
HOUSE BILL 1597

State of Washington

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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

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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; 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.

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

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

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

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

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

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

34 (4) To "falsely make" a written instrument means to make or draw a
35 complete or incomplete written instrument which purports to be
36 authentic, but which is not authentic either because the ostensible
37 maker is fictitious or because, if real, he did not authorize the
38 making or drawing thereof;

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

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

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

11 (8) "Identification card" means those forms of identification
12 listed in RCW 66.16.040 and also includes a Social Security card.

13 **Sec. 3.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
14 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
15 follows:

16 TABLE 2

17 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

18	XV	Aggravated Murder 1 (RCW 10.95.020)
19	XIV	Murder 1 (RCW 9A.32.030)
20		Homicide by abuse (RCW 9A.32.055)
21		Malicious explosion 1 (RCW 70.74.280(1))
22	XIII	Murder 2 (RCW 9A.32.050)
23		Malicious explosion 2 (RCW 70.74.280(2))
24		Malicious placement of an explosive 1 (RCW
25		70.74.270(1))
26	XII	Assault 1 (RCW 9A.36.011)
27		Assault of a Child 1 (RCW 9A.36.120)
28		Rape 1 (RCW 9A.44.040)
29		Rape of a Child 1 (RCW 9A.44.073)
30		Malicious placement of an imitation device
31		1 (RCW 70.74.272(1)(a))
32	XI	Rape 2 (RCW 9A.44.050)
33		Rape of a Child 2 (RCW 9A.44.076)
34		Manslaughter 1 (RCW 9A.32.060)

1 X Kidnapping 1 (RCW 9A.40.020)
2 Child Molestation 1 (RCW 9A.44.083)
3 Malicious explosion 3 (RCW 70.74.280(3))
4 Over 18 and deliver heroin, a narcotic from
5 Schedule I or II, or flunitrazepam
6 from Schedule IV to someone under 18
7 (RCW 69.50.406)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Indecent Liberties (with forcible
11 compulsion) (RCW 9A.44.100(1)(a))
12 Manufacture of methamphetamine (RCW
13 69.50.401(a)(1)(ii))
14 IX Assault of a Child 2 (RCW 9A.36.130)
15 Robbery 1 (RCW 9A.56.200)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Malicious placement of an explosive 2 (RCW
19 70.74.270(2))
20 Over 18 and deliver narcotic from Schedule
21 III, IV, or V or a nonnarcotic, except
22 flunitrazepam, from Schedule I-V to
23 someone under 18 and 3 years junior
24 (RCW 69.50.406)
25 Controlled Substance Homicide (RCW
26 69.50.415)
27 Sexual Exploitation (RCW 9.68A.040)
28 Inciting Criminal Profiteering (RCW
29 9A.82.060(1)(b))
30 Vehicular Homicide, by being under the
31 influence of intoxicating liquor or
32 any drug (RCW 46.61.520)
33 Homicide by Watercraft, by being under the
34 influence of intoxicating liquor or
35 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))

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