
ENGROSSED SUBSTITUTE SENATE BILL 5449

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Long, Winsley, Gardner, Franklin, Costa, Rasmussen and Kohl-Welles; by request of Attorney General)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to identity theft; amending RCW 43.43.760,
2 19.16.250, 19.16.250, 9.35.010, 9.35.020, 9.35.030, 9A.82.010, and
3 13.40.0357; reenacting and amending RCW 9.94A.320; adding new sections
4 to chapter 9.35 RCW; adding a new section to chapter 19.182 RCW;
5 creating a new section; prescribing penalties; providing an effective
6 date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.35 RCW
9 to read as follows:

10 DEFINITIONS. The definitions in this section apply throughout this
11 chapter unless the context clearly requires otherwise.

12 (1) "Financial information" means any of the following information
13 identifiable to the individual that concerns the amount and conditions
14 of an individual's assets, liabilities, or credit:

15 (a) Account numbers and balances;

16 (b) Transactional information concerning an account; and

17 (c) Codes, passwords, social security numbers, tax identification
18 numbers, driver's license or permit numbers, state identicard numbers

1 issued by the department of licensing, and other information held for
2 the purpose of account access or transaction initiation.

3 (2) "Financial information repository" means a person engaged in
4 the business of providing services to customers who have a credit,
5 deposit, trust, stock, or other financial account or relationship with
6 the person.

7 (3) "Means of identification" means information or an item that is
8 not describing finances or credit but is personal to or identifiable
9 with an individual or other person, including: A current or former
10 name of the person, telephone number, an electronic address, or
11 identifier of the individual or a member of his or her family,
12 including the ancestor of the person; information relating to a change
13 in name, address, telephone number, or electronic address or identifier
14 of the individual or his or her family; a social security, driver's
15 license, or tax identification number of the individual or a member of
16 his or her family; and other information that could be used to identify
17 the person, including unique biometric data.

18 (4) "Person" means a person as defined in RCW 9A.04.110.

19 (5) "Victim" means a person whose means of identification or
20 financial information has been used or transferred with the intent to
21 commit, or to aid or abet, any unlawful activity.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.35 RCW
23 to read as follows:

24 INFORMATION AVAILABLE TO VICTIM. (1) A person, financial
25 information repository, financial service provider, merchant,
26 corporation, trust, partnership, or unincorporated association
27 possessing information relating to an actual or potential violation of
28 this chapter, and who may have entered into a transaction, provided
29 credit, products, goods, or services, accepted payment, or otherwise
30 done business with a person who has used the victim's means of
31 identification, must, upon written request of the victim, provide
32 copies of all relevant application and transaction information related
33 to the transaction being alleged as a potential or actual violation of
34 this chapter. Nothing in this section requires the information
35 provider to disclose information that it is otherwise prohibited from
36 disclosing by law, except that a law that prohibits disclosing a
37 person's information to third parties shall not be used to deny
38 disclosure of such information to the victim under this section.

1 (2) Unless the information provider is otherwise willing to verify
2 the victim's identification, the victim shall provide the following as
3 proof of positive identification:

4 (a) The showing of a government issued photo identification card
5 or, if providing proof by mail, a copy of a government issued photo
6 identification card;

7 (b) A copy of a filed police report evidencing the victim's claim;
8 and

9 (c) The written statement from the state patrol showing that the
10 state patrol has on file documentation of the victim's identity
11 pursuant to the personal identification procedures in RCW 43.43.760.

12 (3) The provider may require compensation for the reasonable cost
13 of providing the information requested.

14 (4) No person, financial information repository, financial service
15 provider, merchant, corporation, trust, partnership, or unincorporated
16 association may be held liable for an action taken in good faith to
17 provide information regarding potential or actual violations of this
18 chapter to other financial information repositories, financial service
19 providers, merchants, law enforcement authorities, victims, or any
20 persons alleging to be a victim who comply with subsection (2) of this
21 section which evidences the alleged victim's claim for the purpose of
22 identification and prosecution of violators of this chapter, or to
23 assist a victim in recovery of fines, restitution, rehabilitation of
24 the victim's credit, or such other relief as may be appropriate.

25 (5) A person, financial information repository, financial service
26 provider, merchant, corporation, trust, partnership, or unincorporated
27 association may decline to provide information pursuant to this section
28 when, in the exercise of good faith and reasonable judgment it believes
29 this section does not require disclosure of the information.

30 (6) Nothing in this section creates an obligation on the part of a
31 person, financial information repository, financial services provider,
32 merchant, corporation, trust, partnership, or unincorporated
33 association to retain or maintain information or records that they are
34 not otherwise required to retain or maintain in the ordinary course of
35 its business.

36 (7) The legislature finds that the practices covered by this
37 section are matters vitally affecting the public interest for the
38 purpose of applying the consumer protection act, chapter 19.86 RCW.
39 Violations of this section are not reasonable in relation to the

1 development and preservation of business. It is an unfair or deceptive
2 act in trade or commerce and an unfair method of competition for the
3 purpose of applying the consumer protection act, chapter 19.86 RCW.
4 The burden of proof in an action alleging a violation of this section
5 shall be by a preponderance of the evidence, and the applicable statute
6 of limitation shall be as set forth in RCW 19.182.120. For purposes of
7 a judgment awarded pursuant to an action by a consumer under chapter
8 19.86 RCW, the consumer shall be awarded actual damages. However,
9 where there has been willful failure to comply with any requirement
10 imposed under this section, the consumer shall be awarded actual
11 damages, a monetary penalty of one thousand dollars, and the costs of
12 the action together with reasonable attorneys' fees as determined by
13 the court.

14 **Sec. 3.** RCW 43.43.760 and 1985 c 201 s 15 are each amended to read
15 as follows:

16 (1) Whenever a resident of this state appears before any law
17 enforcement agency and requests an impression of his or her
18 fingerprints to be made, such agency may comply with his or her request
19 and make the required copies of the impressions on forms marked
20 "Personal Identification". The required copies shall be forwarded to
21 the section and marked "for personal identification only".

22 The section shall accept and file such fingerprints submitted
23 voluntarily by such resident, for the purpose of securing a more
24 certain and easy identification in case of death, injury, loss of
25 memory, or other similar circumstances. Upon the request of such
26 person, the section shall return his or her identification data.

27 (2) Whenever a person claiming to be a victim of identity theft
28 appears before any law enforcement agency and requests an impression of
29 his or her fingerprints to be made, such agency may comply with this
30 request and make the required copies of the impressions on forms marked
31 "Personal Identification." The required copies shall be forwarded to
32 the section and marked "for personal identification only."

33 The section shall accept and file such fingerprints submitted by
34 such resident, for the purpose of securing a more certain and easy
35 identification in cases of identity theft. The section shall provide
36 a statement showing that the victim's impression of fingerprints has
37 been accepted and filed with the section.

1 The statement provided to the victim shall state clearly in twelve-
2 point print:

3 "The person holding this statement has claimed to be a victim of
4 identity theft. Pursuant to chapter 9.35 RCW, a business is required
5 by law to provide this victim with copies of all relevant application
6 and transaction information related to the transaction being alleged as
7 a potential or actual identity theft. A business must provide this
8 information once the victim makes a request in writing, shows this
9 statement, any government issued photo identification card, and a copy
10 of a police report."

11 Upon the request of such person, the section shall return his or
12 her identification data.

13 (3) Whenever any person is an applicant for appointment to any
14 position or is an applicant for employment or is an applicant for a
15 license to be issued by any governmental agency, and the law or a
16 regulation of such governmental agency requires that the applicant be
17 of good moral character or not have been convicted of a crime, or is an
18 applicant for appointment to or employment with a criminal justice
19 agency, or the department, the applicant may request any law
20 enforcement agency to make an impression of his or her fingerprints to
21 be submitted to the section. The law enforcement agency may comply
22 with such request and make copies of the impressions on forms marked
23 "applicant", and submit such copies to the section.

24 The section shall accept such fingerprints and shall cause its
25 files to be examined and shall promptly send to the appointing
26 authority, employer, or licensing authority indicated on the form of
27 application, a transcript of the record of previous crimes committed by
28 the person described on the data submitted, or a transcript of the
29 dependency record information regarding the person described on the
30 data submitted, or if there is no record of his or her commission of
31 any crimes, or if there is no dependency record information, a
32 statement to that effect.

33 (~~(3)~~) (4) The Washington state patrol shall charge fees for
34 processing of noncriminal justice system requests for criminal history
35 record information pursuant to this section which will cover, as nearly
36 as practicable, the direct and indirect costs to the patrol of
37 processing such requests.

1 Any law enforcement agency may charge a fee not to exceed five
2 dollars for the purpose of taking fingerprint impressions or searching
3 its files of identification for noncriminal purposes.

4 **Sec. 4.** RCW 19.16.250 and 1983 c 107 s 1 are each amended to read
5 as follows:

6 No licensee or employee of a licensee shall:

7 (1) Directly or indirectly aid or abet any unlicensed person to
8 engage in business as a collection agency in this state or receive
9 compensation from such unlicensed person: PROVIDED, That nothing in
10 this chapter shall prevent a licensee from accepting, as forwarder,
11 claims for collection from a collection agency or attorney whose place
12 of business is outside the state.

13 (2) Collect or attempt to collect a claim by the use of any means
14 contrary to the postal laws and regulations of the United States postal
15 department.

16 (3) Publish or post or cause to be published or posted, any list of
17 debtors commonly known as "bad debt lists" or threaten to do so. For
18 purposes of this chapter, a "bad debt list" means any list of natural
19 persons alleged to fail to honor their lawful debts. However, nothing
20 herein shall be construed to prohibit a licensee from communicating to
21 its customers or clients by means of a coded list, the existence of a
22 check dishonored because of insufficient funds, not sufficient funds or
23 closed account by the financial institution servicing the debtor's
24 checking account: PROVIDED, That the debtor's identity is not readily
25 apparent: PROVIDED FURTHER, That the licensee complies with the
26 requirements of subsection (9)(e) of this section.

27 (4) Have in his possession or make use of any badge, use a uniform
28 of any law enforcement agency or any simulation thereof, or make any
29 statements which might be construed as indicating an official
30 connection with any federal, state, county, or city law enforcement
31 agency, or any other governmental agency, while engaged in collection
32 agency business.

33 (5) Perform any act or acts, either directly or indirectly,
34 constituting the practice of law.

35 (6) Advertise for sale or threaten to advertise for sale any claim
36 as a means of endeavoring to enforce payment thereof or agreeing to do
37 so for the purpose of soliciting claims, except where the licensee has

1 acquired claims as an assignee for the benefit of creditors or where
2 the licensee is acting under court order.

3 (7) Use any name while engaged in the making of a demand for any
4 claim other than the name set forth on his or its current license
5 issued hereunder.

6 (8) Give or send to any debtor or cause to be given or sent to any
7 debtor, any notice, letter, message, or form which represents or
8 implies that a claim exists unless it shall indicate in clear and
9 legible type:

10 (a) The name of the licensee and the city, street, and number at
11 which he is licensed to do business;

12 (b) The name of the original creditor to whom the debtor owed the
13 claim if such name is known to the licensee or employee: PROVIDED, That
14 upon written request of the debtor, the licensee shall make a
15 reasonable effort to obtain the name of such person and provide this
16 name to the debtor;

17 (c) If the notice, letter, message, or form is the first notice to
18 the debtor or if the licensee is attempting to collect a different
19 amount than indicated in his or its first notice to the debtor, an
20 itemization of the claim asserted must be made including:

21 (i) Amount owing on the original obligation at the time it was
22 received by the licensee for collection or by assignment;

23 (ii) Interest or service charge, collection costs, or late payment
24 charges, if any, added to the original obligation by the original
25 creditor, customer or assignor before it was received by the licensee
26 for collection, if such information is known by the licensee or
27 employee: PROVIDED, That upon written request of the debtor, the
28 licensee shall make a reasonable effort to obtain information on such
29 items and provide this information to the debtor;

30 (iii) Interest or service charge, if any, added by the licensee or
31 customer or assignor after the obligation was received by the licensee
32 for collection;

33 (iv) Collection costs, if any, that the licensee is attempting to
34 collect;

35 (v) Attorneys' fees, if any, that the licensee is attempting to
36 collect on his or its behalf or on the behalf of a customer or
37 assignor;

1 (vi) Any other charge or fee that the licensee is attempting to
2 collect on his or its own behalf or on the behalf of a customer or
3 assignor.

4 (9) Communicate or threaten to communicate, the existence of a
5 claim to a person other than one who might be reasonably expected to be
6 liable on the claim in any manner other than through proper legal
7 action, process, or proceedings except under the following conditions:

8 (a) A licensee or employee of a licensee may inform a credit
9 reporting bureau of the existence of a claim: PROVIDED, That if the
10 licensee or employee of a licensee reports a claim to a credit
11 reporting bureau, the licensee shall upon receipt of written notice
12 from the debtor that any part of the claim is disputed, forward a copy
13 of such written notice to the credit reporting bureau;

14 (b) A licensee or employee in collecting or attempting to collect
15 a claim may communicate the existence of a claim to a debtor's employer
16 if the claim has been reduced to a judgment;

17 (c) A licensee or employee in collecting or attempting to collect
18 a claim that has not been reduced to judgment, may communicate the
19 existence of a claim to a debtor's employer if:

20 (i) The licensee or employee has notified or attempted to notify
21 the debtor in writing at his last known address or place of employment
22 concerning the claim and the debtor after a reasonable time has failed
23 to pay the claim or has failed to agree to make payments on the claim
24 in a manner acceptable to the licensee, and

25 (ii) The debtor has not in writing to the licensee disputed any
26 part of the claim: PROVIDED, That the licensee or employee may only
27 communicate the existence of a claim which has not been reduced to
28 judgment to the debtor's employer once unless the debtor's employer has
29 agreed to additional communications.

30 (d) A licensee may for the purpose of locating the debtor or
31 locating assets of the debtor communicate the existence of a claim to
32 any person who might reasonably be expected to have knowledge of the
33 whereabouts of a debtor or the location of assets of the debtor if the
34 claim is reduced to judgment, or if not reduced to judgment, when:

35 (i) The licensee or employee has notified or attempted to notify
36 the debtor in writing at his last known address or last known place of
37 employment concerning the claim and the debtor after a reasonable time
38 has failed to pay the claim or has failed to agree to make payments on
39 the claim in a manner acceptable to the licensee, and

1 (ii) The debtor has not in writing disputed any part of the claim.

2 (e) A licensee may communicate the existence of a claim to its
3 customers or clients if the claim is reduced to judgment, or if not
4 reduced to judgment, when:

5 (i) The licensee has notified or attempted to notify the debtor in
6 writing at his last known address or last known place of employment
7 concerning the claim and the debtor after a reasonable time has failed
8 to pay the claim or has failed to agree to make payments on the claim
9 in a manner acceptable to the licensee, and

10 (ii) The debtor has not in writing disputed any part of the claim.

11 (10) Threaten the debtor with impairment of his credit rating if a
12 claim is not paid.

13 (11) Communicate with the debtor after notification in writing from
14 an attorney representing such debtor that all further communications
15 relative to a claim should be addressed to the attorney: PROVIDED,
16 That if a licensee requests in writing information from an attorney
17 regarding such claim and the attorney does not respond within a
18 reasonable time, the licensee may communicate directly with the debtor
19 until he or it again receives notification in writing that an attorney
20 is representing the debtor.

21 (12) Communicate with a debtor or anyone else in such a manner as
22 to harass, intimidate, threaten, or embarrass a debtor, including but
23 not limited to communication at an unreasonable hour, with unreasonable
24 frequency, by threats of force or violence, by threats of criminal
25 prosecution, and by use of offensive language. A communication shall
26 be presumed to have been made for the purposes of harassment if:

27 (a) It is made with a debtor or spouse in any form, manner, or
28 place, more than three times in a single week;

29 (b) It is made with a debtor at his or her place of employment more
30 than one time in a single week;

31 (c) It is made with the debtor or spouse at his or her place of
32 residence between the hours of 9:00 p.m. and 7:30 a.m.

33 (13) Communicate with the debtor through use of forms or
34 instruments that simulate the form or appearance of judicial process,
35 the form or appearance of government documents, or the simulation of a
36 form or appearance of a telegraphic or emergency message.

37 (14) Communicate with the debtor and represent or imply that the
38 existing obligation of the debtor may be or has been increased by the
39 addition of attorney fees, investigation fees, service fees, or any

1 other fees or charges when in fact such fees or charges may not legally
2 be added to the existing obligation of such debtor.

3 (15) Threaten to take any action against the debtor which the
4 licensee cannot legally take at the time the threat is made.

5 (16) Send any telegram or make any telephone calls to a debtor or
6 concerning a debt or for the purpose of demanding payment of a claim or
7 seeking information about a debtor, for which the charges are payable
8 by the addressee or by the person to whom the call is made.

9 (17) In any manner convey the impression that the licensee is
10 vouched for, bonded to or by, or is an instrumentality of the state of
11 Washington or any agency or department thereof.

12 (18) Collect or attempt to collect in addition to the principal
13 amount of a claim any sum other than allowable interest, collection
14 costs or handling fees expressly authorized by statute, and, in the
15 case of suit, attorney's fees and taxable court costs.

16 (19) Procure from a debtor or collect or attempt to collect on any
17 written note, contract, stipulation, promise or acknowledgment under
18 which a debtor may be required to pay any sum other than principal,
19 allowable interest, and, in the case of suit, attorney's fees and
20 taxable court costs.

21 (20) Upon notification by a debtor that the debtor disputes all
22 debts arising from a series of dishonored checks, automated
23 clearinghouse transactions on a demand deposit account, or other
24 preprinted written instruments, initiate oral contact with a debtor
25 more than one time in an attempt to collect from the debtor debts
26 arising from the identified series of dishonored checks, automated
27 clearinghouse transactions on a demand deposit account, or other
28 preprinted written instruments when: (a) Within the previous one
29 hundred eighty days, in response to the licensee's attempt to collect
30 the initial debt assigned to the licensee and arising from the
31 identified series of dishonored checks, automated clearinghouse
32 transactions on a demand deposit account, or other preprinted written
33 instruments, the debtor in writing notified the licensee that the
34 debtor's checkbook or other series of preprinted written instruments
35 was stolen or fraudulently created; (b) the licensee has received from
36 the debtor a certified copy of a police report referencing the theft or
37 fraudulent creation of the checkbook, automated clearinghouse
38 transactions on a demand deposit account, or series of preprinted
39 written instruments; (c) in the written notification to the licensee or

1 in the police report, the debtor identified the financial institution
2 where the account was maintained, the account number, the magnetic ink
3 character recognition number, the full bank routing and transit number,
4 and the check numbers of the stolen checks, automated clearinghouse
5 transactions on a demand deposit account, or other preprinted written
6 instruments, which check numbers included the number of the check that
7 is the subject of the licensee's collection efforts; (d) the debtor
8 provides, or within the previous one hundred eighty days provided, to
9 the licensee a legible copy of a government-issued photo identification
10 which contains the debtor's signature and which was issued prior to the
11 date of the theft or fraud identified in the police report; (e) the
12 debtor advised the licensee that the subject debt is disputed because
13 the identified check, automated clearinghouse transaction on a demand
14 deposit account, or other preprinted written instrument underlying the
15 debt is a stolen or fraudulently created check or instrument; and (f)
16 information on the checks, automated clearinghouse transactions on a
17 demand deposit account, or other preprinted written instruments are
18 currently in the licensee's files that identically match the
19 information provided by the debtor in (c) of this subsection.

20 The licensee is not in violation of this subsection if the licensee
21 initiates oral contact with the debtor more than one time in an attempt
22 to collect debts arising from the identified series of dishonored
23 checks, automated clearinghouse transactions on a demand deposit
24 account, or other preprinted written instruments when: (i) The
25 licensee acted in good faith and relied on their established practices
26 and procedures for batching or packeting debtor accounts, and the
27 licensee inadvertently initiates oral contact with the debtor in an
28 attempt to collect debts in the identified series subsequent to the
29 initial debt assigned to the licensee; (ii) the licensee is following
30 up on collection of a debt assigned to the licensee, and the debtor has
31 previously requested more information from the licensee regarding the
32 subject debt; (iii) the debtor has notified the licensee that the
33 debtor disputes only some, but not all the debts arising from the
34 identified series of dishonored checks, automated clearinghouse
35 transactions on a demand deposit account, or other preprinted written
36 instruments, in which case the licensee shall be allowed to initiate
37 oral contact with the debtor one time for each debt arising from the
38 series of identified checks, automated clearinghouse transactions on a
39 demand deposit account, or written instruments and initiate additional

1 oral contact for those debts that the debtor acknowledges do not arise
2 from stolen or fraudulently created checks or written instruments; or
3 (iv) the oral contact is in the context of a judicial, administrative,
4 arbitration, mediation, or similar proceeding.

5 **Sec. 5.** RCW 19.16.250 and 1983 c 107 s 1 are each amended to read
6 as follows:

7 No licensee or employee of a licensee shall:

8 (1) Directly or indirectly aid or abet any unlicensed person to
9 engage in business as a collection agency in this state or receive
10 compensation from such unlicensed person: PROVIDED, That nothing in
11 this chapter shall prevent a licensee from accepting, as forwarder,
12 claims for collection from a collection agency or attorney whose place
13 of business is outside the state.

14 (2) Collect or attempt to collect a claim by the use of any means
15 contrary to the postal laws and regulations of the United States postal
16 department.

17 (3) Publish or post or cause to be published or posted, any list of
18 debtors commonly known as "bad debt lists" or threaten to do so. For
19 purposes of this chapter, a "bad debt list" means any list of natural
20 persons alleged to fail to honor their lawful debts. However, nothing
21 herein shall be construed to prohibit a licensee from communicating to
22 its customers or clients by means of a coded list, the existence of a
23 check dishonored because of insufficient funds, not sufficient funds or
24 closed account by the financial institution servicing the debtor's
25 checking account: PROVIDED, That the debtor's identity is not readily
26 apparent: PROVIDED FURTHER, That the licensee complies with the
27 requirements of subsection (9)(e) of this section.

28 (4) Have in his possession or make use of any badge, use a uniform
29 of any law enforcement agency or any simulation thereof, or make any
30 statements which might be construed as indicating an official
31 connection with any federal, state, county, or city law enforcement
32 agency, or any other governmental agency, while engaged in collection
33 agency business.

34 (5) Perform any act or acts, either directly or indirectly,
35 constituting the practice of law.

36 (6) Advertise for sale or threaten to advertise for sale any claim
37 as a means of endeavoring to enforce payment thereof or agreeing to do
38 so for the purpose of soliciting claims, except where the licensee has

1 acquired claims as an assignee for the benefit of creditors or where
2 the licensee is acting under court order.

3 (7) Use any name while engaged in the making of a demand for any
4 claim other than the name set forth on his or its current license
5 issued hereunder.

6 (8) Give or send to any debtor or cause to be given or sent to any
7 debtor, any notice, letter, message, or form which represents or
8 implies that a claim exists unless it shall indicate in clear and
9 legible type:

10 (a) The name of the licensee and the city, street, and number at
11 which he is licensed to do business;

12 (b) The name of the original creditor to whom the debtor owed the
13 claim if such name is known to the licensee or employee: PROVIDED, That
14 upon written request of the debtor, the licensee shall make a
15 reasonable effort to obtain the name of such person and provide this
16 name to the debtor;

17 (c) If the notice, letter, message, or form is the first notice to
18 the debtor or if the licensee is attempting to collect a different
19 amount than indicated in his or its first notice to the debtor, an
20 itemization of the claim asserted must be made including:

21 (i) Amount owing on the original obligation at the time it was
22 received by the licensee for collection or by assignment;

23 (ii) Interest or service charge, collection costs, or late payment
24 charges, if any, added to the original obligation by the original
25 creditor, customer or assignor before it was received by the licensee
26 for collection, if such information is known by the licensee or
27 employee: PROVIDED, That upon written request of the debtor, the
28 licensee shall make a reasonable effort to obtain information on such
29 items and provide this information to the debtor;

30 (iii) Interest or service charge, if any, added by the licensee or
31 customer or assignor after the obligation was received by the licensee
32 for collection;

33 (iv) Collection costs, if any, that the licensee is attempting to
34 collect;

35 (v) Attorneys' fees, if any, that the licensee is attempting to
36 collect on his or its behalf or on the behalf of a customer or
37 assignor;

1 (vi) Any other charge or fee that the licensee is attempting to
2 collect on his or its own behalf or on the behalf of a customer or
3 assignor.

4 (9) Communicate or threaten to communicate, the existence of a
5 claim to a person other than one who might be reasonably expected to be
6 liable on the claim in any manner other than through proper legal
7 action, process, or proceedings except under the following conditions:

8 (a) A licensee or employee of a licensee may inform a credit
9 reporting bureau of the existence of a claim: PROVIDED, That if the
10 licensee or employee of a licensee reports a claim to a credit
11 reporting bureau, the licensee shall upon receipt of written notice
12 from the debtor that any part of the claim is disputed, forward a copy
13 of such written notice to the credit reporting bureau;

14 (b) A licensee or employee in collecting or attempting to collect
15 a claim may communicate the existence of a claim to a debtor's employer
16 if the claim has been reduced to a judgment;

17 (c) A licensee or employee in collecting or attempting to collect
18 a claim that has not been reduced to judgment, may communicate the
19 existence of a claim to a debtor's employer if:

20 (i) The licensee or employee has notified or attempted to notify
21 the debtor in writing at his last known address or place of employment
22 concerning the claim and the debtor after a reasonable time has failed
23 to pay the claim or has failed to agree to make payments on the claim
24 in a manner acceptable to the licensee, and

25 (ii) The debtor has not in writing to the licensee disputed any
26 part of the claim: PROVIDED, That the licensee or employee may only
27 communicate the existence of a claim which has not been reduced to
28 judgment to the debtor's employer once unless the debtor's employer has
29 agreed to additional communications.

30 (d) A licensee may for the purpose of locating the debtor or
31 locating assets of the debtor communicate the existence of a claim to
32 any person who might reasonably be expected to have knowledge of the
33 whereabouts of a debtor or the location of assets of the debtor if the
34 claim is reduced to judgment, or if not reduced to judgment, when:

35 (i) The licensee or employee has notified or attempted to notify
36 the debtor in writing at his last known address or last known place of
37 employment concerning the claim and the debtor after a reasonable time
38 has failed to pay the claim or has failed to agree to make payments on
39 the claim in a manner acceptable to the licensee, and

1 (ii) The debtor has not in writing disputed any part of the claim.

2 (e) A licensee may communicate the existence of a claim to its
3 customers or clients if the claim is reduced to judgment, or if not
4 reduced to judgment, when:

5 (i) The licensee has notified or attempted to notify the debtor in
6 writing at his last known address or last known place of employment
7 concerning the claim and the debtor after a reasonable time has failed
8 to pay the claim or has failed to agree to make payments on the claim
9 in a manner acceptable to the licensee, and

10 (ii) The debtor has not in writing disputed any part of the claim.

11 (10) Threaten the debtor with impairment of his credit rating if a
12 claim is not paid.

13 (11) Communicate with the debtor after notification in writing from
14 an attorney representing such debtor that all further communications
15 relative to a claim should be addressed to the attorney: PROVIDED,
16 That if a licensee requests in writing information from an attorney
17 regarding such claim and the attorney does not respond within a
18 reasonable time, the licensee may communicate directly with the debtor
19 until he or it again receives notification in writing that an attorney
20 is representing the debtor.

21 (12) Communicate with a debtor or anyone else in such a manner as
22 to harass, intimidate, threaten, or embarrass a debtor, including but
23 not limited to communication at an unreasonable hour, with unreasonable
24 frequency, by threats of force or violence, by threats of criminal
25 prosecution, and by use of offensive language. A communication shall
26 be presumed to have been made for the purposes of harassment if:

27 (a) It is made with a debtor or spouse in any form, manner, or
28 place, more than three times in a single week;

29 (b) It is made with a debtor at his or her place of employment more
30 than one time in a single week;

31 (c) It is made with the debtor or spouse at his or her place of
32 residence between the hours of 9:00 p.m. and 7:30 a.m.

33 (13) Communicate with the debtor through use of forms or
34 instruments that simulate the form or appearance of judicial process,
35 the form or appearance of government documents, or the simulation of a
36 form or appearance of a telegraphic or emergency message.

37 (14) Communicate with the debtor and represent or imply that the
38 existing obligation of the debtor may be or has been increased by the
39 addition of attorney fees, investigation fees, service fees, or any

1 other fees or charges when in fact such fees or charges may not legally
2 be added to the existing obligation of such debtor.

3 (15) Threaten to take any action against the debtor which the
4 licensee cannot legally take at the time the threat is made.

5 (16) Send any telegram or make any telephone calls to a debtor or
6 concerning a debt or for the purpose of demanding payment of a claim or
7 seeking information about a debtor, for which the charges are payable
8 by the addressee or by the person to whom the call is made.

9 (17) In any manner convey the impression that the licensee is
10 vouched for, bonded to or by, or is an instrumentality of the state of
11 Washington or any agency or department thereof.

12 (18) Collect or attempt to collect in addition to the principal
13 amount of a claim any sum other than allowable interest, collection
14 costs or handling fees expressly authorized by statute, and, in the
15 case of suit, attorney's fees and taxable court costs.

16 (19) Procure from a debtor or collect or attempt to collect on any
17 written note, contract, stipulation, promise or acknowledgment under
18 which a debtor may be required to pay any sum other than principal,
19 allowable interest, and, in the case of suit, attorney's fees and
20 taxable court costs.

21 (20) Upon notification by a debtor that the debtor disputes all
22 debts arising from a series of dishonored checks, automated
23 clearinghouse transactions on a demand deposit account, or other
24 preprinted written instruments, initiate oral contact with a debtor
25 more than one time in an attempt to collect from the debtor debts
26 arising from the identified series of dishonored checks, automated
27 clearinghouse transactions on a demand deposit account, or other
28 preprinted written instruments when: (a) Within the previous one
29 hundred eighty days, in response to the licensee's attempt to collect
30 the initial debt assigned to the licensee and arising from the
31 identified series of dishonored checks, automated clearinghouse
32 transactions on a demand deposit account, or other preprinted written
33 instruments, the debtor in writing notified the licensee that the
34 debtor's checkbook or other series of preprinted written instruments
35 was stolen or fraudulently created; (b) the licensee has received from
36 the debtor a certified copy of a police report referencing the theft or
37 fraudulent creation of the checkbook, automated clearinghouse
38 transactions on a demand deposit account, or series of preprinted
39 written instruments; (c) in the written notification to the licensee or

1 in the police report, the debtor identified the financial institution
2 where the account was maintained, the account number, the magnetic ink
3 character recognition number, the full bank routing and transit number,
4 and the check numbers of the stolen checks, automated clearinghouse
5 transactions on a demand deposit account, or other preprinted written
6 instruments, which check numbers included the number of the check that
7 is the subject of the licensee's collection efforts; (d) the debtor
8 provides, or within the previous one hundred eighty days provided, to
9 the licensee a legible copy of a government-issued photo identification
10 which contains the debtor's signature and which was issued prior to the
11 date of the theft or fraud identified in the police report; and (e) the
12 debtor advised the licensee that the subject debt is disputed because
13 the identified check, automated clearinghouse transaction on a demand
14 deposit account, or other preprinted written instrument underlying the
15 debt is a stolen or fraudulently created check or instrument.

16 The licensee is not in violation of this subsection if the licensee
17 initiates oral contact with the debtor more than one time in an attempt
18 to collect debts arising from the identified series of dishonored
19 checks, automated clearinghouse transactions on a demand deposit
20 account, or other preprinted written instruments when: (i) The
21 licensee acted in good faith and relied on their established practices
22 and procedures for batching or packeting debtor accounts, and the
23 licensee inadvertently initiates oral contact with the debtor in an
24 attempt to collect debts in the identified series subsequent to the
25 initial debt assigned to the licensee; (ii) the licensee is following
26 up on collection of a debt assigned to the licensee, and the debtor has
27 previously requested more information from the licensee regarding the
28 subject debt; (iii) the debtor has notified the licensee that the
29 debtor disputes only some, but not all the debts arising from the
30 identified series of dishonored checks, automated clearinghouse
31 transactions on a demand deposit account, or other preprinted written
32 instruments, in which case the licensee shall be allowed to initiate
33 oral contact with the debtor one time for each debt arising from the
34 series of identified checks, automated clearinghouse transactions on a
35 demand deposit account, or written instruments and initiate additional
36 oral contact for those debts that the debtor acknowledges do not arise
37 from stolen or fraudulently created checks or written instruments; or
38 (iv) the oral contact is in the context of a judicial, administrative,
39 arbitration, mediation, or similar proceeding.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.182 RCW
2 to read as follows:

3 BLOCK OF INFORMATION APPEARING AS A RESULT OF IDENTITY THEFT. (1)
4 Within thirty days of receipt of proof of the consumer's identification
5 and a copy of a filed police report evidencing the consumer's claim to
6 be a victim of a violation of RCW 9.35.020, a consumer reporting agency
7 shall permanently block reporting any information the consumer
8 identifies on his or her consumer report is a result of a violation of
9 RCW 9.35.020, so that the information cannot be reported, except as
10 provided in subsection (2) of this section. The consumer reporting
11 agency shall promptly notify the furnisher of the information that a
12 police report has been filed, that a block has been requested, and the
13 effective date of the block.

14 (2) A consumer reporting agency may decline to block or may rescind
15 any block of consumer information if, in the exercise of good faith and
16 reasonable judgment, the consumer reporting agency believes:

17 (a) The information was blocked due to a misrepresentation of fact
18 by the consumer relevant to the request to block under this section;

19 (b) The consumer agrees that the blocked information or portions of
20 the blocked information were blocked in error; or

21 (c) The consumer knowingly obtained possession of goods, services,
22 or moneys as a result of the blocked transaction or transactions or the
23 consumer should have known that he or she obtained possession of goods,
24 services, or moneys as a result of the blocked transaction or
25 transactions.

26 (3) If the block of information is declined or rescinded under this
27 section, the consumer shall be notified promptly in the same manner as
28 consumers are notified of the reinsertion of information pursuant to
29 section 611 of the fair credit reporting act, 15 U.S.C. Sec. 1681I, as
30 amended. The prior presence of the blocked information in the consumer
31 reporting agency's file on the consumer is not evidence of whether the
32 consumer knew or should have known that he or she obtained possession
33 of any goods, services, or moneys.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 9.35 RCW
35 to read as follows:

36 The legislature finds that the practices covered by RCW 19.16.250,
37 9.35.010, and 9.35.020 are matters vitally affecting the public
38 interest for the purpose of applying the consumer protection act,

1 chapter 19.86 RCW. Violations of RCW 19.16.250, 9.35.010, and 9.35.020
2 are not reasonable in relation to the development and preservation of
3 business. A violation of RCW 19.16.250, 9.35.010, and 9.35.020 is an
4 unfair or deceptive act in trade or commerce and an unfair method of
5 competition for the purpose of applying the consumer protection act,
6 chapter 19.86 RCW.

7 Nothing in RCW 19.16.250, 9.35.010, and 9.35.020 limits a victim's
8 ability to receive treble damages under RCW 19.86.090.

9 **Sec. 8.** RCW 9.35.010 and 1999 c 368 s 2 are each amended to read
10 as follows:

11 (1) No person may obtain or attempt to obtain, or cause to be
12 disclosed or attempt to cause to be disclosed to any person, financial
13 information from a financial information repository, financial services
14 provider, merchant, corporation, trust, partnership, or unincorporated
15 association:

16 (a) By knowingly making a false, fictitious, or fraudulent
17 statement or representation to an officer, employee, or agent of a
18 financial information repository with the intent to deceive the
19 officer, employee, or agent into relying on that statement or
20 representation for purposes of releasing the financial information;

21 (b) By knowingly making a false, fictitious, or fraudulent
22 statement or representation to a customer of a financial information
23 repository, financial services provider, merchant, corporation, trust,
24 partnership, or unincorporated association with the intent to deceive
25 the customer into releasing financial information or authorizing the
26 release of such information;

27 (c) By knowingly providing any document to an officer, employee, or
28 agent of a financial information repository, financial services
29 provider, merchant, corporation, trust, partnership, or unincorporated
30 association, knowing that the document is forged, counterfeit, lost, or
31 stolen; was fraudulently obtained; or contains a false, fictitious, or
32 fraudulent statement or representation, if the document is provided
33 with the intent to deceive the officer, employee, or agent to release
34 the financial information.

35 (2) No person may request another person to obtain financial
36 information from a financial information repository, financial services
37 provider, merchant, corporation, trust, partnership, or unincorporated
38 association and knows or should have known that the person will obtain

1 or attempt to obtain the information from the financial institution
2 repository, financial services provider, merchant, corporation, trust,
3 partnership, or unincorporated association in any manner described in
4 subsection (1) of this section.

5 (3) ~~((As used in this section, unless the context clearly requires~~
6 ~~otherwise:~~

7 (a) ~~"Financial information" means, to the extent it is nonpublic,~~
8 ~~any of the following information identifiable to the individual that~~
9 ~~concerns the amount and conditions of an individual's assets,~~
10 ~~liabilities, or credit:~~

11 (i) ~~Account numbers and balances;~~

12 (ii) ~~Transactional information concerning any account; and~~

13 (iii) ~~Codes, passwords, social security numbers, tax identification~~
14 ~~numbers, driver's license or permit numbers, state identification numbers~~
15 ~~issued by the department of licensing, and other information held for~~
16 ~~the purpose of account access or transaction initiation.~~

17 (b) ~~"Financial information repository" means any person engaged in~~
18 ~~the business of providing services to customers who have a credit,~~
19 ~~deposit, trust, stock, or other financial account or relationship with~~
20 ~~the person.~~

21 (c) ~~"Person" means an individual, partnership, corporation, or~~
22 ~~association.~~

23 (4)) No provision of this section shall be construed so as to
24 prevent any action by a law enforcement agency, or any officer,
25 employee, or agent of such agency, or any action of an agent of the
26 financial information repository, financial services provider,
27 merchant, corporation, trust, partnership, or unincorporated
28 association when working in conjunction with a law enforcement agency.

29 ((5)) (4) This section does not apply to:

30 (a) Efforts by the financial information repository to test
31 security procedures or systems of the financial institution repository
32 for maintaining the confidentiality of customer information;

33 (b) Investigation of alleged employee misconduct or negligence; or

34 (c) Efforts to recover financial or personal information of the
35 financial institution obtained or received by another person in any
36 manner described in subsection (1) or (2) of this section.

37 ((6)) (5) Violation of this section is a class C felony.

38 ((7)) (6) A person ~~((that [who]))~~ who violates this section is
39 liable for five hundred dollars or actual damages, whichever is

1 greater, and reasonable attorneys' fees. (~~If the person violating~~
2 ~~this section is a business that repeatedly violates this section, that~~
3 ~~person also violates the Consumer Protection Act, chapter 19.86 RCW.~~)

4 **Sec. 9.** RCW 9.35.020 and 1999 c 368 s 3 are each amended to read
5 as follows:

6 (1) No person may knowingly obtain, possess, use, or ((knowingly))
7 transfer a means of identification or financial information of another
8 person, living or dead, with the intent to commit, or to aid or abet,
9 any ((unlawful activity harming or intending to harm the person whose
10 identity is used, or for committing any felony.

11 (2) For purposes of this section, "means of identification" means
12 any information or item that is not describing finances or credit but
13 is personal to or identifiable with any individual or other person,
14 including any current or former name of the person, telephone number,
15 and electronic address or identifier of the individual or any member of
16 his or her family, including the ancestor of such person; any
17 information relating to a change in name, address, telephone number, or
18 electronic address or identifier of the individual or his or her
19 family; any social security, driver's license, or tax identification
20 number of the individual or any member of his or her family; and other
21 information which could be used to identify the person, including
22 unique biometric data)) crime.

23 (~~(3)~~) (2)(a) Violation of this section when the accused or an
24 accomplice uses the victim's means of identification or financial
25 information and obtains an aggregate total of credit, money, goods,
26 services, or anything else of value in excess of one thousand five
27 hundred dollars in value shall constitute identity theft in the first
28 degree. Identity theft in the first degree is a class B felony.

29 (b) Violation of this section when the accused or an accomplice
30 uses the victim's means of identification or financial information and
31 obtains an aggregate total of credit, money, goods, services, or
32 anything else of value that is less than one thousand five hundred
33 dollars in value, or when no credit, money, goods, services, or
34 anything of value is obtained shall constitute identity theft in the
35 second degree. Identity theft in the second degree is a class C
36 felony.

37 (~~(4)~~) (3) A person (~~that [who]~~) who violates this section is
38 liable for civil damages of five hundred dollars or actual damages,

1 whichever is greater, including costs to repair the ((person's))
2 victim's credit record, ((whichever is greater,)) and reasonable
3 attorneys' fees((. If the person violating this section is a business
4 that repeatedly violates this section, that person also violates the
5 Consumer Protection Act, chapter 19.86 RCW)) as determined by the
6 court.

7 (4) In a proceeding under this section, the crime will be
8 considered to have been committed in any locality where the person
9 whose means of identification or financial information was appropriated
10 resides, or in which any part of the offense took place, regardless of
11 whether the defendant was ever actually in that locality.

12 (5) The provisions of this section do not apply to any person who
13 obtains another person's driver's license or other form of
14 identification for the sole purpose of misrepresenting his or her age.

15 (6) In a proceeding under this section in which a person's means of
16 identification or financial information was used without that person's
17 authorization, and when there has been a conviction, the sentencing
18 court may issue such orders as are necessary to correct a public record
19 that contains false information resulting from a violation of this
20 section.

21 **Sec. 10.** RCW 9.35.030 and 2000 c 77 s 1 are each amended to read
22 as follows:

23 (1) It is unlawful for any person to knowingly use a means of
24 identification or financial information of another person to solicit
25 undesired mail with the intent to annoy, harass, intimidate, torment,
26 or embarrass that person.

27 (2) ~~((For purposes of this section, "means of identification" has~~
28 ~~the meaning provided in RCW 9.35.020.~~

29 ~~(3))~~ Violation of this section is a misdemeanor.

30 ~~((4))~~ (3) Additionally, a person who violates this section is
31 liable for civil damages of five hundred dollars or actual damages,
32 including costs to repair the person's credit record, whichever is
33 greater, and reasonable attorneys' fees as determined by the court.

34 **Sec. 11.** RCW 9A.82.010 and 1999 c 143 s 40 are each amended to
35 read as follows:

36 Unless the context requires the contrary, the definitions in this
37 section apply throughout this chapter.

1 (1)(a) "Beneficial interest" means:
2 (i) The interest of a person as a beneficiary under a trust
3 established under Title 11 RCW in which the trustee for the trust holds
4 legal or record title to real property;
5 (ii) The interest of a person as a beneficiary under any other
6 trust arrangement under which a trustee holds legal or record title to
7 real property for the benefit of the beneficiary; or
8 (iii) The interest of a person under any other form of express
9 fiduciary arrangement under which one person holds legal or record
10 title to real property for the benefit of the other person.
11 (b) "Beneficial interest" does not include the interest of a
12 stockholder in a corporation or the interest of a partner in a general
13 partnership or limited partnership.
14 (c) A beneficial interest is considered to be located where the
15 real property owned by the trustee is located.
16 (2) "Control" means the possession of a sufficient interest to
17 permit substantial direction over the affairs of an enterprise.
18 (3) "Creditor" means a person making an extension of credit or a
19 person claiming by, under, or through a person making an extension of
20 credit.
21 (4) "Criminal profiteering" means any act, including any
22 anticipatory or completed offense, committed for financial gain, that
23 is chargeable or indictable under the laws of the state in which the
24 act occurred and, if the act occurred in a state other than this state,
25 would be chargeable or indictable under the laws of this state had the
26 act occurred in this state and punishable as a felony and by
27 imprisonment for more than one year, regardless of whether the act is
28 charged or indicted, as any of the following:
29 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
30 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
31 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
32 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
33 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and
34 9A.56.080;
35 (f) Unlawful sale of subscription television services, as defined
36 in RCW 9A.56.230;
37 (g) Theft of telecommunication services or unlawful manufacture of
38 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;
39 (h) Child selling or child buying, as defined in RCW 9A.64.030;

1 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
2 9A.68.050;

3 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

4 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

5 (l) Extortionate extension of credit, as defined in RCW 9A.82.020;

6 (m) Advancing money for use in an extortionate extension of credit,
7 as defined in RCW 9A.82.030;

8 (n) Collection of an extortionate extension of credit, as defined
9 in RCW 9A.82.040;

10 (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;

11 (p) Delivery or manufacture of controlled substances or possession
12 with intent to deliver or manufacture controlled substances under
13 chapter 69.50 RCW;

14 (q) Trafficking in stolen property, as defined in RCW 9A.82.050;

15 (r) Leading organized crime, as defined in RCW 9A.82.060;

16 (s) Money laundering, as defined in RCW 9A.83.020;

17 (t) Obstructing criminal investigations or prosecutions in
18 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
19 9A.76.070, or 9A.76.180;

20 (u) Fraud in the purchase or sale of securities, as defined in RCW
21 21.20.010;

22 (v) Promoting pornography, as defined in RCW 9.68.140;

23 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,
24 9.68A.050, and 9.68A.060;

25 (x) Promoting prostitution, as defined in RCW 9A.88.070 and
26 9A.88.080;

27 (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

28 (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

29 (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

30 (bb) A pattern of equity skimming, as defined in RCW 61.34.020;

31 (cc) Commercial telephone solicitation in violation of RCW
32 19.158.040(1);

33 (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;

34 (ee) Unlawful practice of law, as defined in RCW 2.48.180;

35 (ff) Commercial bribery, as defined in RCW 9A.68.060;

36 (gg) Health care false claims, as defined in RCW 48.80.030; (~~or~~)

37 (hh) Unlicensed practice of a profession or business, as defined in
38 RCW 18.130.190(7);

1 (ii) Improperly obtaining financial information, as defined in RCW
2 9.35.010; or

3 (jj) Identity theft, as defined in RCW 9.35.020.

4 (5) "Dealer in property" means a person who buys and sells property
5 as a business.

6 (6) "Debtor" means a person to whom an extension of credit is made
7 or a person who guarantees the repayment of an extension of credit or
8 in any manner undertakes to indemnify the creditor against loss
9 resulting from the failure of a person to whom an extension is made to
10 repay the same.

11 (7) "Documentary material" means any book, paper, document,
12 writing, drawing, graph, chart, photograph, phonograph record, magnetic
13 tape, computer printout, other data compilation from which information
14 can be obtained or from which information can be translated into usable
15 form, or other tangible item.

16 (8) "Enterprise" includes any individual, sole proprietorship,
17 partnership, corporation, business trust, or other profit or nonprofit
18 legal entity, and includes any union, association, or group of
19 individuals associated in fact although not a legal entity, and both
20 illicit and licit enterprises and governmental and nongovernmental
21 entities.

22 (9) "Extortionate extension of credit" means an extension of credit
23 with respect to which it is the understanding of the creditor and the
24 debtor at the time the extension is made that delay in making repayment
25 or failure to make repayment could result in the use of violence or
26 other criminal means to cause harm to the person, reputation, or
27 property of any person.

28 (10) "Extortionate means" means the use, or an express or implicit
29 threat of use, of violence or other criminal means to cause harm to the
30 person, reputation, or property of any person.

31 (11) "Financial institution" means any bank, trust company, savings
32 and loan association, savings bank, mutual savings bank, credit union,
33 or loan company under the jurisdiction of the state or an agency of the
34 United States.

35 (12) "Pattern of criminal profiteering activity" means engaging in
36 at least three acts of criminal profiteering, one of which occurred
37 after July 1, 1985, and the last of which occurred within five years,
38 excluding any period of imprisonment, after the commission of the
39 earliest act of criminal profiteering. In order to constitute a

1 pattern, the three acts must have the same or similar intent, results,
2 accomplices, principals, victims, or methods of commission, or be
3 otherwise interrelated by distinguishing characteristics including a
4 nexus to the same enterprise, and must not be isolated events.
5 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
6 any person other than the attorney general or county prosecuting
7 attorney in which one or more acts of fraud in the purchase or sale of
8 securities are asserted as acts of criminal profiteering activity, it
9 is a condition to civil liability under RCW 9A.82.100 that the
10 defendant has been convicted in a criminal proceeding of fraud in the
11 purchase or sale of securities under RCW 21.20.400 or under the laws of
12 another state or of the United States requiring the same elements of
13 proof, but such conviction need not relate to any act or acts asserted
14 as acts of criminal profiteering activity in such civil action under
15 RCW 9A.82.100.

16 (13) "Real property" means any real property or interest in real
17 property, including but not limited to a land sale contract, lease, or
18 mortgage of real property.

19 (14) "Records" means any book, paper, writing, record, computer
20 program, or other material.

21 (15) "Repayment of an extension of credit" means the repayment,
22 satisfaction, or discharge in whole or in part of a debt or claim,
23 acknowledged or disputed, valid or invalid, resulting from or in
24 connection with that extension of credit.

25 (16) "Stolen property" means property that has been obtained by
26 theft, robbery, or extortion.

27 (17) "To collect an extension of credit" means to induce in any way
28 a person to make repayment thereof.

29 (18) "To extend credit" means to make or renew a loan or to enter
30 into an agreement, tacit or express, whereby the repayment or
31 satisfaction of a debt or claim, whether acknowledged or disputed,
32 valid or invalid, and however arising, may or shall be deferred.

33 (19) "Traffic" means to sell, transfer, distribute, dispense, or
34 otherwise dispose of stolen property to another person, or to buy,
35 receive, possess, or obtain control of stolen property, with intent to
36 sell, transfer, distribute, dispense, or otherwise dispose of the
37 property to another person.

38 (20)(a) "Trustee" means:

1 (i) A person acting as a trustee under a trust established under
2 Title 11 RCW in which the trustee holds legal or record title to real
3 property;

4 (ii) A person who holds legal or record title to real property in
5 which another person has a beneficial interest; or

6 (iii) A successor trustee to a person who is a trustee under (a)(i)
7 or (ii) of this subsection.

8 (b) "Trustee" does not mean a person appointed or acting as:

9 (i) A personal representative under Title 11 RCW;

10 (ii) A trustee of any testamentary trust;

11 (iii) A trustee of any indenture of trust under which a bond is
12 issued; or

13 (iv) A trustee under a deed of trust.

14 (21) "Unlawful debt" means any money or other thing of value
15 constituting principal or interest of a debt that is legally
16 unenforceable in the state in full or in part because the debt was
17 incurred or contracted:

18 (a) In violation of any one of the following:

19 (i) Chapter 67.16 RCW relating to horse racing;

20 (ii) Chapter 9.46 RCW relating to gambling;

21 (b) In a gambling activity in violation of federal law; or

22 (c) In connection with the business of lending money or a thing of
23 value at a rate that is at least twice the permitted rate under the
24 applicable state or federal law relating to usury.

25 **Sec. 12.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
26 2000 c 66 s 2 are each reenacted and amended to read as follows:

27 TABLE 2

28 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

29 XVI Aggravated Murder 1 (RCW 10.95.020)

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

31 Malicious explosion 1 (RCW 70.74.280(1))

32 Murder 1 (RCW 9A.32.030)

33 XIV Murder 2 (RCW 9A.32.050)

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

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

3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation device
6 1 (RCW 70.74.272(1)(a))
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)

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

12 X Child Molestation 1 (RCW 9A.44.083)
13 Indecent Liberties (with forcible
14 compulsion) (RCW 9A.44.100(1)(a))
15 Kidnapping 1 (RCW 9A.40.020)
16 Leading Organized Crime (RCW
17 9A.82.060(1)(a))
18 Malicious explosion 3 (RCW 70.74.280(3))
19 Manufacture of methamphetamine (RCW
20 69.50.401(a)(1)(ii))
21 Over 18 and deliver heroin,
22 methamphetamine, a narcotic from
23 Schedule I or II, or flunitrazepam
24 from Schedule IV to someone under 18
25 (RCW 69.50.406)

26 IX Assault of a Child 2 (RCW 9A.36.130)
27 Controlled Substance Homicide (RCW
28 69.50.415)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Homicide by Watercraft, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 79A.60.050)
34 Inciting Criminal Profiteering (RCW
35 9A.82.060(1)(b))
36 Malicious placement of an explosive 2 (RCW
37 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Hit and Run--Death (RCW 46.52.020(4)(a))
16 Homicide by Watercraft, by the operation of
17 any vessel in a reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Manufacture, deliver, or possess with
21 intent to deliver amphetamine (RCW
22 69.50.401(a)(1)(ii))
23 Manufacture, deliver, or possess with
24 intent to deliver heroin or cocaine
25 (RCW 69.50.401(a)(1)(i))
26 Possession of Ephedrine, Pseudoephedrine,
27 or Anhydrous Ammonia with intent to
28 manufacture methamphetamine (RCW
29 69.50.440)
30 Promoting Prostitution 1 (RCW 9A.88.070)
31 Selling for profit (controlled or
32 counterfeit) any controlled substance
33 (RCW 69.50.410)
34 Theft of Anhydrous Ammonia (RCW 69.55.010)
35 Vehicular Homicide, by the operation of any
36 vehicle in a reckless manner (RCW
37 46.61.520)

38 VII Burglary 1 (RCW 9A.52.020)

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

25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(2)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation device
33 2 (RCW 70.74.272(1)(b))
34 Manufacture, deliver, or possess with
35 intent to deliver narcotics from
36 Schedule I or II (except heroin or
37 cocaine) or flunitrazepam from
38 Schedule IV (RCW 69.50.401(a)(1)(i))
39 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)
2 Unlawful Storage of Anhydrous Ammonia (RCW
3 69.55.020)
4 V Abandonment of dependent person 1 (RCW
5 9A.42.060)
6 Advancing money or property for
7 extortionate extension of credit (RCW
8 9A.82.030)
9 Bail Jumping with class A Felony (RCW
10 9A.76.170(2)(b))
11 Child Molestation 3 (RCW 9A.44.089)
12 Criminal Mistreatment 1 (RCW 9A.42.020)
13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)
15 Delivery of imitation controlled substance
16 by person eighteen or over to person
17 under eighteen (RCW 69.52.030(2))
18 Domestic Violence Court Order Violation
19 (RCW 10.99.040, 10.99.050, 26.09.300,
20 26.10.220, 26.26.138, 26.50.110,
21 26.52.070, or 74.34.145)
22 Extortion 1 (RCW 9A.56.120)
23 Extortionate Extension of Credit (RCW
24 9A.82.020)
25 Extortionate Means to Collect Extensions of
26 Credit (RCW 9A.82.040)
27 Incest 2 (RCW 9A.64.020(2))
28 Kidnapping 2 (RCW 9A.40.030)
29 Perjury 1 (RCW 9A.72.020)
30 Persistent prison misbehavior (RCW
31 9.94.070)
32 Possession of a Stolen Firearm (RCW
33 9A.56.310)
34 Rape 3 (RCW 9A.44.060)
35 Rendering Criminal Assistance 1 (RCW
36 9A.76.070)
37 Sexual Misconduct with a Minor 1 (RCW
38 9A.44.093)

1 Sexually Violating Human Remains (RCW
2 9A.44.105)
3 Stalking (RCW 9A.46.110)

4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault by Watercraft (RCW 79A.60.060)
7 Bribing a Witness/Bribe Received by Witness
8 (RCW 9A.72.090, 9A.72.100)
9 Commercial Bribery (RCW 9A.68.060)
10 Counterfeiting (RCW 9.16.035(4))
11 Escape 1 (RCW 9A.76.110)
12 Hit and Run--Injury (RCW 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury Accident
14 (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2)(a))
16 Indecent Exposure to Person Under Age
17 Fourteen (subsequent sex offense) (RCW
18 9A.88.010)
19 Influencing Outcome of Sporting Event (RCW
20 9A.82.070)
21 Knowingly Trafficking in Stolen Property
22 (RCW 9A.82.050(2))
23 Malicious Harassment (RCW 9A.36.080)
24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule III, IV, or V or nonnarcotics
27 from Schedule I-V (except marijuana,
28 amphetamine, methamphetamines, or
29 flunitrazepam) (RCW 69.50.401(a)(1)
30 (iii) through (v))
31 Residential Burglary (RCW 9A.52.025)
32 Robbery 2 (RCW 9A.56.210)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Threats to Bomb (RCW 9.61.160)
35 Use of Proceeds of Criminal Profiteering
36 (RCW 9A.82.080 (1) and (2))
37 Vehicular Assault (RCW 46.61.522)
38 Willful Failure to Return from Furlough
39 (RCW 72.66.060)

1 III Abandonment of dependent person 2 (RCW
2 9A.42.070)
3 Assault 3 (RCW 9A.36.031)
4 Assault of a Child 3 (RCW 9A.36.140)
5 Bail Jumping with class B or C Felony (RCW
6 9A.76.170(2)(c))
7 Burglary 2 (RCW 9A.52.030)
8 Communication with a Minor for Immoral
9 Purposes (RCW 9.68A.090)
10 Criminal Gang Intimidation (RCW 9A.46.120)
11 Criminal Mistreatment 2 (RCW 9A.42.030)
12 Custodial Assault (RCW 9A.36.100)
13 Delivery of a material in lieu of a
14 controlled substance (RCW
15 69.50.401(c))
16 Escape 2 (RCW 9A.76.120)
17 Extortion 2 (RCW 9A.56.130)
18 Harassment (RCW 9A.46.020)
19 Intimidating a Public Servant (RCW
20 9A.76.180)
21 Introducing Contraband 2 (RCW 9A.76.150)
22 Maintaining a Dwelling or Place for
23 Controlled Substances (RCW
24 69.50.402(a)(6))
25 Malicious Injury to Railroad Property (RCW
26 81.60.070)
27 Manufacture, deliver, or possess with
28 intent to deliver marijuana (RCW
29 69.50.401(a)(1)(iii))
30 Manufacture, distribute, or possess with
31 intent to distribute an imitation
32 controlled substance (RCW
33 69.52.030(1))
34 Patronizing a Juvenile Prostitute (RCW
35 9.68A.100)
36 Perjury 2 (RCW 9A.72.030)
37 Possession of Incendiary Device (RCW
38 9.40.120)

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

18 II Computer Trespass 1 (RCW 9A.52.110)
19 Counterfeiting (RCW 9.16.035(3))
20 Create, deliver, or possess a counterfeit
21 controlled substance (RCW
22 69.50.401(b))
23 Escape from Community Custody (RCW
24 72.09.310)
25 Health Care False Claims (RCW 48.80.030)
26 Identity Theft 2 (RCW 9.35.020(2)(b))
27 Improperly Obtaining Financial Information
28 (RCW 9.35.010)
29 Malicious Mischief 1 (RCW 9A.48.070)
30 Possession of controlled substance that is
31 either heroin or narcotics from
32 Schedule I or II or flunitrazepam from
33 Schedule IV (RCW 69.50.401(d))
34 Possession of phencyclidine (PCP) (RCW
35 69.50.401(d))
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)
38 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-purchased
2 Property (valued at one thousand five
3 hundred dollars or more) (RCW
4 9A.56.096(4))
5 Trafficking in Insurance Claims (RCW
6 48.30A.015)
7 Unlawful Practice of Law (RCW 2.48.180)
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 I Attempting to Elude a Pursuing Police
11 Vehicle (RCW 46.61.024)
12 False Verification for Welfare (RCW
13 74.08.055)
14 Forged Prescription (RCW 69.41.020)
15 Forged Prescription for a Controlled
16 Substance (RCW 69.50.403)
17 Forgery (RCW 9A.60.020)
18 Malicious Mischief 2 (RCW 9A.48.080)
19 Possess Controlled Substance that is a
20 Narcotic from Schedule III, IV, or V
21 or Non-narcotic from Schedule I-V
22 (except phencyclidine or
23 flunitrazepam) (RCW 69.50.401(d))
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Taking Motor Vehicle Without Permission
28 (RCW 9A.56.070)
29 Theft 2 (RCW 9A.56.040)
30 Theft of Rental, Leased, or Lease-purchased
31 Property (valued at two hundred fifty
32 dollars or more but less than one
33 thousand five hundred dollars) (RCW
34 9A.56.096(4))
35 Unlawful Issuance of Checks or Drafts (RCW
36 9A.56.060)
37 Unlawful Use of Food Stamps (RCW 9.91.140
38 (2) and (3))
39 Vehicle Prowl 1 (RCW 9A.52.095)

1	B	Residential Burglary	
2		(9A.52.025)	C
3	B	Burglary 2 (9A.52.030)	C
4	D	Burglary Tools (Possession of)	
5		(9A.52.060)	E
6	D	Criminal Trespass 1 (9A.52.070)	E
7	E	Criminal Trespass 2 (9A.52.080)	E
8	C	Vehicle Prowling 1 (9A.52.095)	D
9	D	Vehicle Prowling 2 (9A.52.100)	E
10		Drugs	
11	E	Possession/Consumption of Alcohol	
12		(66.44.270)	E
13	C	Illegally Obtaining Legend Drug	
14		(69.41.020)	D
15	C+	Sale, Delivery, Possession of Legend	
16		Drug with Intent to Sell	
17		(69.41.030)	D+
18	E	Possession of Legend Drug	
19		(69.41.030)	E
20	B+	Violation of Uniform Controlled	
21		Substances Act - Narcotic,	
22		Methamphetamine, or Flunitrazepam	
23		Sale (69.50.401(a)(1) (i) or (ii))	B+
24	C	Violation of Uniform Controlled	
25		Substances Act - Nonnarcotic Sale	
26		(69.50.401(a)(1)(iii))	C
27	E	Possession of Marihuana <40 grams	
28		(69.50.401(e))	E
29	C	Fraudulently Obtaining Controlled	
30		Substance (69.50.403)	C
31	C+	Sale of Controlled Substance	
32		for Profit (69.50.410)	C+
33	E	Unlawful Inhalation (9.47A.020)	E
34	B	Violation of Uniform Controlled	
35		Substances Act - Narcotic,	
36		Methamphetamine, or Flunitrazepam	
37		Counterfeit Substances	
38		(69.50.401(b)(1) (i) or (ii))	B

1	<i>C</i>	<i>Violation of Uniform Controlled</i>	
2		<i>Substances Act - Nonnarcotic</i>	
3		<i>Counterfeit Substances</i>	
4		<i>(69.50.401(b)(1) (iii), (iv), (v))</i>	<i>C</i>
5	<i>C</i>	<i>Violation of Uniform Controlled</i>	
6		<i>Substances Act - Possession of a</i>	
7		<i>Controlled Substance</i>	
8		<i>(69.50.401(d))</i>	<i>C</i>
9	<i>C</i>	<i>Violation of Uniform Controlled</i>	
10		<i>Substances Act - Possession of a</i>	
11		<i>Controlled Substance</i>	
12		<i>(69.50.401(c))</i>	<i>C</i>
13		<i>Firearms and Weapons</i>	
14	<i>B</i>	<i>Theft of Firearm (9A.56.300)</i>	<i>C</i>
15	<i>B</i>	<i>Possession of Stolen Firearm</i>	
16		<i>(9A.56.310)</i>	<i>C</i>
17	<i>E</i>	<i>Carrying Loaded Pistol Without</i>	
18		<i>Permit (9.41.050)</i>	<i>E</i>
19	<i>C</i>	<i>Possession of Firearms by Minor (<18)</i>	
20		<i>(9.41.040(1)(b)(iii))</i>	<i>C</i>
21	<i>D+</i>	<i>Possession of Dangerous Weapon</i>	
22		<i>(9.41.250)</i>	<i>E</i>
23	<i>D</i>	<i>Intimidating Another Person by use</i>	
24		<i>of Weapon (9.41.270)</i>	<i>E</i>
25		<i>Homicide</i>	
26	<i>A+</i>	<i>Murder 1 (9A.32.030)</i>	<i>A</i>
27	<i>A+</i>	<i>Murder 2 (9A.32.050)</i>	<i>B+</i>
28	<i>B+</i>	<i>Manslaughter 1 (9A.32.060)</i>	<i>C+</i>
29	<i>C+</i>	<i>Manslaughter 2 (9A.32.070)</i>	<i>D+</i>
30	<i>B+</i>	<i>Vehicular Homicide (46.61.520)</i>	<i>C+</i>
31		<i>Kidnapping</i>	
32	<i>A</i>	<i>Kidnap 1 (9A.40.020)</i>	<i>B+</i>
33	<i>B+</i>	<i>Kidnap 2 (9A.40.030)</i>	<i>C+</i>
34	<i>C+</i>	<i>Unlawful Imprisonment</i>	
35		<i>(9A.40.040)</i>	<i>D+</i>

1		Obstructing Governmental Operation	
2	D	<i>Obstructing a Law Enforcement Officer (9A.76.020)</i>	E
3			
4	E	<i>Resisting Arrest (9A.76.040)</i>	E
5	B	<i>Introducing Contraband 1 (9A.76.140)</i>	C
6			
7	C	<i>Introducing Contraband 2 (9A.76.150)</i>	D
8			
9	E	<i>Introducing Contraband 3 (9A.76.160)</i>	E
10			
11	B+	<i>Intimidating a Public Servant (9A.76.180)</i>	C+
12			
13	B+	<i>Intimidating a Witness (9A.72.110)</i>	C+
14			
15		Public Disturbance	
16	C+	<i>Riot with Weapon (9A.84.010)</i>	D+
17	D+	<i>Riot Without Weapon (9A.84.010)</i>	E
18			
19	E	<i>Failure to Disperse (9A.84.020)</i>	E
20	E	<i>Disorderly Conduct (9A.84.030)</i>	E
21		Sex Crimes	
22	A	<i>Rape 1 (9A.44.040)</i>	B+
23	A-	<i>Rape 2 (9A.44.050)</i>	B+
24	C+	<i>Rape 3 (9A.44.060)</i>	D+
25	A-	<i>Rape of a Child 1 (9A.44.073)</i>	B+
26	B+	<i>Rape of a Child 2 (9A.44.076)</i>	C+
27	B	<i>Incest 1 (9A.64.020(1))</i>	C
28	C	<i>Incest 2 (9A.64.020(2))</i>	D
29	D+	<i>Indecent Exposure (Victim <14) (9A.88.010)</i>	E
30			
31	E	<i>Indecent Exposure (Victim 14 or over) (9A.88.010)</i>	E
32			
33	B+	<i>Promoting Prostitution 1 (9A.88.070)</i>	C+
34			
35	C+	<i>Promoting Prostitution 2 (9A.88.080)</i>	D+
36			
37	E	<i>O & A (Prostitution) (9A.88.030)</i>	E
38	B+	<i>Indecent Liberties (9A.44.100)</i>	C+

1	A-	<i>Child Molestation 1 (9A.44.083)</i>	<i>B+</i>
2	B	<i>Child Molestation 2 (9A.44.086)</i>	<i>C+</i>
3		<i>Theft, Robbery, Extortion, and Forgery</i>	
4	B	<i>Theft 1 (9A.56.030)</i>	<i>C</i>
5	C	<i>Theft 2 (9A.56.040)</i>	<i>D</i>
6	D	<i>Theft 3 (9A.56.050)</i>	<i>E</i>
7	B	<i>Theft of Livestock (9A.56.080)</i>	<i>C</i>
8	C	<i>Forgery (9A.60.020)</i>	<i>D</i>
9	A	<i>Robbery 1 (9A.56.200)</i>	<i>B+</i>
10	B+	<i>Robbery 2 (9A.56.210)</i>	<i>C+</i>
11	B+	<i>Extortion 1 (9A.56.120)</i>	<i>C+</i>
12	C+	<i>Extortion 2 (9A.56.130)</i>	<i>D+</i>
13	<u>C</u>	<u><i>Identity Theft 1 (9.35.020(2)(a))</i></u>	<u>D</u>
14	<u>D</u>	<u><i>Identity Theft 2 (9.35.020(2)(b))</i></u>	<u>E</u>
15	<u>D</u>	<u><i>Improperly Obtaining Financial</i></u>	
16		<u><i>Information</i></u>	<u>E</u>
17	B	<i>Possession of Stolen Property 1</i>	
18		<i>(9A.56.150)</i>	<i>C</i>
19	C	<i>Possession of Stolen Property 2</i>	
20		<i>(9A.56.160)</i>	<i>D</i>
21	D	<i>Possession of Stolen Property 3</i>	
22		<i>(9A.56.170)</i>	<i>E</i>
23	C	<i>Taking Motor Vehicle Without</i>	
24		<i>Owner's Permission (9A.56.070)</i>	<i>D</i>
25		<i>Motor Vehicle Related Crimes</i>	
26	E	<i>Driving Without a License</i>	
27		<i>(46.20.005)</i>	<i>E</i>
28	B+	<i>Hit and Run - Death</i>	
29		<i>(46.52.020(4)(a))</i>	<i>C+</i>
30	C	<i>Hit and Run - Injury</i>	
31		<i>(46.52.020(4)(b))</i>	<i>D</i>
32	D	<i>Hit and Run-Attended</i>	
33		<i>(46.52.020(5))</i>	<i>E</i>
34	E	<i>Hit and Run-Unattended</i>	
35		<i>(46.52.010)</i>	<i>E</i>
36	C	<i>Vehicular Assault (46.61.522)</i>	<i>D</i>
37	C	<i>Attempting to Elude Pursuing</i>	
38		<i>Police Vehicle (46.61.024)</i>	<i>D</i>

1	<i>E</i>	<i>Reckless Driving (46.61.500)</i>	<i>E</i>
2	<i>D</i>	<i>Driving While Under the Influence</i>	
3		<i>(46.61.502 and 46.61.504)</i>	<i>E</i>
4		<i>Other</i>	
5	<i>B</i>	<i>Bomb Threat (9.61.160)</i>	<i>C</i>
6	<i>C</i>	<i>Escape 1 (9A.76.110)</i>	<i>C</i>
7	<i>C</i>	<i>Escape 2 (9A.76.120)</i>	<i>C</i>
8	<i>D</i>	<i>Escape 3 (9A.76.130)</i>	<i>E</i>
9	<i>E</i>	<i>Obscene, Harassing, Etc.,</i>	
10		<i>Phone Calls (9.61.230)</i>	<i>E</i>
11	<i>A</i>	<i>Other Offense Equivalent to an</i>	
12		<i>Adult Class A Felony</i>	<i>B+</i>
13	<i>B</i>	<i>Other Offense Equivalent to an</i>	
14		<i>Adult Class B Felony</i>	<i>C</i>
15	<i>C</i>	<i>Other Offense Equivalent to an</i>	
16		<i>Adult Class C Felony</i>	<i>D</i>
17	<i>D</i>	<i>Other Offense Equivalent to an</i>	
18		<i>Adult Gross Misdemeanor</i>	<i>E</i>
19	<i>E</i>	<i>Other Offense Equivalent to an</i>	
20		<i>Adult Misdemeanor</i>	<i>E</i>
21	<i>V</i>	<i>Violation of Order of Restitution,</i>	
22		<i>Community Supervision, or</i>	
23		<i>Confinement (13.40.200)</i>	<i>V</i>

24 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
25 and the standard range is established as follows:

26 1st escape or attempted escape during 12-month period - 4 weeks
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

32 If the court finds that a respondent has violated terms of an order,
33 it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

	A+	180 WEEKS TO AGE 21 YEARS					
	A	103 WEEKS TO 129 WEEKS					
	A-	15-36	52-65	80-100	103-129		
		WEEKS	WEEKS	WEEKS	WEEKS		
		EXCEPT					
		30-40					
		WEEKS FOR					
		15-17					
		YEAR OLDS					
Current	B+	15-36	52-65	80-100	103-129		
Offense		WEEKS	WEEKS	WEEKS	WEEKS		
Category	B	LOCAL			52-65		
		SANCTIONS (LS)	15-36	WEEKS	WEEKS		
	C+	LS		15-36	WEEKS		
	C	LS			15-36	WEEKS	
			Local Sanctions:				
			0 to 30 Days				
	D+	LS	0 to 12 Months Community Supervision				
			0 to 150 Hours Community Service				
	D	LS	\$0 to \$500 Fine				
	E	LS					
		0	1	2	3	4 or more	
		PRIOR ADJUDICATIONS					

NOTE: References in the grid to days or weeks mean periods of confinement.

1 (1) The vertical axis of the grid is the current offense category.
2 The current offense category is determined by the offense of
3 adjudication.

4 (2) The horizontal axis of the grid is the number of prior
5 adjudications included in the juvenile's criminal history. Each prior
6 felony adjudication shall count as one point. Each prior violation,
7 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
8 point. Fractional points shall be rounded down.

9 (3) The standard range disposition for each offense is determined
10 by the intersection of the column defined by the prior adjudications
11 and the row defined by the current offense category.

12 (4) RCW 13.40.180 applies if the offender is being sentenced for
13 more than one offense.

14 (5) A current offense that is a violation is equivalent to an
15 offense category of E. However, a disposition for a violation shall
16 not include confinement.

17 OR

18 OPTION B

19 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

20 If the juvenile offender is subject to a standard range disposition
21 of local sanctions or 15 to 36 weeks of confinement and has not
22 committed an A- or B+ offense, the court may impose a disposition under
23 RCW 13.40.160(4) and 13.40.165.

24 OR

25 OPTION C

26 MANIFEST INJUSTICE

27 If the court determines that a disposition under option A or B would
28 effectuate a manifest injustice, the court shall impose a disposition
29 outside the standard range under RCW 13.40.160(2).

30 NEW SECTION. **Sec. 14.** Captions used in this act are not any part
31 of the law.

32 NEW SECTION. **Sec. 15.** Section 4 of this act expires April 1,
33 2004.

1 NEW SECTION. **Sec. 16.** Section 5 of this act takes effect April 1,
2 2004.

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