
HOUSE BILL 2456

State of Washington

56th Legislature

2000 Regular Session

By Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Talcott, Radcliff, Pflug, Esser and Benson

Read first time 01/13/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to identity crimes; amending RCW 9A.60.040;
2 reenacting and amending RCW 9.94A.320; and prescribing penalties.

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

4 **Sec. 1.** 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:

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 gross
8 misdemeanor.

9 **Sec. 2.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999
10 c 45 s 4 are each reenacted and amended to read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

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

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

15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Controlled Substance Homicide (RCW
17 69.50.415)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Homicide by Watercraft, by being under the
21 influence of intoxicating liquor or
22 any drug (RCW ((~~88.12.029~~))
23 79A.60.050)
24 Inciting Criminal Profiteering (RCW
25 9A.82.060(1)(b))
26 Malicious placement of an explosive 2 (RCW
27 70.74.270(2))
28 Over 18 and deliver narcotic from Schedule
29 III, IV, or V or a nonnarcotic, except
30 flunitrazepam or methamphetamine, from
31 Schedule I-V to someone under 18 and 3
32 years junior (RCW 69.50.406)
33 Robbery 1 (RCW 9A.56.200)
34 Sexual Exploitation (RCW 9.68A.040)
35 Vehicular Homicide, by being under the
36 influence of intoxicating liquor or
37 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Deliver or possess with intent to deliver
3 methamphetamine (RCW
4 69.50.401(a)(1)(ii))
5 Homicide by Watercraft, by the operation of
6 any vessel in a reckless manner (RCW
7 ((~~88.12.029~~)) 79A.60.050)
8 Manslaughter 2 (RCW 9A.32.070)
9 Manufacture, deliver, or possess with
10 intent to deliver amphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Manufacture, deliver, or possess with
13 intent to deliver heroin or cocaine
14 (RCW 69.50.401(a)(1)(i))
15 Possession of ephedrine or pseudoephedrine
16 with intent to manufacture
17 methamphetamine (RCW 69.50.440)
18 Promoting Prostitution 1 (RCW 9A.88.070)
19 Selling for profit (controlled or
20 counterfeit) any controlled substance
21 (RCW 69.50.410)
22 Vehicular Homicide, by the operation of any
23 vehicle in a reckless manner (RCW
24 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)
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 Drive-by Shooting (RCW 9A.36.045)
31 Homicide by Watercraft, by disregard for
32 the safety of others (RCW
33 ((~~88.12.029~~)) 79A.60.050)
34 Indecent Liberties (without forcible
35 compulsion) (RCW 9A.44.100(1) (b) and
36 (c))
37 Introducing Contraband 1 (RCW 9A.76.140)

1 Involving a minor in drug dealing (RCW
2 69.50.401(f))
3 Malicious placement of an explosive 3 (RCW
4 70.74.270(3))
5 Sending, bringing into state depictions of
6 minor engaged in sexually explicit
7 conduct (RCW 9.68A.060)
8 Unlawful Possession of a Firearm in the
9 first degree (RCW 9.41.040(1)(a))
10 Use of a Machine Gun in Commission of a
11 Felony (RCW 9.41.225)
12 Vehicular Homicide, by disregard for the
13 safety of others (RCW 46.61.520)

14 VI Bail Jumping with Murder 1 (RCW
15 9A.76.170(2)(a))
16 Bribery (RCW 9A.68.010)
17 Incest 1 (RCW 9A.64.020(1))
18 Intimidating a Judge (RCW 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation device
22 2 (RCW 70.74.272(1)(b))
23 Manufacture, deliver, or possess with
24 intent to deliver narcotics from
25 Schedule I or II (except heroin or
26 cocaine) or flunitrazepam from
27 Schedule IV (RCW 69.50.401(a)(1)(i))
28 Rape of a Child 3 (RCW 9A.44.079)
29 Theft of a Firearm (RCW 9A.56.300)

1 V Abandonment of dependent person 1 (RCW
2 9A.42.060)
3 Advancing money or property for
4 extortionate extension of credit (RCW
5 9A.82.030)
6 Bail Jumping with class A Felony (RCW
7 9A.76.170(2)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect Extensions of
19 Credit (RCW 9A.82.040)
20 Incest 2 (RCW 9A.64.020(2))
21 Kidnapping 2 (RCW 9A.40.030)
22 On and after July 1, 2000: No-Contact
23 Order Violation: Domestic Violence
24 Pretrial Condition (RCW 10.99.040(4)
25 (b) and (c))
26 On and after July 1, 2000: No-Contact
27 Order Violation: Domestic Violence
28 Sentence Condition (RCW 10.99.050(2))
29 On and after July 1, 2000: Protection
30 Order Violation: Domestic Violence
31 Civil Action (RCW 26.50.110 (4) and
32 (5))
33 On and after July 1, 2000: Stalking (RCW
34 9A.46.110)
35 Perjury 1 (RCW 9A.72.020)
36 Persistent prison misbehavior (RCW
37 9.94.070)
38 Possession of a Stolen Firearm (RCW
39 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sexual Misconduct with a Minor 1 (RCW
5 9A.44.093)
6 Sexually Violating Human Remains (RCW
7 9A.44.105)

8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault by Watercraft (RCW ((~~88.12.032~~))
11 79A.60.060)
12 Bribing a Witness/Bribe Received by Witness
13 (RCW 9A.72.090, 9A.72.100)
14 Commercial Bribery (RCW 9A.68.060)
15 Criminal Impersonation 1 (RCW 9A.60.040(1))
16 Counterfeiting (RCW 9.16.035(4))
17 Escape 1 (RCW 9A.76.110)
18 Hit and Run--Injury Accident (RCW
19 46.52.020(4))
20 Hit and Run with Vessel--Injury Accident
21 (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
22 Identity Theft (RCW 9.35.020)
23 Indecent Exposure to Person Under Age
24 Fourteen (subsequent sex offense) (RCW
25 9A.88.010)
26 Influencing Outcome of Sporting Event (RCW
27 9A.82.070)
28 Knowingly Trafficking in Stolen Property
29 (RCW 9A.82.050(2))
30 Malicious Harassment (RCW 9A.36.080)
31 Manufacture, deliver, or possess with
32 intent to deliver narcotics from
33 Schedule III, IV, or V or nonnarcotics
34 from Schedule I-V (except marijuana,
35 amphetamine, methamphetamines, or
36 flunitrazepam) (RCW 69.50.401(a)(1)
37 (iii) through (v))
38 Residential Burglary (RCW 9A.52.025)
39 Robbery 2 (RCW 9A.56.210)

1 Theft of Livestock 1 (RCW 9A.56.080)
2 Threats to Bomb (RCW 9.61.160)
3 Use of Proceeds of Criminal Profiteering
4 (RCW 9A.82.080 (1) and (2))
5 Vehicular Assault (RCW 46.61.522)
6 Willful Failure to Return from Furlough
7 (RCW 72.66.060)

8 III Abandonment of dependent person 2 (RCW
9 9A.42.070)
10 Assault 3 (RCW 9A.36.031)
11 Assault of a Child 3 (RCW 9A.36.140)
12 Bail Jumping with class B or C Felony (RCW
13 9A.76.170(2)(c))
14 Burglary 2 (RCW 9A.52.030)
15 Communication with a Minor for Immoral
16 Purposes (RCW 9.68A.090)
17 Criminal Gang Intimidation (RCW 9A.46.120)
18 Criminal Mistreatment 2 (RCW 9A.42.030)
19 Custodial Assault (RCW 9A.36.100)
20 Delivery of a material in lieu of a
21 controlled substance (RCW
22 69.50.401(c))
23 Escape 2 (RCW 9A.76.120)
24 Extortion 2 (RCW 9A.56.130)
25 Harassment (RCW 9A.46.020)
26 Intimidating a Public Servant (RCW
27 9A.76.180)
28 Introducing Contraband 2 (RCW 9A.76.150)
29 Maintaining a Dwelling or Place for
30 Controlled Substances (RCW
31 69.50.402(a)(6))
32 Malicious Injury to Railroad Property (RCW
33 81.60.070)
34 Manufacture, deliver, or possess with
35 intent to deliver marijuana (RCW
36 69.50.401(a)(1)(iii))
37 Manufacture, distribute, or possess with
38 intent to distribute an imitation

1 controlled substance (RCW
2 69.52.030(1))
3 Patronizing a Juvenile Prostitute (RCW
4 9.68A.100)
5 Perjury 2 (RCW 9A.72.030)
6 Possession of Incendiary Device (RCW
7 9.40.120)
8 Possession of Machine Gun or Short-Barreled
9 Shotgun or Rifle (RCW 9.41.190)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Securities Act violation (RCW 21.20.400)
14 Tampering with a Witness (RCW 9A.72.120)
15 Telephone Harassment (subsequent conviction
16 or threat of death) (RCW 9.61.230)
17 Theft of Livestock 2 (RCW 9A.56.080)
18 Unlawful Imprisonment (RCW 9A.40.040)
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(1)(b))
21 Unlawful Use of Building for Drug Purposes
22 (RCW 69.53.010)
23 Willful Failure to Return from Work Release
24 (RCW 72.65.070)

25 II Computer Trespass 1 (RCW 9A.52.110)
26 Counterfeiting (RCW 9.16.035(3))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Escape from Community Custody (RCW
31 72.09.310)
32 Health Care False Claims (RCW 48.80.030)
33 Malicious Mischief 1 (RCW 9A.48.070)
34 Possession of controlled substance that is
35 either heroin or narcotics from
36 Schedule I or II or flunitrazepam from
37 Schedule IV (RCW 69.50.401(d))
38 Possession of phencyclidine (PCP) (RCW
39 69.50.401(d))

1 Possession of Stolen Property 1 (RCW
2 9A.56.150)
3 Theft 1 (RCW 9A.56.030)
4 Theft of Rental, Leased, or Lease-purchased
5 Property (valued at one thousand five
6 hundred dollars or more) (RCW
7 9A.56.096(4))
8 Trafficking in Insurance Claims (RCW
9 48.30A.015)
10 Unlawful Practice of Law (RCW 2.48.180)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 I Attempting to Elude a Pursuing Police
14 Vehicle (RCW 46.61.024)
15 False Verification for Welfare (RCW
16 74.08.055)
17 Forged Prescription (RCW 69.41.020)
18 Forged Prescription for a Controlled
19 Substance (RCW 69.50.403)
20 Forgery (RCW 9A.60.020)
21 Malicious Mischief 2 (RCW 9A.48.080)
22 Possess Controlled Substance that is a
23 Narcotic from Schedule III, IV, or V
24 or Non-narcotic from Schedule I-V
25 (except phencyclidine or
26 flunitrazepam) (RCW 69.50.401(d))
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Reckless Burning 1 (RCW 9A.48.040)
30 Taking Motor Vehicle Without Permission
31 (RCW 9A.56.070)
32 Theft 2 (RCW 9A.56.040)
33 Theft of Rental, Leased, or Lease-purchased
34 Property (valued at two hundred fifty
35 dollars or more but less than one
36 thousand five hundred dollars) (RCW
37 9A.56.096(4))
38 Unlawful Issuance of Checks or Drafts (RCW
39 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140
2 (2) and (3))
3 Vehicle Prowl 1 (RCW 9A.52.095)

--- **END** ---