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**SUBSTITUTE HOUSE BILL 1846**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Benson, Chase, Bush, Simpson, Morrell and McIntire)

READ FIRST TIME 03/04/03.

1           AN ACT Relating to fraudulent use of a credit card scanning device;  
2 amending RCW 9A.56.280 and 9A.56.290; reenacting and amending RCW  
3 9.94A.515 and 9.94A.515; prescribing penalties; providing an effective  
4 date; and providing an expiration date.

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

6           **Sec. 1.** RCW 9A.56.280 and 1993 c 484 s 1 are each amended to read  
7 as follows:

8           As used in RCW 9A.56.280 and 9A.56.290, unless the context requires  
9 otherwise:

10           (1) "Cardholder" means a person to whom a credit card or payment  
11 card is issued or a person who otherwise is authorized to use a credit  
12 card or payment card.

13           (2) "Credit card" means a card, plate, booklet, credit card number,  
14 credit card account number, or other identifying symbol, instrument, or  
15 device that can be used to pay for, or to obtain on credit, goods or  
16 services.

17           (3) "Credit card or payment card transaction" means a sale or other  
18 transaction in which a credit card or payment card is used to pay for,  
19 or to obtain on credit, goods or services.

1 (4) "Credit card or payment card transaction record" means a record  
2 or evidence of a credit card or payment card transaction, including,  
3 without limitation, a paper, sales draft, instrument, or other writing  
4 and an electronic or magnetic transmission or record.

5 (5) "Financial institution" means a bank, trust company, mutual  
6 savings bank, savings and loan association, or credit union authorized  
7 under state or federal law to do business and accept deposits in  
8 Washington.

9 (6) "Merchant" means ~~((a person authorized by a financial  
10 institution to honor or accept credit cards in payment for goods or  
11 services.~~

12 ~~(7))~~ an owner or operator of any retail mercantile establishment  
13 or any agent, employee, lessee, consignee, officer, director,  
14 franchisee, or independent contractor of such owner or operator.  
15 "Merchant" also means a person who receives from an authorized user, a  
16 payment card or information from a payment card, or what the person  
17 believes to be a payment card or information from a payment card, as  
18 the instrument for obtaining, purchasing, or receiving goods, services,  
19 money, or anything else of value from the person.

20 (7) "Payment card" means a credit card, charge card, debit card,  
21 stored value card, or any card that is issued to an authorized card  
22 user and that allows the user to obtain goods, services, money, or  
23 anything else of value from a merchant.

24 (8) "Person" means an individual, partnership, corporation, trust,  
25 or unincorporated association, but does not include a financial  
26 institution or its authorized employees, representatives, or agents.

27 (9) "Reencoder" means an electronic device that places encoded  
28 information from a payment card onto a different payment card.

29 (10) "Scanning device" means a scanner, reader, or any other  
30 electronic device that is used to access, read, scan, obtain, memorize,  
31 or store, temporarily or permanently, information encoded on a payment  
32 card.

33 **Sec. 2.** RCW 9A.56.290 and 1993 c 484 s 2 are each amended to read  
34 as follows:

35 (1) A person commits the crime of unlawful factoring of a credit  
36 card or payment card transaction if the person(~~(, with intent to commit~~

1 ~~fraud or theft against a cardholder, credit card issuer, or financial~~  
2 ~~institution, causes any such party or parties to suffer actual monetary~~  
3 ~~damages that in the aggregate exceed one thousand dollars, by:~~

4 ~~(a) Presenting)):~~

5 (a) Uses a scanning device to access, read, obtain, memorize, or  
6 store, temporarily or permanently, information encoded on a payment  
7 card without the permission of the authorized user of the payment card  
8 or with the intent to defraud the authorized user, another person, or  
9 a financial institution;

10 (b) Uses a reencoder to place information encoded on a payment card  
11 onto a different card without the permission of the authorized issuer  
12 of the card from which the information is being reencoded or with the  
13 intent to defraud the authorized user, another person, or a financial  
14 institution;

15 (c) Presents to or ((depositing)) deposits with, or ((causing))  
16 causes another to present to or deposit with, a financial institution  
17 for payment a credit card or payment card transaction record that is  
18 not the result of a credit card or payment card transaction between the  
19 cardholder and the person;

20 ~~((b) Employing, soliciting, or otherwise causing))~~ (d) Employs,  
21 solicits, or otherwise causes a merchant or an employee,  
22 representative, or agent of a merchant to present to or deposit with a  
23 financial institution for payment a credit card or payment card  
24 transaction record that is not the result of a credit card or payment  
25 card transaction between the cardholder and the merchant; or

26 ~~((c) Employing, soliciting, or otherwise causing))~~ (e) Employs,  
27 solicits, or otherwise causes another to become a merchant for purposes  
28 of engaging in conduct made unlawful by this section.

29 (2) Normal transactions conducted by or through airline reporting  
30 corporation-appointed travel agents or cruise-only travel agents  
31 recognized by passenger cruise lines are not considered factoring for  
32 the purposes of this section.

33 (3)(a) Unlawful factoring of a credit card or payment card  
34 transaction is a class C felony.

35 (b) A second or subsequent violation of subsection (1) of this  
36 section is a class B felony.

1           **Sec. 3.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
2 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
3 s 4 are each reenacted and amended to read as follows:

TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3))

1 Manufacture of methamphetamine  
2 (RCW 69.50.401(a)(1)(ii))  
3 Over 18 and deliver heroin,  
4 methamphetamine, a narcotic  
5 from Schedule I or II, or  
6 flunitrazepam from Schedule IV  
7 to someone under 18 (RCW  
8 69.50.406)  
9 Sexually Violent Predator Escape  
10 (RCW 9A.76.115)  
11 IX Assault of a Child 2 (RCW 9A.36.130)  
12 Controlled Substance Homicide (RCW  
13 69.50.415)  
14 Explosive devices prohibited (RCW  
15 70.74.180)  
16 Hit and Run--Death (RCW  
17 46.52.020(4)(a))  
18 Homicide by Watercraft, by being  
19 under the influence of intoxicating  
20 liquor or any drug (RCW  
21 79A.60.050)  
22 Inciting Criminal Profiteering (RCW  
23 9A.82.060(1)(b))  
24 Malicious placement of an explosive 2  
25 (RCW 70.74.270(2))  
26 Over 18 and deliver narcotic from  
27 Schedule III, IV, or V or a  
28 nonnarcotic, except flunitrazepam  
29 or methamphetamine, from  
30 Schedule I-V to someone under 18  
31 and 3 years junior (RCW  
32 69.50.406)  
33 Robbery 1 (RCW 9A.56.200)  
34 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under  
2 the influence of intoxicating  
3 liquor or any drug (RCW  
4 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)

6 Deliver or possess with intent to  
7 deliver methamphetamine (RCW  
8 69.50.401(a)(1)(ii))

9 Homicide by Watercraft, by the  
10 operation of any vessel in a  
11 reckless manner (RCW  
12 79A.60.050)

13 Manslaughter 2 (RCW 9A.32.070)

14 Manufacture, deliver, or possess with  
15 intent to deliver amphetamine  
16 (RCW 69.50.401(a)(1)(ii))

17 Manufacture, deliver, or possess with  
18 intent to deliver heroin or cocaine  
19 (when the offender has a criminal  
20 history in this state or any other  
21 state that includes a sex offense or  
22 serious violent offense or the  
23 Washington equivalent) (RCW  
24 69.50.401(a)(1)(i))

25 Possession of Ephedrine or any of its  
26 Salts or Isomers or Salts of  
27 Isomers, Pseudoephedrine or any  
28 of its Salts or Isomers or Salts of  
29 Isomers, Pressurized Ammonia  
30 Gas, or Pressurized Ammonia Gas  
31 Solution with intent to  
32 manufacture methamphetamine  
33 (RCW 69.50.440)

34 Promoting Prostitution 1 (RCW  
35 9A.88.070)

1 Selling for profit (controlled or  
2 counterfeit) any controlled  
3 substance (RCW 69.50.410)  
4 Theft of Ammonia (RCW 69.55.010)  
5 Vehicular Homicide, by the operation  
6 of any vehicle in a reckless  
7 manner (RCW 46.61.520)  
8 VII Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Civil Disorder Training (RCW  
11 9A.48.120)  
12 Dealing in depictions of minor  
13 engaged in sexually explicit  
14 conduct (RCW 9.68A.050)  
15 Drive-by Shooting (RCW 9A.36.045)  
16 Homicide by Watercraft, by disregard  
17 for the safety of others (RCW  
18 79A.60.050)  
19 Indecent Liberties (without forcible  
20 compulsion) (RCW 9A.44.100(1)  
21 (b) and (c))  
22 Introducing Contraband 1 (RCW  
23 9A.76.140)  
24 Involving a minor in drug dealing  
25 (RCW 69.50.401(f))  
26 Malicious placement of an explosive 3  
27 (RCW 70.74.270(3))  
28 Manufacture, deliver, or possess with  
29 intent to deliver heroin or cocaine  
30 (except when the offender has a  
31 criminal history in this state or  
32 any other state that includes a sex  
33 offense or serious violent offense  
34 or the Washington equivalent)  
35 (RCW 69.50.401(a)(1)(i))

1 Sending, bringing into state depictions  
2 of minor engaged in sexually  
3 explicit conduct (RCW  
4 9.68A.060)  
5 Unlawful Possession of a Firearm in  
6 the first degree (RCW  
7 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission  
9 of a Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW  
18 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation  
22 device 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  
28 69.50.401(a)(1)(i))  
29 Rape of a Child 3 (RCW 9A.44.079)  
30 Theft of a Firearm (RCW 9A.56.300)  
31 Unlawful Storage of Ammonia (RCW  
32 69.55.020)  
33 V Abandonment of dependent person 1  
34 (RCW 9A.42.060)  
35 Advancing money or property for  
36 extortionate extension of credit  
37 (RCW 9A.82.030)



1 Bail Jumping with class A Felony  
2 (RCW 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 1 (RCW  
5 9A.42.020)  
6 Custodial Sexual Misconduct 1 (RCW  
7 9A.44.160)  
8 Delivery of imitation controlled  
9 substance by person eighteen or  
10 over to person under eighteen  
11 (RCW 69.52.030(2))  
12 Domestic Violence Court Order  
13 Violation (RCW 10.99.040,  
14 10.99.050, 26.09.300, 26.10.220,  
15 26.26.138, 26.50.110, 26.52.070,  
16 or 74.34.145)  
17 Extortion 1 (RCW 9A.56.120)  
18 Extortionate Extension of Credit  
19 (RCW 9A.82.020)  
20 Extortionate Means to Collect  
21 Extensions of Credit (RCW  
22 9A.82.040)  
23 Incest 2 (RCW 9A.64.020(2))  
24 Kidnapping 2 (RCW 9A.40.030)  
25 Perjury 1 (RCW 9A.72.020)  
26 Persistent prison misbehavior (RCW  
27 9.94.070)  
28 Possession of a Stolen Firearm (RCW  
29 9A.56.310)  
30 Rape 3 (RCW 9A.44.060)  
31 Rendering Criminal Assistance 1  
32 (RCW 9A.76.070)  
33 Sexual Misconduct with a Minor 1  
34 (RCW 9A.44.093)  
35 Sexually Violating Human Remains  
36 (RCW 9A.44.105)  
37 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without  
2 Permission 1 (RCW  
3 9A.56.070(1))  
4 IV Arson 2 (RCW 9A.48.030)  
5 Assault 2 (RCW 9A.36.021)  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW  
13 9A.68.060)  
14 Counterfeiting (RCW 9.16.035(4))  
15 Endangerment with a Controlled  
16 Substance (RCW 9A.42.100)  
17 Escape 1 (RCW 9A.76.110)  
18 Hit and Run--Injury (RCW  
19 46.52.020(4)(b))  
20 Hit and Run with Vessel--Injury  
21 Accident (RCW 79A.60.200(3))  
22 Identity Theft 1 (RCW 9.35.020(2)(a))  
23 Indecent Exposure to Person Under  
24 Age Fourteen (subsequent sex  
25 offense) (RCW 9A.88.010)  
26 Influencing Outcome of Sporting  
27 Event (RCW 9A.82.070)  
28 Knowingly Trafficking in Stolen  
29 Property (RCW 9A.82.050(2))  
30 Malicious Harassment (RCW  
31 9A.36.080)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except marijuana, amphetamine,  
6 methamphetamines, or  
7 flunitrazepam) (RCW  
8 69.50.401(a)(1) (iii) through (v))  
9 Residential Burglary (RCW  
10 9A.52.025)  
11 Robbery 2 (RCW 9A.56.210)  
12 Theft of Livestock 1 (RCW 9A.56.080)  
13 Threats to Bomb (RCW 9.61.160)  
14 Unlawful factoring of a credit card or  
15 payment card transaction (RCW  
16 9A.56.290(3)(b))  
17 Use of Proceeds of Criminal  
18 Profiteering (RCW 9A.82.080 (1)  
19 and (2))  
20 Vehicular Assault, by being under the  
21 influence of intoxicating liquor or  
22 any drug, or by the operation or  
23 driving of a vehicle in a reckless  
24 manner (RCW 46.61.522)  
25 Willful Failure to Return from  
26 Furlough (RCW 72.66.060)  
27 III Abandonment of dependent person 2  
28 (RCW 9A.42.070)  
29 Assault 3 (RCW 9A.36.031)  
30 Assault of a Child 3 (RCW 9A.36.140)  
31 Bail Jumping with class B or C Felony  
32 (RCW 9A.76.170(3)(c))  
33 Burglary 2 (RCW 9A.52.030)  
34 Communication with a Minor for  
35 Immoral Purposes (RCW  
36 9.68A.090)

1 Criminal Gang Intimidation (RCW  
2 9A.46.120)  
3 Criminal Mistreatment 2 (RCW  
4 9A.42.030)  
5 Custodial Assault (RCW 9A.36.100)  
6 Delivery of a material in lieu of a  
7 controlled substance (RCW  
8 69.50.401(c))  
9 Escape 2 (RCW 9A.76.120)  
10 Extortion 2 (RCW 9A.56.130)  
11 Harassment (RCW 9A.46.020)  
12 Intimidating a Public Servant (RCW  
13 9A.76.180)  
14 Introducing Contraband 2 (RCW  
15 9A.76.150)  
16 Maintaining a Dwelling or Place for  
17 Controlled Substances (RCW  
18 69.50.402(a)(6))  
19 Malicious Injury to Railroad Property  
20 (RCW 81.60.070)  
21 Manufacture, deliver, or possess with  
22 intent to deliver marijuana (RCW  
23 69.50.401(a)(1)(iii))  
24 Manufacture, distribute, or possess  
25 with intent to distribute an  
26 imitation controlled substance  
27 (RCW 69.52.030(1))  
28 Patronizing a Juvenile Prostitute  
29 (RCW 9.68A.100)  
30 Perjury 2 (RCW 9A.72.030)  
31 Possession of Incendiary Device (RCW  
32 9.40.120)  
33 Possession of Machine Gun or Short-  
34 Barreled Shotgun or Rifle (RCW  
35 9.41.190)  
36 Promoting Prostitution 2 (RCW  
37 9A.88.080)

1 Recklessly Trafficking in Stolen  
2 Property (RCW 9A.82.050(1))  
3 Securities Act violation (RCW  
4 21.20.400)  
5 Tampering with a Witness (RCW  
6 9A.72.120)  
7 Telephone Harassment (subsequent  
8 conviction or threat of death)  
9 (RCW 9.61.230)  
10 Theft of Livestock 2 (RCW 9A.56.080)  
11 Unlawful Imprisonment (RCW  
12 9A.40.040)  
13 Unlawful possession of firearm in the  
14 second degree (RCW  
15 9.41.040(1)(b))  
16 Unlawful Use of Building for Drug  
17 Purposes (RCW 69.53.010)  
18 Vehicular Assault, by the operation or  
19 driving of a vehicle with disregard  
20 for the safety of others (RCW  
21 46.61.522)  
22 Willful Failure to Return from Work  
23 Release (RCW 72.65.070)  
24 II Computer Trespass 1 (RCW  
25 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  
31 (RCW 72.09.310)  
32 Health Care False Claims (RCW  
33 48.80.030)  
34 Identity Theft 2 (RCW 9.35.020(2)(b))  
35 Improperly Obtaining Financial  
36 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW  
2 9A.48.070)  
3 Possession of controlled substance that  
4 is either heroin or narcotics from  
5 Schedule I or II or flunitrazepam  
6 from Schedule IV (RCW  
7 69.50.401(d))  
8 Possession of phencyclidine (PCP)  
9 (RCW 69.50.401(d))  
10 Possession of Stolen Property 1 (RCW  
11 9A.56.150)  
12 Theft 1 (RCW 9A.56.030)  
13 Theft of Rental, Leased, or Lease-  
14 purchased Property (valued at one  
15 thousand five hundred dollars or  
16 more) (RCW 9A.56.096(4))  
17 Trafficking in Insurance Claims (RCW  
18 48.30A.015)  
19 Unlawful factoring of a credit card or  
20 payment card transaction (RCW  
21 9A.56.290(3)(a))  
22 Unlawful Practice of Law (RCW  
23 2.48.180)  
24 Unlicensed Practice of a Profession or  
25 Business (RCW 18.130.190(7))  
26 I Attempting to Elude a Pursuing Police  
27 Vehicle (RCW 46.61.024)  
28 False Verification for Welfare (RCW  
29 74.08.055)  
30 Forged Prescription (RCW 69.41.020)  
31 Forged Prescription for a Controlled  
32 Substance (RCW 69.50.403)  
33 Forgery (RCW 9A.60.020)  
34 Malicious Mischief 2 (RCW  
35 9A.48.080)

1 Possess Controlled Substance that is a  
 2 Narcotic from Schedule III, IV, or  
 3 V or Non-narcotic from Schedule  
 4 I-V (except phencyclidine or  
 5 flunitrazepam) (RCW  
 6 69.50.401(d))  
 7 Possession of Stolen Property 2 (RCW  
 8 9A.56.160)  
 9 Reckless Burning 1 (RCW 9A.48.040)  
 10 Taking Motor Vehicle Without  
 11 Permission 2 (RCW  
 12 9A.56.070(2))  
 13 Theft 2 (RCW 9A.56.040)  
 14 Theft of Rental, Leased, or Lease-  
 15 purchased Property (valued at two  
 16 hundred fifty dollars or more but  
 17 less than one thousand five  
 18 hundred dollars) (RCW  
 19 9A.56.096(4))  
 20 Unlawful Issuance of Checks or Drafts  
 21 (RCW 9A.56.060)  
 22 Unlawful Use of Food Stamps (RCW  
 23 9.91.140 (2) and (3))  
 24 Vehicle Prowl 1 (RCW 9A.52.095)

25 **Sec. 4.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
 26 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
 27 s 4 are each reenacted and amended to read as follows:

28 TABLE 2  
 29 CRIMES INCLUDED WITHIN  
 30 EACH SERIOUSNESS LEVEL

31	XVI	Aggravated Murder 1 (RCW
32		10.95.020)
33	XV	Homicide by abuse (RCW 9A.32.055)
34		Malicious explosion 1 (RCW
35		70.74.280(1))

1 Murder 1 (RCW 9A.32.030)  
2 XIV Murder 2 (RCW 9A.32.050)  
3 XIII Malicious explosion 2 (RCW  
4 70.74.280(2))  
5 Malicious placement of an explosive 1  
6 (RCW 70.74.270(1))  
7 XII Assault 1 (RCW 9A.36.011)  
8 Assault of a Child 1 (RCW 9A.36.120)  
9 Malicious placement of an imitation  
10 device 1 (RCW 70.74.272(1)(a))  
11 Rape 1 (RCW 9A.44.040)  
12 Rape of a Child 1 (RCW 9A.44.073)  
13 XI Manslaughter 1 (RCW 9A.32.060)  
14 Rape 2 (RCW 9A.44.050)  
15 Rape of a Child 2 (RCW 9A.44.076)  
16 X Child Molestation 1 (RCW 9A.44.083)  
17 Indecent Liberties (with forcible  
18 compulsion) (RCW  
19 9A.44.100(1)(a))  
20 Kidnapping 1 (RCW 9A.40.020)  
21 Leading Organized Crime (RCW  
22 9A.82.060(1)(a))  
23 Malicious explosion 3 (RCW  
24 70.74.280(3))  
25 Sexually Violent Predator Escape  
26 (RCW 9A.76.115)  
27 IX Assault of a Child 2 (RCW 9A.36.130)  
28 Explosive devices prohibited (RCW  
29 70.74.180)  
30 Hit and Run--Death (RCW  
31 46.52.020(4)(a))  
32 Homicide by Watercraft, by being  
33 under the influence of intoxicating  
34 liquor or any drug (RCW  
35 79A.60.050)  
36 Inciting Criminal Profiteering (RCW  
37 9A.82.060(1)(b))



1 Malicious placement of an explosive 2  
2 (RCW 70.74.270(2))  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 Vehicular Homicide, by being under  
6 the influence of intoxicating  
7 liquor or any drug (RCW  
8 46.61.520)  
9 VIII Arson 1 (RCW 9A.48.020)  
10 Homicide by Watercraft, by the  
11 operation of any vessel in a  
12 reckless manner (RCW  
13 79A.60.050)  
14 Manslaughter 2 (RCW 9A.32.070)  
15 Promoting Prostitution 1 (RCW  
16 9A.88.070)  
17 Theft of Ammonia (RCW 69.55.010)  
18 Vehicular Homicide, by the operation  
19 of any vehicle in a reckless  
20 manner (RCW 46.61.520)  
21 VII Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor  
26 engaged in sexually explicit  
27 conduct (RCW 9.68A.050)  
28 Drive-by Shooting (RCW 9A.36.045)  
29 Homicide by Watercraft, by disregard  
30 for the safety of others (RCW  
31 79A.60.050)  
32 Indecent Liberties (without forcible  
33 compulsion) (RCW 9A.44.100(1)  
34 (b) and (c))  
35 Introducing Contraband 1 (RCW  
36 9A.76.140)

1 Malicious placement of an explosive 3  
2 (RCW 70.74.270(3))  
3 Sending, bringing into state depictions  
4 of minor engaged in sexually  
5 explicit conduct (RCW  
6 9.68A.060)  
7 Unlawful Possession of a Firearm in  
8 the first degree (RCW  
9 9.41.040(1)(a))  
10 Use of a Machine Gun in Commission  
11 of a Felony (RCW 9.41.225)  
12 Vehicular Homicide, by disregard for  
13 the safety of others (RCW  
14 46.61.520)  
15 VI Bail Jumping with Murder 1 (RCW  
16 9A.76.170(3)(a))  
17 Bribery (RCW 9A.68.010)  
18 Incest 1 (RCW 9A.64.020(1))  
19 Intimidating a Judge (RCW  
20 9A.72.160)  
21 Intimidating a Juror/Witness (RCW  
22 9A.72.110, 9A.72.130)  
23 Malicious placement of an imitation  
24 device 2 (RCW 70.74.272(1)(b))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Unlawful Storage of Ammonia (RCW  
28 69.55.020)  
29 V Abandonment of dependent person 1  
30 (RCW 9A.42.060)  
31 Advancing money or property for  
32 extortionate extension of credit  
33 (RCW 9A.82.030)  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))  
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 1 (RCW  
2 9A.42.020)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Domestic Violence Court Order  
6 Violation (RCW 10.99.040,  
7 10.99.050, 26.09.300, 26.10.220,  
8 26.26.138, 26.50.110, 26.52.070,  
9 or 74.34.145)  
10 Extortion 1 (RCW 9A.56.120)  
11 Extortionate Extension of Credit  
12 (RCW 9A.82.020)  
13 Extortionate Means to Collect  
14 Extensions of Credit (RCW  
15 9A.82.040)  
16 Incest 2 (RCW 9A.64.020(2))  
17 Kidnapping 2 (RCW 9A.40.030)  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1  
25 (RCW 9A.76.070)  
26 Sexual Misconduct with a Minor 1  
27 (RCW 9A.44.093)  
28 Sexually Violating Human Remains  
29 (RCW 9A.44.105)  
30 Stalking (RCW 9A.46.110)  
31 Taking Motor Vehicle Without  
32 Permission 1 (RCW  
33 9A.56.070(1))  
34 IV Arson 2 (RCW 9A.48.030)  
35 Assault 2 (RCW 9A.36.021)  
36 Assault by Watercraft (RCW  
37 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW  
6 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Endangerment with a Controlled  
9 Substance (RCW 9A.42.100)  
10 Escape 1 (RCW 9A.76.110)  
11 Hit and Run--Injury (RCW  
12 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury  
14 Accident (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2)(a))  
16 Indecent Exposure to Person Under  
17 Age Fourteen (subsequent sex  
18 offense) (RCW 9A.88.010)  
19 Influencing Outcome of Sporting  
20 Event (RCW 9A.82.070)  
21 Knowingly Trafficking in Stolen  
22 Property (RCW 9A.82.050(2))  
23 Malicious Harassment (RCW  
24 9A.36.080)  
25 Residential Burglary (RCW  
26 9A.52.025)  
27 Robbery 2 (RCW 9A.56.210)  
28 Theft of Livestock 1 (RCW 9A.56.080)  
29 Threats to Bomb (RCW 9.61.160)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(3)(b))  
33 Use of Proceeds of Criminal  
34 Profiteering (RCW 9A.82.080 (1)  
35 and (2))

1 Vehicular Assault, by being under the  
2 influence of intoxicating liquor or  
3 any drug, or by the operation or  
4 driving of a vehicle in a reckless  
5 manner (RCW 46.61.522)  
6 Willful Failure to Return from  
7 Furlough (RCW 72.66.060)  
8 III Abandonment of dependent person 2  
9 (RCW 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  
13 (RCW 9A.76.170(3)(c))  
14 Burglary 2 (RCW 9A.52.030)  
15 Communication with a Minor for  
16 Immoral Purposes (RCW  
17 9.68A.090)  
18 Criminal Gang Intimidation (RCW  
19 9A.46.120)  
20 Criminal Mistreatment 2 (RCW  
21 9A.42.030)  
22 Custodial Assault (RCW 9A.36.100)  
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  
29 9A.76.150)  
30 Malicious Injury to Railroad Property  
31 (RCW 81.60.070)  
32 Patronizing a Juvenile Prostitute  
33 (RCW 9.68A.100)  
34 Perjury 2 (RCW 9A.72.030)  
35 Possession of Incendiary Device (RCW  
36 9.40.120)

1 Possession of Machine Gun or Short-  
2 Barreled Shotgun or Rifle (RCW  
3 9.41.190)  
4 Promoting Prostitution 2 (RCW  
5 9A.88.080)  
6 Recklessly Trafficking in Stolen  
7 Property (RCW 9A.82.050(1))  
8 Securities Act violation (RCW  
9 21.20.400)  
10 Tampering with a Witness (RCW  
11 9A.72.120)  
12 Telephone Harassment (subsequent  
13 conviction or threat of death)  
14 (RCW 9.61.230)  
15 Theft of Livestock 2 (RCW 9A.56.080)  
16 Unlawful Imprisonment (RCW  
17 9A.40.040)  
18 Unlawful possession of firearm in the  
19 second degree (RCW  
20 9.41.040(1)(b))  
21 Vehicular Assault, by the operation or  
22 driving of a vehicle with disregard  
23 for the safety of others (RCW  
24 46.61.522)  
25 Willful Failure to Return from Work  
26 Release (RCW 72.65.070)  
27 II Computer Trespass 1 (RCW  
28 9A.52.110)  
29 Counterfeiting (RCW 9.16.035(3))  
30 Escape from Community Custody  
31 (RCW 72.09.310)  
32 Health Care False Claims (RCW  
33 48.80.030)  
34 Identity Theft 2 (RCW 9.35.020(2)(b))  
35 Improperly Obtaining Financial  
36 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW  
2 9A.48.070)  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Theft 1 (RCW 9A.56.030)  
6 Theft of Rental, Leased, or Lease-  
7 purchased Property (valued at one  
8 thousand five hundred dollars or  
9 more) (RCW 9A.56.096(4))  
10 Trafficking in Insurance Claims (RCW  
11 48.30A.015)  
12 Unlawful factoring of a credit card or  
13 payment card transaction (RCW  
14 9A.56.290(3)(a))  
15 Unlawful Practice of Law (RCW  
16 2.48.180)  
17 Unlicensed Practice of a Profession or  
18 Business (RCW 18.130.190(7))  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Malicious Mischief 2 (RCW  
25 9A.48.080)  
26 Possession of Stolen Property 2 (RCW  
27 9A.56.160)  
28 Reckless Burning 1 (RCW 9A.48.040)  
29 Taking Motor Vehicle Without  
30 Permission 2 (RCW  
31 9A.56.070(2))  
32 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(4))  
7 Unlawful Issuance of Checks or Drafts  
8 (RCW 9A.56.060)  
9 Unlawful Use of Food Stamps (RCW  
10 9.91.140 (2) and (3))  
11 Vehicle Prowl 1 (RCW 9A.52.095)

12 NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1, 2004.

13 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,  
14 2004.

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