
SENATE BILL 5897

State of Washington 60th Legislature 2007 Regular Session

By Senators Clements, McCaslin, Carrell and Honeyford

Read first time 02/06/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to theft of public benefits by the use of a false
2 identity; amending RCW 9A.56.320, 13.40.0357, and 46.20.0921;
3 reenacting and amending RCW 9.94A.515 and 9A.82.010; adding a new
4 section to chapter 9.35 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.35 RCW
7 to read as follows:

8 (1) No person may obtain or attempt to obtain, or aid or abet any
9 person in obtaining, any financial public benefit to which the person
10 is not entitled by the use of a false identity with the intent to
11 deceive an officer, employee, or agent of the state or a local
12 government into providing the financial public benefit.

13 (2)(a) Violation of this section when the accused or an accomplice
14 uses a false identity and obtains an aggregate total of public benefit
15 payments in excess of one thousand five hundred dollars constitutes
16 theft of public benefits in the first degree. Theft of public benefits
17 in the first degree is a class B felony punishable according to chapter
18 9A.20 RCW.

1 (b) Violation of this section when the accused or an accomplice
2 uses a false identity and obtains an aggregate total of public benefit
3 payments of one thousand five hundred dollars or less constitutes theft
4 of public benefits in the second degree. Theft of public benefits in
5 the second degree is a class C felony punishable according to chapter
6 9A.20 RCW.

7 (3) A person who violates this section is liable to the state
8 agency or local government that provided the financial public benefit
9 for civil damages of one thousand dollars or actual damages, whichever
10 is greater.

11 (4) For the purposes of this section:

12 (a) "Financial public benefit" means any financial benefit provided
13 by the state of Washington or a local government, including but not
14 limited to, temporary assistance for needy families, chapter 74.12 RCW;
15 unemployment insurance benefits, chapter 50.20 RCW; industrial
16 insurance benefits, chapter 51.32 RCW; the basic health plan, chapter
17 70.47 RCW; and higher education financial aid programs, Title 28B RCW.

18 (b) "Use of a false identity" means use of impersonation, a false
19 name, a false social security number, or other false identification.

20 **Sec. 2.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c
21 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each
22 reenacted and amended to read as follows:

23

24

25

26

27

28

29

30

31

32

33

34

35

TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)
9 Trafficking 2 (RCW 9A.40.100(2))
10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 (RCW 9A.44.076)
13 X Child Molestation 1 (RCW 9A.44.083)
14 Indecent Liberties (with forcible
15 compulsion) (RCW
16 9A.44.100(1)(a))
17 Kidnapping 1 (RCW 9A.40.020)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 Malicious explosion 3 (RCW
21 70.74.280(3))
22 Sexually Violent Predator Escape
23 (RCW 9A.76.115)
24 IX Abandonment of Dependent Person 1
25 (RCW 9A.42.060)
26 Assault of a Child 2 (RCW 9A.36.130)
27 Criminal Mistreatment 1 (RCW
28 9A.42.020)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Hit and Run--Death (RCW
32 46.52.020(4)(a))
33 Homicide by Watercraft, by being
34 under the influence of intoxicating
35 liquor or any drug (RCW
36 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 manner
21 (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 engaged
27 in sexually explicit conduct (RCW
28 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 a
4 Signal Preemption Device (RCW
5 46.37.675)
6 Sending, bringing into state depictions
7 of minor engaged in sexually
8 explicit conduct (RCW 9.68A.060)
9 Unlawful Possession of a Firearm in
10 the first degree (RCW 9.41.040(1))
11 Use of a Machine Gun in Commission
12 of a Felony (RCW 9.41.225)
13 Vehicular Homicide, by disregard for
14 the safety of others (RCW
15 46.61.520)
16 VI Bail Jumping with Murder 1 (RCW
17 9A.76.170(3)(a))
18 Bribery (RCW 9A.68.010)
19 Incest 1 (RCW 9A.64.020(1))
20 Intimidating a Judge (RCW 9A.72.160)
21 Intimidating a Juror/Witness (RCW
22 9A.72.110, 9A.72.130)
23 Malicious placement of an imitation
24 device 2 (RCW 70.74.272(1)(b))
25 Possession of Depictions of a Minor
26 Engaged in Sexually Explicit
27 Conduct (RCW 9.68A.070)
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 2
33 (RCW 9A.42.070)
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 2 (RCW
5 9A.42.030)
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 Driving While Under the Influence
14 (RCW 46.61.502(6))
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect
19 Extensions of Credit (RCW
20 9A.82.040)
21 Incest 2 (RCW 9A.64.020(2))
22 Kidnapping 2 (RCW 9A.40.030)
23 Perjury 1 (RCW 9A.72.020)
24 Persistent prison misbehavior (RCW
25 9.94.070)
26 Physical Control of a Vehicle While
27 Under the Influence (RCW
28 46.61.504(6))
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1
33 (RCW 9A.76.070)
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)
36 Sexually Violating Human Remains
37 (RCW 9A.44.105)

1 Stalking (RCW 9A.46.110)
2 Taking Motor Vehicle Without
3 Permission 1 (RCW 9A.56.070)
4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault 3 (of a Peace Officer with a
7 Projectile Stun Gun) (RCW
8 9A.36.031(1)(h))
9 Assault by Watercraft (RCW
10 79A.60.060)
11 Bribing a Witness/Bribe Received by
12 Witness (RCW 9A.72.090,
13 9A.72.100)
14 Cheating 1 (RCW 9.46.1961)
15 Commercial Bribery (RCW 9A.68.060)
16 Counterfeiting (RCW 9.16.035(4))
17 Endangerment with a Controlled
18 Substance (RCW 9A.42.100)
19 Escape 1 (RCW 9A.76.110)
20 Hit and Run--Injury (RCW
21 46.52.020(4)(b))
22 Hit and Run with Vessel--Injury
23 Accident (RCW 79A.60.200(3))
24 Identity Theft 1 (RCW 9.35.020(2))
25 Indecent Exposure to Person Under
26 Age Fourteen (subsequent sex
27 offense) (RCW 9A.88.010)
28 Influencing Outcome of Sporting Event
29 (RCW 9A.82.070)
30 Malicious Harassment (RCW
31 9A.36.080)
32 Residential Burglary (RCW
33 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Theft of Public Benefits 1 (section
37 1(2)(a) of this act)

1 Threats to Bomb (RCW 9.61.160)
2 Trafficking in Stolen Property 1 (RCW
3 9A.82.050)
4 Unlawful factoring of a credit card or
5 payment card transaction (RCW
6 9A.56.290(4)(b))
7 Unlawful transaction of health
8 coverage as a health care service
9 contractor (RCW 48.44.016(3))
10 Unlawful transaction of health
11 coverage as a health maintenance
12 organization (RCW 48.46.033(3))
13 Unlawful transaction of insurance
14 business (RCW 48.15.023(3))
15 Unlicensed practice as an insurance
16 professional (RCW 48.17.063(3))
17 Use of Proceeds of Criminal
18 Profiteering (RCW 9A.82.080 (1)
19 and (2))
20 Vehicular Assault, by being under the
21 influence of intoxicating liquor or
22 any drug, or by the operation or
23 driving of a vehicle in a reckless
24 manner (RCW 46.61.522)
25 Willful Failure to Return from
26 Furlough (RCW 72.66.060)
27 III Animal Cruelty 1 (Sexual Conduct or
28 Contact) (RCW 16.52.205(3))
29 Assault 3 (Except Assault 3 of a Peace
30 Officer With a Projectile Stun
31 Gun) (RCW 9A.36.031 except
32 subsection (1)(h))
33 Assault of a Child 3 (RCW 9A.36.140)
34 Bail Jumping with class B or C Felony
35 (RCW 9A.76.170(3)(c))
36 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyberstalking (subsequent conviction
8 or threat of death) (RCW
9 9.61.260(3))
10 Escape 2 (RCW 9A.76.120)
11 Extortion 2 (RCW 9A.56.130)
12 Harassment (RCW 9A.46.020)
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Introducing Contraband 2 (RCW
16 9A.76.150)
17 Malicious Injury to Railroad Property
18 (RCW 81.60.070)
19 Negligently Causing Substantial Bodily
20 Harm By Use of a Signal
21 Preemption Device (RCW
22 46.37.674)
23 Organized Retail Theft 1 (RCW
24 9A.56.350(2))
25 Patronizing a Juvenile Prostitute (RCW
26 9.68A.100)
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun or Short-
31 Barreled Shotgun or Rifle (RCW
32 9.41.190)
33 Promoting Prostitution 2 (RCW
34 9A.88.080)
35 (~~[[Retail]]~~) Retail Theft with
36 Extenuating Circumstances 1
37 (RCW 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death)
7 (RCW 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(2))
17 Vehicular Assault, by the operation or
18 driving of a vehicle with disregard
19 for the safety of others (RCW
20 46.61.522)
21 Willful Failure to Return from Work
22 Release (RCW 72.65.070)
23 II Computer Trespass 1 (RCW
24 9A.52.110)
25 Counterfeiting (RCW 9.16.035(3))
26 Escape from Community Custody
27 (RCW 72.09.310)
28 Failure to Register as a Sex Offender
29 (second or subsequent offense)
30 (RCW 9A.44.130(10)(a))
31 Health Care False Claims (RCW
32 48.80.030)
33 Identity Theft 2 (RCW 9.35.020(3))
34 Improperly Obtaining Financial
35 Information (RCW 9.35.010)
36 Malicious Mischief 1 (RCW
37 9A.48.070)

1 Organized Retail Theft 2 (RCW
2 9A.56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 (~~(Retail))~~ Retail Theft with
6 Extenuating Circumstances 2
7 (RCW 9A.56.360(3))
8 Theft 1 (RCW 9A.56.030)
9 Theft of Public Benefits 2 (section
10 1(2)(b) of this act)
11 Theft of Rental, Leased, or Lease-
12 purchased Property (valued at one
13 thousand five hundred dollars or
14 more) (RCW 9A.56.096(5)(a))
15 Theft with the Intent to Resell 2 (RCW
16 9A.56.340(3))
17 Trafficking in Insurance Claims (RCW
18 48.30A.015)
19 Unlawful factoring of a credit card or
20 payment card transaction (RCW
21 9A.56.290(4)(a))
22 Unlawful Practice of Law (RCW
23 2.48.180)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 Voyeurism (RCW 9A.44.115)
27 I Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive
34 (RCW 9A.60.060)
35 Malicious Mischief 2 (RCW
36 9A.48.080)
37 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Taking Motor Vehicle Without
5 Permission 2 (RCW 9A.56.075)
6 Theft 2 (RCW 9A.56.040)
7 Theft of Rental, Leased, or Lease-
8 purchased Property (valued at two
9 hundred fifty dollars or more but
10 less than one thousand five
11 hundred dollars) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063(4))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Vehicle Prowl 1 (RCW 9A.52.095)

34 **Sec. 3.** RCW 9A.56.320 and 2003 c 119 s 1 are each amended to read
35 as follows:

36 (1) A person is guilty of unlawful production of payment
37 instruments if he or she prints or produces a check or other payment

1 instrument in the name of a person or entity, or with the routing
2 number or account number of a person or entity, without the permission
3 of the person or entity to manufacture or reproduce such payment
4 instrument with such name, routing number, or account number.

5 (2)(a) A person is guilty of unlawful possession of payment
6 instruments if he or she possesses two or more checks or other payment
7 instruments, alone or in combination:

8 (i) In the name of a person or entity, or with the routing number
9 or account number of a person or entity, without the permission of the
10 person or entity to possess such payment instrument, and with intent
11 either to deprive the person of possession of such payment instrument
12 or to commit theft, forgery, or identity theft; or

13 (ii) In the name of a fictitious person or entity, or with a
14 fictitious routing number or account number of a person or entity, with
15 intent to use the payment instruments to commit theft, forgery, or
16 identity theft.

17 (b) (a)(i) of this subsection does not apply to:

18 (i) A person or financial institution that has lawful possession of
19 a check, which is endorsed to that person or financial institution; and

20 (ii) A person or financial institution that processes checks for a
21 lawful business purpose.

22 (3) A person is guilty of unlawful possession of a personal
23 identification device if the person possesses a personal identification
24 device with intent to use such device to commit theft, forgery, theft
25 of public benefits, or identity theft. "Personal identification
26 device" includes any machine or instrument whose purpose is to
27 manufacture or print any driver's license or identification card issued
28 by any state or the federal government, or any employee identification
29 issued by any employer, public or private, including but not limited to
30 badges and identification cards, or any credit or debit card.

31 (4) A person is guilty of unlawful possession of fictitious
32 identification if the person possesses a personal identification card
33 with a fictitious person's identification with intent to use such
34 identification card to commit theft, forgery, theft of public benefits,
35 or identity theft, when the possession does not amount to a violation
36 of RCW 9.35.020.

37 (5) A person is guilty of unlawful possession of instruments of
38 financial fraud if the person possesses a check-making machine,

1 equipment, or software, with intent to use or distribute checks for
2 purposes of defrauding an account holder, business, financial
3 institution, or any other person or organization.

4 (6) This section does not apply to:

5 (a) A person, business, or other entity, that has lawful possession
6 of a check, which is endorsed to that person, business, or other
7 entity;

8 (b) A financial institution or other entity that processes checks
9 for a lawful business purpose;

10 (c) A person engaged in a lawful business who obtains another
11 person's personal identification in the ordinary course of that lawful
12 business;

13 (d) A person who obtains another person's personal identification
14 for the sole purpose of misrepresenting his or her age; and

15 (e) A law enforcement agency that produces or displays counterfeit
16 credit or debit cards, checks or other payment instruments, or personal
17 identification devices for investigative or educational purposes.

18 (7) In a proceeding under this section that is related to an
19 identity theft under RCW 9.35.020, the crime will be considered to have
20 been committed in any locality where the person whose means of
21 identification or financial information was appropriated resides, or in
22 which any part of the offense took place, regardless of whether the
23 defendant was ever actually in that locality.

24 (8) A violation of this section is a class C felony.

25 **Sec. 4.** RCW 9A.82.010 and 2006 c 277 s 5 and 2006 c 193 s 2 are
26 each reenacted and amended to read as follows:

27 Unless the context requires the contrary, the definitions in this
28 section apply throughout this chapter.

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

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

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

36 (iii) The interest of a person under any other form of express

1 fiduciary arrangement under which one person holds legal or record
2 title to real property for the benefit of the other person.

3 (b) "Beneficial interest" does not include the interest of a
4 stockholder in a corporation or the interest of a partner in a general
5 partnership or limited partnership.

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

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

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

13 (4) "Criminal profiteering" means any act, including any
14 anticipatory or completed offense, committed for financial gain, that
15 is chargeable or indictable under the laws of the state in which the
16 act occurred and, if the act occurred in a state other than this state,
17 would be chargeable or indictable under the laws of this state had the
18 act occurred in this state and punishable as a felony and by
19 imprisonment for more than one year, regardless of whether the act is
20 charged or indicted, as any of the following:

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

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

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

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

25 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060,
26 9A.56.080, and 9A.56.083;

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

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

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

32 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
33 9A.68.050;

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

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

36 (l) Unlawful production of payment instruments, unlawful possession
37 of payment instruments, unlawful possession of a personal

1 identification device, unlawful possession of fictitious
2 identification, or unlawful possession of instruments of financial
3 fraud, as defined in RCW 9A.56.320;

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

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

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

9 (p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

10 (q) Delivery or manufacture of controlled substances or possession
11 with intent to deliver or manufacture controlled substances under
12 chapter 69.50 RCW;

13 (r) Trafficking in stolen property, as defined in RCW 9A.82.050;

14 (s) Leading organized crime, as defined in RCW 9A.82.060;

15 (t) Money laundering, as defined in RCW 9A.83.020;

16 (u) Obstructing criminal investigations or prosecutions in
17 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
18 9A.76.070, or 9A.76.180;

19 (v) Fraud in the purchase or sale of securities, as defined in RCW
20 21.20.010;

21 (w) Promoting pornography, as defined in RCW 9.68.140;

22 (x) Sexual exploitation of children, as defined in RCW 9.68A.040,
23 9.68A.050, and 9.68A.060;

24 (y) Promoting prostitution, as defined in RCW 9A.88.070 and
25 9A.88.080;

26 (z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

27 (aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

28 (bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

29 (cc) A pattern of equity skimming, as defined in RCW 61.34.020;

30 (dd) Commercial telephone solicitation in violation of RCW
31 19.158.040(1);

32 (ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

33 (ff) Unlawful practice of law, as defined in RCW 2.48.180;

34 (gg) Commercial bribery, as defined in RCW 9A.68.060;

35 (hh) Health care false claims, as defined in RCW 48.80.030;

36 (ii) Unlicensed practice of a profession or business, as defined in
37 RCW 18.130.190(7);

1 (jj) Improperly obtaining financial information, as defined in RCW
2 9.35.010;

3 (kk) Identity theft, as defined in RCW 9.35.020;

4 (ll) Unlawful shipment of cigarettes in violation of RCW
5 70.155.105(6) (a) or (b);

6 (mm) Unlawful shipment of cigarettes in violation of RCW
7 82.24.110(2);

8 (nn) Unauthorized sale or procurement of telephone records in
9 violation of RCW 9.26A.140;

10 (oo) Theft with the intent to resell, as defined in RCW 9A.56.340;

11 (~~oe~~)

12 (pp) Organized retail theft, as defined in RCW 9A.56.350; or
13 (qq) Theft of public benefits in violation of section 1 of this
14 act.

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

17 (6) "Debtor" means a person to whom an extension of credit is made
18 or a person who guarantees the repayment of an extension of credit or
19 in any manner undertakes to indemnify the creditor against loss
20 resulting from the failure of a person to whom an extension is made to
21 repay the same.

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

27 (8) "Enterprise" includes any individual, sole proprietorship,
28 partnership, corporation, business trust, or other profit or nonprofit
29 legal entity, and includes any union, association, or group of
30 individuals associated in fact although not a legal entity, and both
31 illicit and licit enterprises and governmental and nongovernmental
32 entities.

33 (9) "Extortionate extension of credit" means an extension of credit
34 with respect to which it is the understanding of the creditor and the
35 debtor at the time the extension is made that delay in making repayment
36 or failure to make repayment could result in the use of violence or
37 other criminal means to cause harm to the person, reputation, or
38 property of any person.

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

4 (11) "Financial institution" means any bank, trust company, savings
5 and loan association, savings bank, mutual savings bank, credit union,
6 or loan company under the jurisdiction of the state or an agency of the
7 United States.

8 (12) "Pattern of criminal profiteering activity" means engaging in
9 at least three acts of criminal profiteering, one of which occurred
10 after July 1, 1985, and the last of which occurred within five years,
11 excluding any period of imprisonment, after the commission of the
12 earliest act of criminal profiteering. In order to constitute a
13 pattern, the three acts must have the same or similar intent, results,
14 accomplices, principals, victims, or methods of commission, or be
15 otherwise interrelated by distinguishing characteristics including a
16 nexus to the same enterprise, and must not be isolated events.
17 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
18 any person other than the attorney general or county prosecuting
19 attorney in which one or more acts of fraud in the purchase or sale of
20 securities are asserted as acts of criminal profiteering activity, it
21 is a condition to civil liability under RCW 9A.82.100 that the
22 defendant has been convicted in a criminal proceeding of fraud in the
23 purchase or sale of securities under RCW 21.20.400 or under the laws of
24 another state or of the United States requiring the same elements of
25 proof, but such conviction need not relate to any act or acts asserted
26 as acts of criminal profiteering activity in such civil action under
27 RCW 9A.82.100.

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

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

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

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

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

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

7 (19) "Traffic" means to sell, transfer, distribute, dispense, or
8 otherwise dispose of stolen property to another person, or to buy,
9 receive, possess, or obtain control of stolen property, with intent to
10 sell, transfer, distribute, dispense, or otherwise dispose of the
11 property to another person.

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

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

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

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

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

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

22 (ii) A trustee of any testamentary trust;

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

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

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

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

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

32 (ii) Chapter 9.46 RCW relating to gambling;

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

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

1		Burglary and Trespass	
2	B+	Burglary 1 (9A.52.020)	C+
3	B	Residential Burglary (9A.52.025)	C
4	B	Burglary 2 (9A.52.030)	C
5	D	Burglary Tools (Possession of) (9A.52.060)	E
6	D	Criminal Trespass 1 (9A.52.070)	E
7	E	Criminal Trespass 2 (9A.52.080)	E
8	C	Mineral Trespass (78.44.330)	C
9	C	Vehicle Prowling 1 (9A.52.095)	D
10	D	Vehicle Prowling 2 (9A.52.100)	E
11		Drugs	
12	E	Possession/Consumption of Alcohol	
13		(66.44.270)	E
14	C	Illegally Obtaining Legend Drug	
15		(69.41.020)	D
16	C+	Sale, Delivery, Possession of Legend Drug	
17		with Intent to Sell (69.41.030(2)(a))	D+
18	E	Possession of Legend Drug	
19		(69.41.030(2)(b))	E
20	B+	Violation of Uniform Controlled Substances	
21		Act - Narcotic, Methamphetamine, or	
22		Flunitrazepam Sale (69.50.401(2) (a) or	
23		(b))	B+
24	C	Violation of Uniform Controlled Substances	
25		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
26	E	Possession of Marihuana <40 grams	
27		(69.50.4014)	E
28	C	Fraudulently Obtaining Controlled	
29		Substance (69.50.403)	C
30	C+	Sale of Controlled Substance for Profit	
31		(69.50.410)	C+
32	E	Unlawful Inhalation (9.47A.020)	E
33	B	Violation of Uniform Controlled Substances	
34		Act - Narcotic, Methamphetamine, or	
35		Flunitrazepam Counterfeit Substances	
36		(69.50.4011(2) (a) or (b))	B

1	C	Violation of Uniform Controlled Substances	
2		Act - Nonnarcotic Counterfeit Substances	
3		(69.50.4011(2) (c), (d), or (e))	C
4	C	Violation of Uniform Controlled Substances	
5		Act - Possession of a Controlled Substance	
6		(69.50.4013)	C
7	C	Violation of Uniform Controlled Substances	
8		Act - Possession of a Controlled Substance	
9		(69.50.4012)	C
10		Firearms and Weapons	
11	B	Theft of Firearm (9A.56.300)	C
12	B	Possession of Stolen Firearm (9A.56.310)	C
13	E	Carrying Loaded Pistol Without Permit	
14		(9.41.050)	E
15	C	Possession of Firearms by Minor (<18)	
16		(9.41.040(2)(a)(iii))	C
17	D+	Possession of Dangerous Weapon	
18		(9.41.250)	E
19	D	Intimidating Another Person by use of	
20		Weapon (9.41.270)	E
21		Homicide	
22	A+	Murder 1 (9A.32.030)	A
23	A+	Murder 2 (9A.32.050)	B+
24	B+	Manslaughter 1 (9A.32.060)	C+
25	C+	Manslaughter 2 (9A.32.070)	D+
26	B+	Vehicular Homicide (46.61.520)	C+
27		Kidnapping	
28	A	Kidnap 1 (9A.40.020)	B+
29	B+	Kidnap 2 (9A.40.030)	C+
30	C+	Unlawful Imprisonment (9A.40.040)	D+
31		Obstructing Governmental Operation	
32	D	Obstructing a Law Enforcement Officer	
33		(9A.76.020)	E
34	E	Resisting Arrest (9A.76.040)	E
35	B	Introducing Contraband 1 (9A.76.140)	C
36	C	Introducing Contraband 2 (9A.76.150)	D

1	E	Introducing Contraband 3 (9A.76.160)	E
2	B+	Intimidating a Public Servant (9A.76.180)	C+
3	B+	Intimidating a Witness (9A.72.110)	C+
4		Public Disturbance	
5	C+	Riot with Weapon (9A.84.010(2)(b))	D+
6	D+	Riot Without Weapon (9A.84.010(2)(a))	E
7	E	Failure to Disperse (9A.84.020)	E
8	E	Disorderly Conduct (9A.84.030)	E
9		Sex Crimes	
10	A	Rape 1 (9A.44.040)	B+
11	A-	Rape 2 (9A.44.050)	B+
12	C+	Rape 3 (9A.44.060)	D+
13	A-	Rape of a Child 1 (9A.44.073)	B+
14	B+	Rape of a Child 2 (9A.44.076)	C+
15	B	Incest 1 (9A.64.020(1))	C
16	C	Incest 2 (9A.64.020(2))	D
17	D+	Indecent Exposure (Victim <14)	
18		(9A.88.010)	E
19	E	Indecent Exposure (Victim 14 or over)	
20		(9A.88.010)	E
21	B+	Promoting Prostitution 1 (9A.88.070)	C+
22	C+	Promoting Prostitution 2 (9A.88.080)	D+
23	E	O & A (Prostitution) (9A.88.030)	E
24	B+	Indecent Liberties (9A.44.100)	C+
25	A-	Child Molestation 1 (9A.44.083)	B+
26	B	Child Molestation 2 (9A.44.086)	C+
27		Theft, Robbery, Extortion, and Forgery	
28	B	Theft 1 (9A.56.030)	C
29	C	Theft 2 (9A.56.040)	D
30	D	Theft 3 (9A.56.050)	E
31	B	Theft of Livestock 1 and 2 (9A.56.080 and	
32		9A.56.083)	C
33	C	Forgery (9A.60.020)	D
34	A	Robbery 1 (9A.56.200)	B+
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+

1	C+	Extortion 2 (9A.56.130)	D+
2	C	Identity Theft 1 (9.35.020(2))	D
3	D	Identity Theft 2 (9.35.020(3))	E
4	D	Improperly Obtaining Financial Information	
5		(9.35.010)	E
6	<u>C</u>	<u>Theft of Public Benefits 1 (section 1(2)(a)</u>	
7		<u>of this act)</u>	<u>D</u>
8	<u>D</u>	<u>Theft of Public Benefits 2 (section 1(2)(b)</u>	
9		<u>of this act)</u>	<u>E</u>
10	B	Possession of Stolen Property 1	
11		(9A.56.150)	C
12	C	Possession of Stolen Property 2	
13		(9A.56.160)	D
14	D	Possession of Stolen Property 3	
15		(9A.56.170)	E
16	C	Taking Motor Vehicle Without Permission	
17		1 and 2 (9A.56.070 and 9A.56.075)	D
18		Motor Vehicle Related Crimes	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	
26		Vehicle (46.61.024)	D
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	
29		(46.61.502 and 46.61.504)	E
30	B+	Felony Driving While Under the Influence	
31		(46.61.502(6))	B
32	B+	Felony Physical Control of a Vehicle While	
33		Under the Influence (46.61.504(6))	B
34		Other	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C
37	C	Escape 1 ¹ (9A.76.110)	C

1	C	Escape 2 ¹ (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	
4		(9.61.230)	E
5	A	Other Offense Equivalent to an Adult Class	
6		A Felony	B+
7	B	Other Offense Equivalent to an Adult Class	
8		B Felony	C
9	C	Other Offense Equivalent to an Adult Class	
10		C Felony	D
11	D	Other Offense Equivalent to an Adult Gross	
12		Misdemeanor	E
13	E	Other Offense Equivalent to an Adult	
14		Misdemeanor	E
15	V	Violation of Order of Restitution,	
16		Community Supervision, or Confinement	
17		(13.40.200) ²	V

18 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
19 and the standard range is established as follows:

20 1st escape or attempted escape during 12-month period - 4 weeks
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month
25 period - 12 weeks confinement

26 ²If the court finds that a respondent has violated terms of an order,
27 it may impose a penalty of up to 30 days of confinement.

28 **JUVENILE SENTENCING STANDARDS**

29 This schedule must be used for juvenile offenders. The court may
30 select sentencing option A, B, C, D, or RCW 13.40.167.

31	OPTION A	
32	JUVENILE OFFENDER SENTENCING GRID	
33	STANDARD RANGE	
34	-----	
	A+	180 WEEKS TO AGE 21 YEARS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
----	--	----------------	-----------------	------------------

Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
--------------------------	----	----------------	----------------	-----------------	------------------

B	LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
---	-------------------------	-------------	----------------

C+	LS	15-36 WEEKS
----	----	-------------

C	LS	15-36 WEEKS
---	----	-------------

Local Sanctions:
0 to 30 Days

D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution
----	----	--

D	LS	\$0 to \$500 Fine
---	----	-------------------

E	LS	
---	----	--

0 1 2 3 4
or more

PRIOR ADJUDICATIONS

33 NOTE: References in the grid to days or weeks mean periods of
34 confinement.

35 (1) The vertical axis of the grid is the current offense category.
36 The current offense category is determined by the offense of
37 adjudication.

38 (2) The horizontal axis of the grid is the number of prior
39 adjudications included in the juvenile's criminal history. Each prior
40 felony adjudication shall count as one point. Each prior violation,
41 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
42 point. Fractional points shall be rounded down.

43 (3) The standard range disposition for each offense is determined

1 by the intersection of the column defined by the prior adjudications
2 and the row defined by the current offense category.

3 (4) RCW 13.40.180 applies if the offender is being sentenced for
4 more than one offense.

5 (5) A current offense that is a violation is equivalent to an
6 offense category of E. However, a disposition for a violation shall
7 not include confinement.

8 OR

9 OPTION B

10 SUSPENDED DISPOSITION ALTERNATIVE

11 (1) If the offender is subject to a standard range disposition
12 involving confinement by the department, the court may impose the
13 standard range and suspend the disposition on condition that the
14 offender comply with one or more local sanctions and any educational or
15 treatment requirement. The treatment programs provided to the offender
16 must be research-based best practice programs as identified by the
17 Washington state institute for public policy or the joint legislative
18 audit and review committee.

19 (2) If the offender fails to comply with the suspended disposition,
20 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
21 the suspended disposition and order the disposition's execution.

22 (3) An offender is ineligible for the suspended disposition option
23 under this section if the offender is:

- 24 (a) Adjudicated of an A+ offense;
- 25 (b) Fourteen years of age or older and is adjudicated of one or
26 more of the following offenses:

- 27 (i) A class A offense, or an attempt, conspiracy, or solicitation
28 to commit a class A offense;

- 29 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

- 30 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
31 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
32 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
33 burglary (RCW 9A.52.025), burglary in the second degree (RCW
34 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
35 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
36 witness (RCW 9A.72.110), violation of the uniform controlled substances
37 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),

1 when the offense includes infliction of bodily harm upon another or
2 when during the commission or immediate withdrawal from the offense the
3 respondent was armed with a deadly weapon;

4 (c) Ordered to serve a disposition for a firearm violation under
5 RCW 13.40.193; or

6 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

7 OR

8 **OPTION C**

9 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

10 If the juvenile offender is subject to a standard range disposition
11 of local sanctions or 15 to 36 weeks of confinement and has not
12 committed an A- or B+ offense, the court may impose a disposition under
13 RCW 13.40.160(4) and 13.40.165.

14 OR

15 **OPTION D**

16 **MANIFEST INJUSTICE**

17 If the court determines that a disposition under option A, B, or C
18 would effectuate a manifest injustice, the court shall impose a
19 disposition outside the standard range under RCW 13.40.160(2).

20 **Sec. 6.** RCW 46.20.0921 and 2003 c 214 s 1 are each amended to read
21 as follows:

22 (1) It is a misdemeanor for any person:

23 (a) To display or cause or permit to be displayed or have in his or
24 her possession any fictitious or fraudulently altered driver's license
25 or identicard;

26 (b) To lend his or her driver's license or identicard to any other
27 person or knowingly permit the use thereof by another;

28 (c) To display or represent as one's own any driver's license or
29 identicard not issued to him or her;

30 (d) Willfully to fail or refuse to surrender to the department upon
31 its lawful demand any driver's license or identicard which has been
32 suspended, revoked or canceled;

33 (e) To use a false or fictitious name in any application for a
34 driver's license or identicard or to knowingly make a false statement

1 or to knowingly conceal a material fact or otherwise commit a fraud in
2 any such application;

3 (f) To permit any unlawful use of a driver's license or identicard
4 issued to him or her.

5 (2) It is a class C felony for any person to sell or deliver a
6 stolen driver's license or identicard.

7 (3) It is unlawful for any person to manufacture, sell, or deliver
8 a forged, fictitious, counterfeit, fraudulently altered, or unlawfully
9 issued driver's license or identicard, or to manufacture, sell, or
10 deliver a blank driver's license or identicard except under the
11 direction of the department. A violation of this subsection is:

12 (a) A class C felony if committed (i) for financial gain or (ii)
13 with intent to commit forgery, theft, theft of public benefits, or
14 identity theft; or

15 (b) A gross misdemeanor if the conduct does not violate (a) of this
16 subsection.

17 (4) Notwithstanding subsection (3) of this section, it is a
18 misdemeanor for any person under the age of twenty-one to manufacture
19 or deliver fewer than four forged, fictitious, counterfeit, or
20 fraudulently altered driver's licenses or identicards for the sole
21 purpose of misrepresenting a person's age.

22 (5) In a proceeding under subsection (2), (3), or (4) of this
23 section that is related to an identity theft under RCW 9.35.020, the
24 crime will be considered to have been committed in any locality where
25 the person whose means of identification or financial information was
26 appropriated resides, or in which any part of the offense took place,
27 regardless of whether the defendant was ever actually in that locality.

--- END ---