

ESHB 2424 - S COMM AMD
By Committee on Judiciary

ADOPTED AS AMENDED 03/04/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.68A.001 and 2007 c 368 s 1 are each amended to read
4 as follows:

5 The legislature finds that the prevention of sexual exploitation
6 and abuse of children constitutes a government objective of surpassing
7 importance. The care of children is a sacred trust and should not be
8 abused by those who seek commercial gain or personal gratification
9 based on the exploitation of children.

10 The legislature further finds that the protection of children from
11 sexual exploitation can be accomplished without infringing on a
12 constitutionally protected activity. The definition of "sexually
13 explicit conduct" and other operative definitions demarcate a line
14 between protected and prohibited conduct and should not inhibit
15 legitimate scientific, medical, or educational activities.

16 The legislature further finds that children engaged in sexual
17 conduct for financial compensation are frequently the victims of sexual
18 abuse. Approximately eighty to ninety percent of children engaged in
19 sexual activity for financial compensation have a history of sexual
20 abuse victimization. It is the intent of the legislature to encourage
21 these children to engage in prevention and intervention services and to
22 hold those who pay to engage in the sexual abuse of children
23 accountable for the trauma they inflict on children.

24 The legislature further finds that due to the changing nature of
25 technology, offenders are now able to access child pornography in
26 different ways and in increasing quantities. By amending current
27 statutes governing depictions of a minor engaged in sexually explicit
28 conduct, it is the intent of the legislature to ensure that intentional
29 viewing of and dealing in child pornography over the internet is
30 subject to a criminal penalty without limiting the scope of existing

1 prohibitions on the possession of or dealing in child pornography,
2 including the possession of electronic depictions of a minor engaged in
3 sexually explicit conduct. It is also the intent of the legislature to
4 clarify, in response to *State v. Sutherby*, 204 P.3d 916 (2009), the
5 unit of prosecution for the statutes governing possession of and
6 dealing in depictions of a minor engaged in sexually explicit conduct.
7 It is the intent of the legislature that the first degree offenses
8 under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per depiction or
9 image unit of prosecution, while the second degree offenses under RCW
10 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of
11 prosecution as established in *State v. Sutherby*, 204 P.3d 916 (2009).
12 Furthermore, it is the intent of the legislature to set a different
13 unit of prosecution for the new offense of viewing of depictions of a
14 minor engaged in sexually explicit conduct such that each separate
15 session of intentionally viewing over the internet of visual depictions
16 or images of a minor engaged in sexually explicit conduct constitutes
17 a separate offense.

18 NEW SECTION. Sec. 2. A new section is added to chapter 9.68A RCW
19 to read as follows:

20 This chapter does not apply to lawful conduct between spouses.

21 **Sec. 3.** RCW 9.68A.011 and 2002 c 70 s 1 are each amended to read
22 as follows:

23 Unless the context clearly indicates otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) An "internet session" means a period of time during which an
26 internet user, using a specific internet protocol address, visits or is
27 logged into an internet site for an uninterrupted period of time.

28 (2) To "photograph" means to make a print, negative, slide, digital
29 image, motion picture, or videotape. A "photograph" means anything
30 tangible or intangible produced by photographing.

31 ((+2)) (3) "Visual or printed matter" means any photograph or
32 other material that contains a reproduction of a photograph.

33 ((+3)) (4) "Sexually explicit conduct" means actual or simulated:

34 (a) Sexual intercourse, including genital-genital, oral-genital,
35 anal-genital, or oral-anal, whether between persons of the same or
36 opposite sex or between humans and animals;

- 1 (b) Penetration of the vagina or rectum by any object;
- 2 (c) Masturbation;
- 3 (d) ~~Sadomasochistic abuse ((for the purpose of sexual stimulation~~
4 ~~of the viewer))~~;
- 5 (e) ~~((Exhibition of the genitals or unclothed pubic or rectal areas~~
6 ~~of any minor, or the unclothed breast of a female minor, for the~~
7 ~~purpose of sexual stimulation of the viewer;~~
- 8 ~~(f))~~ Defecation or urination for the purpose of sexual stimulation
9 of the viewer;
- 10 (f) Depiction of the genitals or unclothed pubic or rectal areas of
11 any minor, or the unclothed breast of a female minor, for the purpose
12 of sexual stimulation of the viewer. For the purposes of this
13 subsection (4)(f), it is not necessary that the minor know that he or
14 she is participating in the described conduct, or any aspect of it; and
- 15 (g) Touching of a person's clothed or unclothed genitals, pubic
16 area, buttocks, or breast area for the purpose of sexual stimulation of
17 the viewer.
- 18 ~~((4))~~ (5) "Minor" means any person under eighteen years of age.
- 19 ~~((5))~~ (6) "Live performance" means any play, show, skit, dance,
20 or other exhibition performed or presented to or before an audience of
21 one or more, with or without consideration.

22 **Sec. 4.** RCW 9.68A.050 and 1989 c 32 s 3 are each amended to read
23 as follows:

24 ~~((A person who:))~~

25 (1)(a) A person commits the crime of dealing in depictions of a
26 minor engaged in sexually explicit conduct in the first degree when he
27 or she:

28 (i) Knowingly develops, duplicates, publishes, prints,
29 disseminates, exchanges, finances, attempts to finance, or sells
30 ~~((any))~~ a visual or printed matter that depicts a minor engaged in an
31 act of sexually explicit conduct as defined in RCW 9.68A.110(4) (a)
32 through (e); or

33 ~~((2))~~ (ii) Possesses with intent to develop, duplicate, publish,
34 print, disseminate, exchange, or sell any visual or printed matter that
35 depicts a minor engaged in an act of sexually explicit conduct as
36 defined in RCW 9.68A.011(4) (a) through (e).

1 (b) Dealing in depictions of a minor engaged in sexually explicit
2 conduct in the first degree is ((guilty of)) a class ((C)) B felony
3 punishable under chapter 9A.20 RCW.

4 (c) For the purposes of determining the unit of prosecution under
5 this subsection, each depiction or image of visual or printed matter
6 constitutes a separate offense.

7 (2)(a) A person commits the crime of dealing in depictions of a
8 minor engaged in sexually explicit conduct in the second degree when he
9 or she:

10 (i) Knowingly develops, duplicates, publishes, prints,
11 disseminates, exchanges, finances, attempts to finance, or sells any
12 visual or printed matter that depicts a minor engaged in an act of
13 sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g); or

14 (ii) Possesses with intent to develop, duplicate, publish, print,
15 disseminate, exchange, or sell any visual or printed matter that
16 depicts a minor engaged in an act of sexually explicit conduct as
17 defined in RCW 9.68A.011(4) (f) or (g).

18 (b) Dealing in depictions of a minor engaged in sexually explicit
19 conduct in the second degree is a class C felony punishable under
20 chapter 9A.20 RCW.

21 (c) For the purposes of determining the unit of prosecution under
22 this subsection, each incident of dealing in one or more depictions or
23 images of visual or printed matter constitutes a separate offense.

24 **Sec. 5.** RCW 9.68A.060 and 1989 c 32 s 4 are each amended to read
25 as follows:

26 (1)(a) A person ((who)) commits the crime of sending or bringing
27 into the state depictions of a minor engaged in sexually explicit
28 conduct in the first degree when he or she knowingly sends or causes to
29 be sent, or brings or causes to be brought, into this state for sale or
30 distribution, ((any)) a visual or printed matter that depicts a minor
31 engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a)
32 through (e).

33 (b) Sending or bringing into the state depictions of a minor
34 engaged in sexually explicit conduct in the first degree is ((guilty
35 of)) a class ((C)) B felony punishable under chapter 9A.20 RCW.

36 (c) For the purposes of determining the unit of prosecution under

1 this subsection, each depiction or image of visual or printed matter
2 constitutes a separate offense.

3 (2)(a) A person commits the crime of sending or bringing into the
4 state depictions of a minor engaged in sexually explicit conduct in the
5 second degree when he or she knowingly sends or causes to be sent, or
6 brings or causes to be brought, into this state for sale or
7 distribution, any visual or printed matter that depicts a minor engaged
8 in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

9 (b) Sending or bringing into the state depictions of a minor
10 engaged in sexually explicit conduct in the second degree is a class C
11 felony punishable under chapter 9A.20 RCW.

12 (c) For the purposes of determining the unit of prosecution under
13 this subsection, each incident of sending or bringing into the state
14 one or more depictions or images of visual or printed matter
15 constitutes a separate offense.

16 **Sec. 6.** RCW 9.68A.070 and 2006 c 139 s 3 are each amended to read
17 as follows:

18 (1)(a) A person (~~who~~) commits the crime of possession of
19 depictions of a minor engaged in sexually explicit conduct in the first
20 degree when he or she knowingly possesses a visual or printed matter
21 depicting a minor engaged in sexually explicit conduct as defined in
22 RCW 9.68A.011(4) (a) through (e).

23 (b) Possession of depictions of a minor engaged in sexually
24 explicit conduct in the first degree is (~~guilty of~~) a class B felony
25 punishable under chapter 9A.20 RCW.

26 (c) For the purposes of determining the unit of prosecution under
27 this subsection, each depiction or image of visual or printed matter
28 constitutes a separate offense.

29 (2)(a) A person commits the crime of possession of depictions of a
30 minor engaged in sexually explicit conduct in the second degree when he
31 or she knowingly possesses any visual or printed matter depicting a
32 minor engaged in sexually explicit conduct as defined in RCW
33 9.68A.011(4) (f) or (g).

34 (b) Possession of depictions of a minor engaged in sexually
35 explicit conduct in the second degree is a class C felony punishable
36 under chapter 9A.20 RCW.

1 (c) For the purposes of determining the unit of prosecution under
2 this subsection, each incident of possession of one or more depictions
3 or images of visual or printed matter constitutes a separate offense.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 9.68A RCW
5 to read as follows:

6 (1) A person who intentionally views over the internet visual or
7 printed matter depicting a minor engaged in sexually explicit conduct
8 as defined in RCW 9.68A.011(4) (a) through (e) is guilty of viewing
9 depictions of a minor engaged in sexually explicit conduct in the first
10 degree, a class B felony punishable under chapter 9A.20 RCW.

11 (2) A person who intentionally views over the internet visual or
12 printed matter depicting a minor engaged in sexually explicit conduct
13 as defined in RCW 9.68A.011(4) (f) or (g) is guilty of viewing
14 depictions of a minor engaged in sexually explicit conduct in the
15 second degree, a class C felony punishable under chapter 9A.20 RCW.

16 (3) For the purposes of determining whether a person intentionally
17 viewed over the internet a visual or printed matter depicting a minor
18 engaged in sexually explicit conduct in subsection (1) or (2) of this
19 section, the trier of fact shall consider the title, text, and content
20 of the visual or printed matter, as well as the internet history,
21 search terms, thumbnail images, downloading activity, expert computer
22 forensic testimony, number of visual or printed matter depicting minors
23 engaged in sexually explicit conduct, defendant's access to and control
24 over the electronic device and its contents upon which the visual or
25 printed matter was found, or any other relevant evidence. The state
26 must prove beyond a reasonable doubt that the viewing was initiated by
27 the user of the computer where the viewing occurred.

28 (4) For the purposes of this section, each separate internet
29 session of intentionally viewing over the internet visual or printed
30 matter depicting a minor engaged in sexually explicit conduct
31 constitutes a separate offense.

32 **Sec. 8.** RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read
33 as follows:

34 (1) In a prosecution under RCW 9.68A.040, it is not a defense that
35 the defendant was involved in activities of law enforcement and
36 prosecution agencies in the investigation and prosecution of criminal

1 offenses. Law enforcement and prosecution agencies shall not employ
2 minors to aid in the investigation of a violation of RCW 9.68A.090 or
3 9.68A.100. (~~This chapter does not apply to lawful conduct between~~
4 ~~spouses.~~)

5 (2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or
6 9.68A.080, it is not a defense that the defendant did not know the age
7 of the child depicted in the visual or printed matter: PROVIDED, That
8 it is a defense, which the defendant must prove by a preponderance of
9 the evidence, that at the time of the offense the defendant was not in
10 possession of any facts on the basis of which he or she should
11 reasonably have known that the person depicted was a minor.

12 (3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.101, or
13 9.68A.102, it is not a defense that the defendant did not know the
14 alleged victim's age: PROVIDED, That it is a defense, which the
15 defendant must prove by a preponderance of the evidence, that at the
16 time of the offense, the defendant made a reasonable bona fide attempt
17 to ascertain the true age of the minor by requiring production of a
18 driver's license, marriage license, birth certificate, or other
19 governmental or educational identification card or paper and did not
20 rely solely on the oral allegations or apparent age of the minor.

21 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, ~~((or))~~
22 9.68A.070, or section 7 of this act, it shall be an affirmative defense
23 that the defendant was a law enforcement officer or a person
24 specifically authorized, in writing, to assist a law enforcement
25 officer and acting at the direction of a law enforcement officer in the
26 process of conducting an official investigation of a sex-related crime
27 against a minor, or that the defendant was providing individual case
28 treatment as a recognized medical facility or as a psychiatrist or
29 psychologist licensed under Title 18 RCW. Nothing in this act is
30 intended to in any way affect or diminish the immunity afforded an
31 electronic communication service provider, remote computing service
32 provider, or domain name registrar acting in the performance of its
33 reporting or preservation responsibilities under 18 U.S.C. Secs. 2258a,
34 2258b, or 2258c.

35 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, ~~((or))~~
36 9.68A.070, or section 7 of this act, the state is not required to
37 establish the identity of the alleged victim.

1 (6) In a prosecution under RCW 9.68A.070 or section 7 of this act,
2 it shall be an affirmative defense that:

3 (a) The defendant was employed at or conducting research in
4 partnership or in cooperation with any institution of higher education
5 as defined in RCW 28B.07.020 or 28B.10.016, and:

6 (i) He or she was engaged in a research activity;

7 (ii) The research activity was specifically approved prior to the
8 possession or viewing activity being conducted in writing by a person,
9 or other such entity vested with the authority to grant such approval
10 by the institution of higher learning; and

11 (iii) Viewing or possessing the visual or printed matter is an
12 essential component of the authorized research; or

13 (b) The defendant was an employee of the Washington state
14 legislature engaged in research at the request of a member of the
15 legislature and:

16 (i) The request for research is made prior to the possession or
17 viewing activity being conducted in writing by a member of the
18 legislature;

19 (ii) The research is directly related to a legislative activity;
20 and

21 (iii) Viewing or possessing the visual or printed matter is an
22 essential component of the requested research and legislative activity.

23 (c) Nothing in this section authorizes otherwise unlawful viewing
24 or possession of visual or printed matter depicting a minor engaged in
25 sexually explicit conduct.

26 **Sec. 9.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are
27 each reenacted and amended to read as follows:

28
29 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))

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 Criminal Mistreatment 1 (RCW
20 9A.42.020)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape
30 (RCW 9A.76.115)
31 IX Abandonment of Dependent Person 1
32 (RCW 9A.42.060)
33 Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)
36 Hit and Run--Death (RCW
37 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 liquor
13 or any drug (RCW 46.61.520)
14 VIII Arson 1 (RCW 9A.48.020)
15 Homicide by Watercraft, by the
16 operation of any vessel in a
17 reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Promoting Commercial Sexual Abuse
21 of a Minor (RCW 9.68A.101)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 Vehicular Homicide, by the operation
26 of any vehicle in a reckless manner
27 (RCW 46.61.520)
28 VII Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)
4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))
7 Introducing Contraband 1 (RCW
8 9A.76.140)
9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))
11 Negligently Causing Death By Use of a
12 Signal Preemption Device (RCW
13 46.37.675)
14 Sending, bringing into state depictions
15 of minor engaged in sexually
16 explicit conduct 1 (RCW
17 9.68A.060(1))
18 Unlawful Possession of a Firearm in
19 the first degree (RCW 9.41.040(1))
20 Use of a Machine Gun in Commission
21 of a Felony (RCW 9.41.225)
22 Vehicular Homicide, by disregard for
23 the safety of others (RCW
24 46.61.520)
25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(3)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation
33 device 2 (RCW 70.74.272(1)(b))
34 Possession of Depictions of a Minor
35 Engaged in Sexually Explicit
36 Conduct 1 (RCW 9.68A.070(1))
37 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)
2 Unlawful Storage of Ammonia (RCW
3 69.55.020)
4 V Abandonment of Dependent Person 2
5 (RCW 9A.42.070)
6 Advancing money or property for
7 extortionate extension of credit
8 (RCW 9A.82.030)
9 Bail Jumping with class A Felony
10 (RCW 9A.76.170(3)(b))
11 Child Molestation 3 (RCW 9A.44.089)
12 Criminal Mistreatment 2 (RCW
13 9A.42.030)
14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)
16 Dealing in Depictions of Minor
17 Engaged in Sexually Explicit
18 Conduct 2 (RCW 9.68A.050(2))
19 Domestic Violence Court Order
20 Violation (RCW 10.99.040,
21 10.99.050, 26.09.300, 26.10.220,
22 26.26.138, 26.50.110, 26.52.070,
23 or 74.34.145)
24 Driving While Under the Influence
25 (RCW 46.61.502(6))
26 Extortion 1 (RCW 9A.56.120)
27 Extortionate Extension of Credit (RCW
28 9A.82.020)
29 Extortionate Means to Collect
30 Extensions of Credit (RCW
31 9A.82.040)
32 Incest 2 (RCW 9A.64.020(2))
33 Kidnapping 2 (RCW 9A.40.030)
34 Perjury 1 (RCW 9A.72.020)
35 Persistent prison misbehavior (RCW
36 9.94.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)
6 Rape 3 (RCW 9A.44.060)
7 Rendering Criminal Assistance 1
8 (RCW 9A.76.070)
9 Sending, Bringing into State Depictions
10 of Minor Engaged in Sexually
11 Explicit Conduct 2 (RCW
12 9.68A.060(2))
13 Sexual Misconduct with a Minor 1
14 (RCW 9A.44.093)
15 Sexually Violating Human Remains
16 (RCW 9A.44.105)
17 Stalking (RCW 9A.46.110)
18 Taking Motor Vehicle Without
19 Permission 1 (RCW 9A.56.070)
20 IV Arson 2 (RCW 9A.48.030)
21 Assault 2 (RCW 9A.36.021)
22 Assault 3 (of a Peace Officer with a
23 Projectile Stun Gun) (RCW
24 9A.36.031(1)(h))
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW 9A.68.060)
32 Counterfeiting (RCW 9.16.035(4))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)
36 Hit and Run--Injury (RCW
37 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under
5 Age Fourteen (subsequent sex
6 offense) (RCW 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Malicious Harassment (RCW
10 9A.36.080)
11 Possession of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 2 (RCW 9.68.070(2))
14 Residential Burglary (RCW
15 9A.52.025)
16 Robbery 2 (RCW 9A.56.210)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Threats to Bomb (RCW 9.61.160)
19 Trafficking in Stolen Property 1 (RCW
20 9A.82.050)
21 Unlawful factoring of a credit card or
22 payment card transaction (RCW
23 9A.56.290(4)(b))
24 Unlawful transaction of health
25 coverage as a health care service
26 contractor (RCW 48.44.016(3))
27 Unlawful transaction of health
28 coverage as a health maintenance
29 organization (RCW 48.46.033(3))
30 Unlawful transaction of insurance
31 business (RCW 48.15.023(3))
32 Unlicensed practice as an insurance
33 professional (RCW
34 48.17.063(~~(3)~~)(2))
35 Use of Proceeds of Criminal
36 Profiteering (RCW 9A.82.080 (1)
37 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 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (section 7(1) of this act)
9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)
11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))
13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun
15 Gun) (RCW 9A.36.031 except
16 subsection (1)(h))
17 Assault of a Child 3 (RCW 9A.36.140)
18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))
20 Burglary 2 (RCW 9A.52.030)
21 Commercial Sexual Abuse of a Minor
22 (RCW 9.68A.100)
23 Communication with a Minor for
24 Immoral Purposes (RCW
25 9.68A.090)
26 Criminal Gang Intimidation (RCW
27 9A.46.120)
28 Custodial Assault (RCW 9A.36.100)
29 Cyberstalking (subsequent conviction
30 or threat of death) (RCW
31 9.61.260(3))
32 Escape 2 (RCW 9A.76.120)
33 Extortion 2 (RCW 9A.56.130)
34 Harassment (RCW 9A.46.020)
35 Intimidating a Public Servant (RCW
36 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Mortgage Fraud (RCW 19.144.080)
6 Negligently Causing Substantial Bodily
7 Harm By Use of a Signal
8 Preemption Device (RCW
9 46.37.674)
10 Organized Retail Theft 1 (RCW
11 9A.56.350(2))
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 Retail Theft with Extenuating
21 Circumstances 1 (RCW
22 9A.56.360(2))
23 Securities Act violation (RCW
24 21.20.400)
25 Tampering with a Witness (RCW
26 9A.72.120)
27 Telephone Harassment (subsequent
28 conviction or threat of death)
29 (RCW 9.61.230(2))
30 Theft of Livestock 2 (RCW 9A.56.083)
31 Theft with the Intent to Resell 1 (RCW
32 9A.56.340(2))
33 Trafficking in Stolen Property 2 (RCW
34 9A.82.055)
35 Unlawful Imprisonment (RCW
36 9A.40.040)

1 Unlawful possession of firearm in the
2 second degree (RCW 9A.41.040(2))
3 Vehicular Assault, by the operation or
4 driving of a vehicle with disregard
5 for the safety of others (RCW
6 46.61.522)
7 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 II Computer Trespass 1 (RCW
10 9A.52.110)
11 Counterfeiting (RCW 9.16.035(3))
12 Escape from Community Custody
13 (RCW 72.09.310)
14 Failure to Register as a Sex Offender
15 (second or subsequent offense)
16 (RCW 9A.44.130(11)(a))
17 Health Care False Claims (RCW
18 48.80.030)
19 Identity Theft 2 (RCW 9.35.020(3))
20 Improperly Obtaining Financial
21 Information (RCW 9.35.010)
22 Malicious Mischief 1 (RCW
23 9A.48.070)
24 Organized Retail Theft 2 (RCW
25 9A.56.350(3))
26 Possession of Stolen Property 1 (RCW
27 9A.56.150)
28 Possession of a Stolen Vehicle (RCW
29 9A.56.068)
30 Retail Theft with Extenuating
31 Circumstances 2 (RCW
32 9A.56.360(3))
33 Theft 1 (RCW 9A.56.030)
34 Theft of a Motor Vehicle (RCW
35 9A.56.065)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Practice of Law (RCW
13 2.48.180)
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 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(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(((4))))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW 9A.56.320)
16 Unlawful Possession of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Possession of a Personal
19 Identification Device (RCW
20 9A.56.320)
21 Unlawful Production of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Vehicle Prowl 1 (RCW 9A.52.095)"

ESHB 2424 - S COMM AMD
By Committee on Judiciary

ADOPTED AS AMENDED 03/04/2010

28 On page 1, line 2 of the title, after "abuse;" strike the remainder
29 of the title and insert "amending RCW 9.68A.001, 9.68A.011, 9.68A.050,
30 9.68A.060, 9.68A.070, and 9.68A.110; reenacting and amending RCW

1 9.94A.515; adding new sections to chapter 9.68A RCW; and prescribing
2 penalties."

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