
SENATE BILL 5348

State of Washington

67th Legislature

2021 Regular Session

By Senators Stanford, Dhingra, Hasegawa, Hunt, and Salomon

Read first time 01/25/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to assisted reproduction; amending RCW 9A.36.031,
2 18.130.180, and 9.94A.515; reenacting and amending RCW 9A.04.080;
3 adding a new section to chapter 4.24 RCW; adding a new chapter to
4 Title 9A RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds it unconscionable
7 that health care providers or others may misrepresent the source of
8 the human reproductive material provided to assisted reproduction
9 patients. In such cases, false information leaves the children
10 conceived through assisted reproduction without accurate information
11 about their identity, family medical history, and true genetic
12 parentage.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires
15 otherwise.

16 (1) "Assisted reproduction" has the same meaning as defined in
17 RCW 26.26A.010.

18 (2) "Donor" has the same meaning as defined in RCW 26.26A.010.

19 (3) "Gamete" has the same meaning as defined in RCW 26.26A.010.

1 (4) "Health care facility" has the same meaning as defined in RCW
2 70.38.025.

3 (5) "Health care provider" has the same meaning as defined in RCW
4 7.70.020.

5 (6) "Human reproductive material" means (a) a human gamete; or
6 (b) a human organism at any stage of development from fertilized ovum
7 to embryo.

8 NEW SECTION. **Sec. 3.** (1) A person is guilty of false
9 representation in assisted reproduction if he or she knowingly
10 provides false information to a patient related to:

11 (a) An assisted reproduction procedure or treatment;

12 (b) The human reproductive material used or provided for assisted
13 reproduction;

14 (c) The identity of a donor of human reproductive material used
15 or provided for assisted reproduction including, but not limited to,
16 the donor's name, birthdate, or address at the time of donation; or

17 (d) A donor's medical history including, but not limited to, a
18 present illness of a donor at the time of donation; a past illness of
19 a donor; or the social, genetic, or family history pertaining to a
20 donor's health.

21 (2) A health care provider is guilty of false representation in
22 assisted reproduction if the health care provider knowingly uses or
23 provides human reproductive material for assisted reproduction other
24 than the human reproductive material the health care provider agreed
25 to be used or provided in writing.

26 (3) An entity that is licensed or operating in Washington state
27 as a health care facility, gamete bank, or fertility clinic is guilty
28 of false representation in assisted reproduction when it:

29 (a) Provides a patient with human reproductive material other
30 than the human reproductive material that was agreed to be provided
31 in writing between the patient and the entity;

32 (b) Disregards agreements between the donor and the gamete bank,
33 fertility clinic, or health care facility; or

34 (c) Fails to make good faith efforts to provide a child conceived
35 by assisted reproduction with a donor's identifying information as
36 required under RCW 26.26A.820.

37 (4) Each incidence of false representation in assisted
38 reproduction constitutes a separate offense.

1 (5) A violation of this section is a class C felony punishable
2 under chapter 9A.20 RCW.

3 (6) Nothing in this chapter shall be construed to prohibit a
4 person from pursuing any other remedy provided by law.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) A child conceived by assisted reproduction, a donor, or a
8 patient who utilized assisted reproduction with a health care
9 provider or at a health care facility, or a patient's spouse at the
10 time when the patient utilized assisted reproduction, may maintain a
11 civil cause of action for damages for false representation in
12 assisted reproduction.

13 (2) The plaintiff in a civil action brought under this section
14 must prove by a preponderance of the evidence that the defendant or
15 defendants made false representations in assisted reproduction to a
16 patient, a donor, or a child conceived by assisted reproduction, as
17 described in section 3 of this act.

18 (3) In a civil action brought under this section, each act of
19 false representation in assisted reproduction is a violation of this
20 section and the defendant or defendants are liable for civil damages
21 of five thousand dollars or economic and noneconomic damages,
22 whichever is greater, and reasonable attorneys' fees as determined by
23 the court.

24 **Sec. 5.** RCW 9A.04.080 and 2019 c 93 s 2 and 2019 c 87 s 2 are
25 each reenacted and amended to read as follows:

26 (1) Prosecutions for criminal offenses shall not be commenced
27 after the periods prescribed in this section.

28 (a) The following offenses may be prosecuted at any time after
29 their commission:

30 (i) Murder;

31 (ii) Homicide by abuse;

32 (iii) Arson if a death results;

33 (iv) Vehicular homicide;

34 (v) Vehicular assault if a death results;

35 (vi) Hit-and-run injury-accident if a death results (RCW
36 46.52.020(4));

37 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
38 under the age of sixteen;

1 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
2 under the age of sixteen;

3 (ix) Rape of a child in the first degree (RCW 9A.44.073);
4 (x) Rape of a child in the second degree (RCW 9A.44.076);
5 (xi) Rape of a child in the third degree (RCW 9A.44.079);
6 (xii) Sexual misconduct with a minor in the first degree (RCW
7 9A.44.093);
8 (xiii) Custodial sexual misconduct in the first degree (RCW
9 9A.44.160);

10 (xiv) Child molestation in the first degree (RCW 9A.44.083);
11 (xv) Child molestation in the second degree (RCW 9A.44.086);
12 (xvi) Child molestation in the third degree (RCW 9A.44.089); and
13 (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

14 (b) Except as provided in (a) of this subsection, the following
15 offenses may not be prosecuted more than twenty years after its
16 commission:

17 (i) Rape in the first degree (RCW 9A.44.040);
18 (ii) Rape in the second degree (RCW 9A.44.050); or
19 (iii) Indecent liberties (RCW 9A.44.100).

20 (c) The following offenses may not be prosecuted more than ten
21 years after its commission:

22 (i) Any felony committed by a public officer if the commission is
23 in connection with the duties of his or her office or constitutes a
24 breach of his or her public duty or a violation of the oath of
25 office;

26 (ii) Arson if no death results;
27 (iii) Rape in the third degree (RCW 9A.44.060);
28 (iv) Attempted murder; or
29 (v) Trafficking under RCW 9A.40.100.

30 (d) A violation of any offense listed in this subsection (1)(d)
31 may be prosecuted up to ten years after its commission or, if
32 committed against a victim under the age of eighteen, up to the
33 victim's thirtieth birthday, whichever is later:

34 (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
35 (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a
36 minor);
37 (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse
38 of a minor); or
39 (iv) RCW 9A.64.020 (incest).

1 (e) The following offenses may not be prosecuted more than six
2 years after its commission or discovery, whichever occurs later:

3 (i) Violations of RCW 9A.82.060 or 9A.82.080;

4 (ii) Any felony violation of chapter 9A.83 RCW;

5 (iii) Any felony violation of chapter 9.35 RCW;

6 (iv) Theft in the first or second degree under chapter 9A.56 RCW
7 when accomplished by color or aid of deception;

8 (v) Theft from a vulnerable adult under RCW 9A.56.400; (~~(e)~~)

9 (vi) Trafficking in stolen property in the first or second degree
10 under chapter 9A.82 RCW in which the stolen property is a motor
11 vehicle or major component part of a motor vehicle as defined in RCW
12 46.80.010; or

13 (vii) False representation in assisted reproduction.

14 (f) The following offenses may not be prosecuted more than five
15 years after its commission: Any class C felony under chapter 74.09,
16 82.36, or 82.38 RCW.

17 (g) Bigamy may not be prosecuted more than three years after the
18 time specified in RCW 9A.64.010.

19 (h) A violation of RCW 9A.56.030 may not be prosecuted more than
20 three years after the discovery of the offense when the victim is a
21 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

22 (i) No other felony may be prosecuted more than three years after
23 its commission; except that in a prosecution under RCW 9A.44.115, if
24 the person who was viewed, photographed, or filmed did not realize at
25 the time that he or she was being viewed, photographed, or filmed,
26 the prosecution must be commenced within two years of the time the
27 person who was viewed or in the photograph or film first learns that
28 he or she was viewed, photographed, or filmed.

29 (j) No gross misdemeanor may be prosecuted more than two years
30 after its commission.

31 (k) No misdemeanor may be prosecuted more than one year after its
32 commission.

33 (2) The periods of limitation prescribed in subsection (1) of
34 this section do not run during any time when the person charged is
35 not usually and publicly resident within this state.

36 (3) In any prosecution for a sex offense as defined in RCW
37 9.94A.030, the periods of limitation prescribed in subsection (1) of
38 this section run from the date of commission or two years from the
39 date on which the identity of the suspect is conclusively established

1 by deoxyribonucleic acid testing or by photograph as defined in RCW
2 9.68A.011, whichever is later.

3 (4) If, before the end of a period of limitation prescribed in
4 subsection (1) of this section, an indictment has been found or a
5 complaint or an information has been filed, and the indictment,
6 complaint, or information is set aside, then the period of limitation
7 is extended by a period equal to the length of time from the finding
8 or filing to the setting aside.

9 **Sec. 6.** RCW 9A.36.031 and 2013 c 256 s 1 are each amended to
10 read as follows:

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

14 (a) With intent to prevent or resist the execution of any lawful
15 process or mandate of any court officer or the lawful apprehension or
16 detention of himself, herself, or another person, assaults another;
17 or

18 (b) Assaults a person employed as a transit operator or driver,
19 the immediate supervisor of a transit operator or driver, a mechanic,
20 or a security officer, by a public or private transit company or a
21 contracted transit service provider, while that person is performing
22 his or her official duties at the time of the assault; or

23 (c) Assaults a school bus driver, the immediate supervisor of a
24 driver, a mechanic, or a security officer, employed by a school
25 district transportation service or a private company under contract
26 for transportation services with a school district, while the person
27 is performing his or her official duties at the time of the assault;
28 or

29 (d) With criminal negligence, causes bodily harm to another
30 person by means of a weapon or other instrument or thing likely to
31 produce bodily harm; or

32 (e) Assaults a firefighter or other employee of a fire
33 department, county fire marshal's office, county fire prevention
34 bureau, or fire protection district who was performing his or her
35 official duties at the time of the assault; or

36 (f) With criminal negligence, causes bodily harm accompanied by
37 substantial pain that extends for a period sufficient to cause
38 considerable suffering; or

1 (g) Assaults a law enforcement officer or other employee of a law
2 enforcement agency who was performing his or her official duties at
3 the time of the assault; or

4 (h) Assaults a peace officer with a projectile stun gun; or

5 (i) Assaults a nurse, physician, or health care provider who was
6 performing his or her nursing or health care duties at the time of
7 the assault. For purposes of this subsection: "Nurse" means a person
8 licensed under chapter 18.79 RCW; "physician" means a person licensed
9 under chapter 18.57 or 18.71 RCW; and "health care provider" means a
10 person certified under chapter 18.71 or 18.73 RCW who performs
11 emergency medical services or a person regulated under Title 18 RCW
12 and employed by, or contracting with, a hospital licensed under
13 chapter 70.41 RCW; or

14 (j) Assaults a judicial officer, court-related employee, county
15 clerk, or county clerk's employee, while that person is performing
16 his or her official duties at the time of the assault or as a result
17 of that person's employment within the judicial system. For purposes
18 of this subsection, "court-related employee" includes bailiffs, court
19 reporters, judicial assistants, court managers, court managers'
20 employees, and any other employee, regardless of title, who is
21 engaged in equivalent functions; or

22 (k) Assaults a person located in a courtroom, jury room, judge's
23 chamber, or any waiting area or corridor immediately adjacent to a
24 courtroom, jury room, or judge's chamber. This section shall apply
25 only: (i) During the times when a courtroom, jury room, or judge's
26 chamber is being used for judicial purposes during court proceedings;
27 and (ii) if signage was posted in compliance with RCW 2.28.200 at the
28 time of the assault; or

29 (l) Implants his or her gametes or reproductive material into a
30 patient without written consent.

31 (2) Assault in the third degree is a class C felony.

32 **Sec. 7.** RCW 18.130.180 and 2020 c 187 s 2 are each amended to
33 read as follows:

34 The following conduct, acts, or conditions constitute
35 unprofessional conduct for any license holder under the jurisdiction
36 of this chapter:

37 (1) The commission of any act involving moral turpitude,
38 dishonesty, or corruption relating to the practice of the person's
39 profession, whether the act constitutes a crime or not. If the act

1 constitutes a crime, conviction in a criminal proceeding is not a
2 condition precedent to disciplinary action. Upon such a conviction,
3 however, the judgment and sentence is conclusive evidence at the
4 ensuing disciplinary hearing of the guilt of the license holder of
5 the crime described in the indictment or information, and of the
6 person's violation of the statute on which it is based. For the
7 purposes of this section, conviction includes all instances in which
8 a plea of guilty or nolo contendere is the basis for the conviction
9 and all proceedings in which the sentence has been deferred or
10 suspended. Nothing in this section abrogates rights guaranteed under
11 chapter 9.96A RCW;

12 (2) Misrepresentation or concealment of a material fact in
13 obtaining a license or in reinstatement thereof;

14 (3) All advertising which is false, fraudulent, or misleading;

15 (4) Incompetence, negligence, or malpractice which results in
16 injury to a patient or which creates an unreasonable risk that a
17 patient may be harmed. The use of a nontraditional treatment by
18 itself shall not constitute unprofessional conduct, provided that it
19 does not result in injury to a patient or create an unreasonable risk
20 that a patient may be harmed;

21 (5) Suspension, revocation, or restriction of the individual's
22 license to practice any health care profession by competent authority
23 in any state, federal, or foreign jurisdiction, a certified copy of
24 the order, stipulation, or agreement being conclusive evidence of the
25 revocation, suspension, or restriction;

26 (6) Except when authorized by RCW 18.130.345, the possession,
27 use, prescription for use, or distribution of controlled substances
28 or legend drugs in any way other than for legitimate or therapeutic
29 purposes, diversion of controlled substances or legend drugs, the
30 violation of any drug law, or prescribing controlled substances for
31 oneself;

32 (7) Violation of any state or federal statute or administrative
33 rule regulating the profession in question, including any statute or
34 rule defining or establishing standards of patient care or
35 professional conduct or practice;

36 (8) Failure to cooperate with the disciplining authority by:

37 (a) Not furnishing any papers, documents, records, or other
38 items;

1 (b) Not furnishing in writing a full and complete explanation
2 covering the matter contained in the complaint filed with the
3 disciplining authority;

4 (c) Not responding to subpoenas issued by the disciplining
5 authority, whether or not the recipient of the subpoena is the
6 accused in the proceeding; or

7 (d) Not providing reasonable and timely access for authorized
8 representatives of the disciplining authority seeking to perform
9 practice reviews at facilities utilized by the license holder;

10 (9) Failure to comply with an order issued by the disciplining
11 authority or a stipulation for informal disposition entered into with
12 the disciplining authority;

13 (10) Aiding or abetting an unlicensed person to practice when a
14 license is required;

15 (11) Violations of rules established by any health agency;

16 (12) Practice beyond the scope of practice as defined by law or
17 rule;

18 (13) Misrepresentation or fraud in any aspect of the conduct of
19 the business or profession;

20 (14) Failure to adequately supervise auxiliary staff to the
21 extent that the consumer's health or safety is at risk;

22 (15) Engaging in a profession involving contact with the public
23 while suffering from a contagious or infectious disease involving
24 serious risk to public health;

25 (16) Promotion for personal gain of any unnecessary or
26 inefficacious drug, device, treatment, procedure, or service;

27 (17) Conviction of any gross misdemeanor or felony relating to
28 the practice of the person's profession. For the purposes of this
29 subsection, conviction includes all instances in which a plea of
30 guilty or nolo contendere is the basis for conviction and all
31 proceedings in which the sentence has been deferred or suspended.
32 Nothing in this section abrogates rights guaranteed under chapter
33 9.96A RCW;

34 (18) The procuring, or aiding or abetting in procuring, a
35 criminal abortion;

36 (19) The offering, undertaking, or agreeing to cure or treat
37 disease by a secret method, procedure, treatment, or medicine, or the
38 treating, operating, or prescribing for any health condition by a
39 method, means, or procedure which the licensee refuses to divulge
40 upon demand of the disciplining authority;

- 1 (20) The willful betrayal of a practitioner-patient privilege as
 2 recognized by law;
- 3 (21) Violation of chapter 19.68 RCW or a pattern of violations of
 4 RCW 48.49.020 or 48.49.030;
- 5 (22) Interference with an investigation or disciplinary
 6 proceeding by willful misrepresentation of facts before the
 7 disciplining authority or its authorized representative, or by the
 8 use of threats or harassment against any patient or witness to
 9 prevent them from providing evidence in a disciplinary proceeding or
 10 any other legal action, or by the use of financial inducements to any
 11 patient or witness to prevent or attempt to prevent him or her from
 12 providing evidence in a disciplinary proceeding;
- 13 (23) Current misuse of:
- 14 (a) Alcohol;
- 15 (b) Controlled substances; or
- 16 (c) Legend drugs;
- 17 (24) Abuse of a client or patient or sexual contact with a client
 18 or patient;
- 19 (25) Acceptance of more than a nominal gratuity, hospitality, or
 20 subsidy offered by a representative or vendor of medical or health-
 21 related products or services intended for patients, in contemplation
 22 of a sale or for use in research publishable in professional
 23 journals, where a conflict of interest is presented, as defined by
 24 rules of the disciplining authority, in consultation with the
 25 department, based on recognized professional ethical standards;
- 26 (26) Violation of RCW 18.130.420;
- 27 (27) Performing conversion therapy on a patient under age
 28 eighteen;
- 29 (28) Violation of RCW 18.130.430; or
- 30 (29) Violation of section 3 of this act.

31 **Sec. 8.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to
 32 read as follows:

33 TABLE 2

34 CRIMES INCLUDED WITHIN EACH

35 SERIOUSNESS LEVEL

36 XVI Aggravated Murder 1 (RCW 10.95.020)

37 XV Homicide by abuse (RCW 9A.32.055)

1 Malicious explosion 1 (RCW
2 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 Trafficking 1 (RCW 9A.40.100(1))
6 XIII Malicious explosion 2 (RCW
7 70.74.280(2))
8 Malicious placement of an explosive 1
9 (RCW 70.74.270(1))
10 XII Assault 1 (RCW 9A.36.011)
11 Assault of a Child 1 (RCW 9A.36.120)
12 Malicious placement of an imitation
13 device 1 (RCW 70.74.272(1)(a))
14 Promoting Commercial Sexual Abuse of
15 a Minor (RCW 9.68A.101)
16 Rape 1 (RCW 9A.44.040)
17 Rape of a Child 1 (RCW 9A.44.073)
18 Trafficking 2 (RCW 9A.40.100(3))
19 XI Manslaughter 1 (RCW 9A.32.060)
20 Rape 2 (RCW 9A.44.050)
21 Rape of a Child 2 (RCW 9A.44.076)
22 Vehicular Homicide, by being under the
23 influence of intoxicating liquor or
24 any drug (RCW 46.61.520)
25 Vehicular Homicide, by the operation of
26 any vehicle in a reckless manner
27 (RCW 46.61.520)
28 X Child Molestation 1 (RCW 9A.44.083)
29 Criminal Mistreatment 1 (RCW
30 9A.42.020)
31 Indecent Liberties (with forcible
32 compulsion) (RCW
33 9A.44.100(1)(a))
34 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape (RCW
6 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being under
15 the influence of intoxicating liquor
16 or any drug (RCW 79A.60.050)
17 Inciting Criminal Profiteering (RCW
18 9A.82.060(1)(b))
19 Malicious placement of an explosive 2
20 (RCW 70.74.270(2))
21 Robbery 1 (RCW 9A.56.200)
22 Sexual Exploitation (RCW 9.68A.040)
23 VIII Arson 1 (RCW 9A.48.020)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Homicide by Watercraft, by the
27 operation of any vessel in a reckless
28 manner (RCW 79A.60.050)
29 Manslaughter 2 (RCW 9A.32.070)
30 Promoting Prostitution 1 (RCW
31 9A.88.070)
32 Theft of Ammonia (RCW 69.55.010)
33 VII Air bag diagnostic systems (causing
34 bodily injury or death) (RCW
35 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))
11 Drive-by Shooting (RCW 9A.36.045)
12 False Reporting 1 (RCW
13 9A.84.040(2)(a))
14 Homicide by Watercraft, by disregard
15 for the safety of others (RCW
16 79A.60.050)
17 Indecent Liberties (without forcible
18 compulsion) (RCW 9A.44.100(1)
19 (b) and (c))
20 Introducing Contraband 1 (RCW
21 9A.76.140)
22 Malicious placement of an explosive 3
23 (RCW 70.74.270(3))
24 Manufacture or import counterfeit,
25 nonfunctional, damaged, or
26 previously deployed air bag
27 (causing bodily injury or death)
28 (RCW 46.37.650(1)(b))
29 Negligently Causing Death By Use of a
30 Signal Preemption Device (RCW
31 46.37.675)
32 Sell, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 46.37.650(2)(b))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct 1 (RCW
4 9.68A.060(1))
5 Unlawful Possession of a Firearm in the
6 first degree (RCW 9.41.040(1))
7 Use of a Machine Gun or Bump-fire
8 Stock in Commission of a Felony
9 (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 9A.72.160)
18 Intimidating a Juror/Witness (RCW
19 9A.72.110, 9A.72.130)
20 Malicious placement of an imitation
21 device 2 (RCW 70.74.272(1)(b))
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 1 (RCW 9.68A.070(1))
25 Rape of a Child 3 (RCW 9A.44.079)
26 Theft of a Firearm (RCW 9A.56.300)
27 Theft from a Vulnerable Adult 1 (RCW
28 9A.56.400(1))
29 Unlawful Storage of Ammonia (RCW
30 69.55.020)
31 V Abandonment of Dependent Person 2
32 (RCW 9A.42.070)
33 Advancing money or property for
34 extortionate extension of credit
35 (RCW 9A.82.030)

1 Air bag diagnostic systems (RCW
2 46.37.660(2)(c))
3 Air bag replacement requirements
4 (RCW 46.37.660(1)(c))
5 Bail Jumping with class A Felony
6 (RCW 9A.76.170(3)(b))
7 Child Molestation 3 (RCW 9A.44.089)
8 Criminal Mistreatment 2 (RCW
9 9A.42.030)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Dealing in Depictions of Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.050(2))
15 Domestic Violence Court Order
16 Violation (RCW 10.99.040,
17 10.99.050, 26.09.300, 26.10.220,
18 26.26B.050, 26.50.110, 26.52.070,
19 or 74.34.145)
20 Extortion 1 (RCW 9A.56.120)
21 Extortionate Extension of Credit (RCW
22 9A.82.020)
23 Extortionate Means to Collect
24 Extensions of Credit (RCW
25 9A.82.040)
26 Incest 2 (RCW 9A.64.020(2))
27 Kidnapping 2 (RCW 9A.40.030)
28 Manufacture or import counterfeit,
29 nonfunctional, damaged, or
30 previously deployed air bag (RCW
31 46.37.650(1)(c))
32 Perjury 1 (RCW 9A.72.020)
33 Persistent prison misbehavior (RCW
34 9.94.070)
35 Possession of a Stolen Firearm (RCW
36 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sell, install, or reinstall counterfeit,
5 nonfunctional, damaged, or
6 previously deployed airbag (RCW
7 46.37.650(2)(c))
8 Sending, Bringing into State Depictions
9 of Minor Engaged in Sexually
10 Explicit Conduct 2 (RCW
11 9.68A.060(2))
12 Sexual Misconduct with a Minor 1
13 (RCW 9A.44.093)
14 Sexually Violating Human Remains
15 (RCW 9A.44.105)
16 Stalking (RCW 9A.46.110)
17 Taking Motor Vehicle Without
18 Permission 1 (RCW 9A.56.070)
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault 3 (of a Peace Officer with a
22 Projectile Stun Gun) (RCW
23 9A.36.031(1)(h))
24 Assault 4 (third domestic violence
25 offense) (RCW 9A.36.041(3))
26 Assault by Watercraft (RCW
27 79A.60.060)
28 Bribing a Witness/Bribe Received by
29 Witness (RCW 9A.72.090,
30 9A.72.100)
31 Cheating 1 (RCW 9.46.1961)
32 Commercial Bribery (RCW 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Driving While Under the Influence
35 (RCW 46.61.502(6))

1 Endangerment with a Controlled
2 Substance (RCW 9A.42.100)
3 Escape 1 (RCW 9A.76.110)
4 Hate Crime (RCW 9A.36.080)
5 Hit and Run—Injury (RCW
6 46.52.020(4)(b))
7 Hit and Run with Vessel—Injury
8 Accident (RCW 79A.60.200(3))
9 Identity Theft 1 (RCW 9.35.020(2))
10 Indecent Exposure to Person Under Age
11 Fourteen (subsequent sex offense)
12 (RCW 9A.88.010)
13 Influencing Outcome of Sporting Event
14 (RCW 9A.82.070)
15 Physical Control of a Vehicle While
16 Under the Influence (RCW
17 46.61.504(6))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 2 (RCW 9.68A.070(2))
21 Residential Burglary (RCW 9A.52.025)
22 Robbery 2 (RCW 9A.56.210)
23 Theft of Livestock 1 (RCW 9A.56.080)
24 Threats to Bomb (RCW 9.61.160)
25 Trafficking in Stolen Property 1 (RCW
26 9A.82.050)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(b))
30 Unlawful transaction of health coverage
31 as a health care service contractor
32 (RCW 48.44.016(3))
33 Unlawful transaction of health coverage
34 as a health maintenance
35 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance
2 business (RCW 48.15.023(3))
3 Unlicensed practice as an insurance
4 professional (RCW 48.17.063(2))
5 Use of Proceeds of Criminal
6 Profiteering (RCW 9A.82.080 (1)
7 and (2))
8 Vehicle Prowling 2 (third or subsequent
9 offense) (RCW 9A.52.100(3))
10 Vehicular Assault, by being under the
11 influence of intoxicating liquor or
12 any drug, or by the operation or
13 driving of a vehicle in a reckless
14 manner (RCW 46.61.522)
15 Viewing of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 1 (RCW 9.68A.075(1))
18 Willful Failure to Return from Furlough
19 (RCW 72.66.060)
20 III Animal Cruelty 1 (Sexual Conduct or
21 Contact) (RCW 16.52.205(3))
22 Assault 3 (Except Assault 3 of a Peace
23 Officer With a Projectile Stun Gun)
24 (RCW 9A.36.031 except subsection
25 (1)(h))
26 Assault of a Child 3 (RCW 9A.36.140)
27 Bail Jumping with class B or C Felony
28 (RCW 9A.76.170(3)(c))
29 Burglary 2 (RCW 9A.52.030)
30 Communication with a Minor for
31 Immoral Purposes (RCW
32 9.68A.090)
33 Criminal Gang Intimidation (RCW
34 9A.46.120)
35 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction or
2 threat of death) (RCW 9.61.260(3))
3 Escape 2 (RCW 9A.76.120)
4 Extortion 2 (RCW 9A.56.130)
5 False Reporting 2 (RCW
6 9A.84.040(2)(b))
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 Manufacture of Untraceable Firearm
15 with Intent to Sell (RCW 9.41.190)
16 Manufacture or Assembly of an
17 Undetectable Firearm or
18 Untraceable Firearm (RCW
19 9.41.325)
20 Mortgage Fraud (RCW 19.144.080)
21 Negligently Causing Substantial Bodily
22 Harm By Use of a Signal
23 Preemption Device (RCW
24 46.37.674)
25 Organized Retail Theft 1 (RCW
26 9A.56.350(2))
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun, Bump-Fire
31 Stock, Undetectable Firearm, or
32 Short-Barreled Shotgun or Rifle
33 (RCW 9.41.190)
34 Promoting Prostitution 2 (RCW
35 9A.88.080)

1 Retail Theft with Special Circumstances
2 1 (RCW 9A.56.360(2))
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) (RCW
9 9.61.230(2))
10 Theft of Livestock 2 (RCW 9A.56.083)
11 Theft with the Intent to Resell 1 (RCW
12 9A.56.340(2))
13 Trafficking in Stolen Property 2 (RCW
14 9A.82.055)
15 Unlawful Hunting of Big Game 1 (RCW
16 77.15.410(3)(b))
17 Unlawful Imprisonment (RCW
18 9A.40.040)
19 Unlawful Misbranding of Fish or
20 Shellfish 1 (RCW 77.140.060(3))
21 Unlawful possession of firearm in the
22 second degree (RCW 9.41.040(2))
23 Unlawful Taking of Endangered Fish or
24 Wildlife 1 (RCW 77.15.120(3)(b))
25 Unlawful Trafficking in Fish, Shellfish,
26 or Wildlife 1 (RCW
27 77.15.260(3)(b))
28 Unlawful Use of a Nondesigned
29 Vessel (RCW 77.15.530(4))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)

1 II Commercial Fishing Without a License
2 1 (RCW 77.15.500(3)(b))
3 Computer Trespass 1 (RCW 9A.90.040)
4 Counterfeiting (RCW 9.16.035(3))
5 Electronic Data Service Interference
6 (RCW 9A.90.060)
7 Electronic Data Tampering 1 (RCW
8 9A.90.080)
9 Electronic Data Theft (RCW 9A.90.100)
10 Engaging in Fish Dealing Activity
11 Unlicensed 1 (RCW 77.15.620(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 prior to June 10,
17 2010, and RCW 9A.44.132)
18 Health Care False Claims (RCW
19 48.80.030)
20 Identity Theft 2 (RCW 9.35.020(3))
21 Improperly Obtaining Financial
22 Information (RCW 9.35.010)
23 Malicious Mischief 1 (RCW 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 Special Circumstances
31 2 (RCW 9A.56.360(3))
32 Scrap Processing, Recycling, or
33 Supplying Without a License
34 (second or subsequent offense)
35 (RCW 19.290.100)

1 Theft 1 (RCW 9A.56.030)
2 Theft of a Motor Vehicle (RCW
3 9A.56.065)
4 Theft of Rental, Leased, Lease-
5 purchased, or Loaned Property
6 (valued at five thousand dollars or
7 more) (RCW 9A.56.096(5)(a))
8 Theft with the Intent to Resell 2 (RCW
9 9A.56.340(3))
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(4)(a))
15 Unlawful Participation of Non-Indians
16 in Indian Fishery (RCW
17 77.15.570(2))
18 Unlawful Practice of Law (RCW
19 2.48.180)
20 Unlawful Purchase or Use of a License
21 (RCW 77.15.650(3)(b))
22 Unlawful Trafficking in Fish, Shellfish,
23 or Wildlife 2 (RCW
24 77.15.260(3)(a))
25 Unlicensed Practice of a Profession or
26 Business (RCW 18.130.190(7))
27 Voyeurism 1 (RCW 9A.44.115)
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 False Representation in Assisted
31 Reproduction (section 3 of this act)
32 False Verification for Welfare (RCW
33 74.08.055)
34 Forgery (RCW 9A.60.020)

1 Fraudulent Creation or Revocation of a
2 Mental Health Advance Directive
3 (RCW 9A.60.060)
4 Malicious Mischief 2 (RCW 9A.48.080)
5 Mineral Trespass (RCW 78.44.330)
6 Possession of Stolen Property 2 (RCW
7 9A.56.160)
8 Reckless Burning 1 (RCW 9A.48.040)
9 Spotlighting Big Game 1 (RCW
10 77.15.450(3)(b))
11 Suspension of Department Privileges 1
12 (RCW 77.15.670(3)(b))
13 Taking Motor Vehicle Without
14 Permission 2 (RCW 9A.56.075)
15 Theft 2 (RCW 9A.56.040)
16 Theft from a Vulnerable Adult 2 (RCW
17 9A.56.400(2))
18 Theft of Rental, Leased, Lease-
19 purchased, or Loaned Property
20 (valued at seven hundred fifty
21 dollars or more but less than five
22 thousand dollars) (RCW
23 9A.56.096(5)(b))
24 Transaction of insurance business
25 beyond the scope of licensure
26 (RCW 48.17.063)
27 Unlawful Fish and Shellfish Catch
28 Accounting (RCW 77.15.630(3)(b))
29 Unlawful Issuance of Checks or Drafts
30 (RCW 9A.56.060)
31 Unlawful Possession of Fictitious
32 Identification (RCW 9A.56.320)
33 Unlawful Possession of Instruments of
34 Financial Fraud (RCW 9A.56.320)
35 Unlawful Possession of Payment
36 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal
2 Identification Device (RCW
3 9A.56.320)
4 Unlawful Production of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Releasing, Planting,
7 Possessing, or Placing Deleterious
8 Exotic Wildlife (RCW
9 77.15.250(2)(b))
10 Unlawful Trafficking in Food Stamps
11 (RCW 9.91.142)
12 Unlawful Use of Food Stamps (RCW
13 9.91.144)
14 Unlawful Use of Net to Take Fish 1
15 (RCW 77.15.580(3)(b))
16 Unlawful Use of Prohibited Aquatic
17 Animal Species (RCW
18 77.15.253(3))
19 Vehicle Prowl 1 (RCW 9A.52.095)
20 Violating Commercial Fishing Area or
21 Time 1 (RCW 77.15.550(3)(b))

22 NEW SECTION. **Sec. 9.** Sections 1 through 3 of this act
23 constitute a new chapter in Title 9A RCW.

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