

1 **SSB 6459** - H AMD TO JUD COMM AMD (H4943.1)

2 By Representative Cairnes

3 On page 1, after line 18, insert:

4 **Sec. 2** RCW 9A.60.040 and 1993 c 457 s 1 are each amended to read
5 as follows:

6 (1) A person is guilty of criminal impersonation in the first
7 degree if the person:

8 (a) Assumes a (~~false~~) fictitious identity and does an act in his
9 or her assumed character with intent to (~~defraud another or for any~~
10 ~~other unlawful purpose~~) commit a felony or theft in the third degree;
11 or

12 (b) Pretends to be a representative of some person or organization
13 or a public servant and does an act in his or her pretended capacity
14 with intent to defraud another or for any other unlawful purpose.

15 (2) Criminal impersonation in the first degree is a (~~gross~~
16 ~~misdemeanor~~) class C felony.

17 (3) A person is guilty of criminal impersonation in the second
18 degree if the person:

19 (a) Claims to be a law enforcement officer or creates an
20 impression that he or she is a law enforcement officer; and

21 (b) Under circumstances not amounting to criminal impersonation in
22 the first degree, does an act with intent to convey the impression that
23 he or she is acting in an official capacity and a reasonable person
24 would believe the person is a law enforcement officer.

25 (4) Criminal impersonation in the second degree is a gross
26 misdemeanor.

27 **Sec. 3.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and
28 1999 c 45 s 4 are each reenacted and amended to read as follows:

29 TABLE 2

30 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

31 XVI Aggravated Murder 1 (RCW 10.95.020)

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

33 Malicious explosion 1 (RCW 70.74.280(1))

1 Murder 1 (RCW 9A.32.030)

2 XIV Murder 2 (RCW 9A.32.050)

3 XIII Malicious explosion 2 (RCW 70.74.280(2))

4 Malicious placement of an explosive 1 (RCW

5 70.74.270(1))

6 XII Assault 1 (RCW 9A.36.011)

7 Assault of a Child 1 (RCW 9A.36.120)

8 Malicious placement of an imitation device

9 1 (RCW 70.74.272(1)(a))

10 Rape 1 (RCW 9A.44.040)

11 Rape of a Child 1 (RCW 9A.44.073)

12 XI Manslaughter 1 (RCW 9A.32.060)

13 Rape 2 (RCW 9A.44.050)

14 Rape of a Child 2 (RCW 9A.44.076)

15 X Child Molestation 1 (RCW 9A.44.083)

16 Indecent Liberties (with forcible

17 compulsion) (RCW 9A.44.100(1)(a))

18 Kidnapping 1 (RCW 9A.40.020)

19 Leading Organized Crime (RCW

20 9A.82.060(1)(a))

21 Malicious explosion 3 (RCW 70.74.280(3))

22 Manufacture of methamphetamine (RCW

23 69.50.401(a)(1)(ii))

24 Over 18 and deliver heroin,

25 methamphetamine, a narcotic from

26 Schedule I or II, or flunitrazepam

27 from Schedule IV to someone under 18

28 (RCW 69.50.406)

29 IX Assault of a Child 2 (RCW 9A.36.130)

30 Controlled Substance Homicide (RCW

31 69.50.415)

32 Explosive devices prohibited (RCW

33 70.74.180)

34 Homicide by Watercraft, by being under the

35 influence of intoxicating liquor or

1 any drug (RCW ((88.12.029))
2 79A.60.050)
3 Inciting Criminal Profiteering (RCW
4 9A.82.060(1)(b))
5 Malicious placement of an explosive 2 (RCW
6 70.74.270(2))
7 Over 18 and deliver narcotic from Schedule
8 III, IV, or V or a nonnarcotic, except
9 flunitrazepam or methamphetamine, from
10 Schedule I-V to someone under 18 and 3
11 years junior (RCW 69.50.406)
12 Robbery 1 (RCW 9A.56.200)
13 Sexual Exploitation (RCW 9.68A.040)
14 Vehicular Homicide, by being under the
15 influence of intoxicating liquor or
16 any drug (RCW 46.61.520)

17 VIII Arson 1 (RCW 9A.48.020)
18 Deliver or possess with intent to deliver
19 m e t h a m p h e t a m i n e (R C W
20 69.50.401(a)(1)(ii))
21 Homicide by Watercraft, by the operation of
22 any vessel in a reckless manner (RCW
23 ((88.12.029)) 79A.60.050)
24 Manslaughter 2 (RCW 9A.32.070)
25 Manufacture, deliver, or possess with
26 intent to deliver amphetamine (RCW
27 69.50.401(a)(1)(ii))
28 Manufacture, deliver, or possess with
29 intent to deliver heroin or cocaine
30 (RCW 69.50.401(a)(1)(i))
31 Possession of ephedrine or pseudoephedrine
32 with intent to manufacture
33 methamphetamine (RCW 69.50.440)
34 Promoting Prostitution 1 (RCW 9A.88.070)
35 Selling for profit (controlled or
36 counterfeit) any controlled substance
37 (RCW 69.50.410)

1 Vehicular Homicide, by the operation of any
2 vehicle in a reckless manner (RCW
3 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Dealing in depictions of minor engaged in
7 sexually explicit conduct (RCW
8 9.68A.050)
9 Drive-by Shooting (RCW 9A.36.045)
10 Homicide by Watercraft, by disregard for
11 the safety of others (RCW
12 ((~~88.12.029~~)) 79A.60.050)
13 Indecent Liberties (without forcible
14 compulsion) (RCW 9A.44.100(1) (b) and
15 (c))
16 Introducing Contraband 1 (RCW 9A.76.140)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))
19 Malicious placement of an explosive 3 (RCW
20 70.74.270(3))
21 Sending, bringing into state depictions of
22 minor engaged in sexually explicit
23 conduct (RCW 9.68A.060)
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1)(a))
26 Use of a Machine Gun in Commission of a
27 Felony (RCW 9.41.225)
28 Vehicular Homicide, by disregard for the
29 safety of others (RCW 46.61.520)

30 VI Bail Jumping with Murder 1 (RCW
31 9A.76.170(2)(a))
32 Bribery (RCW 9A.68.010)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW 9A.72.160)
35 Intimidating a Juror/Witness (RCW
36 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation device
2 2 (RCW 70.74.272(1)(b))
3 Manufacture, deliver, or possess with
4 intent to deliver narcotics from
5 Schedule I or II (except heroin or
6 cocaine) or flunitrazepam from
7 Schedule IV (RCW 69.50.401(a)(1)(i))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)

10 V Abandonment of dependent person 1 (RCW
11 9A.42.060)
12 Advancing money or property for
13 extortionate extension of credit (RCW
14 9A.82.030)
15 Bail Jumping with class A Felony (RCW
16 9A.76.170(2)(b))
17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)
21 Delivery of imitation controlled substance
22 by person eighteen or over to person
23 under eighteen (RCW 69.52.030(2))
24 Extortion 1 (RCW 9A.56.120)
25 Extortionate Extension of Credit (RCW
26 9A.82.020)
27 Extortionate Means to Collect Extensions of
28 Credit (RCW 9A.82.040)
29 Incest 2 (RCW 9A.64.020(2))
30 Kidnapping 2 (RCW 9A.40.030)
31 On and after July 1, 2000: No-Contact
32 Order Violation: Domestic Violence
33 Pretrial Condition (RCW 10.99.040(4)
34 (b) and (c))
35 On and after July 1, 2000: No-Contact
36 Order Violation: Domestic Violence
37 Sentence Condition (RCW 10.99.050(2))

1 On and after July 1, 2000: Protection
2 Order Violation: Domestic Violence
3 Civil Action (RCW 26.50.110 (4) and
4 (5))
5 On and after July 1, 2000: Stalking (RCW
6 9A.46.110)
7 Perjury 1 (RCW 9A.72.020)
8 Persistent prison misbehavior (RCW
9 9.94.070)
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)
12 Rape 3 (RCW 9A.44.060)
13 Rendering Criminal Assistance 1 (RCW
14 9A.76.070)
15 Sexual Misconduct with a Minor 1 (RCW
16 9A.44.093)
17 Sexually Violating Human Remains (RCW
18 9A.44.105)
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault by Watercraft (RCW ((~~88.12.032~~))
22 79A.60.060)
23 Bribing a Witness/Bribe Received by Witness
24 (RCW 9A.72.090, 9A.72.100)
25 Commercial Bribery (RCW 9A.68.060)
26 Criminal Impersonation 1 (RCW 9A.60.040(1))
27 Counterfeiting (RCW 9.16.035(4))
28 Escape 1 (RCW 9A.76.110)
29 Hit and Run--Injury Accident (RCW
30 46.52.020(4))
31 Hit and Run with Vessel--Injury Accident
32 (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
33 Identity Theft (RCW 9.35.020)
34 Indecent Exposure to Person Under Age
35 Fourteen (subsequent sex offense) (RCW
36 9A.88.010)

1 Influencing Outcome of Sporting Event (RCW
2 9A.82.070)
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))
5 Malicious Harassment (RCW 9A.36.080)
6 Manufacture, deliver, or possess with
7 intent to deliver narcotics from
8 Schedule III, IV, or V or nonnarcotics
9 from Schedule I-V (except marijuana,
10 amphetamine, methamphetamines, or
11 flunitrazepam) (RCW 69.50.401(a)(1)
12 (iii) through (v))
13 Residential Burglary (RCW 9A.52.025)
14 Robbery 2 (RCW 9A.56.210)
15 Theft of Livestock 1 (RCW 9A.56.080)
16 Threats to Bomb (RCW 9.61.160)
17 Use of Proceeds of Criminal Profiteering
18 (RCW 9A.82.080 (1) and (2))
19 Vehicular Assault (RCW 46.61.522)
20 Willful Failure to Return from Furlough
21 (RCW 72.66.060)

22 III Abandonment of dependent person 2 (RCW
23 9A.42.070)
24 Assault 3 (RCW 9A.36.031)
25 Assault of a Child 3 (RCW 9A.36.140)
26 Bail Jumping with class B or C Felony (RCW
27 9A.76.170(2)(c))
28 Burglary 2 (RCW 9A.52.030)
29 Communication with a Minor for Immoral
30 Purposes (RCW 9.68A.090)
31 Criminal Gang Intimidation (RCW 9A.46.120)
32 Criminal Mistreatment 2 (RCW 9A.42.030)
33 Custodial Assault (RCW 9A.36.100)
34 Delivery of a material in lieu of a
35 controlled substance (RCW
36 69.50.401(c))
37 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)
2 Harassment (RCW 9A.46.020)
3 Intimidating a Public Servant (RCW
4 9A.76.180)
5 Introducing Contraband 2 (RCW 9A.76.150)
6 Maintaining a Dwelling or Place for
7 Controlled Substances (RCW
8 69.50.402(a)(6))
9 Malicious Injury to Railroad Property (RCW
10 81.60.070)
11 Manufacture, deliver, or possess with
12 intent to deliver marijuana (RCW
13 69.50.401(a)(1)(iii))
14 Manufacture, distribute, or possess with
15 intent to distribute an imitation
16 controlled substance (RCW
17 69.52.030(1))
18 Patronizing a Juvenile Prostitute (RCW
19 9.68A.100)
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun or Short-Barreled
24 Shotgun or Rifle (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW 9A.88.080)
26 Recklessly Trafficking in Stolen Property
27 (RCW 9A.82.050(1))
28 Securities Act violation (RCW 21.20.400)
29 Tampering with a Witness (RCW 9A.72.120)
30 Telephone Harassment (subsequent conviction
31 or threat of death) (RCW 9.61.230)
32 Theft of Livestock 2 (RCW 9A.56.080)
33 Unlawful Imprisonment (RCW 9A.40.040)
34 Unlawful possession of firearm in the
35 second degree (RCW 9.41.040(1)(b))
36 Unlawful Use of Building for Drug Purposes
37 (RCW 69.53.010)

1 Willful Failure to Return from Work Release
2 (RCW 72.65.070)

3 II Computer Trespass 1 (RCW 9A.52.110)
4 Counterfeiting (RCW 9.16.035(3))
5 Create, deliver, or possess a counterfeit
6 controlled substance (RCW
7 69.50.401(b))
8 Escape from Community Custody (RCW
9 72.09.310)

10 Health Care False Claims (RCW 48.80.030)
11 Malicious Mischief 1 (RCW 9A.48.070)
12 Possession of controlled substance that is
13 either heroin or narcotics from
14 Schedule I or II or flunitrazepam from
15 Schedule IV (RCW 69.50.401(d))
16 Possession of phencyclidine (PCP) (RCW
17 69.50.401(d))
18 Possession of Stolen Property 1 (RCW
19 9A.56.150)
20 Theft 1 (RCW 9A.56.030)
21 Theft of Rental, Leased, or Lease-purchased
22 Property (valued at one thousand five
23 hundred dollars or more) (RCW
24 9A.56.096(4))
25 Trafficking in Insurance Claims (RCW
26 48.30A.015)
27 Unlawful Practice of Law (RCW 2.48.180)
28 Unlicensed Practice of a Profession or
29 Business (RCW 18.130.190(7))

30 I Attempting to Elude a Pursuing Police
31 Vehicle (RCW 46.61.024)
32 False Verification for Welfare (RCW
33 74.08.055)
34 Forged Prescription (RCW 69.41.020)
35 Forged Prescription for a Controlled
36 Substance (RCW 69.50.403)
37 Forgery (RCW 9A.60.020)

1 Malicious Mischief 2 (RCW 9A.48.080)
2 Possess Controlled Substance that is a
3 Narcotic from Schedule III, IV, or V
4 or Non-narcotic from Schedule I-V
5 (except phencyclidine or
6 flunitrazepam) (RCW 69.50.401(d))
7 Possession of Stolen Property 2 (RCW
8 9A.56.160)
9 Reckless Burning 1 (RCW 9A.48.040)
10 Taking Motor Vehicle Without Permission
11 (RCW 9A.56.070)
12 Theft 2 (RCW 9A.56.040)
13 Theft of Rental, Leased, or Lease-purchased
14 Property (valued at two hundred fifty
15 dollars or more but less than one
16 thousand five hundred dollars) (RCW
17 9A.56.096(4))
18 Unlawful Issuance of Checks or Drafts (RCW
19 9A.56.060)
20 Unlawful Use of Food Stamps (RCW 9.91.140
21 (2) and (3))
22 Vehicle Prowl 1 (RCW 9A.52.095)-

EFFECT: Clarifies that the crime of criminal impersonation applies to the use of a "made-up" identity with the intent to commit a felony or third degree theft. It also increases the penalties for Identity Theft and Criminal Impersonation in the First Degree by ranking both crimes as level IV offenses. This means that a person with no prior criminal history would receive a presumptive sentence range of three to nine months confinement. Criminal Impersonation in the Second Degree is raised from a misdemeanor to a gross misdemeanor.