

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5641

Chapter 250, Laws of 2003

58th Legislature
2003 Regular Session

UNLAWFUL TRANSACTION OF INSURANCE

EFFECTIVE DATE: 7/27/03 - Except section 14, which becomes effective 7/1/04.

Passed by the Senate March 11, 2003
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 16, 2003
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5641** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 12, 2003 - 4:29 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5641

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

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

READ FIRST TIME 02/24/03.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020)

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

1 Sexual Exploitation (RCW 9.68A.040)
2 Vehicular Homicide, by being under
3 the influence of intoxicating
4 liquor or any drug (RCW
5 46.61.520)
6 VIII Arson 1 (RCW 9A.48.020)
7 Deliver or possess with intent to
8 deliver methamphetamine (RCW
9 69.50.401(a)(1)(ii))
10 Homicide by Watercraft, by the
11 operation of any vessel in a
12 reckless manner (RCW
13 79A.60.050)
14 Manslaughter 2 (RCW 9A.32.070)
15 Manufacture, deliver, or possess with
16 intent to deliver amphetamine
17 (RCW 69.50.401(a)(1)(ii))
18 Manufacture, deliver, or possess with
19 intent to deliver heroin or cocaine
20 (when the offender has a criminal
21 history in this state or any other
22 state that includes a sex offense or
23 serious violent offense or the
24 Washington equivalent) (RCW
25 69.50.401(a)(1)(i))
26 Possession of Ephedrine or any of its
27 Salts or Isomers or Salts of
28 Isomers, Pseudoephedrine or any
29 of its Salts or Isomers or Salts of
30 Isomers, Pressurized Ammonia
31 Gas, or Pressurized Ammonia Gas
32 Solution with intent to
33 manufacture methamphetamine
34 (RCW 69.50.440)
35 Promoting Prostitution 1 (RCW
36 9A.88.070)

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

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

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

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

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

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

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

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

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

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

33 TABLE 2
34 CRIMES INCLUDED WITHIN
35 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 XIII Malicious explosion 2 (RCW
9 70.74.280(2))
10 Malicious placement of an explosive 1
11 (RCW 70.74.270(1))
12 XII Assault 1 (RCW 9A.36.011)
13 Assault of a Child 1 (RCW 9A.36.120)
14 Malicious placement of an imitation
15 device 1 (RCW 70.74.272(1)(a))
16 Rape 1 (RCW 9A.44.040)
17 Rape of a Child 1 (RCW 9A.44.073)
18 XI Manslaughter 1 (RCW 9A.32.060)
19 Rape 2 (RCW 9A.44.050)
20 Rape of a Child 2 (RCW 9A.44.076)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Sexually Violent Predator Escape
31 (RCW 9A.76.115)
32 IX Assault of a Child 2 (RCW 9A.36.130)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating
13 liquor or any drug (RCW
14 46.61.520)
15 VIII Arson 1 (RCW 9A.48.020)
16 Homicide by Watercraft, by the
17 operation of any vessel in a
18 reckless manner (RCW
19 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct (RCW
11 9.68A.060)
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1)(a))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW
25 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Rape of a Child 3 (RCW 9A.44.079)
31 Theft of a Firearm (RCW 9A.56.300)
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of dependent person 1
35 (RCW 9A.42.060)

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

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

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

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

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)
5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)
7 II Computer Trespass 1 (RCW
8 9A.52.110)
9 Counterfeiting (RCW 9.16.035(3))
10 Escape from Community Custody
11 (RCW 72.09.310)
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(2)(b))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW
18 9A.48.070)
19 Possession of Stolen Property 1 (RCW
20 9A.56.150)
21 Theft 1 (RCW 9A.56.030)
22 Theft of Rental, Leased, or Lease-
23 purchased Property (valued at one
24 thousand five hundred dollars or
25 more) (RCW 9A.56.096(4))
26 Trafficking in Insurance Claims (RCW
27 48.30A.015)
28 Unlawful Practice of Law (RCW
29 2.48.180)
30 Unlicensed Practice of a Profession or
31 Business (RCW 18.130.190(7))
32 I Attempting to Elude a Pursuing Police
33 Vehicle (RCW 46.61.024)
34 False Verification for Welfare (RCW
35 74.08.055)
36 Forgery (RCW 9A.60.020)

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

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

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

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

Passed by the Senate March 11, 2003.
Passed by the House April 16, 2003.
Approved by the Governor May 12, 2003.
Filed in Office of Secretary of State May 12, 2003.