

---

**SUBSTITUTE HOUSE BILL 1597**

---

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Cairnes, O'Brien, Ballasiotes, Cooper, D. Schmidt, Ruderman, Hatfield, Wensman, Thomas, Keiser, Sullivan, DeBolt, Talcott, Barlean, Bush, Benson, Santos, Quall, Campbell and Lambert)

Read first time 02/17/1999. Referred to Committee on .

1 AN ACT Relating to identity theft; amending RCW 9A.60.040 and  
2 9A.60.010; 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~~) identity theft  
8 in the first 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~~) commit a felony or theft in the third degree; 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~~) Identity theft in the first degree  
16 is a (~~gross misdemeanor~~) class B felony.

17 (3) A person is guilty of (~~criminal impersonation~~) identity theft  
18 in the second 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~~)  
4 identity theft in the first degree, does an act with intent to convey  
5 the impression that he or she is acting in an official capacity and a  
6 reasonable person would believe the person is a law enforcement  
7 officer.

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

10 (5) A person is guilty of identity theft in the third degree if the  
11 person knowingly procures or possesses, without lawful authority, an  
12 identification card of another person or a false identification card  
13 with the intent to commit, or to aid or abet, any unlawful activity.  
14 In a prosecution for identity theft in the third degree, a person who  
15 possesses without lawful authority, two or more identification cards of  
16 another person, or two or more false identification cards, is presumed  
17 to have acted with the intent to commit, or to aid or abet, unlawful  
18 activity. The presumption in this subsection is rebuttable by evidence  
19 raising a reasonable inference that possession of the identification  
20 cards was not for the purpose of committing, or aiding or abetting,  
21 unlawful activity.

22 (6) Identity theft in the third degree is a gross misdemeanor.

23 **Sec. 2.** RCW 9A.60.010 and 1987 c 140 s 5 are each amended to read  
24 as follows:

25 The following definitions and the definitions of RCW 9A.56.010 are  
26 applicable in this chapter unless the context otherwise requires:

27 (1) "Written instrument" means: (a) Any paper, document, or other  
28 instrument containing written or printed matter or its equivalent; or  
29 (b) any access device, as defined in RCW 9A.56.010(3), token, stamp,  
30 seal, badge, trademark, or other evidence or symbol of value, right,  
31 privilege, or identification;

32 (2) "Complete written instrument" means one which is fully drawn  
33 with respect to every essential feature thereof;

34 (3) "Incomplete written instrument" means one which contains some  
35 matter by way of content or authentication but which requires  
36 additional matter in order to render it a complete written instrument;

37 (4) To "falsely make" a written instrument means to make or draw a  
38 complete or incomplete written instrument which purports to be

1 authentic, but which is not authentic either because the ostensible  
2 maker is fictitious or because, if real, he did not authorize the  
3 making or drawing thereof;

4 (5) To "falsely complete" a written instrument means to transform  
5 an incomplete written instrument into a complete one by adding or  
6 inserting matter, without the authority of anyone entitled to grant it;

7 (6) To "falsely alter" a written instrument means to change,  
8 without authorization by anyone entitled to grant it, a written  
9 instrument, whether complete or incomplete, by means of erasure,  
10 obliteration, deletion, insertion of new matter, transposition of  
11 matter, or in any other manner;

12 (7) "Forged instrument" means a written instrument which has been  
13 falsely made, completed or altered;

14 (8) "Identification card" means those forms of identification  
15 listed in RCW 66.16.040 and also includes a Social Security card and  
16 birth certificate.

17 **Sec. 3.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c  
18 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as  
19 follows:

20 TABLE 2

21 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

|    |      |  |
|----|------|--|
| 22 | XV   | Aggravated Murder 1 (RCW 10.95.020)        |
| 23 | XIV  | Murder 1 (RCW 9A.32.030)                   |
| 24 |      | Homicide by abuse (RCW 9A.32.055)          |
| 25 |      | Malicious explosion 1 (RCW 70.74.280(1))   |
| 26 | XIII | Murder 2 (RCW 9A.32.050)                   |
| 27 |      | Malicious explosion 2 (RCW 70.74.280(2))   |
| 28 |      | Malicious placement of an explosive 1 (RCW |
| 29 |      | 70.74.270(1))                              |
| 30 | XII  | Assault 1 (RCW 9A.36.011)                  |
| 31 |      | Assault of a Child 1 (RCW 9A.36.120)       |
| 32 |      | Rape 1 (RCW 9A.44.040)                     |
| 33 |      | Rape of a Child 1 (RCW 9A.44.073)          |
| 34 |      | Malicious placement of an imitation device |
| 35 |      | 1 (RCW 70.74.272(1)(a))                    |

1 XI Rape 2 (RCW 9A.44.050)  
2 Rape of a Child 2 (RCW 9A.44.076)  
3 Manslaughter 1 (RCW 9A.32.060)

4 X Kidnapping 1 (RCW 9A.40.020)  
5 Child Molestation 1 (RCW 9A.44.083)  
6 Malicious explosion 3 (RCW 70.74.280(3))  
7 Over 18 and deliver heroin, a narcotic from  
8 Schedule I or II, or flunitrazepam  
9 from Schedule IV to someone under 18  
10 (RCW 69.50.406)  
11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))  
13 Indecent Liberties (with forcible  
14 compulsion) (RCW 9A.44.100(1)(a))  
15 Manufacture of methamphetamine (RCW  
16 69.50.401(a)(1)(ii))

17 IX Assault of a Child 2 (RCW 9A.36.130)  
18 Robbery 1 (RCW 9A.56.200)  
19 Explosive devices prohibited (RCW  
20 70.74.180)  
21 Malicious placement of an explosive 2 (RCW  
22 70.74.270(2))  
23 Over 18 and deliver narcotic from Schedule  
24 III, IV, or V or a nonnarcotic, except  
25 flunitrazepam, from Schedule I-V to  
26 someone under 18 and 3 years junior  
27 (RCW 69.50.406)  
28 Controlled Substance Homicide (RCW  
29 69.50.415)  
30 Sexual Exploitation (RCW 9.68A.040)  
31 Inciting Criminal Profiteering (RCW  
32 9A.82.060(1)(b))  
33 Vehicular Homicide, by being under the  
34 influence of intoxicating liquor or  
35 any drug (RCW 46.61.520)  
36 Homicide by Watercraft, by being under the  
37 influence of intoxicating liquor or  
38 any drug (RCW 88.12.029)

1 VIII Arson 1 (RCW 9A.48.020)  
2 Promoting Prostitution 1 (RCW 9A.88.070)  
3 Selling for profit (controlled or  
4 counterfeit) any controlled substance  
5 (RCW 69.50.410)  
6 Manufacture, deliver, or possess with  
7 intent to deliver heroin or cocaine  
8 (RCW 69.50.401(a)(1)(i))  
9 Deliver or possess with intent to deliver  
10 methamphetamine (RCW  
11 69.50.401(a)(1)(ii))  
12 Manufacture, deliver, or possess with  
13 intent to deliver amphetamine (RCW  
14 69.50.401(a)(1)(ii))  
15 Possession of ephedrine or pseudoephedrine  
16 with intent to manufacture  
17 methamphetamine (RCW 69.50.440)  
18 Vehicular Homicide, by the operation of any  
19 vehicle in a reckless manner (RCW  
20 46.61.520)  
21 Homicide by Watercraft, by the operation of  
22 any vessel in a reckless manner (RCW  
23 88.12.029)  
24 Manslaughter 2 (RCW 9A.32.070)

25 VII Burglary 1 (RCW 9A.52.020)  
26 Vehicular Homicide, by disregard for the  
27 safety of others (RCW 46.61.520)  
28 Homicide by Watercraft, by disregard for  
29 the safety of others (RCW 88.12.029)  
30 Introducing Contraband 1 (RCW 9A.76.140)  
31 Indecent Liberties (without forcible  
32 compulsion) (RCW 9A.44.100(1) (b) and  
33 (c))  
34 Child Molestation 2 (RCW 9A.44.086)  
35 Dealing in depictions of minor engaged in  
36 sexually explicit conduct (RCW  
37 9.68A.050)

1           Sending, bringing into state depictions of  
2           minor engaged in sexually explicit  
3           conduct (RCW 9.68A.060)  
4           Involving a minor in drug dealing (RCW  
5           69.50.401(f))  
6           Drive-by Shooting (RCW 9A.36.045)  
7           Unlawful Possession of a Firearm in the  
8           first degree (RCW 9.41.040(1)(a))  
9           Malicious placement of an explosive 3 (RCW  
10           70.74.270(3))  
  
11       VI       Bribery (RCW 9A.68.010)  
12           Rape of a Child 3 (RCW 9A.44.079)  
13           Intimidating a Juror/Witness (RCW  
14           9A.72.110, 9A.72.130)  
15           Malicious placement of an imitation device  
16           2 (RCW 70.74.272(1)(b))  
17           Incest 1 (RCW 9A.64.020(1))  
18           Manufacture, deliver, or possess with  
19           intent to deliver narcotics from  
20           Schedule I or II (except heroin or  
21           cocaine) or flunitrazepam from  
22           Schedule IV (RCW 69.50.401(a)(1)(i))  
23           Intimidating a Judge (RCW 9A.72.160)  
24           Bail Jumping with Murder 1 (RCW  
25           9A.76.170(2)(a))  
26           Theft of a Firearm (RCW 9A.56.300)  
  
27       V       Persistent prison misbehavior (RCW  
28           9.94.070)  
29           Criminal Mistreatment 1 (RCW 9A.42.020)  
30           Abandonment of dependent person 1 (RCW  
31           9A.42.060)  
32           Rape 3 (RCW 9A.44.060)  
33           Sexual Misconduct with a Minor 1 (RCW  
34           9A.44.093)  
35           Child Molestation 3 (RCW 9A.44.089)  
36           Kidnapping 2 (RCW 9A.40.030)  
37           Extortion 1 (RCW 9A.56.120)  
38           Incest 2 (RCW 9A.64.020(2))

1 Perjury 1 (RCW 9A.72.020)  
2 Extortionate Extension of Credit (RCW  
3 9A.82.020)  
4 Advancing money or property for  
5 extortionate extension of credit (RCW  
6 9A.82.030)  
7 Extortionate Means to Collect Extensions of  
8 Credit (RCW 9A.82.040)  
9 Rendering Criminal Assistance 1 (RCW  
10 9A.76.070)  
11 Bail Jumping with class A Felony (RCW  
12 9A.76.170(2)(b))  
13 Sexually Violating Human Remains (RCW  
14 9A.44.105)  
15 Delivery of imitation controlled substance  
16 by person eighteen or over to person  
17 under eighteen (RCW 69.52.030(2))  
18 Possession of a Stolen Firearm (RCW  
19 9A.56.310)

20 IV Residential Burglary (RCW 9A.52.025)  
21 Theft of Livestock 1 (RCW 9A.56.080)  
22 Robbery 2 (RCW 9A.56.210)  
23 Identity Theft 1 (RCW 9A.60.040(1))  
24 Assault 2 (RCW 9A.36.021)  
25 Escape 1 (RCW 9A.76.110)  
26 Arson 2 (RCW 9A.48.030)  
27 Commercial Bribery (RCW 9A.68.060)  
28 Bribing a Witness/Bribe Received by Witness  
29 (RCW 9A.72.090, 9A.72.100)  
30 Malicious Harassment (RCW 9A.36.080)  
31 Threats to Bomb (RCW 9.61.160)  
32 Willful Failure to Return from Furlough  
33 (RCW 72.66.060)  
34 Hit and Run--Injury Accident (RCW  
35 46.52.020(4))  
36 Hit and Run with Vessel--Injury Accident  
37 (RCW 88.12.155(3))  
38 Vehicular Assault (RCW 46.61.522)  
39 Assault by Watercraft (RCW 88.12.032)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or nonnarcotics  
4 from Schedule I-V (except marijuana,  
5 amphetamine, methamphetamines, or  
6 flunitrazepam) (RCW 69.50.401(a)(1)  
7 (iii) through (v))  
8 Influencing Outcome of Sporting Event (RCW  
9 9A.82.070)  
10 Use of Proceeds of Criminal Profiteering  
11 (RCW 9A.82.080 (1) and (2))  
12 Knowingly Trafficking in Stolen Property  
13 (RCW 9A.82.050(2))  
14 III Criminal Gang Intimidation (RCW 9A.46.120)  
15 Criminal Mistreatment 2 (RCW 9A.42.030)  
16 Abandonment of dependent person 2 (RCW  
17 9A.42.070)  
18 Extortion 2 (RCW 9A.56.130)  
19 Unlawful Imprisonment (RCW 9A.40.040)  
20 Assault 3 (RCW 9A.36.031)  
21 Assault of a Child 3 (RCW 9A.36.140)  
22 Custodial Assault (RCW 9A.36.100)  
23 Unlawful possession of firearm in the  
24 second degree (RCW 9.41.040(1)(b))  
25 Harassment (RCW 9A.46.020)  
26 Promoting Prostitution 2 (RCW 9A.88.080)  
27 Willful Failure to Return from Work Release  
28 (RCW 72.65.070)  
29 Burglary 2 (RCW 9A.52.030)  
30 Identity Theft 2 (RCW 9A.60.040(3))  
31 Introducing Contraband 2 (RCW 9A.76.150)  
32 Communication with a Minor for Immoral  
33 Purposes (RCW 9.68A.090)  
34 Patronizing a Juvenile Prostitute (RCW  
35 9.68A.100)  
36 Escape 2 (RCW 9A.76.120)  
37 Perjury 2 (RCW 9A.72.030)  
38 Bail Jumping with class B or C Felony (RCW  
39 9A.76.170(2)(c))



1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Tampering with a Witness (RCW 9A.72.120)  
4 Manufacture, deliver, or possess with  
5 intent to deliver marijuana (RCW  
6 69.50.401(a)(1)(iii))  
7 Delivery of a material in lieu of a  
8 controlled substance (RCW  
9 69.50.401(c))  
10 Manufacture, distribute, or possess with  
11 intent to distribute an imitation  
12 controlled substance (RCW  
13 69.52.030(1))  
14 Recklessly Trafficking in Stolen Property  
15 (RCW 9A.82.050(1))  
16 Theft of livestock 2 (RCW 9A.56.080)  
17 Securities Act violation (RCW 21.20.400)  
18 II Unlawful Practice of Law (RCW 2.48.180)  
19 Malicious Mischief 1 (RCW 9A.48.070)  
20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)  
22 Theft 1 (RCW 9A.56.030)  
23 Class B Felony Theft of Rental, Leased, or  
24 Lease-purchased Property (RCW  
25 9A.56.096(4))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlicensed Practice of a Profession or  
29 Business (RCW 18.130.190(7))  
30 Health Care False Claims (RCW 48.80.030)  
31 Possession of controlled substance that is  
32 either heroin or narcotics from  
33 Schedule I or II or flunitrazepam from  
34 Schedule IV (RCW 69.50.401(d))  
35 Possession of phencyclidine (PCP) (RCW  
36 69.50.401(d))  
37 Create, deliver, or possess a counterfeit  
38 controlled substance (RCW  
39 69.50.401(b))

1 Computer Trespass 1 (RCW 9A.52.110)  
2 Escape from Community Custody (RCW  
3 72.09.310)  
4 I Theft 2 (RCW 9A.56.040)  
5 Class C Felony Theft of Rental, Leased, or  
6 Lease-purchased Property (RCW  
7 9A.56.096(4))  
8 Possession of Stolen Property 2 (RCW  
9 9A.56.160)  
10 Forgery (RCW 9A.60.020)  
11 Taking Motor Vehicle Without Permission  
12 (RCW 9A.56.070)  
13 Vehicle Prowl 1 (RCW 9A.52.095)  
14 Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 Malicious Mischief 2 (RCW 9A.48.080)  
17 Reckless Burning 1 (RCW 9A.48.040)  
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 False Verification for Welfare (RCW  
23 74.08.055)  
24 Forged Prescription (RCW 69.41.020)  
25 Forged Prescription for a Controlled  
26 Substance (RCW 69.50.403)  
27 Possess Controlled Substance that is a  
28 Narcotic from Schedule III, IV, or V  
29 or Non-narcotic from Schedule I-V  
30 (except phencyclidine or  
31 flunitrazepam) (RCW 69.50.401(d))

--- END ---