

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2771

58th Legislature
2004 Regular Session

Passed by the House February 13, 2004
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 2, 2004
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2771** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2771

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire, Kenney, Kessler, Conway, Darneille, Sullivan, Schual-Berke, Kagi and Ormsby)

READ FIRST TIME 02/02/04.

1 AN ACT Relating to the prevention of cyberstalking; amending RCW
2 9A.46.060 and 9A.46.100; reenacting and amending RCW 9.94A.515 and
3 9.94A.515; adding a new section to chapter 9.61 RCW; prescribing
4 penalties; providing an effective date; providing an expiration date;
5 and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.61 RCW
8 to read as follows:

9 (1) A person is guilty of cyberstalking if he or she, with intent
10 to harass, intimidate, torment, or embarrass any other person, and
11 under circumstances not constituting telephone harassment, makes an
12 electronic communication to such other person or a third party:

13 (a) Using any lewd, lascivious, indecent, or obscene words, images,
14 or language, or suggesting the commission of any lewd or lascivious
15 act;

16 (b) Anonymously or repeatedly whether or not conversation occurs;
17 or

18 (c) Threatening to inflict injury on the person or property of the
19 person called or any member of his or her family or household.

1 (2) Cyberstalking is a gross misdemeanor, except as provided in
2 subsection (3) of this section.

3 (3) Cyberstalking is a class C felony if either of the following
4 applies:

5 (a) The perpetrator has previously been convicted of the crime of
6 harassment, as defined in RCW 9A.46.060, with the same victim or a
7 member of the victim's family or household or any person specifically
8 named in a no-contact order or no-harassment order in this or any other
9 state; or

10 (b) The perpetrator engages in the behavior prohibited under
11 subsection (1)(c) of this section by threatening to kill the person
12 threatened or any other person.

13 (4) Any offense committed under this section may be deemed to have
14 been committed either at the place from which the communication was
15 made or at the place where the communication was received.

16 (5) For purposes of this section, "electronic communication" means
17 the transmission of information by wire, radio, optical cable,
18 electromagnetic, or other similar means. "Electronic communication"
19 includes, but is not limited to, electronic mail, internet based
20 communications, pager service, and electronic text messaging.

21 **Sec. 2.** RCW 9.94A.515 and 2003 c 335 s 4, 2003 c 283 s 32, 2003 c
22 267 s 2, 2003 c 250 s 13, 2003 c 119 s 7, and 2003 c 52 s 3 are each
23 reenacted and amended to read as follows:

24

TABLE 2

CRIMES INCLUDED WITHIN

EACH SERIOUSNESS LEVEL

25	
26	
27	XVI Aggravated Murder 1 (RCW
28	10.95.020)
29	XV Homicide by abuse (RCW 9A.32.055)
30	Malicious explosion 1 (RCW
31	70.74.280(1))
32	Murder 1 (RCW 9A.32.030)
33	XIV Murder 2 (RCW 9A.32.050)
34	Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(2))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Indecent Liberties (with forcible
17 compulsion) (RCW
18 9A.44.100(1)(a))
19 Kidnapping 1 (RCW 9A.40.020)
20 Leading Organized Crime (RCW
21 9A.82.060(1)(a))
22 Malicious explosion 3 (RCW
23 70.74.280(3))
24 Manufacture of methamphetamine
25 (RCW 69.50.401(a)(1)(ii))
26 Over 18 and deliver heroin,
27 methamphetamine, a narcotic
28 from Schedule I or II, or
29 flunitrazepam from Schedule IV
30 to someone under 18 (RCW
31 69.50.406)
32 Sexually Violent Predator Escape
33 (RCW 9A.76.115)
34 IX Assault of a Child 2 (RCW 9A.36.130)
35 Controlled Substance Homicide (RCW
36 69.50.415)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run--Death (RCW
4 46.52.020(4)(a))
5 Homicide by Watercraft, by being
6 under the influence of intoxicating
7 liquor or any drug (RCW
8 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Over 18 and deliver narcotic from
14 Schedule III, IV, or V or a
15 nonnarcotic, except flunitrazepam
16 or methamphetamine, from
17 Schedule I-V to someone under 18
18 and 3 years junior (RCW
19 69.50.406)
20 Robbery 1 (RCW 9A.56.200)
21 Sexual Exploitation (RCW 9.68A.040)
22 Vehicular Homicide, by being under
23 the influence of intoxicating
24 liquor or any drug (RCW
25 46.61.520)
26 VIII Arson 1 (RCW 9A.48.020)
27 Deliver or possess with intent to
28 deliver methamphetamine (RCW
29 69.50.401(a)(1)(ii))
30 Homicide by Watercraft, by the
31 operation of any vessel in a
32 reckless manner (RCW
33 79A.60.050)
34 Manslaughter 2 (RCW 9A.32.070)
35 Manufacture, deliver, or possess with
36 intent to deliver amphetamine
37 (RCW 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with
2 intent to deliver heroin or cocaine
3 (RCW 69.50.401(a)(1)(i))
4 Possession of Ephedrine or any of its
5 Salts or Isomers or Salts of
6 Isomers, Pseudoephedrine or any
7 of its Salts or Isomers or Salts of
8 Isomers, Pressurized Ammonia
9 Gas, or Pressurized Ammonia Gas
10 Solution with intent to
11 manufacture methamphetamine
12 (RCW 69.50.440)
13 Promoting Prostitution 1 (RCW
14 9A.88.070)
15 Selling for profit (controlled or
16 counterfeit) any controlled
17 substance (RCW 69.50.410)
18 Theft of Ammonia (RCW 69.55.010)
19 Vehicular Homicide, by the operation
20 of any vehicle in a reckless
21 manner (RCW 46.61.520)
22 VII Burglary 1 (RCW 9A.52.020)
23 Child Molestation 2 (RCW 9A.44.086)
24 Civil Disorder Training (RCW
25 9A.48.120)
26 Dealing in depictions of minor
27 engaged in sexually explicit
28 conduct (RCW 9.68A.050)
29 Drive-by Shooting (RCW 9A.36.045)
30 Homicide by Watercraft, by disregard
31 for the safety of others (RCW
32 79A.60.050)
33 Indecent Liberties (without forcible
34 compulsion) (RCW 9A.44.100(1)
35 (b) and (c))
36 Introducing Contraband 1 (RCW
37 9A.76.140)

1 Involving a minor in drug dealing
2 (RCW 69.50.401(f))
3 Malicious placement of an explosive 3
4 (RCW 70.74.270(3))
5 Sending, bringing into state depictions
6 of minor engaged in sexually
7 explicit conduct (RCW
8 9.68A.060)
9 Unlawful Possession of a Firearm in
10 the first degree (RCW
11 9.41.040(1)(a))
12 Use of a Machine Gun in Commission
13 of a Felony (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW
22 9A.72.160)
23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)
25 Malicious placement of an imitation
26 device 2 (RCW 70.74.272(1)(b))
27 Manufacture, deliver, or possess with
28 intent to deliver narcotics from
29 Schedule I or II (except heroin or
30 cocaine) or flunitrazepam from
31 Schedule IV (RCW
32 69.50.401(a)(1)(i))
33 Rape of a Child 3 (RCW 9A.44.079)
34 Theft of a Firearm (RCW 9A.56.300)
35 Unlawful Storage of Ammonia (RCW
36 69.55.020)

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

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW
8 9A.56.070(1))
9 IV Arson 2 (RCW 9A.48.030)
10 Assault 2 (RCW 9A.36.021)
11 Assault by Watercraft (RCW
12 79A.60.060)
13 Bribing a Witness/Bribe Received by
14 Witness (RCW 9A.72.090,
15 9A.72.100)
16 Cheating 1 (RCW 9.46.1961)
17 Commercial Bribery (RCW
18 9A.68.060)
19 Counterfeiting (RCW 9.16.035(4))
20 Endangerment with a Controlled
21 Substance (RCW 9A.42.100)
22 Escape 1 (RCW 9A.76.110)
23 Hit and Run--Injury (RCW
24 46.52.020(4)(b))
25 Hit and Run with Vessel--Injury
26 Accident (RCW 79A.60.200(3))
27 Identity Theft 1 (RCW 9.35.020(2)(a))
28 Indecent Exposure to Person Under
29 Age Fourteen (subsequent sex
30 offense) (RCW 9A.88.010)
31 Influencing Outcome of Sporting
32 Event (RCW 9A.82.070)
33 Knowingly Trafficking in Stolen
34 Property (RCW 9A.82.050(2))
35 Malicious Harassment (RCW
36 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(4)(b))
17 Unlawful transaction of health
18 coverage as a health care service
19 contractor (RCW 48.44.016(3))
20 Unlawful transaction of health
21 coverage as a health maintenance
22 organization (RCW 48.46.033(3))
23 Unlawful transaction of insurance
24 business (RCW 48.15.023(3))
25 Unlicensed practice as an insurance
26 professional (RCW 48.17.063(3))
27 Use of Proceeds of Criminal
28 Profiteering (RCW 9A.82.080 (1)
29 and (2))
30 Vehicular Assault, by being under the
31 influence of intoxicating liquor or
32 any drug, or by the operation or
33 driving of a vehicle in a reckless
34 manner (RCW 46.61.522)
35 Willful Failure to Return from
36 Furlough (RCW 72.66.060)

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

1 Manufacture, distribute, or possess
2 with intent to distribute an
3 imitation controlled substance
4 (RCW 69.52.030(1))
5 Patronizing a Juvenile Prostitute
6 (RCW 9.68A.100)
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun or Short-
11 Barreled Shotgun or Rifle (RCW
12 9.41.190)
13 Promoting Prostitution 2 (RCW
14 9A.88.080)
15 Recklessly Trafficking in Stolen
16 Property (RCW 9A.82.050(1))
17 Securities Act violation (RCW
18 21.20.400)
19 Tampering with a Witness (RCW
20 9A.72.120)
21 Telephone Harassment (subsequent
22 conviction or threat of death)
23 (RCW 9.61.230)
24 Theft of Livestock 2 (RCW 9A.56.080)
25 Unlawful Imprisonment (RCW
26 9A.40.040)
27 Unlawful possession of firearm in the
28 second degree (RCW
29 9.41.040(1)(b))
30 Unlawful Use of Building for Drug
31 Purposes (RCW 69.53.010)
32 Vehicular Assault, by the operation or
33 driving of a vehicle with disregard
34 for the safety of others (RCW
35 46.61.522)
36 Willful Failure to Return from Work
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW
2 9A.52.110)
3 Counterfeiting (RCW 9.16.035(3))
4 Create, deliver, or possess a counterfeit
5 controlled substance (RCW
6 69.50.401(b))
7 Escape from Community Custody
8 (RCW 72.09.310)
9 Health Care False Claims (RCW
10 48.80.030)
11 Identity Theft 2 (RCW 9.35.020(2)(b))
12 Improperly Obtaining Financial
13 Information (RCW 9.35.010)
14 Malicious Mischief 1 (RCW
15 9A.48.070)
16 Possession of controlled substance that
17 is either heroin or narcotics from
18 Schedule I or II or flunitrazepam
19 from Schedule IV (RCW
20 69.50.401(d))
21 Possession of phencyclidine (PCP)
22 (RCW 69.50.401(d))
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Theft 1 (RCW 9A.56.030)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at one
28 thousand five hundred dollars or
29 more) (RCW 9A.56.096(4))
30 Trafficking in Insurance Claims (RCW
31 48.30A.015)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(a))
35 Unlawful Practice of Law (RCW
36 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forged Prescription (RCW 69.41.020)
8 Forged Prescription for a Controlled
9 Substance (RCW 69.50.403)
10 Forgery (RCW 9A.60.020)
11 Fraudulent Creation or Revocation of a
12 Mental Health Advance Directive
13 (RCW 9A.60.060)
14 Malicious Mischief 2 (RCW
15 9A.48.080)
16 Mineral Trespass (RCW 78.44.330)
17 Possess Controlled Substance that is a
18 Narcotic from Schedule III, IV, or
19 V or Non-narcotic from Schedule
20 I-V (except phencyclidine or
21 flunitrazepam) (RCW
22 69.50.401(d))
23 Possession of Stolen Property 2 (RCW
24 9A.56.160)
25 Reckless Burning 1 (RCW 9A.48.040)
26 Taking Motor Vehicle Without
27 Permission 2 (RCW
28 9A.56.070(2))
29 Theft 2 (RCW 9A.56.040)
30 Theft of Rental, Leased, or Lease-
31 purchased Property (valued at two
32 hundred fifty dollars or more but
33 less than one thousand five
34 hundred dollars) (RCW
35 9A.56.096(4))

1 Transaction of insurance business
 2 beyond the scope of licensure
 3 (RCW 48.17.063(4))
 4 Unlawful Issuance of Checks or Drafts
 5 (RCW 9A.56.060)
 6 Unlawful Possession of Fictitious
 7 Identification (RCW 9A.56.320)
 8 Unlawful Possession of Instruments of
 9 Financial Fraud (RCW
 10 9A.56.320)
 11 Unlawful Possession of Payment
 12 Instruments (RCW 9A.56.320)
 13 Unlawful Possession of a Personal
 14 Identification Device (RCW
 15 9A.56.320)
 16 Unlawful Production of Payment
 17 Instruments (RCW 9A.56.320)
 18 Unlawful Use of Food Stamps (RCW
 19 9.91.140 (2) and (3))
 20 Vehicle Prowl 1 (RCW 9A.52.095)

21 **Sec. 3.** RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c
 22 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52
 23 s 4 are each reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN
 26 EACH SERIOUSNESS LEVEL

- 27 XVI Aggravated Murder 1 (RCW
 28 10.95.020)
 29 XV Homicide by abuse (RCW 9A.32.055)
 30 Malicious explosion 1 (RCW
 31 70.74.280(1))
 32 Murder 1 (RCW 9A.32.030)
 33 XIV Murder 2 (RCW 9A.32.050)
 34 Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(2))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 X Child Molestation 1 (RCW 9A.44.083)
16 Indecent Liberties (with forcible
17 compulsion) (RCW
18 9A.44.100(1)(a))
19 Kidnapping 1 (RCW 9A.40.020)
20 Leading Organized Crime (RCW
21 9A.82.060(1)(a))
22 Malicious explosion 3 (RCW
23 70.74.280(3))
24 Sexually Violent Predator Escape
25 (RCW 9A.76.115)
26 IX Assault of a Child 2 (RCW 9A.36.130)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Hit and Run--Death (RCW
30 46.52.020(4)(a))
31 Homicide by Watercraft, by being
32 under the influence of intoxicating
33 liquor or any drug (RCW
34 79A.60.050)
35 Inciting Criminal Profiteering (RCW
36 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))
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 9A.56.070)
33 IV Arson 2 (RCW 9A.48.030)
34 Assault 2 (RCW 9A.36.021)
35 Assault by Watercraft (RCW
36 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))
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 Malicious Harassment (RCW
22 9A.36.080)
23 Residential Burglary (RCW
24 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Trafficking in Stolen Property 1 (RCW
29 9A.82.050)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(b))
33 Unlawful transaction of health
34 coverage as a health care service
35 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health
2 coverage as a health maintenance
3 organization (RCW 48.46.033(3))
4 Unlawful transaction of insurance
5 business (RCW 48.15.023(3))
6 Unlicensed practice as an insurance
7 professional (RCW 48.17.063(3))
8 Use of Proceeds of Criminal
9 Profiteering (RCW 9A.82.080 (1)
10 and (2))
11 Vehicular Assault, by being under the
12 influence of intoxicating liquor or
13 any drug, or by the operation or
14 driving of a vehicle in a reckless
15 manner (RCW 46.61.522)
16 Willful Failure to Return from
17 Furlough (RCW 72.66.060)
18 III Abandonment of dependent person 2
19 (RCW 9A.42.070)
20 Assault 3 (RCW 9A.36.031)
21 Assault of a Child 3 (RCW 9A.36.140)
22 Bail Jumping with class B or C Felony
23 (RCW 9A.76.170(3)(c))
24 Burglary 2 (RCW 9A.52.030)
25 Communication with a Minor for
26 Immoral Purposes (RCW
27 9.68A.090)
28 Criminal Gang Intimidation (RCW
29 9A.46.120)
30 Criminal Mistreatment 2 (RCW
31 9A.42.030)
32 Custodial Assault (RCW 9A.36.100)
33 Cyberstalking (subsequent conviction
34 or threat of death) (section 1(3) of this
35 act)
36 Escape 2 (RCW 9A.76.120)
37 Extortion 2 (RCW 9A.56.130)

1 Harassment (RCW 9A.46.020)
2 Intimidating a Public Servant (RCW
3 9A.76.180)
4 Introducing Contraband 2 (RCW
5 9A.76.150)
6 Malicious Injury to Railroad Property
7 (RCW 81.60.070)
8 Patronizing a Juvenile Prostitute
9 (RCW 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-
14 Barreled Shotgun or Rifle (RCW
15 9.41.190)
16 Promoting Prostitution 2 (RCW
17 9A.88.080)
18 Securities Act violation (RCW
19 21.20.400)
20 Tampering with a Witness (RCW
21 9A.72.120)
22 Telephone Harassment (subsequent
23 conviction or threat of death)
24 (RCW 9.61.230(2))
25 Theft of Livestock 2 (RCW 9A.56.083)
26 Trafficking in Stolen Property 2 (RCW
27 9A.82.055)
28 Unlawful Imprisonment (RCW
29 9A.40.040)
30 Unlawful possession of firearm in the
31 second degree (RCW 9.41.040(2))
32 Vehicular Assault, by the operation or
33 driving of a vehicle with disregard
34 for the safety of others (RCW
35 46.61.522)
36 Willful Failure to Return from Work
37 Release (RCW 72.65.070)

1 II Computer Trespass 1 (RCW
2 9A.52.110)
3 Counterfeiting (RCW 9.16.035(3))
4 Escape from Community Custody
5 (RCW 72.09.310)
6 Health Care False Claims (RCW
7 48.80.030)
8 Identity Theft 2 (RCW 9.35.020(3))
9 Improperly Obtaining Financial
10 Information (RCW 9.35.010)
11 Malicious Mischief 1 (RCW
12 9A.48.070)
13 Possession of Stolen Property 1 (RCW
14 9A.56.150)
15 Theft 1 (RCW 9A.56.030)
16 Theft of Rental, Leased, or Lease-
17 purchased Property (valued at one
18 thousand five hundred dollars or
19 more) (RCW 9A.56.096(5)(a))
20 Trafficking in Insurance Claims (RCW
21 48.30A.015)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(a))
25 Unlawful Practice of Law (RCW
26 2.48.180)
27 Unlicensed Practice of a Profession or
28 Business (RCW 18.130.190(7))
29 I Attempting to Elude a Pursuing Police
30 Vehicle (RCW 46.61.024)
31 False Verification for Welfare (RCW
32 74.08.055)
33 Forgery (RCW 9A.60.020)
34 Fraudulent Creation or Revocation of a
35 Mental Health Advance Directive
36 (RCW 9A.60.060)

1 Malicious Mischief 2 (RCW
2 9A.48.080)
3 Mineral Trespass (RCW 78.44.330)
4 Possession of Stolen Property 2 (RCW
5 9A.56.160)
6 Reckless Burning 1 (RCW 9A.48.040)
7 Taking Motor Vehicle Without
8 Permission 2 (RCW 9A.56.075)
9 Theft 2 (RCW 9A.56.040)
10 Theft of Rental, Leased, or Lease-
11 purchased Property (valued at two
12 hundred fifty dollars or more but
13 less than one thousand five
14 hundred dollars) (RCW
15 9A.56.096(5)(b))
16 Transaction of insurance business
17 beyond the scope of licensure
18 (RCW 48.17.063(4))
19 Unlawful Issuance of Checks or Drafts
20 (RCW 9A.56.060)
21 Unlawful Possession of Fictitious
22 Identification (RCW 9A.56.320)
23 Unlawful Possession of Instruments of
24 Financial Fraud (RCW
25 9A.56.320)
26 Unlawful Possession of Payment
27 Instruments (RCW 9A.56.320)
28 Unlawful Possession of a Personal
29 Identification Device (RCW
30 9A.56.320)
31 Unlawful Production of Payment
32 Instruments (RCW 9A.56.320)
33 Unlawful Trafficking in Food Stamps
34 (RCW 9.91.142)
35 Unlawful Use of Food Stamps (RCW
36 9.91.144)
37 Vehicle Prowl 1 (RCW 9A.52.095)

1 **Sec. 4.** RCW 9A.46.060 and 1999 c 180 s 7 are each amended to read
2 as follows:

3 As used in this chapter, "harassment" may include but is not
4 limited to any of the following crimes:

- 5 (1) Harassment (RCW 9A.46.020);
- 6 (2) Malicious harassment (RCW 9A.36.080);
- 7 (3) Telephone harassment (RCW 9.61.230);
- 8 (4) Assault in the first degree (RCW 9A.36.011);
- 9 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 10 (6) Assault in the second degree (RCW 9A.36.021);
- 11 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 12 (8) Assault in the fourth degree (RCW 9A.36.041);
- 13 (9) Reckless endangerment (RCW 9A.36.050);
- 14 (10) Extortion in the first degree (RCW 9A.56.120);
- 15 (11) Extortion in the second degree (RCW 9A.56.130);
- 16 (12) Coercion (RCW 9A.36.070);
- 17 (13) Burglary in the first degree (RCW 9A.52.020);
- 18 (14) Burglary in the second degree (RCW 9A.52.030);
- 19 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 20 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 21 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 22 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 23 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 24 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 25 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 26 (22) Unlawful imprisonment (RCW 9A.40.040);
- 27 (23) Rape in the first degree (RCW 9A.44.040);
- 28 (24) Rape in the second degree (RCW 9A.44.050);
- 29 (25) Rape in the third degree (RCW 9A.44.060);
- 30 (26) Indecent liberties (RCW 9A.44.100);
- 31 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 32 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 33 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 34 (30) Child molestation in the first degree (RCW 9A.44.083);
- 35 (31) Child molestation in the second degree (RCW 9A.44.086);
- 36 (32) Child molestation in the third degree (RCW 9A.44.089);
- 37 (33) Stalking (RCW 9A.46.110);
- 38 (34) Cyberstalking (section 1 of this act);

1 ~~(35)~~ Residential burglary (RCW 9A.52.025);
2 ~~((35))~~ (36) Violation of a temporary or permanent protective
3 order issued pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50
4 RCW;
5 ~~((36))~~ (37) Unlawful discharge of a laser in the first degree
6 (RCW 9A.49.020); and
7 ~~((37))~~ (38) Unlawful discharge of a laser in the second degree
8 (RCW 9A.49.030).

9 **Sec. 5.** RCW 9A.46.100 and 1992 c 186 s 5 are each amended to read
10 as follows:

11 As used in RCW 9.61.230, section 1 of this act, 9A.46.020, or
12 9A.46.110, a person has been "convicted" at such time as a plea of
13 guilty has been accepted or a verdict of guilty has been filed,
14 notwithstanding the pendency of any future proceedings including but
15 not limited to sentencing, posttrial motions, and appeals.

16 NEW SECTION. **Sec. 6.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately, except for section 3 of this act, which takes effect July
24 1, 2004.

25 NEW SECTION. **Sec. 8.** Section 2 of this act expires July 1, 2004.

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