ (b) To lend to, or knowingly permit the use of, by one not
35 entitled thereto, any motor vehicle fuel license issued to the person
36 lending it or permitting it to be used;

1 ((+3)) (c) To display or to represent as one's own any motor
2 vehicle fuel license not issued to the person displaying the same;

3 ((+4)) (d) To use a false or fictitious name or give a false or
4 fictitious address in any application or form required under the
5 provisions of this chapter, or otherwise commit a fraud in any
6 application, record, or report;

7 ((+5)) (e) To refuse to permit the director, or any agent
8 appointed by him or her in writing, to examine his or her books,
9 records, papers, storage tanks, or other equipment pertaining to the
10 use or sale and delivery of motor vehicle fuels within the state.

11 (2) Except as otherwise provided, any person violating any of the
12 provisions of this chapter (~~shall be~~) is guilty of a gross
13 misdemeanor and shall, upon conviction thereof, be sentenced to pay a
14 fine of not less than five hundred dollars nor more than one thousand
15 dollars and costs of prosecution, or imprisonment for not more than one
16 year, or both.

17 **Sec. 403.** RCW 82.44.120 and 1993 c 307 s 3 are each amended to
18 read as follows:

19 (1) Whenever any person has paid a motor vehicle license fee, and
20 together therewith has paid an excise tax imposed under the provisions
21 of this chapter, and the director determines that the payor is entitled
22 to a refund of the entire amount of the license fee as provided by law,
23 then the payor shall also be entitled to a refund of the entire excise
24 tax collected under the provisions of this chapter. In case the
25 director determines that any person is entitled to a refund of only a
26 part of the license fee so paid, the payor shall be entitled to a
27 refund of the difference, if any, between the excise tax collected and
28 that which should have been collected.

29 (2) In case no claim is to be made for the refund of the license
30 fee or any part thereof, but claim is made by any person that he or she
31 has paid an erroneously excessive amount of excise tax, the department
32 shall determine in the manner generally provided in this chapter the
33 amount of such excess, if any, that has been paid and shall certify to
34 the state treasurer that such person is entitled to a refund in such
35 amount.

36 (3) In any case where due to error, a person has been required to
37 pay an excise tax pursuant to this chapter and a vehicle license fee

1 pursuant to Title 46 RCW which amounts to an overpayment of ten dollars
2 or more, such person shall be entitled to a refund of the entire amount
3 of such overpayment, regardless of whether or not a refund of the
4 overpayment has been requested. Conversely, if due to error, the
5 department or its agents has failed to collect the full amount of the
6 license fee and excise tax due, which underpayment is in the amount of
7 ten dollars or more, the department shall charge and collect such
8 additional amount as will constitute full payment of the tax.

9 (4) Any claim for refund of an erroneously excessive amount of
10 excise tax or overpayment of excise tax with a motor vehicle license
11 fee must be filed with the director within three years after the
12 claimed erroneous payment was made.

13 (5) If the department approves the claim it shall notify the state
14 treasurer to that effect, and the treasurer shall make such approved
15 refunds from the general fund and shall mail or deliver the same to the
16 person entitled thereto.

17 (6) Any person making any false statement under which he or she
18 obtains any amount of refund to which he or she is not entitled under
19 the provisions of this section is guilty of a gross misdemeanor.

20 **Sec. 404.** RCW 82.45.090 and 1993 sp.s. c 25 s 506 are each amended
21 to read as follows:

22 (1) Except for a sale of a beneficial interest in real property
23 where no instrument evidencing the sale is recorded in the official
24 real property records of the county in which the property is located,
25 the tax imposed by this chapter shall be paid to and collected by the
26 treasurer of the county within which is located the real property which
27 was sold. In collecting the tax the treasurer shall act as agent for
28 the state. The county treasurer shall cause a stamp evidencing
29 satisfaction of the lien to be affixed to the instrument of sale or
30 conveyance prior to its recording or to the real estate excise tax
31 affidavit in the case of used mobile home sales and used floating home
32 sales. A receipt issued by the county treasurer for the payment of the
33 tax imposed under this chapter shall be evidence of the satisfaction of
34 the lien imposed hereunder and may be recorded in the manner prescribed
35 for recording satisfactions of mortgages. No instrument of sale or
36 conveyance evidencing a sale subject to the tax shall be accepted by
37 the county auditor for filing or recording until the tax shall have

1 been paid and the stamp affixed thereto; in case the tax is not due on
2 the transfer, the instrument shall not be so accepted until suitable
3 notation of such fact has been made on the instrument by the treasurer.

4 (2) For a sale of a beneficial interest in real property where a
5 tax is due under this chapter and where no instrument is recorded in
6 the official real property records of the county in which the property
7 is located, the sale shall be reported to the department of revenue
8 within five days from the date of the sale on such returns or forms and
9 according to such procedures as the department may prescribe. Such
10 forms or returns shall be signed by both the transferor and the
11 transferee and shall be accompanied by payment of the tax due.

12 (3) Any person who intentionally makes a false statement on any
13 return or form required to be filed with the department under this
14 chapter (~~shall be~~) is guilty of perjury under chapter 9A.72 RCW.

15 **Sec. 405.** RCW 82.49.065 and 1992 c 154 s 4 are each amended to
16 read as follows:

17 (1) Whenever any person has paid a vessel license fee, and with the
18 fee has paid an excise tax imposed under this chapter, and the director
19 of licensing determines that the payor is entitled to a refund of the
20 entire amount of the license fee as provided by law, then the payor
21 shall also be entitled to a refund of the entire excise tax collected
22 under this chapter together with interest at the rate specified in RCW
23 82.32.060. If the director determines that any person is entitled to
24 a refund of only a part of the license fee paid, the payor shall be
25 entitled to a refund of the difference, if any, between the excise tax
26 collected and that which should have been collected together with
27 interest at the rate specified in RCW 82.32.060. The state treasurer
28 shall determine the amount of such refund by reference to the
29 applicable excise tax schedule prepared by the department of revenue in
30 cooperation with the department of licensing.

31 (2) If no claim is to be made for the refund of the license fee, or
32 any part of the fee, but claim is made by any person that he or she has
33 paid an erroneously excessive amount of excise tax, the department of
34 licensing shall determine in the manner generally provided in this
35 chapter the amount of such excess, if any, that has been paid and shall
36 certify to the state treasurer that the person is entitled to a refund

1 in that amount together with interest at the rate specified in RCW
2 82.32.060.

3 (3) If due to error a person has been required to pay an excise tax
4 pursuant to this chapter and a license fee under chapter 88.02 RCW
5 which amounts to an overpayment of ten dollars or more, such person
6 shall be entitled to a refund of the entire amount of such overpayment,
7 together with interest at the rate specified in RCW 82.32.060,
8 regardless of whether a refund of the overpayment has been requested.
9 If due to error the department or its agents has failed to collect the
10 full amount of the license fee and excise tax due, which underpayment
11 is in the amount of ten dollars or more, the department shall charge
12 and collect such additional amount as will constitute full payment of
13 the tax and any penalties or interest at the rate specified in RCW
14 82.32.050.

15 (4) If the department approves the claim, it shall notify the state
16 treasurer to that effect and the treasurer shall make such approved
17 refunds and the other refunds provided for in this section from the
18 general fund and shall mail or deliver the same to the person entitled
19 to the refund.

20 (5) Any person who makes a false statement under which he or she
21 obtains a refund to which he or she is not entitled under this section
22 is guilty of a gross misdemeanor.

23 **Sec. 406.** RCW 82.50.170 and 1992 c 154 s 6 are each amended to
24 read as follows:

25 (1) In case a claim is made by any person that the person has
26 erroneously paid the tax or a part thereof or any charge hereunder, the
27 person may apply in writing to the department of licensing for a refund
28 of the amount of the claimed erroneous payment within thirteen months
29 of the time of payment of the tax on such a form as is prescribed by
30 the department of licensing. The department of licensing shall review
31 such application for refund, and, if it determines that an erroneous
32 payment has been made by the taxpayer, it shall certify the amount to
33 be refunded to the state treasurer that such person is entitled to a
34 refund in such amount together with interest at the rate specified in
35 RCW 82.32.060, and the treasurer shall make such approved refund
36 together with interest at the rate specified in RCW 82.32.060 herein

1 provided for from the general fund and shall mail or deliver the same
2 to the person entitled thereto.

3 (2) If due to error a person has been required to pay an excise tax
4 under this chapter and a vehicle license fee under Title 46 RCW which
5 amounts to an overpayment of ten dollars or more, such person shall be
6 entitled to a refund of the entire amount of such overpayment, together
7 with interest at the rate specified in RCW 82.32.060, regardless of
8 whether a refund of the overpayment has been requested. If due to
9 error the department or its agents has failed to collect the full
10 amount of the license fee and excise tax due, which underpayment is in
11 the amount of ten dollars or more, the department shall charge and
12 collect such additional amount as will constitute full payment of the
13 tax and any penalties or interest at the rate specified in RCW
14 82.32.050.

15 (3) Any person making any false statement in the claim herein
16 mentioned, under which the person obtains any amount of refund to which
17 the person is not entitled under the provisions of this section,
18 (~~shall be~~) is guilty of a gross misdemeanor.

19 **Sec. 407.** RCW 84.08.050 and 1973 c 95 s 8 are each amended to read
20 as follows:

21 (1) The department of revenue shall:

22 (~~(1)~~) (a) Require individuals, partnerships, companies,
23 associations and corporations to furnish information as to their
24 capital, funded debts, investments, value of property, earnings, taxes
25 and all other facts called for on these subjects so that the department
26 may determine the taxable value of any property or any other fact it
27 may consider necessary to carry out any duties now or hereafter imposed
28 upon it, or may ascertain the relative burdens borne by all kinds and
29 classes of property within the state, and for these purposes their
30 records, books, accounts, papers and memoranda shall be subject to
31 production and inspection, investigation and examination by (~~said~~)
32 the department, or any employee thereof designated by (~~said~~) the
33 department for such purpose, and any or all real and/or personal
34 property in this state shall be subject to visitation, investigation,
35 examination and/or listing at any and all times by the department or by
36 any employee thereof designated by (~~said~~) the department.

1 ~~((2))~~ (b) Summon witnesses to appear and testify on the subject
2 of capital, funded debts, investments, value of property, earnings,
3 taxes, and all other facts called for on these subjects, or upon any
4 matter deemed material to the proper assessment of property, or to the
5 investigation of the system of taxation, or the expenditure of public
6 funds for state, county, district and municipal purposes: PROVIDED,
7 HOWEVER, No person shall be required to testify outside of the county
8 in which the taxpayer's residence, office or principal place of
9 business, as the case may be, is located. Such summons shall be served
10 in like manner as a subpoena issued out of the superior court and be
11 served by the sheriff of the proper county, and such service certified
12 by him or her to ~~((said))~~ the department without compensation therefor.
13 Persons appearing before ~~((said))~~ the department in obedience to a
14 summons shall in the discretion of the department receive the same
15 compensation as witnesses in the superior court.

16 (c) Thoroughly investigate all complaints which may be made to it
17 of illegal, unjust or excessive taxation, and shall endeavor to
18 ascertain to what extent and in what manner, if at all, the present
19 system is unequal or oppressive.

20 (2) Any member of the department or any employee thereof designated
21 for that purpose may administer oaths to witnesses.

22 (3)(a) In case any witness shall fail to obey the summons to
23 appear, or refuse to testify, or shall fail or refuse to comply with
24 any of the provisions of subsection~~((s))~~ (1) ~~((and (2))~~ (a) or (b) of
25 this section, such person, for each separate or repeated offense, shall
26 be deemed guilty of a misdemeanor, and upon conviction thereof shall be
27 fined in any sum not less than fifty dollars, nor more than five
28 thousand dollars.

29 (b) Any person who shall testify falsely ~~((shall be))~~ is guilty of
30 perjury and shall be punished ~~((for perjury))~~ under chapter 9A.72 RCW.

31 ~~((3) Thoroughly investigate all complaints which may be made to it~~
32 ~~of illegal, unjust or excessive taxation, and shall endeavor to~~
33 ~~ascertain to what extent and in what manner, if at all, the present~~
34 ~~system is unequal or oppressive.))~~

35 **Sec. 408.** RCW 84.36.387 and 1992 c 206 s 14 are each amended to
36 read as follows:

37 (1) All claims for exemption shall be made and signed by the person

1 entitled to the exemption, by his or her attorney in fact or in the
2 event the residence of such person is under mortgage or purchase
3 contract requiring accumulation of reserves out of which the holder of
4 the mortgage or contract is required to pay real estate taxes, by such
5 holder or by the owner, either before two witnesses or the county
6 assessor or his or her deputy in the county where the real property is
7 located: PROVIDED, That if a claim for exemption is made by a person
8 living in a cooperative housing association, corporation, or
9 partnership, such claim shall be made and signed by the person entitled
10 to the exemption and by the authorized agent of such cooperative.

11 (2) If the taxpayer is unable to submit his or her own claim, the
12 claim shall be submitted by a duly authorized agent or by a guardian or
13 other person charged with the care of the person or property of such
14 taxpayer.

15 (3) All claims for exemption and renewal applications shall be
16 accompanied by such documented verification of income as shall be
17 prescribed by rule adopted by the department of revenue.

18 (4) Any person signing a false claim with the intent to defraud or
19 evade the payment of any tax (~~(shall be)~~) is guilty of (~~(the offense~~
20 ~~of)~~) perjury under chapter 9A.72 RCW.

21 (5) The tax liability of a cooperative housing association,
22 corporation, or partnership shall be reduced by the amount of tax
23 exemption to which a claimant residing therein is entitled and such
24 cooperative shall reduce any amount owed by the claimant to the
25 cooperative by such exact amount of tax exemption or, if no amount be
26 owed, the cooperative shall make payment to the claimant of such exact
27 amount of exemption.

28 (6) A remainderman or other person who would have otherwise paid
29 the tax on real property that is the subject of an exemption granted
30 under RCW 84.36.381 for an estate for life shall reduce the amount
31 which would have been payable by the life tenant to the remainderman or
32 other person to the extent of the exemption. If no amount is owed or
33 separately stated as an obligation between these persons, the
34 remainderman or other person shall make payment to the life tenant in
35 the exact amount of the exemption.

36 **Sec. 409.** RCW 84.40.120 and 1961 c 15 s 84.40.120 are each amended
37 to read as follows:

1 (1) Any oath authorized to be administered under this title may be
2 administered by any assessor or deputy assessor, or by any other
3 officer having authority to administer oaths.

4 (2) Any person willfully making a false list, schedule, or
5 statement under oath (~~shall be liable as in case~~) is guilty of
6 perjury under chapter 9A.72 RCW.

7 **Sec. 410.** RCW 84.40.340 and 1997 c 239 s 3 are each amended to
8 read as follows:

9 (1) For the purpose of verifying any list, statement, or schedule
10 required to be furnished to the assessor by any taxpayer, any assessor
11 or his or her trained and qualified deputy at any reasonable time may
12 visit, investigate and examine any personal property, and for this
13 purpose the records, accounts and inventories also shall be subject to
14 any such visitation, investigation and examination which shall aid in
15 determining the amount and valuation of such property. Such powers and
16 duties may be performed at any office of the taxpayer in this state,
17 and the taxpayer shall furnish or make available all such information
18 pertaining to property in this state to the assessor although the
19 records may be maintained at any office outside this state.

20 (2) Any information or facts obtained pursuant to this section
21 shall be used by the assessor only for the purpose of determining the
22 assessed valuation of the taxpayer's property: PROVIDED, That such
23 information or facts shall also be made available to the department of
24 revenue upon request for the purpose of determining any sales or use
25 tax liability with respect to personal property, and except in a civil
26 or criminal judicial proceeding or an administrative proceeding in
27 respect to penalties imposed pursuant to RCW 84.40.130, to such sales
28 or use taxes, or to the assessment or valuation for tax purposes of the
29 property to which such information and facts relate, shall not be
30 disclosed by the assessor or the department of revenue without the
31 permission of the taxpayer to any person other than public officers or
32 employees whose duties relate to valuation of property for tax purposes
33 or to the imposition and collection of sales and use taxes, and any
34 violation of this secrecy provision (~~shall constitute~~) is a gross
35 misdemeanor.

1 **Sec. 411.** RCW 87.03.200 and 1983 c 167 s 213 are each amended to
2 read as follows:

3 (1) At the election provided for in RCW 87.03.190, there shall be
4 submitted to the electors of ((~~said~~)) the district possessing the
5 qualifications prescribed by law the question of whether or not the
6 bonds of ((~~said~~)) the district in the amount and of the maturities
7 determined by the board of directors shall be issued. Bonds issued
8 under the provisions of this act shall be serial bonds payable in legal
9 currency of the United States in such series and amounts as shall be
10 determined and declared by the board of directors in the resolution
11 calling the election: PROVIDED, That the first series shall mature not
12 later than ten years and the last series not later than forty years
13 from the date thereof: PROVIDED FURTHER, That bonds, authorized by a
14 special election held in the district under the provisions of a former
15 statute, which has subsequent to ((~~said~~)) the authorization been
16 amended, but not issued prior to the amendment of ((~~said~~)) the former
17 statute, may be issued in the form provided in ((~~said~~)) the former
18 statute, and any such bonds heretofore or hereafter so issued and sold
19 are hereby confirmed and validated.

20 Notice of such bond election must be given by publication of such
21 notice in some newspaper published in the county where the office of
22 the board of directors of such district is required to be kept, once a
23 week for at least two weeks (three times). Such notices must specify
24 the time of holding the election, and the amount and maturities of
25 bonds proposed to be issued; and ((~~said~~)) the election must be held and
26 the results thereof determined and declared in all respects as nearly
27 as practicable in conformity with the provisions of law governing the
28 election of the district officers: PROVIDED, That no informality in
29 conducting such election shall invalidate the same, if the election
30 shall have been otherwise fairly conducted. At such election the
31 ballots shall contain the words "Bonds Yes" and "Bonds No," or words
32 equivalent thereto. If a majority of the votes cast are cast "Bonds
33 Yes," the board of directors shall thereupon have authority to cause
34 bonds in ((~~said~~)) such amount and maturities to be issued. If the
35 majority of the votes cast at any bond election are "Bonds No," the
36 result of such election shall be so declared and entered of record; but
37 if contract is made or is to be made with the United States as in RCW
38 87.03.140 provided, and bonds are not to be deposited with the United

1 States in connection with such contract, the question submitted at such
2 special election shall be whether contract shall be entered into with
3 the United States. The notice of election shall state under the terms
4 of what act or acts of congress contract is proposed to be made, and
5 the maximum amount of money payable to the United States for
6 construction purposes exclusive of penalties and interest. The ballots
7 for such election shall contain the words "Contract with the United
8 States Yes" and "Contract with the United States No," or words
9 equivalent thereto. And whenever thereafter ((said)) the board, in its
10 judgment, deems it for the best interest of the district that the
11 question of issuance of bonds for ((said)) such amount, or any amount,
12 or the question of entering into a contract with the United States,
13 shall be submitted to ((said)) the electors, it shall so declare, by
14 resolution recorded in its minutes, and may thereupon submit such
15 question to ((said)) the electors in the same manner and with like
16 effect as at such previous election.

17 (2) All bonds issued under this act shall bear interest at such
18 rate or rates as the board of directors may determine, payable
19 semiannually on the first day of January and of July of each year. The
20 principal and interest shall be payable at the office of the county
21 treasurer of the county in which the office of the board of directors
22 is situated, or if the board of directors shall so determine at the
23 fiscal agency of the state of Washington in New York City, ((said)) the
24 place of payment to be designated in the bond. The bonds may be in
25 such denominations as the board of directors may in its discretion
26 determine, except that bonds other than bond number one of any issue
27 shall be in a denomination that is a multiple of one hundred dollars.
28 Such bonds may be in any form, including bearer bonds or registered
29 bonds as provided in RCW 39.46.030. ((Said)) The bonds shall be
30 negotiable in form, signed by the president and secretary, and the seal
31 of the district shall be affixed thereto. The printed, engraved, or
32 lithographed facsimile signatures of the president and secretary of the
33 district's board of directors shall be sufficient signatures on the
34 bonds or any coupons: PROVIDED, That such facsimile signatures on the
35 bonds may be used only after the filing, by the officer whose facsimile
36 signature is to be used, with the secretary of state of his or her
37 manual signature certified by him or her under oath, whereupon that
38 officer's facsimile signature has the same legal effect as his or her

1 manual signature: PROVIDED, FURTHER, That either the president of the
2 board of directors' or the secretary's signature on the bonds shall be
3 manually subscribed: AND PROVIDED FURTHER, That whenever such
4 facsimile reproduction of the signature of any officer is used in place
5 of the manual signature of such officer, the district's board of
6 directors shall specify in a written order or requisition to the
7 printer, engraver, or lithographer the number of bonds or any coupons
8 upon which such facsimile signature is to be printed, engraved, or
9 lithographed and the manner of numbering the bonds or any coupons upon
10 which such signature shall be placed. Within ninety days after the
11 completion of the printing, engraving, or lithographing of such bonds
12 or any coupons, the plate or plates used for the purpose of affixing
13 the facsimile signature shall be destroyed, and it shall be the duty of
14 the district's board of directors, within ninety days after receipt of
15 the completed bonds or any coupons, to ascertain that such plate or
16 plates have been destroyed. Every printer, engraver, or lithographer
17 who, with the intent to defraud, prints, engraves, or lithographs a
18 facsimile signature upon any bond or any coupon without written order
19 of the district's board of directors, or fails to destroy such plate or
20 plates containing the facsimile signature upon direction of such
21 issuing authority, (~~shall be~~) is guilty of a class B felony
22 punishable according to chapter 9A.20 RCW.

23 (3) Whenever the electors shall vote to authorize the issuance of
24 bonds of the district such authorization shall nullify and cancel all
25 unsold bonds previously authorized, and if the question is submitted to
26 and carried by the electors at the bond election, any bond issue may be
27 exchanged in whole or in part, at par, for any or all of a valid
28 outstanding bond issue of the district when mutually agreeable to the
29 owner or owners thereof and the district, and the amount of (~~said~~)
30 the last bond issue in excess, if any, of that required for exchange
31 purposes, may be sold as in the case of an original issue. The bonds
32 of any issue authorized to be exchanged in whole or in part for
33 outstanding bonds shall state on their face the amount of such issue so
34 exchanged, and shall contain a certificate of the treasurer of the
35 district as to the amount of the bonds exchanged, and that (~~said~~) the
36 outstanding bonds have been surrendered and canceled: PROVIDED
37 FURTHER, That where bonds have been authorized and unsold, the board of
38 directors may submit to the qualified voters of the district the

1 question of canceling (~~said~~) the previous authorization, which
2 question shall be submitted upon the same notice and under the same
3 regulations as govern the submission of the original question of
4 authorizing a bond issue. At such election the ballots shall contain
5 the words "Cancellation Yes," and "Cancellation No," or words
6 equivalent thereto. If at such election a majority of the votes
7 (~~shall be~~) are "Cancellation Yes," the (~~said~~) issue shall be
8 thereby canceled and no bonds may be issued thereunder. If the
9 majority of (~~said~~) ballots (~~shall be~~) are "Cancellation No,"
10 (~~said~~) the original authorization shall continue in force with like
11 effect as though (~~said~~) the cancellation election had not been held:
12 PROVIDED, That bonds deposited with the United States in payment or in
13 pledge may call for the payment of such interest at such rate or rates,
14 may be of such denominations, and call for the repayment of the
15 principal at such times as may be agreed upon between the board and the
16 secretary of the interior.

17 (4) Each issue shall be numbered consecutively as issued, and the
18 bonds of each issue shall be numbered consecutively and bear date at
19 the time of their issue. The bonds may be in any form, including
20 bearer bonds or registered bonds as provided in RCW 39.46.030.
21 (~~Said~~) The bonds shall express upon their face that they were issued
22 by authority of this act, stating its title and date of approval, and
23 shall also state the number of issue of which such bonds are a part.
24 In case the money received by the sale of all bonds issued be
25 insufficient for the completion of plans of the canals and works
26 adopted, and additional bonds be not voted, or a contract calling for
27 additional payment to the United States be not authorized and made, as
28 the case may be, it shall be the duty of the board of directors to
29 provide for the completion of (~~said~~) the plans by levy of assessments
30 therefor. It shall be lawful for any irrigation districts which have
31 heretofore issued and sold bonds under the law then in force, to issue
32 in place thereof an amount of bonds not in excess of such previous
33 issue, and to sell the same, or any part thereof, as hereinafter
34 provided, or exchange the same, or any part thereof, with the owners of
35 such previously issued bonds which may be outstanding, upon such terms
36 as may be agreed upon between the board of directors of the district
37 and the holders of such outstanding bonds: PROVIDED, That the question
38 of such reissue of bonds shall have been previously voted upon

1 favorably by the legally qualified electors of such district, in the
2 same manner as required for the issue of original bonds, and the
3 ((said)) board shall not exchange any such bonds for a less amount in
4 par value of the bonds received; all of such old issue in place of
5 which new bonds are issued shall be destroyed whenever lawfully in
6 possession of ((said)) the board. Bonds issued under the provisions of
7 this section may, when so authorized by the electors, include a sum
8 sufficient to pay the interest thereon for a period not exceeding the
9 first four years. Whenever an issue of bonds shall have been
10 authorized pursuant to law, and any of the earlier series shall have
11 been sold, and the later series, or a portion thereof, remain unsold,
12 the directors may sell such later series pursuant to law, or such
13 portion thereof as shall be necessary to pay the earlier series, or
14 ((said)) the directors may exchange ((said)) the later series for the
15 earlier series at not less than the par value thereof, ((said)) the
16 sale or exchange to be made not more than six months before the
17 maturity of ((said)) the earlier series and upon ((said)) the exchange
18 being made the maturing bonds shall be disposed of as hereinbefore
19 provided in the case of bonds authorized to be exchanged in whole or in
20 part for outstanding bonds.

21 (5) Notwithstanding subsections (1) through (4) of this section,
22 such bonds may be issued and sold in accordance with chapter 39.46 RCW.

23 **Sec. 412.** RCW 87.03.490 and 1983 c 167 s 223 are each amended to
24 read as follows:

25 (1) If decision shall be rendered in favor of the improvement, the
26 board shall enter an order establishing the boundaries of the ((said))
27 improvement district and shall adopt plans for the proposed improvement
28 and determine the number of annual installments not exceeding fifty in
29 which the cost of ((said)) the improvement shall be paid. The cost of
30 ((said)) the improvement shall be provided for by the issuance of local
31 improvement district bonds of the district from time to time, therefor,
32 either directly for the payment of the labor and material or for the
33 securing of funds for such purpose, or by the irrigation district
34 entering into a contract with the United States or the state of
35 Washington, or both, to repay the cost of ((said)) the improvement.
36 ((Said)) The bonds shall bear interest at a rate or rates determined by
37 the board, payable semiannually, and shall state upon their face that

1 they are issued as bonds of the irrigation district; that all lands
2 within ((~~said~~)) the local improvement district shall be primarily
3 liable to assessment for the principal and interest of ((~~said~~)) the
4 bonds and that ((~~said~~)) the bonds are also a general obligation of the
5 ((~~said~~)) district. The bonds may be in such denominations as the board
6 of directors may in its discretion determine, except that bonds other
7 than bond number one of any issue shall be in a denomination that is a
8 multiple of one hundred dollars, and no bond shall be sold for less
9 than par. Any contract entered into for ((~~said~~)) the local improvement
10 by the district with the United States or the state of Washington, or
11 both although all the lands within ((~~said~~)) the local improvement
12 district shall be primarily liable to assessment for the principal and
13 interest thereon, shall be a general obligation of the irrigation
14 district. Such bonds may be in any form, including bearer bonds or
15 registered bonds as provided in RCW 39.46.030.

16 (2) No election shall be necessary to authorize the issuance of
17 such local improvement bonds or the entering into of such a contract.
18 Such bonds, when issued, shall be signed by the president and secretary
19 of the irrigation district with the seal of ((~~said~~)) the district
20 affixed. The printed, engraved, or lithographed facsimile signatures
21 of the president and secretary of the district's board of directors
22 shall be sufficient signatures on the bonds or any coupons: PROVIDED,
23 That such facsimile signatures on the bonds may be used only after the
24 filing, by the officer whose facsimile signature is to be used, with
25 the secretary of state of his or her manual signature certified by him
26 or her under oath, whereupon that officer's facsimile signature has the
27 same legal effect as his or her manual signature: PROVIDED, FURTHER,
28 That either the president of the board of directors' or the secretary's
29 signature on the bonds shall be manually subscribed: AND PROVIDED
30 FURTHER, That whenever such facsimile reproduction of the signature of
31 any officer is used in place of the manual signature of such officer,
32 the district's board of directors shall specify in a written order or
33 requisition to the printer, engraver, or lithographer the number of
34 bonds or any coupons upon which such facsimile signature is to be
35 printed, engraved, or lithographed and the manner of numbering the
36 bonds or any coupons upon which such signature shall be placed. Within
37 ninety days after the completion of the printing, engraving, or
38 lithographing of such bonds or any coupons, the plate or plates used

1 for the purpose of affixing the facsimile signature shall be destroyed,
2 and it shall be the duty of the district's board of directors, within
3 ninety days after receipt of the completed bonds or any coupons, to
4 ascertain that such plate or plates have been destroyed. Every
5 printer, engraver, or lithographer who, with the intent to defraud,
6 prints, engraves, or lithographs a facsimile signature upon any bond or
7 coupon without written order of the district's board of directors, or
8 fails to destroy such plate or plates containing the facsimile
9 signature upon direction of such issuing authority, (~~shall be~~) is
10 guilty of a class B felony punishable according to chapter 9A.20 RCW.

11 (3) The proceeds from the sale of such bonds shall be deposited
12 with the treasurer of the district, who shall place them in a special
13 fund designated "Construction fund of local improvement district number
14"

15 (4) Whenever such improvement district has been organized, the
16 boundaries thereof may be enlarged to include other lands which can be
17 served or will be benefited by the proposed improvement upon petition
18 of the owners thereof and the consent of the United States or the state
19 of Washington, or both, in the event the irrigation district has
20 contracted with the United States or the state of Washington, or both,
21 to repay the cost of the improvement: PROVIDED, That at such time the
22 lands so included shall pay their equitable proportion upon the basis
23 of benefits of the improvement theretofore made by the (~~said~~) local
24 improvement district and shall be liable for the indebtedness of the
25 (~~said~~) local improvement district in the same proportion and same
26 manner and subject to assessment as if (~~said~~) the lands had been
27 incorporated in (~~said~~) the improvement district at the beginning of
28 its organization.

29 (~~(2)~~) (5) Notwithstanding (~~subsection (1) of~~) this section,
30 such bonds may be issued and sold in accordance with chapter 39.46 RCW.

31 **Sec. 413.** RCW 88.02.055 and 1997 c 22 s 2 are each amended to read
32 as follows:

33 (1) Whenever any license fee paid under this chapter has been
34 erroneously paid, in whole or in part, the person paying the fee, upon
35 satisfactory proof to the director of licensing, is entitled to a
36 refund of the amount erroneously paid.

1 (2) A license fee is refundable in one or more of the following
2 circumstances: ~~((+1))~~ (a) If the vessel for which the renewal license
3 was purchased was destroyed before the beginning date of the
4 registration period for which the renewal fee was paid; ~~((+2))~~ (b) if
5 the vessel for which the renewal license was purchased was permanently
6 removed from the state before the beginning date of the registration
7 period for which the renewal fee was paid; ~~((+3))~~ (c) if the vessel
8 license was purchased after the owner has sold the vessel; ~~((+4))~~ (d)
9 if the vessel is currently licensed in Washington and is subsequently
10 licensed in another jurisdiction, in which case any full months of
11 Washington fees between the date of license application in the other
12 jurisdiction and the expiration of the Washington license are
13 refundable; or ~~((+5))~~ (e) if the vessel for which the renewal license
14 was purchased is sold before the beginning date of the registration
15 period for which the renewal fee was paid, and the payor returns the
16 new, unused, never affixed license renewal decal to the department
17 before the beginning of the registration period for which the
18 registration was purchased.

19 (3) Upon the refund being certified as correct to the state
20 treasurer by the director and being claimed in the time required by
21 law, the state treasurer shall mail or deliver the amount of each
22 refund to the person entitled to the refund.

23 (4) A claim for refund shall not be allowed for erroneous payments
24 unless the claim is filed with the director within three years after
25 such payment was made.

26 (5) If due to error a person has been required to pay a license fee
27 under this chapter and excise tax which amounts to an overpayment of
28 ten dollars or more, the person is entitled to a refund of the entire
29 amount of the overpayment, regardless of whether a refund of the
30 overpayment has been requested. If due to error the department or its
31 agents has failed to collect the full amount of the license fee and
32 excise tax due, which underpayment is in the amount of ten dollars or
33 more, the department shall charge and collect the additional amount as
34 will constitute full payment of the tax and fees.

35 (6) Any person who makes a false statement under which he or she
36 obtains a refund to which he or she is not entitled under this section
37 is guilty of a gross misdemeanor.

1 **Sec. 414.** RCW 88.02.118 and 2000 c 229 s 6 are each amended to
2 read as follows:

3 It is a gross misdemeanor punishable as provided under chapter
4 9A.20 RCW for any person owning a vessel subject to taxation under
5 chapter 82.49 RCW to register a vessel in another state to avoid
6 Washington state vessel excise tax required under chapter 82.49 RCW or
7 to obtain a vessel dealer's registration for the purpose of evading
8 excise tax on vessels under chapter 82.49 RCW. For a second or
9 subsequent offense, the person convicted is also subject to a fine
10 equal to four times the amount of avoided taxes and fees, no part of
11 which may be suspended or deferred. Excise taxes owed and fines
12 assessed will be deposited in the manner provided under RCW
13 46.16.010(~~((+2))~~) (4).

14 **Sec. 415.** RCW 88.08.020 and 1992 c 7 s 62 are each amended to read
15 as follows:

16 Every person who, in such manner as might, if not discovered,
17 endanger a vessel, railway engine, motor, train, or car, shall show,
18 mask, extinguish, alter, or remove any light or signal, or exhibit any
19 false light or signal, is guilty of a class B felony and shall be
20 punished by imprisonment in a state correctional facility for not more
21 than ten years.

22 **Sec. 416.** RCW 88.08.050 and 1992 c 7 s 63 are each amended to read
23 as follows:

24 Every person who shall willfully break, injure, deface, or destroy
25 any lighthouse station, post, platform, step, lamp, or other structure
26 pertaining to such lighthouse station, or shall extinguish or tamper
27 with any light erected by the United States upon or along the navigable
28 waters of this state to aid in the navigation thereof, in case no
29 punishment is provided therefor by the laws of the United States, shall
30 be punished (~~((as follows))~~):

31 (1) As a class B felony punishable by imprisonment in a state
32 correctional facility for not more than ten years whenever such act may
33 endanger the safety of any vessel navigating such waters, or jeopardize
34 the safety of any person or property in or upon such vessel(~~((, by~~
35 ~~imprisonment in a state correctional facility for not more than ten~~
36 ~~years))~~).

1 (2) In all other cases by imprisonment in the county jail for not
2 more than one year, or by a fine of not more than one thousand dollars,
3 or by both.

4 **Sec. 417.** RCW 88.46.080 and 2000 c 69 s 8 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (~~(+2)~~) (3) of this section,
7 it shall be unlawful for the owner or operator to knowingly and
8 intentionally operate in this state or on the waters of this state a
9 covered vessel without an approved contingency plan or an approved
10 prevention plan as required by this chapter, or financial
11 responsibility in compliance with chapter 88.40 RCW and the federal oil
12 pollution act of 1990.

13 (2)(a) The first conviction under this section (~~(shall be)~~) is a
14 gross misdemeanor under chapter 9A.20 RCW.

15 (b) A second or subsequent conviction (~~(shall be)~~) is a class C
16 felony under chapter 9A.20 RCW.

17 (~~(+2)~~) (3) It shall not be unlawful for the owner or operator to
18 operate a covered vessel if:

19 (a) The covered vessel is not required to have a contingency plan,
20 spill prevention plan, or financial responsibility;

21 (b) All required plans have been submitted to the department as
22 required by this chapter and rules adopted by the department and the
23 department is reviewing the plan and has not denied approval; or

24 (c) The covered vessel has entered state waters after the United
25 States coast guard has determined that the vessel is in distress.

26 (~~(+3)~~) (4) A person may rely on a copy of the statement issued by
27 the department pursuant to RCW 88.46.060 as evidence that a vessel has
28 an approved contingency plan and the statement issued pursuant to RCW
29 88.46.040 that a vessel has an approved prevention plan.

30 (~~(+4)~~) (5) Any person found guilty of willfully violating any of
31 the provisions of this chapter, or any final written orders or
32 directive of the director or a court in pursuance thereof (~~(shall be
33 deemed)~~) is guilty of a gross misdemeanor, as provided in chapter 9A.20
34 RCW, and upon conviction thereof shall be punished by a fine of up to
35 ten thousand dollars and costs of prosecution, or by imprisonment in
36 the county jail for not more than one year, or by both such fine and

1 imprisonment in the discretion of the court. Each day upon which a
2 willful violation of the provisions of this chapter occurs may be
3 deemed a separate and additional violation.

4 **Sec. 418.** RCW 90.03.400 and 1917 c 117 s 40 are each amended to
5 read as follows:

6 (1) The unauthorized use of water to which another person is
7 entitled or the willful or negligent waste of water to the detriment of
8 another, (~~shall be~~) is a misdemeanor.

9 (2) The possession or use of water without legal right shall be
10 prima facie evidence of the guilt of the person using it.

11 (3) It (~~shall~~) is also (~~be~~) a misdemeanor to use, store, or
12 divert any water until after the issuance of permit to appropriate such
13 water.

14 **Sec. 419.** RCW 90.48.140 and 1992 c 73 s 26 are each amended to
15 read as follows:

16 Any person found guilty of willfully violating any of the
17 provisions of this chapter or chapter 90.56 RCW, or any final written
18 orders or directive of the department or a court in pursuance thereof
19 (~~shall be deemed~~) is guilty of a (~~crime~~) gross misdemeanor, and
20 upon conviction thereof shall be punished by a fine of up to ten
21 thousand dollars and costs of prosecution, or by imprisonment in the
22 county jail for not more than one year, or by both such fine and
23 imprisonment in the discretion of the court. Each day upon which a
24 willful violation of the provisions of this chapter or chapter 90.56
25 RCW occurs may be deemed a separate and additional violation.

26 **Sec. 420.** RCW 90.56.300 and 1992 c 73 s 34 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (~~(+2)~~) (3) of this section,
29 it shall be unlawful for the owner or operator to knowingly and
30 intentionally operate in this state or on the waters of this state an
31 onshore or offshore facility without an approved contingency plan or an
32 approved prevention plan as required by this chapter, or financial
33 responsibility in compliance with chapter 88.40 RCW and the federal oil
34 pollution act of 1990.

1 (2)(a) The first conviction under this section (~~((shall be))~~) is a
2 gross misdemeanor under chapter 9A.20 RCW.

3 (b) A second or subsequent conviction (~~((shall be))~~) is a class C
4 felony under chapter 9A.20 RCW.

5 ~~((+2))~~ (3) It shall not be unlawful for the owner or operator to
6 operate an onshore or offshore facility if:

7 (a) The facility is not required to have a contingency plan, spill
8 prevention plan, or financial responsibility; or

9 (b) All required plans have been submitted to the department as
10 required by RCW 90.56.210 and rules adopted by the department and the
11 department is reviewing the plan and has not denied approval.

12 ~~((+3))~~ (4) A person may rely on a copy of the statement issued by
13 the department pursuant to RCW 90.56.210(7) as evidence that a facility
14 has an approved contingency plan and the statement issued pursuant to
15 RCW 90.56.200(4) that a facility has an approved prevention plan.

16 NEW SECTION. Sec. 421. The following acts or parts of acts are
17 each repealed:

18 (1) RCW 9.16.090 (Petroleum products--Penalty) and 1927 c 222 s 2;

19 (2) RCW 9.18.140 (Penalty) and 1921 c 12 s 3;

20 (3) RCW 9.45.230 (Penalty) and 1983 c 3 s 8 & 1890 p 99 s 4;

21 (4) RCW 9.61.170 (Threats to bomb or injure property--Hoax no
22 defense) and 1959 c 141 s 2;

23 (5) RCW 9.61.180 (Threats to bomb or injure property--Penalty) and
24 1977 ex.s. c 231 s 2 & 1959 c 141 s 3;

25 (6) RCW 9.68A.140 (Definitions) and 1987 c 396 s 1;

26 (7) RCW 9.68A.160 (Penalty) and 1987 c 396 s 3;

27 (8) RCW 9.86.050 (Penalty) and 1919 c 107 s 5;

28 (9) RCW 9.94.020 (Prison riot--Penalty) and 1995 c 314 s 2, 1992 c
29 7 s 19, & 1955 c 241 s 2;

30 (10) RCW 10.79.045 (Search without warrant unlawful--Penalty) and
31 1921 c 71 s 2;

32 (11) RCW 16.52.195 (Poisoning animals--Penalty) and 1941 c 105 s 3;

33 (12) RCW 18.06.150 (Violations of RCW 18.06.130 or 18.06.140--
34 Penalty) and 1985 c 326 s 15;

35 (13) RCW 18.64.247 (Penalty for violation of RCW 18.64.245,
36 18.64.246) and 1939 c 28 s 3;

1 (14) RCW 26.04.230 (Penalty for violation of marriage requirements)
2 and 1992 c 7 s 30, 1909 ex.s. c 16 s 4, 1909 c 174 s 4, Code 1881 s
3 2394, & 1866 p 84 s 16;

4 (15) RCW 28A.405.050 (Noncompliance with RCW 28A.405.040--
5 Penalties) and 1991 c 115 s 1, 1990 c 33 s 385, & 1969 ex.s. c 223 s
6 28A.67.035;

7 (16) RCW 28A.635.120 (Violations under RCW 28A.635.090 and
8 28A.635.100--Penalty) and 1990 c 33 s 543 & 1971 c 45 s 6;

9 (17) RCW 28B.10.573 (Certain unlawful acts--Penalty) and 1970 ex.s.
10 c 98 s 4;

11 (18) RCW 28B.20.322 (Marine biological preserve--Gathering permit)
12 and 1969 ex.s. c 223 s 28B.20.322;

13 (19) RCW 28B.20.324 (Marine biological preserve--Penalty for
14 unlawful gathering) and 1969 ex.s. c 223 s 28B.20.324;

15 (20) RCW 28B.85.110 (Violations--Criminal sanctions) and 1986 c 136
16 s 11;

17 (21) RCW 29.51.215 (Handicapped voters--Penalty) and 1981 c 34 s 2
18 & 1965 c 9 s 29.51.215;

19 (22) RCW 33.24.380 (Acquisition of control of association--Penalty)
20 and 1973 c 130 s 4;

21 (23) RCW 36.28.070 (Duplicate to payer) and 1963 c 4 s 36.28.070;

22 (24) RCW 36.28.080 (Original to be filed) and 1963 c 4 s 36.28.080;

23 (25) RCW 36.28.140 (Penalty for violation of RCW 36.28.060 through
24 36.28.080) and 1963 c 4 s 36.28.140;

25 (26) RCW 36.29.070 (Penalty for failure to call) and 1963 c 4 s
26 36.29.070;

27 (27) RCW 36.32.215 (Inventory of county capitalized assets--Filing
28 and public inspection) and 1995 c 194 s 6 & 1963 c 4 s 36.32.215;

29 (28) RCW 36.32.220 (Inventory of county capitalized assets--
30 Penalty) and 1963 c 4 s 36.32.220;

31 (29) RCW 36.32.225 (Inventory of county capitalized assets--
32 Prosecutions) and 1963 c 4 s 36.32.225;

33 (30) RCW 36.32.230 (Inventory of county personal property--
34 Taxpayer's action) and 1963 c 4 s 36.32.230;

35 (31) RCW 36.75.140 (Approaches to county roads--Rules regarding
36 construction) and 1969 ex.s. c 182 s 4 & 1963 c 4 s 36.75.140;

37 (32) RCW 36.75.150 (Approaches to county roads--Penalty) and 1963
38 c 4 s 36.75.150;

1 (33) RCW 43.01.110 (Penalty for violation of RCW 43.01.100) and
2 1965 c 8 s 43.01.110;

3 (34) RCW 43.22.345 (Mobile homes, recreational or commercial
4 vehicles--Penalty) and 1995 c 280 s 3 & 1969 ex.s. c 229 s 4;

5 (35) RCW 47.36.210 (Signs or flaggers--Contractor compliance) and
6 1961 c 13 s 47.36.210;

7 (36) RCW 47.36.220 (Signs or flaggers--Obedience by work vehicles)
8 and 2000 c 239 s 8 & 1961 c 13 s 47.36.220;

9 (37) RCW 47.36.230 (Signs or flaggers--Penalty) and 1961 c 13 s
10 47.36.230;

11 (38) RCW 47.38.030 (Penalty) and 1993 c 116 s 2, 1979 ex.s. c 136
12 s 102, & 1967 ex.s. c 145 s 31;

13 (39) RCW 48.30A.025 (Trafficking in insurance claims--Penalties)
14 and 1995 c 285 s 5;

15 (40) RCW 49.28.020 (Eight hour day, 1899 act--Public works
16 contracts--Emergency overtime) and 1899 c 101 s 2;

17 (41) RCW 49.28.030 (Eight hour day, 1899 act--Penalty) and 1899 c
18 101 s 3;

19 (42) RCW 49.28.082 (Hours of domestic employees--Exception) and
20 1937 c 129 s 2;

21 (43) RCW 49.28.084 (Hours of domestic employees--Penalty) and 1937
22 c 129 s 4;

23 (44) RCW 49.28.110 (Hours of operators of power equipment in
24 waterfront operations--Penalty) and 1953 c 271 s 2;

25 (45) RCW 49.44.110 (Bringing in out of state persons to replace
26 employees involved in labor dispute--Penalty) and 1961 c 180 s 2;

27 (46) RCW 49.44.130 (Requiring lie detector tests--Criminal penalty)
28 and 1985 c 426 s 2 & 1965 c 152 s 2;

29 (47) RCW 61.12.031 (Removal of property from mortgaged premises--
30 Penalty) and 1899 c 75 s 2;

31 (48) RCW 64.36.230 (Criminal penalties) and 2002 c 86 s 303 & 1983
32 1st ex.s. c 22 s 22;

33 (49) RCW 66.28.250 (Keg registration--Violation constitutes gross
34 misdemeanor) and 1999 c 189 s 2;

35 (50) RCW 66.44.291 (Minor purchasing or attempting to purchase
36 liquor--Penalty against persons between eighteen and twenty, inclusive)
37 and 2002 c 175 s 42, 1987 c 101 s 1, & 1965 c 49 s 2;

- 1 (51) RCW 68.50.260 (Crematory record of caskets--Penalty) and 1943
2 c 247 s 58;
- 3 (52) RCW 69.90.040 (Violation of chapter is gross misdemeanor) and
4 1985 c 127 s 5;
- 5 (53) RCW 70.54.100 (Penalty for violation of RCW 70.54.090) and
6 1953 c 185 s 2;
- 7 (54) RCW 70.54.170 (Penalty for violation of RCW 70.54.160) and
8 1977 ex.s. c 97 s 2;
- 9 (55) RCW 70.110.060 (Penalties) and 1973 1st ex.s. c 211 s 6;
- 10 (56) RCW 70.111.050 (Penalty) and 1996 c 158 s 6;
- 11 (57) RCW 70.127.210 (Violation of RCW 70.127.020--Misdemeanor--
12 Forfeiture of corporate charter--Fines) and 2000 c 175 s 18 & 1988 c
13 245 s 22;
- 14 (58) RCW 78.12.062 (Safety cage in mining shaft--Penalty) and 1890
15 p 123 s 8;
- 16 (59) RCW 81.40.030 (Penalty--Exceptions from requirements--
17 Enforcement) and 1983 c 3 s 207 & 1961 c 14 s 81.40.030;
- 18 (60) RCW 81.40.050 (Enforcement) and 1961 c 14 s 81.40.050;
- 19 (61) RCW 81.40.070 (Penalty) and 1961 c 14 s 81.40.070;
- 20 (62) RCW 81.40.090 (Penalty) and 1961 c 14 s 81.40.090;
- 21 (63) RCW 81.40.120 (Cost of records or medical examinations--
22 Definitions) and 1961 c 14 s 81.40.120;
- 23 (64) RCW 81.40.140 (Cost of records or medical examinations--
24 Penalty) and 1961 c 14 s 81.40.140;
- 25 (65) RCW 81.60.090 (Receiving stolen railroad property) and 1961 c
26 14 s 81.60.090;
- 27 (66) RCW 81.64.100 ("Competent" defined) and 1961 c 14 s 81.64.100;
- 28 (67) RCW 81.64.110 (Penalty) and 1961 c 14 s 81.64.110; and
- 29 (68) RCW 81.64.170 (Penalty) and 1961 c 14 s 81.64.170.

30 NEW SECTION. **Sec. 422.** RCW 69.41.070, as amended by this act, is
31 recodified within chapter 69.41 RCW under the subchapter heading "use
32 of steroids."

33 NEW SECTION. **Sec. 423.** This act takes effect July 1, 2004.

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