
HOUSE BILL 1094

State of Washington

56th Legislature

1999 Regular Session

By Representatives Cairnes, O'Brien, Lovick, Mielke, Ballasiotes, Mulliken, Romero, Alexander, D. Schmidt, Schoesler, Carrell, Lambert, Rockefeller and Esser

Read first time 01/14/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to penalties for criminal impersonation; amending
2 RCW 9A.60.040; reenacting and amending RCW 9.94A.320; and prescribing
3 penalties.

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

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

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

9 (a) Assumes a false identity and does an act in his or her assumed
10 character with intent to defraud another or for any other unlawful
11 purpose; 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 B felony.

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

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

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

7 (4) Criminal impersonation in the second degree is a
8 (~~misdemeanor~~) class C felony.

9 **Sec. 2.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
10 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
11 follows:

12 TABLE 2

13 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

14	XV	Aggravated Murder 1 (RCW 10.95.020)
15	XIV	Murder 1 (RCW 9A.32.030)
16		Homicide by abuse (RCW 9A.32.055)
17		Malicious explosion 1 (RCW 70.74.280(1))
18	XIII	Murder 2 (RCW 9A.32.050)
19		Malicious explosion 2 (RCW 70.74.280(2))
20		Malicious placement of an explosive 1 (RCW
21		70.74.270(1))
22	XII	Assault 1 (RCW 9A.36.011)
23		Assault of a Child 1 (RCW 9A.36.120)
24		Rape 1 (RCW 9A.44.040)
25		Rape of a Child 1 (RCW 9A.44.073)
26		Malicious placement of an imitation device
27		1 (RCW 70.74.272(1)(a))
28	XI	Rape 2 (RCW 9A.44.050)
29		Rape of a Child 2 (RCW 9A.44.076)
30		Manslaughter 1 (RCW 9A.32.060)
31	X	Kidnapping 1 (RCW 9A.40.020)
32		Child Molestation 1 (RCW 9A.44.083)
33		Malicious explosion 3 (RCW 70.74.280(3))
34		Over 18 and deliver heroin, a narcotic from
35		Schedule I or II, or flunitrazepam

1 from Schedule IV to someone under 18
2 (RCW 69.50.406)
3 Leading Organized Crime (RCW
4 9A.82.060(1)(a))
5 Indecent Liberties (with forcible
6 compulsion) (RCW 9A.44.100(1)(a))
7 Manufacture of methamphetamine (RCW
8 69.50.401(a)(1)(ii))

9 IX Assault of a Child 2 (RCW 9A.36.130)
10 Robbery 1 (RCW 9A.56.200)
11 Explosive devices prohibited (RCW
12 70.74.180)
13 Malicious placement of an explosive 2 (RCW
14 70.74.270(2))
15 Over 18 and deliver narcotic from Schedule
16 III, IV, or V or a nonnarcotic, except
17 flunitrazepam, from Schedule I-V to
18 someone under 18 and 3 years junior
19 (RCW 69.50.406)
20 Controlled Substance Homicide (RCW
21 69.50.415)
22 Sexual Exploitation (RCW 9.68A.040)
23 Inciting Criminal Profiteering (RCW
24 9A.82.060(1)(b))
25 Vehicular Homicide, by being under the
26 influence of intoxicating liquor or
27 any drug (RCW 46.61.520)
28 Homicide by Watercraft, by being under the
29 influence of intoxicating liquor or
30 any drug (RCW 88.12.029)

31 VIII Arson 1 (RCW 9A.48.020)
32 Promoting Prostitution 1 (RCW 9A.88.070)
33 Selling for profit (controlled or
34 counterfeit) any controlled substance
35 (RCW 69.50.410)
36 Manufacture, deliver, or possess with
37 intent to deliver heroin or cocaine
38 (RCW 69.50.401(a)(1)(i))

1 Deliver or possess with intent to deliver
2 methamphetamine (RCW
3 69.50.401(a)(1)(ii))
4 Manufacture, deliver, or possess with
5 intent to deliver amphetamine (RCW
6 69.50.401(a)(1)(ii))
7 Possession of ephedrine or pseudoephedrine
8 with intent to manufacture
9 methamphetamine (RCW 69.50.440)
10 Vehicular Homicide, by the operation of any
11 vehicle in a reckless manner (RCW
12 46.61.520)
13 Homicide by Watercraft, by the operation of
14 any vessel in a reckless manner (RCW
15 88.12.029)
16 Manslaughter 2 (RCW 9A.32.070)
17 VII Burglary 1 (RCW 9A.52.020)
18 Vehicular Homicide, by disregard for the
19 safety of others (RCW 46.61.520)
20 Homicide by Watercraft, by disregard for
21 the safety of others (RCW 88.12.029)
22 Introducing Contraband 1 (RCW 9A.76.140)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1) (b) and
25 (c))
26 Child Molestation 2 (RCW 9A.44.086)
27 Dealing in depictions of minor engaged in
28 sexually explicit conduct (RCW
29 9.68A.050)
30 Sending, bringing into state depictions of
31 minor engaged in sexually explicit
32 conduct (RCW 9.68A.060)
33 Involving a minor in drug dealing (RCW
34 69.50.401(f))
35 Drive-by Shooting (RCW 9A.36.045)
36 Unlawful Possession of a Firearm in the
37 first degree (RCW 9.41.040(1)(a))

1 Malicious placement of an explosive 3 (RCW
2 70.74.270(3))

3 VI Bribery (RCW 9A.68.010)
4 Rape of a Child 3 (RCW 9A.44.079)
5 Intimidating a Juror/Witness (RCW
6 9A.72.110, 9A.72.130)
7 Malicious placement of an imitation device
8 2 (RCW 70.74.272(1)(b))
9 Incest 1 (RCW 9A.64.020(1))
10 Manufacture, deliver, or possess with
11 intent to deliver narcotics from
12 Schedule I or II (except heroin or
13 cocaine) or flunitrazepam from
14 Schedule IV (RCW 69.50.401(a)(1)(i))
15 Intimidating a Judge (RCW 9A.72.160)
16 Bail Jumping with Murder 1 (RCW
17 9A.76.170(2)(a))
18 Theft of a Firearm (RCW 9A.56.300)

19 V Persistent prison misbehavior (RCW
20 9.94.070)
21 Criminal Mistreatment 1 (RCW 9A.42.020)
22 Abandonment of dependent person 1 (RCW
23 9A.42.060)
24 Rape 3 (RCW 9A.44.060)
25 Sexual Misconduct with a Minor 1 (RCW
26 9A.44.093)
27 Child Molestation 3 (RCW 9A.44.089)
28 Kidnapping 2 (RCW 9A.40.030)
29 Extortion 1 (RCW 9A.56.120)
30 Incest 2 (RCW 9A.64.020(2))
31 Perjury 1 (RCW 9A.72.020)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Advancing money or property for
35 extortionate extension of credit (RCW
36 9A.82.030)
37 Extortionate Means to Collect Extensions of
38 Credit (RCW 9A.82.040)

1 Rendering Criminal Assistance 1 (RCW
2 9A.76.070)
3 Bail Jumping with class A Felony (RCW
4 9A.76.170(2)(b))
5 Sexually Violating Human Remains (RCW
6 9A.44.105)
7 Delivery of imitation controlled substance
8 by person eighteen or over to person
9 under eighteen (RCW 69.52.030(2))
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)

12 IV Residential Burglary (RCW 9A.52.025)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Robbery 2 (RCW 9A.56.210)
15 Criminal Impersonation 1 (RCW 9A.60.040(1))
16 Assault 2 (RCW 9A.36.021)
17 Escape 1 (RCW 9A.76.110)
18 Arson 2 (RCW 9A.48.030)
19 Commercial Bribery (RCW 9A.68.060)
20 Bribing a Witness/Bribe Received by Witness
21 (RCW 9A.72.090, 9A.72.100)
22 Malicious Harassment (RCW 9A.36.080)
23 Threats to Bomb (RCW 9.61.160)
24 Willful Failure to Return from Furlough
25 (RCW 72.66.060)
26 Hit and Run--Injury Accident (RCW
27 46.52.020(4))
28 Hit and Run with Vessel--Injury Accident
29 (RCW 88.12.155(3))
30 Vehicular Assault (RCW 46.61.522)
31 Assault by Watercraft (RCW 88.12.032)
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule III, IV, or V or nonnarcotics
35 from Schedule I-V (except marijuana,
36 amphetamine, methamphetamines, or
37 flunitrazepam) (RCW 69.50.401(a)(1)
38 (iii) through (v))

1 Influencing Outcome of Sporting Event (RCW
2 9A.82.070)
3 Use of Proceeds of Criminal Profiteering
4 (RCW 9A.82.080 (1) and (2))
5 Knowingly Trafficking in Stolen Property
6 (RCW 9A.82.050(2))
7 III Criminal Gang Intimidation (RCW 9A.46.120)
8 Criminal Mistreatment 2 (RCW 9A.42.030)
9 Abandonment of dependent person 2 (RCW
10 9A.42.070)
11 Extortion 2 (RCW 9A.56.130)
12 Unlawful Imprisonment (RCW 9A.40.040)
13 Assault 3 (RCW 9A.36.031)
14 Assault of a Child 3 (RCW 9A.36.140)
15 Custodial Assault (RCW 9A.36.100)
16 Unlawful possession of firearm in the
17 second degree (RCW 9.41.040(1)(b))
18 Harassment (RCW 9A.46.020)
19 Promoting Prostitution 2 (RCW 9A.88.080)
20 Willful Failure to Return from Work Release
21 (RCW 72.65.070)
22 Burglary 2 (RCW 9A.52.030)
23 Criminal Impersonation 2 (RCW 9A.60.040(3))
24 Introducing Contraband 2 (RCW 9A.76.150)
25 Communication with a Minor for Immoral
26 Purposes (RCW 9.68A.090)
27 Patronizing a Juvenile Prostitute (RCW
28 9.68A.100)
29 Escape 2 (RCW 9A.76.120)
30 Perjury 2 (RCW 9A.72.030)
31 Bail Jumping with class B or C Felony (RCW
32 9A.76.170(2)(c))
33 Intimidating a Public Servant (RCW
34 9A.76.180)
35 Tampering with a Witness (RCW 9A.72.120)
36 Manufacture, deliver, or possess with
37 intent to deliver marijuana (RCW
38 69.50.401(a)(1)(iii))

1 Delivery of a material in lieu of a
2 controlled substance (RCW
3 69.50.401(c))
4 Manufacture, distribute, or possess with
5 intent to distribute an imitation
6 controlled substance (RCW
7 69.52.030(1))
8 Recklessly Trafficking in Stolen Property
9 (RCW 9A.82.050(1))
10 Theft of livestock 2 (RCW 9A.56.080)
11 Securities Act violation (RCW 21.20.400)
12 II Unlawful Practice of Law (RCW 2.48.180)
13 Malicious Mischief 1 (RCW 9A.48.070)
14 Possession of Stolen Property 1 (RCW
15 9A.56.150)
16 Theft 1 (RCW 9A.56.030)
17 Class B Felony Theft of Rental, Leased, or
18 Lease-purchased Property (RCW
19 9A.56.096(4))
20 Trafficking in Insurance Claims (RCW
21 48.30A.015)
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Health Care False Claims (RCW 48.80.030)
25 Possession of controlled substance that is
26 either heroin or narcotics from
27 Schedule I or II or flunitrazepam from
28 Schedule IV (RCW 69.50.401(d))
29 Possession of phencyclidine (PCP) (RCW
30 69.50.401(d))
31 Create, deliver, or possess a counterfeit
32 controlled substance (RCW
33 69.50.401(b))
34 Computer Trespass 1 (RCW 9A.52.110)
35 Escape from Community Custody (RCW
36 72.09.310)

1 I Theft 2 (RCW 9A.56.040)
2 Class C Felony Theft of Rental, Leased, or
3 Lease-purchased Property (RCW
4 9A.56.096(4))
5 Possession of Stolen Property 2 (RCW
6 9A.56.160)
7 Forgery (RCW 9A.60.020)
8 Taking Motor Vehicle Without Permission
9 (RCW 9A.56.070)
10 Vehicle Prowl 1 (RCW 9A.52.095)
11 Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)
13 Malicious Mischief 2 (RCW 9A.48.080)
14 Reckless Burning 1 (RCW 9A.48.040)
15 Unlawful Issuance of Checks or Drafts (RCW
16 9A.56.060)
17 Unlawful Use of Food Stamps (RCW 9.91.140
18 (2) and (3))
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forged Prescription (RCW 69.41.020)
22 Forged Prescription for a Controlled
23 Substance (RCW 69.50.403)
24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or V
26 or Non-narcotic from Schedule I-V
27 (except phencyclidine or
28 flunitrazepam) (RCW 69.50.401(d))

--- END ---