

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2704

Chapter 277, Laws of 2006

59th Legislature
2006 Regular Session

ORGANIZED RETAIL THEFT

EFFECTIVE DATE: 6/7/06

Passed by the House February 11, 2006
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2006
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved March 28, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2704** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 28, 2006 - 2:49 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2704

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Representatives O'Brien, Pearson, Darneille, Kirby, Ahern,
Williams, Strow, Kilmer, Green, Sells and Morrell

Read first time 01/12/2006. Referred to Committee on Criminal
Justice & Corrections.

1 AN ACT Relating to organized retail theft; amending RCW 9A.56.010;
2 reenacting and amending RCW 9A.82.010 and 9.94A.515; adding new
3 sections to chapter 9A.56 RCW; and prescribing penalties.

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

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

7 (1) A person is guilty of theft with the intent to resell if he or
8 she commits theft of property with a value of at least two hundred
9 fifty dollars from a mercantile establishment with the intent to resell
10 the property for monetary or other gain.

11 (2) The person is guilty of theft with the intent to resell in the
12 first degree if the property has a value of one thousand five hundred
13 dollars or more. Theft with the intent to resell in the first degree
14 is a class B felony.

15 (3) The person is guilty of theft with the intent to resell in the
16 second degree if the property has a value of at least two hundred fifty
17 dollars, but less than one thousand five hundred dollars. Theft with
18 the intent to resell in the second degree is a class C felony.

1 (4) For purposes of this section, a series of thefts committed by
2 the same person from one or more mercantile establishments over a
3 period of one hundred eighty days may be aggregated in one count and
4 the sum of the value of all the property shall be the value considered
5 in determining the degree of the theft with the intent to resell
6 involved. Thefts committed by the same person in different counties
7 that have been aggregated in one county may be prosecuted in any county
8 in which one of the thefts occurred.

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

11 (1) A person is guilty of organized retail theft if he or she:

12 (a) Commits theft of property with a value of at least two hundred
13 fifty dollars from a mercantile establishment with an accomplice; or

14 (b) Possesses stolen property, as defined in RCW 9A.56.140, with a
15 value of at least two hundred fifty dollars from a mercantile
16 establishment with an accomplice.

17 (2) A person is guilty of organized retail theft in the first
18 degree if the property stolen or possessed has a value of one thousand
19 five hundred dollars or more. Organized retail theft in the first
20 degree is a class B felony.

21 (3) A person is guilty of organized retail theft in the second
22 degree if the property stolen or possessed has a value of at least two
23 hundred fifty dollars, but less than one thousand five hundred dollars.
24 Organized retail theft in the second degree is a class C felony.

25 (4) For purposes of this section, a series of thefts committed by
26 the same person from one or more mercantile establishments over a
27 period of one hundred eighty days may be aggregated in one count and
28 the sum of the value of all the property shall be the value considered
29 in determining the degree of the organized retail theft involved.
30 Thefts committed by the same person in different counties that have
31 been aggregated in one county may be prosecuted in any county in which
32 one of the thefts occurred.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.56 RCW
34 to read as follows:

35 (1) A person commits retail theft with extenuating circumstances if

1 he or she commits theft of property from a mercantile establishment
2 with one of the following extenuating circumstances:

3 (a) To facilitate the theft, the person leaves the mercantile
4 establishment through a designated emergency exit;

5 (b) The person was, at the time of the theft, in possession of an
6 item, article, implement, or device designed to overcome security
7 systems including, but not limited to, lined bags or tag removers; or

8 (c) The person committed theft at three or more separate and
9 distinct mercantile establishments within a one hundred eighty-day
10 period.

11 (2) A person is guilty of retail theft with extenuating
12 circumstances in the first degree if the theft involved constitutes
13 theft in the first degree. Retail theft with extenuating circumstances
14 in the first degree is a class B felony.

15 (3) A person is guilty of retail theft with extenuating
16 circumstances in the second degree if the theft involved constitutes
17 theft in the second degree. Retail theft with extenuating
18 circumstances in the second degree is a class C felony.

19 (4) A person is guilty of retail theft with extenuating
20 circumstances in the third degree if the theft involved constitutes
21 theft in the third degree. Retail theft with extenuating circumstances
22 in the third degree is a class C felony.

23 **Sec. 4.** RCW 9A.56.010 and 2002 c 97 s 1 are each amended to read
24 as follows:

25 The following definitions are applicable in this chapter unless the
26 context otherwise requires:

27 (1) "Access device" means any card, plate, code, account number, or
28 other means of account access that can be used alone or in conjunction
29 with another access device to obtain money, goods, services, or
30 anything else of value, or that can be used to initiate a transfer of
31 funds, other than a transfer originated solely by paper instrument;

32 (2) "Appropriate lost or misdelivered property or services" means
33 obtaining or exerting control over the property or services of another
34 which the actor knows to have been lost or mislaid, or to have been
35 delivered under a mistake as to identity of the recipient or as to the
36 nature or amount of the property;

1 (3) "Beverage crate" means a plastic or metal box-like container
2 used by a manufacturer or distributor in the transportation or
3 distribution of individually packaged beverages to retail outlets, and
4 affixed with language stating "property of," "owned by
5," or other markings or words identifying ownership;

6 (4) "By color or aid of deception" means that the deception
7 operated to bring about the obtaining of the property or services; it
8 is not necessary that deception be the sole means of obtaining the
9 property or services;

10 (5) "Deception" occurs when an actor knowingly:

11 (a) Creates or confirms another's false impression which the actor
12 knows to be false; or

13 (b) Fails to correct another's impression which the actor
14 previously has created or confirmed; or

15 (c) Prevents another from acquiring information material to the
16 disposition of the property involved; or

17 (d) Transfers or encumbers property without disclosing a lien,
18 adverse claim, or other legal impediment to the enjoyment of the
19 property, whether that impediment is or is not valid, or is or is not
20 a matter of official record; or

21 (e) Promises performance which the actor does not intend to perform
22 or knows will not be performed.

23 (6) "Deprive" in addition to its common meaning means to make
24 unauthorized use or an unauthorized copy of records, information, data,
25 trade secrets, or computer programs;

26 (7) "Merchandise pallet" means a wood or plastic carrier designed
27 and manufactured as an item on which products can be placed before or
28 during transport to retail outlets, manufacturers, or contractors, and
29 affixed with language stating "property of," "owned by," or
30 other markings or words identifying ownership;

31 (8) "Obtain control over" in addition to its common meaning, means:

32 (a) In relation to property, to bring about a transfer or purported
33 transfer to the obtainer or another of a legally recognized interest in
34 the property; or

35 (b) In relation to labor or service, to secure performance thereof
36 for the benefits of the obtainer or another;

37 (9) "Owner" means a person, other than the actor, who has

1 possession of or any other interest in the property or services
2 involved, and without whose consent the actor has no authority to exert
3 control over the property or services;

4 (10) "Parking area" means a parking lot or other property provided
5 by retailers for use by a customer for parking an automobile or other
6 vehicle;

7 (11) "Receive" includes, but is not limited to, acquiring title,
8 possession, control, or a security interest, or any other interest in
9 the property;

10 (12) "Services" includes, but is not limited to, labor,
11 professional services, transportation services, electronic computer
12 services, the supplying of hotel accommodations, restaurant services,
13 entertainment, the supplying of equipment for use, and the supplying of
14 commodities of a public utility nature such as gas, electricity, steam,
15 and water;

16 (13) "Shopping cart" means a basket mounted on wheels or similar
17 container generally used in a retail establishment by a customer for
18 the purpose of transporting goods of any kind;

19 (14) "Stolen" means obtained by theft, robbery, or extortion;

20 (15) "Subscription television service" means cable or encrypted
21 video and related audio and data services intended for viewing on a
22 home television by authorized members of the public only, who have
23 agreed to pay a fee for the service. Subscription services include but
24 are not limited to those video services presently delivered by coaxial
25 cable, fiber optic cable, terrestrial microwave, television broadcast,
26 and satellite transmission;

27 (16) "Telecommunication device" means (a) any type of instrument,
28 device, machine, or equipment that is capable of transmitting or
29 receiving telephonic or electronic communications; or (b) any part of
30 such an instrument, device, machine, or equipment, or any computer
31 circuit, computer chip, electronic mechanism, or other component, that
32 is capable of facilitating the transmission or reception of telephonic
33 or electronic communications;

34 (17) "Telecommunication service" includes any service other than
35 subscription television service provided for a charge or compensation
36 to facilitate the transmission, transfer, or reception of a telephonic
37 communication or an electronic communication;

1 (18) Value. (a) "Value" means the market value of the property or
2 services at the time and in the approximate area of the criminal act.

3 (b) Whether or not they have been issued or delivered, written
4 instruments, except those having a readily ascertained market value,
5 shall be evaluated as follows:

6 (i) The value of an instrument constituting an evidence of debt,
7 such as a check, draft, or promissory note, shall be deemed the amount
8 due or collectible thereon or thereby, that figure ordinarily being the
9 face amount of the indebtedness less any portion thereof which has been
10 satisfied;

11 (ii) The value of a ticket or equivalent instrument which evidences
12 a right to receive transportation, entertainment, or other service
13 shall be deemed the price stated thereon, if any; and if no price is
14 stated thereon, the value shall be deemed the price of such ticket or
15 equivalent instrument which the issuer charged the general public;

16 (iii) The value of any other instrument that creates, releases,
17 discharges, or otherwise affects any valuable legal right, privilege,
18 or obligation shall be deemed the greatest amount of economic loss
19 which the owner of the instrument might reasonably suffer by virtue of
20 the loss of the instrument.

21 (c) Except as provided in sections 1(4) and 2(4) of this act,
22 whenever any series of transactions which constitute theft, would, when
23 considered separately, constitute theft in the third degree because of
24 value, and said series of transactions are a part of a criminal episode
25 or a common scheme or plan, then the transactions may be aggregated in
26 one count and the sum of the value of all said transactions shall be
27 the value considered in determining the degree of theft involved.

28 For purposes of this subsection, "criminal episode" means a series
29 of thefts committed by the same person from one or more mercantile
30 establishments on three or more occasions within a five-day period.

31 (d) Whenever any person is charged with possessing stolen property
32 and such person has unlawfully in his possession at the same time the
33 stolen property of more than one person, then the stolen property
34 possessed may be aggregated in one count and the sum of the value of
35 all said stolen property shall be the value considered in determining
36 the degree of theft involved. Thefts committed by the same person in
37 different counties that have been aggregated in one county may be
38 prosecuted in any county in which one of the thefts occurred.

1 (e) Property or services having value that cannot be ascertained
2 pursuant to the standards set forth above shall be deemed to be of a
3 value not exceeding two hundred and fifty dollars;

4 (19) "Wrongfully obtains" or "exerts unauthorized control" means:

5 (a) To take the property or services of another;

6 (b) Having any property or services in one's possession, custody or
7 control as bailee, factor, lessee, pledgee, renter, servant, attorney,
8 agent, employee, trustee, executor, administrator, guardian, or officer
9 of any person, estate, association, or corporation, or as a public
10 officer, or person authorized by agreement or competent authority to
11 take or hold such possession, custody, or control, to secrete,
12 withhold, or appropriate the same to his or her own use or to the use
13 of any person other than the true owner or person entitled thereto; or

14 (c) Having any property or services in one's possession, custody,
15 or control as partner, to secrete, withhold, or appropriate the same to
16 his or her use or to the use of any person other than the true owner or
17 person entitled thereto, where the use is unauthorized by the
18 partnership agreement.

19 **Sec. 5.** RCW 9A.82.010 and 2003 c 119 s 6, 2003 c 113 s 3, and 2003
20 c 53 s 85 are each reenacted and amended to read as follows:

21 Unless the context requires the contrary, the definitions in this
22 section apply throughout this chapter.

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

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

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

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

33 (b) "Beneficial interest" does not include the interest of a
34 stockholder in a corporation or the interest of a partner in a general
35 partnership or limited partnership.

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

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

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

6 (4) "Criminal profiteering" means any act, including any
7 anticipatory or completed offense, committed for financial gain, that
8 is chargeable or indictable under the laws of the state in which the
9 act occurred and, if the act occurred in a state other than this state,
10 would be chargeable or indictable under the laws of this state had the
11 act occurred in this state and punishable as a felony and by
12 imprisonment for more than one year, regardless of whether the act is
13 charged or indicted, as any of the following:

14 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

15 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

16 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

17 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

18 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060,
19 9A.56.080, and 9A.56.083;

20 (f) Unlawful sale of subscription television services, as defined
21 in RCW 9A.56.230;

22 (g) Theft of telecommunication services or unlawful manufacture of
23 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

24 (h) Child selling or child buying, as defined in RCW 9A.64.030;

25 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
26 9A.68.050;

27 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

28 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

29 (l) Unlawful production of payment instruments, unlawful possession
30 of payment instruments, unlawful possession of a personal
31 identification device, unlawful possession of fictitious
32 identification, or unlawful possession of instruments of financial
33 fraud, as defined in RCW 9A.56.320;

34 (m) Extortionate extension of credit, as defined in RCW 9A.82.020;

35 (n) Advancing money for use in an extortionate extension of credit,
36 as defined in RCW 9A.82.030;

37 (o) Collection of an extortionate extension of credit, as defined
38 in RCW 9A.82.040;

1 (p) Collection of an unlawful debt, as defined in RCW 9A.82.045;
2 (q) Delivery or manufacture of controlled substances or possession
3 with intent to deliver or manufacture controlled substances under
4 chapter 69.50 RCW;
5 (r) Trafficking in stolen property, as defined in RCW 9A.82.050;
6 (s) Leading organized crime, as defined in RCW 9A.82.060;
7 (t) Money laundering, as defined in RCW 9A.83.020;
8 (u) Obstructing criminal investigations or prosecutions in
9 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
10 9A.76.070, or 9A.76.180;
11 (v) Fraud in the purchase or sale of securities, as defined in RCW
12 21.20.010;
13 (w) Promoting pornography, as defined in RCW 9.68.140;
14 (x) Sexual exploitation of children, as defined in RCW 9.68A.040,
15 9.68A.050, and 9.68A.060;
16 (y) Promoting prostitution, as defined in RCW 9A.88.070 and
17 9A.88.080;
18 (z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
19 (aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
20 (bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
21 (cc) A pattern of equity skimming, as defined in RCW 61.34.020;
22 (dd) Commercial telephone solicitation in violation of RCW
23 19.158.040(1);
24 (ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;
25 (ff) Unlawful practice of law, as defined in RCW 2.48.180;
26 (gg) Commercial bribery, as defined in RCW 9A.68.060;
27 (hh) Health care false claims, as defined in RCW 48.80.030;
28 (ii) Unlicensed practice of a profession or business, as defined in
29 RCW 18.130.190(7);
30 (jj) Improperly obtaining financial information, as defined in RCW
31 9.35.010;
32 (kk) Identity theft, as defined in RCW 9.35.020;
33 (ll) Unlawful shipment of cigarettes in violation of RCW
34 70.155.105(6) (a) or (b); (~~(e)~~)
35 (mm) Unlawful shipment of cigarettes in violation of RCW
36 82.24.110(2);
37 (nn) Theft with the intent to resell, as defined in section 1 of
38 this act; or

1 (oo) Organized retail theft, as defined in section 2 of this act.

2 (5) "Dealer in property" means a person who buys and sells property
3 as a business.

4 (6) "Debtor" means a person to whom an extension of credit is made
5 or a person who guarantees the repayment of an extension of credit or
6 in any manner undertakes to indemnify the creditor against loss
7 resulting from the failure of a person to whom an extension is made to
8 repay the same.

9 (7) "Documentary material" means any book, paper, document,
10 writing, drawing, graph, chart, photograph, phonograph record, magnetic
11 tape, computer printout, other data compilation from which information
12 can be obtained or from which information can be translated into usable
13 form, or other tangible item.

14 (8) "Enterprise" includes any individual, sole proprietorship,
15 partnership, corporation, business trust, or other profit or nonprofit
16 legal entity, and includes any union, association, or group of
17 individuals associated in fact although not a legal entity, and both
18 illicit and licit enterprises and governmental and nongovernmental
19 entities.

20 (9) "Extortionate extension of credit" means an extension of credit
21 with respect to which it is the understanding of the creditor and the
22 debtor at the time the extension is made that delay in making repayment
23 or failure to make repayment could result in the use of violence or
24 other criminal means to cause harm to the person, reputation, or
25 property of any person.

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

29 (11) "Financial institution" means any bank, trust company, savings
30 and loan association, savings bank, mutual savings bank, credit union,
31 or loan company under the jurisdiction of the state or an agency of the
32 United States.

33 (12) "Pattern of criminal profiteering activity" means engaging in
34 at least three acts of criminal profiteering, one of which occurred
35 after July 1, 1985, and the last of which occurred within five years,
36 excluding any period of imprisonment, after the commission of the
37 earliest act of criminal profiteering. In order to constitute a
38 pattern, the three acts must have the same or similar intent, results,

1 accomplices, principals, victims, or methods of commission, or be
2 otherwise interrelated by distinguishing characteristics including a
3 nexus to the same enterprise, and must not be isolated events.
4 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
5 any person other than the attorney general or county prosecuting
6 attorney in which one or more acts of fraud in the purchase or sale of
7 securities are asserted as acts of criminal profiteering activity, it
8 is a condition to civil liability under RCW 9A.82.100 that the
9 defendant has been convicted in a criminal proceeding of fraud in the
10 purchase or sale of securities under RCW 21.20.400 or under the laws of
11 another state or of the United States requiring the same elements of
12 proof, but such conviction need not relate to any act or acts asserted
13 as acts of criminal profiteering activity in such civil action under
14 RCW 9A.82.100.

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

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

20 (15) "Repayment of an extension of credit" means the repayment,
21 satisfaction, or discharge in whole or in part of a debt or claim,
22 acknowledged or disputed, valid or invalid, resulting from or in
23 connection with that extension of credit.

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

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

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

32 (19) "Traffic" means to sell, transfer, distribute, dispense, or
33 otherwise dispose of stolen property to another person, or to buy,
34 receive, possess, or obtain control of stolen property, with intent to
35 sell, transfer, distribute, dispense, or otherwise dispose of the
36 property to another person.

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

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

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

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

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

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

10 (ii) A trustee of any testamentary trust;

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

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

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

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

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

20 (ii) Chapter 9.46 RCW relating to gambling;

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

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

25 **Sec. 6.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
26 each reenacted and amended to read as follows:

27

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 Trafficking 1 (RCW 9A.40.100(1))
4 XIII Malicious explosion 2 (RCW
5 70.74.280(2))
6 Malicious placement of an explosive 1
7 (RCW 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation
11 device 1 (RCW 70.74.272(1)(a))
12 Rape 1 (RCW 9A.44.040)
13 Rape of a Child 1 (RCW 9A.44.073)
14 Trafficking 2 (RCW 9A.40.100(2))
15 XI Manslaughter 1 (RCW 9A.32.060)
16 Rape 2 (RCW 9A.44.050)
17 Rape of a Child 2 (RCW 9A.44.076)
18 X Child Molestation 1 (RCW 9A.44.083)
19 Indecent Liberties (with forcible
20 compulsion) (RCW
21 9A.44.100(1)(a))
22 Kidnapping 1 (RCW 9A.40.020)
23 Leading Organized Crime (RCW
24 9A.82.060(1)(a))
25 Malicious explosion 3 (RCW
26 70.74.280(3))
27 Sexually Violent Predator Escape
28 (RCW 9A.76.115)
29 IX Assault of a Child 2 (RCW 9A.36.130)
30 Explosive devices prohibited (RCW
31 70.74.180)
32 Hit and Run--Death (RCW
33 46.52.020(4)(a))
34 Homicide by Watercraft, by being
35 under the influence of intoxicating
36 liquor or any drug (RCW
37 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2
4 (RCW 70.74.270(2))
5 Robbery 1 (RCW 9A.56.200)
6 Sexual Exploitation (RCW 9.68A.040)
7 Vehicular Homicide, by being under
8 the influence of intoxicating liquor
9 or any drug (RCW 46.61.520)
10 VIII Arson 1 (RCW 9A.48.020)
11 Homicide by Watercraft, by the
12 operation of any vessel in a
13 reckless manner (RCW
14 79A.60.050)
15 Manslaughter 2 (RCW 9A.32.070)
16 Promoting Prostitution 1 (RCW
17 9A.88.070)
18 Theft of Ammonia (RCW 69.55.010)
19 Vehicular Homicide, by the operation
20 of any vehicle in a reckless
21 manner (RCW 46.61.520)
22 VII Burglary 1 (RCW 9A.52.020)
23 Child Molestation 2 (RCW 9A.44.086)
24 Civil Disorder Training (RCW
25 9A.48.120)
26 Dealing in depictions of minor
27 engaged in sexually explicit
28 conduct (RCW 9.68A.050)
29 Drive-by Shooting (RCW 9A.36.045)
30 Homicide by Watercraft, by disregard
31 for the safety of others (RCW
32 79A.60.050)
33 Indecent Liberties (without forcible
34 compulsion) (RCW 9A.44.100(1)
35 (b) and (c))
36 Introducing Contraband 1 (RCW
37 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Negligently Causing Death By Use of
4 a Signal Preemption Device
5 (RCW 46.37.675)
6 Sending, bringing into state depictions
7 of minor engaged in sexually
8 explicit conduct (RCW
9 9.68A.060)
10 Unlawful Possession of a Firearm in
11 the first degree (RCW
12 9.41.040(1))
13 Use of a Machine Gun in Commission
14 of a Felony (RCW 9.41.225)
15 Vehicular Homicide, by disregard for
16 the safety of others (RCW
17 46.61.520)
18 VI Bail Jumping with Murder 1 (RCW
19 9A.76.170(3)(a))
20 Bribery (RCW 9A.68.010)
21 Incest 1 (RCW 9A.64.020(1))
22 Intimidating a Judge (RCW
23 9A.72.160)
24 Intimidating a Juror/Witness (RCW
25 9A.72.110, 9A.72.130)
26 Malicious placement of an imitation
27 device 2 (RCW 70.74.272(1)(b))
28 Rape of a Child 3 (RCW 9A.44.079)
29 Theft of a Firearm (RCW 9A.56.300)
30 Unlawful Storage of Ammonia (RCW
31 69.55.020)
32 V Abandonment of dependent person 1
33 (RCW 9A.42.060)
34 Advancing money or property for
35 extortionate extension of credit
36 (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 Domestic Violence Court Order
9 Violation (RCW 10.99.040,
10 10.99.050, 26.09.300, 26.10.220,
11 26.26.138, 26.50.110, 26.52.070,
12 or 74.34.145)
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit
15 (RCW 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Possession of a Stolen Firearm (RCW
25 9A.56.310)
26 Rape 3 (RCW 9A.44.060)
27 Rendering Criminal Assistance 1
28 (RCW 9A.76.070)
29 Sexual Misconduct with a Minor 1
30 (RCW 9A.44.093)
31 Sexually Violating Human Remains
32 (RCW 9A.44.105)
33 Stalking (RCW 9A.46.110)
34 Taking Motor Vehicle Without
35 Permission 1 (RCW 9A.56.070)
36 IV Arson 2 (RCW 9A.48.030)
37 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW
11 9A.68.060)
12 Counterfeiting (RCW 9.16.035(4))
13 Endangerment with a Controlled
14 Substance (RCW 9A.42.100)
15 Escape 1 (RCW 9A.76.110)
16 Hit and Run--Injury (RCW
17 46.52.020(4)(b))
18 Hit and Run with Vessel--Injury
19 Accident (RCW 79A.60.200(3))
20 Identity Theft 1 (RCW 9.35.020(2))
21 Indecent Exposure to Person Under
22 Age Fourteen (subsequent sex
23 offense) (RCW 9A.88.010)
24 Influencing Outcome of Sporting
25 Event (RCW 9A.82.070)
26 Malicious Harassment (RCW
27 9A.36.080)
28 Residential Burglary (RCW
29 9A.52.025)
30 Robbery 2 (RCW 9A.56.210)
31 Theft of Livestock 1 (RCW 9A.56.080)
32 Threats to Bomb (RCW 9.61.160)
33 Trafficking in Stolen Property 1 (RCW
34 9A.82.050)
35 Unlawful factoring of a credit card or
36 payment card transaction (RCW
37 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(3))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, by being under the
15 influence of intoxicating liquor or
16 any drug, or by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Willful Failure to Return from
20 Furlough (RCW 72.66.060)
21 III Abandonment of dependent person 2
22 (RCW 9A.42.070)
23 Assault 3 (Except Assault 3 of a Peace
24 Officer With a Projectile Stun
25 Gun) (RCW 9A.36.031 except
26 subsection (1)(h))
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Criminal Mistreatment 2 (RCW
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Cyberstalking (subsequent conviction
3 or threat of death) (RCW
4 9.61.260(3))
5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Malicious Injury to Railroad Property
13 (RCW 81.60.070)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Organized Retail Theft 1 (section 2(2)
19 of this act)
20 Patronizing a Juvenile Prostitute
21 (RCW 9.68A.100)
22 Perjury 2 (RCW 9A.72.030)
23 Possession of Incendiary Device (RCW
24 9.40.120)
25 Possession of Machine Gun or Short-
26 Barreled Shotgun or Rifle (RCW
27 9.41.190)
28 Promoting Prostitution 2 (RCW
29 9A.88.080)
30 Securities Act violation (RCW
31 21.20.400)
32 Tampering with a Witness (RCW
33 9A.72.120)
34 Telephone Harassment (subsequent
35 conviction or threat of death)
36 (RCW 9.61.230(2))
37 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with Extenuating Circumstances
2 1 (section 3(2) of this act)
3 Theft with the Intent to Resell 1
4 (section 1(2) of this act)
5 Trafficking in Stolen Property 2 (RCW
6 9A.82.055)
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Vehicular Assault, by the operation or
12 driving of a vehicle with disregard
13 for the safety of others (RCW
14 46.61.522)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 II Computer Trespass 1 (RCW
18 9A.52.110)
19 Counterfeiting (RCW 9.16.035(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Health Care False Claims (RCW
23 48.80.030)
24 Identity Theft 2 (RCW 9.35.020(3))
25 Improperly Obtaining Financial
26 Information (RCW 9.35.010)
27 Malicious Mischief 1 (RCW
28 9A.48.070)
29 Organized Retail Theft 2 (section 2(3)
30 of this act)
31 Possession of Stolen Property 1 (RCW
32 9A.56.150)
33 Theft 1 (RCW 9A.56.030)
34 Theft of Rental, Leased, or Lease-
35 purchased Property (valued at one
36 thousand five hundred dollars or
37 more) (RCW 9A.56.096(5)(a))

1 Theft with Extenuating Circumstances
2 2 (section 3(3) of this act)
3 Theft with the Intent to Resell 2
4 (section 1(3) of this act)
5 Trafficking in Insurance Claims (RCW
6 48.30A.015)
7 Unlawful factoring of a credit card or
8 payment card transaction (RCW
9 9A.56.290(4)(a))
10 Unlawful Practice of Law (RCW
11 2.48.180)
12 Unlicensed Practice of a Profession or
13 Business (RCW 18.130.190(7))
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW
23 9A.48.080)
24 Mineral Trespass (RCW 78.44.330)
25 Possession of Stolen Property 2 (RCW
26 9A.56.160)
27 Reckless Burning 1 (RCW 9A.48.040)
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft of Rental, Leased, or Lease-
32 purchased Property (valued at two
33 hundred fifty dollars or more but
34 less than one thousand five
35 hundred dollars) (RCW
36 9A.56.096(5)(b))

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063(4))
4 Unlawful Issuance of Checks or Drafts
5 (RCW 9A.56.060)
6 Unlawful Possession of Fictitious
7 Identification (RCW 9A.56.320)
8 Unlawful Possession of Instruments of
9 Financial Fraud (RCW
10 9A.56.320)
11 Unlawful Possession of Payment
12 Instruments (RCW 9A.56.320)
13 Unlawful Possession of a Personal
14 Identification Device (RCW
15 9A.56.320)
16 Unlawful Production of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Trafficking in Food Stamps
19 (RCW 9.91.142)
20 Unlawful Use of Food Stamps (RCW
21 9.91.144)
22 Vehicle Prowl 1 (RCW 9A.52.095)

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