

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5719

Chapter 52, Laws of 2003

58th Legislature
2003 Regular Session

UNLAWFUL FACTORING OF A CREDIT CARD OR PAYMENT CARD TRANSACTION

EFFECTIVE DATE: 7/27/03 - Except section 4, which becomes effective 7/1/04

Passed by the Senate March 13, 2003
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 9, 2003
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

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 5719** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved April 17, 2003.

FILED

April 17, 2003 - 2:43 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5719

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 Winsley, Prentice, Benton,
Finkbeiner and Shin)

READ FIRST TIME 03/03/03.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Manufacture of methamphetamine
2 (RCW 69.50.401(a)(1)(ii))
3 Over 18 and deliver heroin,
4 methamphetamine, a narcotic
5 from Schedule I or II, or
6 flunitrazepam from Schedule IV
7 to someone under 18 (RCW
8 69.50.406)
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX Assault of a Child 2 (RCW 9A.36.130)
12 Controlled Substance Homicide (RCW
13 69.50.415)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run--Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being
19 under the influence of intoxicating
20 liquor or any drug (RCW
21 79A.60.050)
22 Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b))
24 Malicious placement of an explosive 2
25 (RCW 70.74.270(2))
26 Over 18 and deliver narcotic from
27 Schedule III, IV, or V or a
28 nonnarcotic, except flunitrazepam
29 or methamphetamine, from
30 Schedule I-V to someone under 18
31 and 3 years junior (RCW
32 69.50.406)
33 Robbery 1 (RCW 9A.56.200)
34 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under
2 the influence of intoxicating
3 liquor or any drug (RCW
4 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)

6 Deliver or possess with intent to
7 deliver methamphetamine (RCW
8 69.50.401(a)(1)(ii))

9 Homicide by Watercraft, by the
10 operation of any vessel in a
11 reckless manner (RCW
12 79A.60.050)

13 Manslaughter 2 (RCW 9A.32.070)

14 Manufacture, deliver, or possess with
15 intent to deliver amphetamine
16 (RCW 69.50.401(a)(1)(ii))

17 Manufacture, deliver, or possess with
18 intent to deliver heroin or cocaine
19 (when the offender has a criminal
20 history in this state or any other
21 state that includes a sex offense or
22 serious violent offense or the
23 Washington equivalent) (RCW
24 69.50.401(a)(1)(i))

25 Possession of Ephedrine or any of its
26 Salts or Isomers or Salts of
27 Isomers, Pseudoephedrine or any
28 of its Salts or Isomers or Salts of
29 Isomers, Pressurized Ammonia
30 Gas, or Pressurized Ammonia Gas
31 Solution with intent to
32 manufacture methamphetamine
33 (RCW 69.50.440)

34 Promoting Prostitution 1 (RCW
35 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 factoring of a credit card or
15 payment card transaction (RCW
16 9A.56.290(3)(b))
17 Use of Proceeds of Criminal
18 Profiteering (RCW 9A.82.080 (1)
19 and (2))
20 Vehicular Assault, by being under the
21 influence of intoxicating liquor or
22 any drug, or by the operation or
23 driving of a vehicle in a reckless
24 manner (RCW 46.61.522)
25 Willful Failure to Return from
26 Furlough (RCW 72.66.060)
27 III Abandonment of dependent person 2
28 (RCW 9A.42.070)
29 Assault 3 (RCW 9A.36.031)
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Criminal Mistreatment 2 (RCW
4 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Delivery of a material in lieu of a
7 controlled substance (RCW
8 69.50.401(c))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Maintaining a Dwelling or Place for
17 Controlled Substances (RCW
18 69.50.402(a)(6))
19 Malicious Injury to Railroad Property
20 (RCW 81.60.070)
21 Manufacture, deliver, or possess with
22 intent to deliver marijuana (RCW
23 69.50.401(a)(1)(iii))
24 Manufacture, distribute, or possess
25 with intent to distribute an
26 imitation controlled substance
27 (RCW 69.52.030(1))
28 Patronizing a Juvenile Prostitute
29 (RCW 9.68A.100)
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)
36 Promoting Prostitution 2 (RCW
37 9A.88.080)

1 Recklessly Trafficking in Stolen
2 Property (RCW 9A.82.050(1))
3 Securities Act violation (RCW
4 21.20.400)
5 Tampering with a Witness (RCW
6 9A.72.120)
7 Telephone Harassment (subsequent
8 conviction or threat of death)
9 (RCW 9.61.230)
10 Theft of Livestock 2 (RCW 9A.56.080)
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful possession of firearm in the
14 second degree (RCW
15 9.41.040(1)(b))
16 Unlawful Use of Building for Drug
17 Purposes (RCW 69.53.010)
18 Vehicular Assault, by the operation or
19 driving of a vehicle with disregard
20 for the safety of others (RCW
21 46.61.522)
22 Willful Failure to Return from Work
23 Release (RCW 72.65.070)
24 II Computer Trespass 1 (RCW
25 9A.52.110)
26 Counterfeiting (RCW 9.16.035(3))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Escape from Community Custody
31 (RCW 72.09.310)
32 Health Care False Claims (RCW
33 48.80.030)
34 Identity Theft 2 (RCW 9.35.020(2)(b))
35 Improperly Obtaining Financial
36 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW
2 9A.48.070)
3 Possession of controlled substance that
4 is either heroin or narcotics from
5 Schedule I or II or flunitrazepam
6 from Schedule IV (RCW
7 69.50.401(d))
8 Possession of phencyclidine (PCP)
9 (RCW 69.50.401(d))
10 Possession of Stolen Property 1 (RCW
11 9A.56.150)
12 Theft 1 (RCW 9A.56.030)
13 Theft of Rental, Leased, or Lease-
14 purchased Property (valued at one
15 thousand five hundred dollars or
16 more) (RCW 9A.56.096(4))
17 Trafficking in Insurance Claims (RCW
18 48.30A.015)
19 Unlawful factoring of a credit card or
20 payment card transaction (RCW
21 9A.56.290(3)(a))
22 Unlawful Practice of Law (RCW
23 2.48.180)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 I Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 False Verification for Welfare (RCW
29 74.08.055)
30 Forged Prescription (RCW 69.41.020)
31 Forged Prescription for a Controlled
32 Substance (RCW 69.50.403)
33 Forgery (RCW 9A.60.020)
34 Malicious Mischief 2 (RCW
35 9A.48.080)

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

25 **Sec. 4.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c
 26 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133
 27 s 4 are each reenacted and amended to read as follows:

28 TABLE 2
 29 CRIMES INCLUDED WITHIN
 30 EACH SERIOUSNESS LEVEL

31	XVI	Aggravated Murder 1 (RCW
32		10.95.020)
33	XV	Homicide by abuse (RCW 9A.32.055)
34		Malicious explosion 1 (RCW
35		70.74.280(1))

1 Murder 1 (RCW 9A.32.030)
2 XIV Murder 2 (RCW 9A.32.050)
3 XIII Malicious explosion 2 (RCW
4 70.74.280(2))
5 Malicious placement of an explosive 1
6 (RCW 70.74.270(1))
7 XII Assault 1 (RCW 9A.36.011)
8 Assault of a Child 1 (RCW 9A.36.120)
9 Malicious placement of an imitation
10 device 1 (RCW 70.74.272(1)(a))
11 Rape 1 (RCW 9A.44.040)
12 Rape of a Child 1 (RCW 9A.44.073)
13 XI Manslaughter 1 (RCW 9A.32.060)
14 Rape 2 (RCW 9A.44.050)
15 Rape of a Child 2 (RCW 9A.44.076)
16 X Child Molestation 1 (RCW 9A.44.083)
17 Indecent Liberties (with forcible
18 compulsion) (RCW
19 9A.44.100(1)(a))
20 Kidnapping 1 (RCW 9A.40.020)
21 Leading Organized Crime (RCW
22 9A.82.060(1)(a))
23 Malicious explosion 3 (RCW
24 70.74.280(3))
25 Sexually Violent Predator Escape
26 (RCW 9A.76.115)
27 IX Assault of a Child 2 (RCW 9A.36.130)
28 Explosive devices prohibited (RCW
29 70.74.180)
30 Hit and Run--Death (RCW
31 46.52.020(4)(a))
32 Homicide by Watercraft, by being
33 under the influence of intoxicating
34 liquor or any drug (RCW
35 79A.60.050)
36 Inciting Criminal Profiteering (RCW
37 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 Vehicular Homicide, by being under
6 the influence of intoxicating
7 liquor or any drug (RCW
8 46.61.520)
9 VIII Arson 1 (RCW 9A.48.020)
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 Promoting Prostitution 1 (RCW
16 9A.88.070)
17 Theft of Ammonia (RCW 69.55.010)
18 Vehicular Homicide, by the operation
19 of any vehicle in a reckless
20 manner (RCW 46.61.520)
21 VII Burglary 1 (RCW 9A.52.020)
22 Child Molestation 2 (RCW 9A.44.086)
23 Civil Disorder Training (RCW
24 9A.48.120)
25 Dealing in depictions of minor
26 engaged in sexually explicit
27 conduct (RCW 9.68A.050)
28 Drive-by Shooting (RCW 9A.36.045)
29 Homicide by Watercraft, by disregard
30 for the safety of others (RCW
31 79A.60.050)
32 Indecent Liberties (without forcible
33 compulsion) (RCW 9A.44.100(1)
34 (b) and (c))
35 Introducing Contraband 1 (RCW
36 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Sending, bringing into state depictions
4 of minor engaged in sexually
5 explicit conduct (RCW
6 9.68A.060)
7 Unlawful Possession of a Firearm in
8 the first degree (RCW
9 9.41.040(1)(a))
10 Use of a Machine Gun in Commission
11 of a Felony (RCW 9.41.225)
12 Vehicular Homicide, by disregard for
13 the safety of others (RCW
14 46.61.520)
15 VI Bail Jumping with Murder 1 (RCW
16 9A.76.170(3)(a))
17 Bribery (RCW 9A.68.010)
18 Incest 1 (RCW 9A.64.020(1))
19 Intimidating a Judge (RCW
20 9A.72.160)
21 Intimidating a Juror/Witness (RCW
22 9A.72.110, 9A.72.130)
23 Malicious placement of an imitation
24 device 2 (RCW 70.74.272(1)(b))
25 Rape of a Child 3 (RCW 9A.44.079)
26 Theft of a Firearm (RCW 9A.56.300)
27 Unlawful Storage of Ammonia (RCW
28 69.55.020)
29 V Abandonment of dependent person 1
30 (RCW 9A.42.060)
31 Advancing money or property for
32 extortionate extension of credit
33 (RCW 9A.82.030)
34 Bail Jumping with class A Felony
35 (RCW 9A.76.170(3)(b))
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Domestic Violence Court Order
6 Violation (RCW 10.99.040,
7 10.99.050, 26.09.300, 26.10.220,
8 26.26.138, 26.50.110, 26.52.070,
9 or 74.34.145)
10 Extortion 1 (RCW 9A.56.120)
11 Extortionate Extension of Credit
12 (RCW 9A.82.020)
13 Extortionate Means to Collect
14 Extensions of Credit (RCW
15 9A.82.040)
16 Incest 2 (RCW 9A.64.020(2))
17 Kidnapping 2 (RCW 9A.40.030)
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1
25 (RCW 9A.76.070)
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW
33 9A.56.070(1))
34 IV Arson 2 (RCW 9A.48.030)
35 Assault 2 (RCW 9A.36.021)
36 Assault by Watercraft (RCW
37 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9A.46.1961)
5 Commercial Bribery (RCW
6 9A.68.060)
7 Counterfeiting (RCW 9.16.035(4))
8 Endangerment with a Controlled
9 Substance (RCW 9A.42.100)
10 Escape 1 (RCW 9A.76.110)
11 Hit and Run--Injury (RCW
12 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury
14 Accident (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2)(a))
16 Indecent Exposure to Person Under
17 Age Fourteen (subsequent sex
18 offense) (RCW 9A.88.010)
19 Influencing Outcome of Sporting
20 Event (RCW 9A.82.070)
21 Knowingly Trafficking in Stolen
22 Property (RCW 9A.82.050(2))
23 Malicious Harassment (RCW
24 9A.36.080)
25 Residential Burglary (RCW
26 9A.52.025)
27 Robbery 2 (RCW 9A.56.210)
28 Theft of Livestock 1 (RCW 9A.56.080)
29 Threats to Bomb (RCW 9.61.160)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(3)(b))
33 Use of Proceeds of Criminal
34 Profiteering (RCW 9A.82.080 (1)
35 and (2))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)
6 Willful Failure to Return from
7 Furlough (RCW 72.66.060)
8 III Abandonment of dependent person 2
9 (RCW 9A.42.070)
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Bail Jumping with class B or C Felony
13 (RCW 9A.76.170(3)(c))
14 Burglary 2 (RCW 9A.52.030)
15 Communication with a Minor for
16 Immoral Purposes (RCW
17 9.68A.090)
18 Criminal Gang Intimidation (RCW
19 9A.46.120)
20 Criminal Mistreatment 2 (RCW
21 9A.42.030)
22 Custodial Assault (RCW 9A.36.100)
23 Escape 2 (RCW 9A.76.120)
24 Extortion 2 (RCW 9A.56.130)
25 Harassment (RCW 9A.46.020)
26 Intimidating a Public Servant (RCW
27 9A.76.180)
28 Introducing Contraband 2 (RCW
29 9A.76.150)
30 Malicious Injury to Railroad Property
31 (RCW 81.60.070)
32 Patronizing a Juvenile Prostitute
33 (RCW 9.68A.100)
34 Perjury 2 (RCW 9A.72.030)
35 Possession of Incendiary Device (RCW
36 9.40.120)

1 Possession of Machine Gun or Short-
2 Barreled Shotgun or Rifle (RCW
3 9.41.190)
4 Promoting Prostitution 2 (RCW
5 9A.88.080)
6 Recklessly Trafficking in Stolen
7 Property (RCW 9A.82.050(1))
8 Securities Act violation (RCW
9 21.20.400)
10 Tampering with a Witness (RCW
11 9A.72.120)
12 Telephone Harassment (subsequent
13 conviction or threat of death)
14 (RCW 9.61.230)
15 Theft of Livestock 2 (RCW 9A.56.080)
16 Unlawful Imprisonment (RCW
17 9A.40.040)
18 Unlawful possession of firearm in the
19 second degree (RCW
20 9.41.040(1)(b))
21 Vehicular Assault, by the operation or
22 driving of a vehicle with disregard
23 for the safety of others (RCW
24 46.61.522)
25 Willful Failure to Return from Work
26 Release (RCW 72.65.070)
27 II Computer Trespass 1 (RCW
28 9A.52.110)
29 Counterfeiting (RCW 9.16.035(3))
30 Escape from Community Custody
31 (RCW 72.09.310)
32 Health Care False Claims (RCW
33 48.80.030)
34 Identity Theft 2 (RCW 9.35.020(2)(b))
35 Improperly Obtaining Financial
36 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW
2 9A.48.070)
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Theft 1 (RCW 9A.56.030)
6 Theft of Rental, Leased, or Lease-
7 purchased Property (valued at one
8 thousand five hundred dollars or
9 more) (RCW 9A.56.096(4))
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlawful factoring of a credit card or
13 payment card transaction (RCW
14 9A.56.290(3)(a))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Malicious Mischief 2 (RCW
25 9A.48.080)
26 Possession of Stolen Property 2 (RCW
27 9A.56.160)
28 Reckless Burning 1 (RCW 9A.48.040)
29 Taking Motor Vehicle Without
30 Permission 2 (RCW
31 9A.56.070(2))
32 Theft 2 (RCW 9A.56.040)

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

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

13 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,
14 2004.

Passed by the Senate March 13, 2003.
Passed by the House April 9, 2003.
Approved by the Governor April 17, 2003.
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