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SENATE BILL 5005

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State of Washington

58th Legislature

2003 Regular Session

By Senators Jacobsen, Eide, Winsley, Rasmussen, Haugen, Keiser and Esser

Read first time 01/13/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to identity theft; amending RCW 9.35.020;  
2 reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357;  
3 prescribing penalties; providing an effective date; and providing an  
4 expiration date.

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

6 **Sec. 1.** RCW 9.35.020 and 2001 c 217 s 9 are each amended to read  
7 as follows:

8 (1) No person may knowingly obtain, possess, use, or transfer a  
9 means of identification or financial information of another person,  
10 living or dead, with the intent to commit, or to aid or abet, any  
11 crime.

12 (2)(a) Violation of this section when the accused or an accomplice  
13 uses the victim's means of identification or financial information to  
14 execute or file for record any instrument, or put forward any claim, by  
15 which the right or title to any real property is or purports to be  
16 transferred, encumbered, or clouded shall constitute identity theft in  
17 the first degree. Identity theft in the first degree is a class B  
18 felony.

1        (b) Violation of this section when the accused or an accomplice  
2 uses the victim's means of identification or financial information and  
3 obtains an aggregate total of credit, money, goods, services, or  
4 anything else of value in excess of one thousand five hundred dollars  
5 in value not constituting identity theft in the first degree shall  
6 constitute identity theft in the (~~(first)~~) second degree. Identity  
7 theft in the (~~(first)~~) second degree is a class B felony.

8        (~~(b)~~) (c) Violation of this section when the accused or an  
9 accomplice uses the victim's means of identification or financial  
10 information and obtains an aggregate total of credit, money, goods,  
11 services, or anything else of value that is less than one thousand five  
12 hundred dollars in value not constituting identity theft in the first  
13 degree, or when no credit, money, goods, services, or anything of value  
14 is obtained shall constitute identity theft in the (~~(second)~~) third  
15 degree. Identity theft in the (~~(second)~~) third degree is a class C  
16 felony.

17        (3) A person who violates this section is liable for civil damages  
18 of five hundred dollars or actual damages, whichever is greater,  
19 including costs to repair the victim's credit record, and reasonable  
20 attorneys' fees as determined by the court.

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

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

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

35        **Sec. 2.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
36 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
37 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)) Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

1 Over 18 and deliver heroin,  
2 methamphetamine, a narcotic  
3 from Schedule I or II, or  
4 flunitrazepam from Schedule IV  
5 to someone under 18 (RCW  
6 69.50.406)  
7 Sexually Violent Predator Escape  
8 (RCW 9A.76.115)  
9 IX Assault of a Child 2 (RCW 9A.36.130)  
10 Controlled Substance Homicide (RCW  
11 69.50.415)  
12 Explosive devices prohibited (RCW  
13 70.74.180)  
14 Hit and Run--Death (RCW  
15 46.52.020(4)(a))  
16 Homicide by Watercraft, by being  
17 under the influence of intoxicating  
18 liquor or any drug (RCW  
19 79A.60.050)  
20 Inciting Criminal Profiteering (RCW  
21 9A.82.060(1)(b))  
22 Malicious placement of an explosive 2  
23 (RCW 70.74.270(2))  
24 Over 18 and deliver narcotic from  
25 Schedule III, IV, or V or a  
26 nonnarcotic, except flunitrazepam  
27 or methamphetamine, from  
28 Schedule I-V to someone under 18  
29 and 3 years junior (RCW  
30 69.50.406)  
31 Robbery 1 (RCW 9A.56.200)  
32 Sexual Exploitation (RCW 9.68A.040)  
33 Vehicular Homicide, by being under  
34 the influence of intoxicating  
35 liquor or any drug (RCW  
36 46.61.520)  
37 VIII Arson 1 (RCW 9A.48.020)

1 Deliver or possess with intent to  
2 deliver methamphetamine (RCW  
3 69.50.401(a)(1)(ii))  
4 Homicide by Watercraft, by the  
5 operation of any vessel in a  
6 reckless manner (RCW  
7 79A.60.050)  
8 Manslaughter 2 (RCW 9A.32.070)  
9 Manufacture, deliver, or possess with  
10 intent to deliver amphetamine  
11 (RCW 69.50.401(a)(1)(ii))  
12 Manufacture, deliver, or possess with  
13 intent to deliver heroin or cocaine  
14 (when the offender has a criminal  
15 history in this state or any other  
16 state that includes a sex offense or  
17 serious violent offense or the  
18 Washington equivalent) (RCW  
19 69.50.401(a)(1)(i))  
20 Possession of Ephedrine or any of its  
21 Salts or Isomers or Salts of  
22 Isomers, Pseudoephedrine or any  
23 of its Salts or Isomers or Salts of  
24 Isomers, Pressurized Ammonia  
25 Gas, or Pressurized Ammonia Gas  
26 Solution with intent to  
27 manufacture methamphetamine  
28 (RCW 69.50.440)  
29 Promoting Prostitution 1 (RCW  
30 9A.88.070)  
31 Selling for profit (controlled or  
32 counterfeit) any controlled  
33 substance (RCW 69.50.410)  
34 Theft of Ammonia (RCW 69.55.010)  
35 Vehicular Homicide, by the operation  
36 of any vehicle in a reckless  
37 manner (RCW 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)  
2 Child Molestation 2 (RCW 9A.44.086)  
3 Civil Disorder Training (RCW  
4 9A.48.120)  
5 Dealing in depictions of minor  
6 engaged in sexually explicit  
7 conduct (RCW 9.68A.050)  
8 Drive-by Shooting (RCW 9A.36.045)  
9 Homicide by Watercraft, by disregard  
10 for the safety of others (RCW  
11 79A.60.050)  
12 Indecent Liberties (without forcible  
13 compulsion) (RCW 9A.44.100(1)  
14 (b) and (c))  
15 Introducing Contraband 1 (RCW  
16 9A.76.140)  
17 Involving a minor in drug dealing  
18 (RCW 69.50.401(f))  
19 Malicious placement of an explosive 3  
20 (RCW 70.74.270(3))  
21 Manufacture, deliver, or possess with  
22 intent to deliver heroin or cocaine  
23 (except when the offender has a  
24 criminal history in this state or  
25 any other state that includes a sex  
26 offense or serious violent offense  
27 or the Washington equivalent)  
28 (RCW 69.50.401(a)(1)(i))  
29 Sending, bringing into state depictions  
30 of minor engaged in sexually  
31 explicit conduct (RCW  
32 9.68A.060)  
33 Unlawful Possession of a Firearm in  
34 the first degree (RCW  
35 9.41.040(1)(a))  
36 Use of a Machine Gun in Commission  
37 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for  
2 the safety of others (RCW  
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW  
5 9A.76.170(3)(a))  
6 Bribery (RCW 9A.68.010)  
7 Incest 1 (RCW 9A.64.020(1))  
8 Intimidating a Judge (RCW  
9 9A.72.160)

10 Intimidating a Juror/Witness (RCW  
11 9A.72.110, 9A.72.130)

12 Malicious placement of an imitation  
13 device 2 (RCW 70.74.272(1)(b))

14 Manufacture, deliver, or possess with  
15 intent to deliver narcotics from  
16 Schedule I or II (except heroin or  
17 cocaine) or flunitrazepam from  
18 Schedule IV (RCW  
19 69.50.401(a)(1)(i))

20 Rape of a Child 3 (RCW 9A.44.079)

21 Theft of a Firearm (RCW 9A.56.300)

22 Unlawful Storage of Ammonia (RCW  
23 69.55.020)

24 V Abandonment of dependent person 1  
25 (RCW 9A.42.060)

26 Advancing money or property for  
27 extortionate extension of credit  
28 (RCW 9A.82.030)

29 Bail Jumping with class A Felony  
30 (RCW 9A.76.170(3)(b))

31 Child Molestation 3 (RCW 9A.44.089)

32 Criminal Mistreatment 1 (RCW  
33 9A.42.020)

34 Custodial Sexual Misconduct 1 (RCW  
35 9A.44.160)

1 Delivery of imitation controlled  
2 substance by person eighteen or  
3 over to person under eighteen  
4 (RCW 69.52.030(2))  
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 Identity Theft 1 (RCW 9.35.020(2)(a))  
17 Incest 2 (RCW 9A.64.020(2))  
18 Kidnapping 2 (RCW 9A.40.030)  
19 Perjury 1 (RCW 9A.72.020)  
20 Persistent prison misbehavior (RCW  
21 9.94.070)  
22 Possession of a Stolen Firearm (RCW  
23 9A.56.310)  
24 Rape 3 (RCW 9A.44.060)  
25 Rendering Criminal Assistance 1  
26 (RCW 9A.76.070)  
27 Sexual Misconduct with a Minor 1  
28 (RCW 9A.44.093)  
29 Sexually Violating Human Remains  
30 (RCW 9A.44.105)  
31 Stalking (RCW 9A.46.110)  
32 Taking Motor Vehicle Without  
33 Permission 1 (RCW  
34 9A.56.070(1))  
35 IV Arson 2 (RCW 9A.48.030)  
36 Assault 2 (RCW 9A.36.021)



1 Assault by Watercraft (RCW  
2 79A.60.060)  
3 Bribing a Witness/Bribe Received by  
4 Witness (RCW 9A.72.090,  
5 9A.72.100)  
6 Cheating 1 (RCW 9.46.1961)  
7 Commercial Bribery (RCW  
8 9A.68.060)  
9 Counterfeiting (RCW 9.16.035(4))  
10 Endangerment with a Controlled  
11 Substance (RCW 9A.42.100)  
12 Escape 1 (RCW 9A.76.110)  
13 Hit and Run--Injury (RCW  
14 46.52.020(4)(b))  
15 Hit and Run with Vessel--Injury  
16 Accident (RCW 79A.60.200(3))  
17 Identity Theft ((4)) 2 (RCW  
18 9.35.020(2)((a)) (b))  
19 Indecent Exposure to Person Under  
20 Age Fourteen (subsequent sex  
21 offense) (RCW 9A.88.010)  
22 Influencing Outcome of Sporting  
23 Event (RCW 9A.82.070)  
24 Knowingly Trafficking in Stolen  
25 Property (RCW 9A.82.050(2))  
26 Malicious Harassment (RCW  
27 9A.36.080)  
28 Manufacture, deliver, or possess with  
29 intent to deliver narcotics from  
30 Schedule III, IV, or V or  
31 nonnarcotics from Schedule I-V  
32 (except marijuana, amphetamine,  
33 methamphetamines, or  
34 flunitrazepam) (RCW  
35 69.50.401(a)(1) (iii) through (v))  
36 Residential Burglary (RCW  
37 9A.52.025)

1 Robbery 2 (RCW 9A.56.210)  
2 Theft of Livestock 1 (RCW 9A.56.080)  
3 Threats to Bomb (RCW 9.61.160)  
4 Use of Proceeds of Criminal  
5 Profiteering (RCW 9A.82.080 (1)  
6 and (2))  
7 Vehicular Assault, by being under the  
8 influence of intoxicating liquor or  
9 any drug, or by the operation or  
10 driving of a vehicle in a reckless  
11 manner (RCW 46.61.522)  
12 Willful Failure to Return from  
13 Furlough (RCW 72.66.060)  
14 III Abandonment of dependent person 2  
15 (RCW 9A.42.070)  
16 Assault 3 (RCW 9A.36.031)  
17 Assault of a Child 3 (RCW 9A.36.140)  
18 Bail Jumping with class B or C Felony  
19 (RCW 9A.76.170(3)(c))  
20 Burglary 2 (RCW 9A.52.030)  
21 Communication with a Minor for  
22 Immoral Purposes (RCW  
23 9.68A.090)  
24 Criminal Gang Intimidation (RCW  
25 9A.46.120)  
26 Criminal Mistreatment 2 (RCW  
27 9A.42.030)  
28 Custodial Assault (RCW 9A.36.100)  
29 Delivery of a material in lieu of a  
30 controlled substance (RCW  
31 69.50.401(c))  
32 Escape 2 (RCW 9A.76.120)  
33 Extortion 2 (RCW 9A.56.130)  
34 Harassment (RCW 9A.46.020)  
35 Intimidating a Public Servant (RCW  
36 9A.76.180)

1 Introducing Contraband 2 (RCW  
2 9A.76.150)  
3 Maintaining a Dwelling or Place for  
4 Controlled Substances (RCW  
5 69.50.402(a)(6))  
6 Malicious Injury to Railroad Property  
7 (RCW 81.60.070)  
8 Manufacture, deliver, or possess with  
9 intent to deliver marijuana (RCW  
10 69.50.401(a)(1)(iii))  
11 Manufacture, distribute, or possess  
12 with intent to distribute an  
13 imitation controlled substance  
14 (RCW 69.52.030(1))  
15 Patronizing a Juvenile Prostitute  
16 (RCW 9.68A.100)  
17 Perjury 2 (RCW 9A.72.030)  
18 Possession of Incendiary Device (RCW  
19 9.40.120)  
20 Possession of Machine Gun or Short-  
21 Barreled Shotgun or Rifle (RCW  
22 9.41.190)  
23 Promoting Prostitution 2 (RCW  
24 9A.88.080)  
25 Recklessly Trafficking in Stolen  
26 Property (RCW 9A.82.050(1))  
27 Securities Act violation (RCW  
28 21.20.400)  
29 Tampering with a Witness (RCW  
30 9A.72.120)  
31 Telephone Harassment (subsequent  
32 conviction or threat of death)  
33 (RCW 9.61.230)  
34 Theft of Livestock 2 (RCW 9A.56.080)  
35 Unlawful Imprisonment (RCW  
36 9A.40.040)

1 Unlawful possession of firearm in the  
2 second degree (RCW  
3 9.41.040(1)(b))  
4 Unlawful Use of Building for Drug  
5 Purposes (RCW 69.53.010)  
6 Vehicular Assault, by the operation or  
7 driving of a vehicle with disregard  
8 for the safety of others (RCW  
9 46.61.522)  
10 Willful Failure to Return from Work  
11 Release (RCW 72.65.070)  
12 II Computer Trespass 1 (RCW  
13 9A.52.110)  
14 Counterfeiting (RCW 9.16.035(3))  
15 Create, deliver, or possess a counterfeit  
16 controlled substance (RCW  
17 69.50.401(b))  
18 Escape from Community Custody  
19 (RCW 72.09.310)  
20 Health Care False Claims (RCW  
21 48.80.030)  
22 Identity Theft ((2)) 3 (RCW  
23 9.35.020(2)((b)) (c))  
24 Improperly Obtaining Financial  
25 Information (RCW 9.35.010)  
26 Malicious Mischief 1 (RCW  
27 9A.48.070)  
28 Possession of controlled substance that  
29 is either heroin or narcotics from  
30 Schedule I or II or flunitrazepam  
31 from Schedule IV (RCW  
32 69.50.401(d))  
33 Possession of phencyclidine (PCP)  
34 (RCW 69.50.401(d))  
35 Possession of Stolen Property 1 (RCW  
36 9A.56.150)  
37 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at one  
3 thousand five hundred dollars or  
4 more) (RCW 9A.56.096(4))  
5 Trafficking in Insurance Claims (RCW  
6 48.30A.015)  
7 Unlawful Practice of Law (RCW  
8 2.48.180)  
9 Unlicensed Practice of a Profession or  
10 Business (RCW 18.130.190(7))  
11 I Attempting to Elude a Pursuing Police  
12 Vehicle (RCW 46.61.024)  
13 False Verification for Welfare (RCW  
14 74.08.055)  
15 Forged Prescription (RCW 69.41.020)  
16 Forged Prescription for a Controlled  
17 Substance (RCW 69.50.403)  
18 Forgery (RCW 9A.60.020)  
19 Malicious Mischief 2 (RCW  
20 9A.48.080)  
21 Possess Controlled Substance that is a  
22 Narcotic from Schedule III, IV, or  
23 V or Non-narcotic from Schedule  
24 I-V (except phencyclidine or  
25 flunitrazepam) (RCW  
26 69.50.401(d))  
27 Possession of Stolen Property 2 (RCW  
28 9A.56.160)  
29 Reckless Burning 1 (RCW 9A.48.040)  
30 Taking Motor Vehicle Without  
31 Permission 2 (RCW  
32 9A.56.070(2))  
33 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 **Sec. 3.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
 13 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
 14 s 4 are each reenacted and amended to read as follows:

15 TABLE 2  
 16 CRIMES INCLUDED WITHIN  
 17 EACH SERIOUSNESS LEVEL

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

1 Rape 2 (RCW 9A.44.050)  
2 Rape of a Child 2 (RCW 9A.44.076)  
3 X Child Molestation 1 (RCW 9A.44.083)  
4 Indecent Liberties (with forcible  
5 compulsion) (RCW  
6 9A.44.100(1)(a))  
7 Kidnapping 1 (RCW 9A.40.020)  
8 Leading Organized Crime (RCW  
9 9A.82.060(1)(a))  
10 Malicious explosion 3 (RCW  
11 70.74.280(3))  
12 Sexually Violent Predator Escape  
13 (RCW 9A.76.115)  
14 IX Assault of a Child 2 (RCW 9A.36.130)  
15 Explosive devices prohibited (RCW  
16 70.74.180)  
17 Hit and Run--Death (RCW  
18 46.52.020(4)(a))  
19 Homicide by Watercraft, by being  
20 under the influence of intoxicating  
21 liquor or any drug (RCW  
22 79A.60.050)  
23 Inciting Criminal Profiteering (RCW  
24 9A.82.060(1)(b))  
25 Malicious placement of an explosive 2  
26 (RCW 70.74.270(2))  
27 Robbery 1 (RCW 9A.56.200)  
28 Sexual Exploitation (RCW 9.68A.040)  
29 Vehicular Homicide, by being under  
30 the influence of intoxicating  
31 liquor or any drug (RCW  
32 46.61.520)  
33 VIII Arson 1 (RCW 9A.48.020)  
34 Homicide by Watercraft, by the  
35 operation of any vessel in a  
36 reckless manner (RCW  
37 79A.60.050)

1 Manslaughter 2 (RCW 9A.32.070)  
2 Promoting Prostitution 1 (RCW  
3 9A.88.070)  
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 Malicious placement of an explosive 3  
25 (RCW 70.74.270(3))  
26 Sending, bringing into state depictions  
27 of minor engaged in sexually  
28 explicit conduct (RCW  
29 9.68A.060)  
30 Unlawful Possession of a Firearm in  
31 the first degree (RCW  
32 9.41.040(1)(a))  
33 Use of a Machine Gun in Commission  
34 of a Felony (RCW 9.41.225)  
35 Vehicular Homicide, by disregard for  
36 the safety of others (RCW  
37 46.61.520)



1 VI Bail Jumping with Murder 1 (RCW  
2 9A.76.170(3)(a))  
3 Bribery (RCW 9A.68.010)  
4 Incest 1 (RCW 9A.64.020(1))  
5 Intimidating a Judge (RCW  
6 9A.72.160)  
7 Intimidating a Juror/Witness (RCW  
8 9A.72.110, 9A.72.130)  
9 Malicious placement of an imitation  
10 device 2 (RCW 70.74.272(1)(b))  
11 Rape of a Child 3 (RCW 9A.44.079)  
12 Theft of a Firearm (RCW 9A.56.300)  
13 Unlawful Storage of Ammonia (RCW  
14 69.55.020)

15 V Abandonment of dependent person 1  
16 (RCW 9A.42.060)  
17 Advancing money or property for  
18 extortionate extension of credit  
19 (RCW 9A.82.030)  
20 Bail Jumping with class A Felony  
21 (RCW 9A.76.170(3)(b))  
22 Child Molestation 3 (RCW 9A.44.089)  
23 Criminal Mistreatment 1 (RCW  
24 9A.42.020)  
25 Custodial Sexual Misconduct 1 (RCW  
26 9A.44.160)  
27 Domestic Violence Court Order  
28 Violation (RCW 10.99.040,  
29 10.99.050, 26.09.300, 26.10.220,  
30 26.26.138, 26.50.110, 26.52.070,  
31 or 74.34.145)  
32 Extortion 1 (RCW 9A.56.120)  
33 Extortionate Extension of Credit  
34 (RCW 9A.82.020)  
35 Extortionate Means to Collect  
36 Extensions of Credit (RCW  
37 9A.82.040)

1 Identity Theft 1 (RCW 9.35.020(2)(a))  
2 Incest 2 (RCW 9A.64.020(2))  
3 Kidnapping 2 (RCW 9A.40.030)  
4 Perjury 1 (RCW 9A.72.020)  
5 Persistent prison misbehavior (RCW  
6 9.94.070)  
7 Possession of a Stolen Firearm (RCW  
8 9A.56.310)  
9 Rape 3 (RCW 9A.44.060)  
10 Rendering Criminal Assistance 1  
11 (RCW 9A.76.070)  
12 Sexual Misconduct with a Minor 1  
13 (RCW 9A.44.093)  
14 Sexually Violating Human Remains  
15 (RCW 9A.44.105)  
16 Stalking (RCW 9A.46.110)  
17 Taking Motor Vehicle Without  
18 Permission 1 (RCW  
19 9A.56.070(1))  
20 IV Arson 2 (RCW 9A.48.030)  
21 Assault 2 (RCW 9A.36.021)  
22 Assault by Watercraft (RCW  
23 79A.60.060)  
24 Bribing a Witness/Bribe Received by  
25 Witness (RCW 9A.72.090,  
26 9A.72.100)  
27 Cheating 1 (RCW 9.46.1961)  
28 Commercial Bribery (RCW  
29 9A.68.060)  
30 Counterfeiting (RCW 9.16.035(4))  
31 Endangerment with a Controlled  
32 Substance (RCW 9A.42.100)  
33 Escape 1 (RCW 9A.76.110)  
34 Hit and Run--Injury (RCW  
35 46.52.020(4)(b))  
36 Hit and Run with Vessel--Injury  
37 Accident (RCW 79A.60.200(3))

1 Identity Theft ((+) 2 (RCW  
2 9.35.020(2)((a)) (b))  
3 Indecent Exposure to Person Under  
4 Age Fourteen (subsequent sex  
5 offense) (RCW 9A.88.010)  
6 Influencing Outcome of Sporting  
7 Event (RCW 9A.82.070)  
8 Knowingly Trafficking in Stolen  
9 Property (RCW 9A.82.050(2))  
10 Malicious Harassment (RCW  
11 9A.36.080)  
12 Residential Burglary (RCW  
13 9A.52.025)  
14 Robbery 2 (RCW 9A.56.210)  
15 Theft of Livestock 1 (RCW 9A.56.080)  
16 Threats to Bomb (RCW 9.61.160)  
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 Escape 2 (RCW 9A.76.120)  
7 Extortion 2 (RCW 9A.56.130)  
8 Harassment (RCW 9A.46.020)  
9 Intimidating a Public Servant (RCW  
10 9A.76.180)  
11 Introducing Contraband 2 (RCW  
12 9A.76.150)  
13 Malicious Injury to Railroad Property  
14 (RCW 81.60.070)  
15 Patronizing a Juvenile Prostitute  
16 (RCW 9.68A.100)  
17 Perjury 2 (RCW 9A.72.030)  
18 Possession of Incendiary Device (RCW  
19 9.40.120)  
20 Possession of Machine Gun or Short-  
21 Barreled Shotgun or Rifle (RCW  
22 9.41.190)  
23 Promoting Prostitution 2 (RCW  
24 9A.88.080)  
25 Recklessly Trafficking in Stolen  
26 Property (RCW 9A.82.050(1))  
27 Securities Act violation (RCW  
28 21.20.400)  
29 Tampering with a Witness (RCW  
30 9A.72.120)  
31 Telephone Harassment (subsequent  
32 conviction or threat of death)  
33 (RCW 9.61.230)  
34 Theft of Livestock 2 (RCW 9A.56.080)  
35 Unlawful Imprisonment (RCW  
36 9A.40.040)

1 Unlawful possession of firearm in the  
2 second degree (RCW  
3 9.41.040(1)(b))  
4 Vehicular Assault, by the operation or  
5 driving of a vehicle with disregard  
6 for the safety of others (RCW  
7 46.61.522)  
8 Willful Failure to Return from Work  
9 Release (RCW 72.65.070)  
10 II Computer Trespass 1 (RCW  
11 9A.52.110)  
12 Counterfeiting (RCW 9.16.035(3))  
13 Escape from Community Custody  
14 (RCW 72.09.310)  
15 Health Care False Claims (RCW  
16 48.80.030)  
17 Identity Theft ((2)) 3 (RCW  
18 9.35.020(2)((b)) (c))  
19 Improperly Obtaining Financial  
20 Information (RCW 9.35.010)  
21 Malicious Mischief 1 (RCW  
22 9A.48.070)  
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 Practice of Law (RCW  
33 2.48.180)  
34 Unlicensed Practice of a Profession or  
35 Business (RCW 18.130.190(7))  
36 I Attempting to Elude a Pursuing Police  
37 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW  
 2 74.08.055)  
 3 Forgery (RCW 9A.60.020)  
 4 Malicious Mischief 2 (RCW  
 5 9A.48.080)  
 6 Possession of Stolen Property 2 (RCW  
 7 9A.56.160)  
 8 Reckless Burning 1 (RCW 9A.48.040)  
 9 Taking Motor Vehicle Without  
 10 Permission 2 (RCW  
 11 9A.56.070(2))  
 12 Theft 2 (RCW 9A.56.040)  
 13 Theft of Rental, Leased, or Lease-  
 14 purchased Property (valued at two  
 15 hundred fifty dollars or more but  
 16 less than one thousand five  
 17 hundred dollars) (RCW  
 18 9A.56.096(4))  
 19 Unlawful Issuance of Checks or Drafts  
 20 (RCW 9A.56.060)  
 21 Unlawful Use of Food Stamps (RCW  
 22 9.91.140 (2) and (3))  
 23 Vehicle Prowl 1 (RCW 9A.52.095)

24 **Sec. 4.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are  
 25 each reenacted and amended to read as follows:

26 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
.....		
<b>Arson and Malicious Mischief</b>		
A	Arson 1 (9A.48.020)	B+

1	B	Arson 2 (9A.48.030)	C
2	C	Reckless Burning 1 (9A.48.040)	D
3	D	Reckless Burning 2 (9A.48.050)	E
4	B	Malicious Mischief 1 (9A.48.070)	C
5	C	Malicious Mischief 2 (9A.48.080)	D
6	D	Malicious Mischief 3 (<\$50 is E class)	
7		(9A.48.090)	E
8	E	Tampering with Fire Alarm Apparatus	
9		(9.40.100)	E
10	A	Possession of Incendiary Device (9.40.120)	B+
11		<b>Assault and Other Crimes Involving</b>	
12		<b>Physical Harm</b>	
13	A	Assault 1 (9A.36.011)	B+
14	B+	Assault 2 (9A.36.021)	C+
15	C+	Assault 3 (9A.36.031)	D+
16	D+	Assault 4 (9A.36.041)	E
17	B+	Drive-By Shooting (9A.36.045)	C+
18	D+	Reckless Endangerment (9A.36.050)	E
19	C+	Promoting Suicide Attempt (9A.36.060)	D+
20	D+	Coercion (9A.36.070)	E
21	C+	Custodial Assault (9A.36.100)	D+
22		<b>Burglary and Trespass</b>	
23	B+	Burglary 1 (9A.52.020)	C+
24	B	Residential Burglary (9A.52.025)	C
25	B	Burglary 2 (9A.52.030)	C
26	D	Burglary Tools (Possession of) (9A.52.060)	E
27	D	Criminal Trespass 1 (9A.52.070)	E
28	E	Criminal Trespass 2 (9A.52.080)	E
29	C	Vehicle Prowling 1 (9A.52.095)	D
30	D	Vehicle Prowling 2 (9A.52.100)	E
31		<b>Drugs</b>	
32	E	Possession/Consumption of Alcohol	
33		(66.44.270)	E
34	C	Illegally Obtaining Legend Drug	
35		(69.41.020)	D

1	C+	Sale, Delivery, Possession of Legend Drug	
2		with Intent to Sell (69.41.030)	D+
3	E	Possession of Legend Drug (69.41.030)	E
4	B+	Violation of Uniform Controlled	
5		Substances Act - Narcotic,	
6		Methamphetamine, or Flunitrazepam Sale	
7		(69.50.401(a)(1) (i) or (ii))	B+
8	C	Violation of Uniform Controlled	
9		Substances Act - Nonnarcotic Sale	
10		(69.50.401(a)(1)(iii))	C
11	E	Possession of Marihuana <40 grams	
12		(69.50.401(e))	E
13	C	Fraudulently Obtaining Controlled	
14		Substance (69.50.403)	C
15	C+	Sale of Controlled Substance for Profit	
16		(69.50.410)	C+
17	E	Unlawful Inhalation (9.47A.020)	E
18	B	Violation of Uniform Controlled	
19		Substances Act - Narcotic,	
20		Methamphetamine, or Flunitrazepam	
21		Counterfeit Substances (69.50.401(b)(1) (i)	
22		or (ii))	B
23	C	Violation of Uniform Controlled	
24		Substances Act - Nonnarcotic Counterfeit	
25		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
26	C	Violation of Uniform Controlled	
27		Substances Act - Possession of a Controlled	
28		Substance (69.50.401(d))	C
29	C	Violation of Uniform Controlled	
30		Substances Act - Possession of a Controlled	
31		Substance (69.50.401(c))	C
32		<b>Firearms and Weapons</b>	
33	B	Theft of Firearm (9A.56.300)	C
34	B	Possession of Stolen Firearm (9A.56.310)	C
35	E	Carrying Loaded Pistol Without Permit	
36		(9.41.050)	E



1	C	Possession of Firearms by Minor (<18)	
2		(9.41.040(1)(b)(iii))	C
3	D+	Possession of Dangerous Weapon	
4		(9.41.250)	E
5	D	Intimidating Another Person by use of	
6		Weapon (9.41.270)	E
7		<b>Homicide</b>	
8	A+	Murder 1 (9A.32.030)	A
9	A+	Murder 2 (9A.32.050)	B+
10	B+	Manslaughter 1 (9A.32.060)	C+
11	C+	Manslaughter 2 (9A.32.070)	D+
12	B+	Veicular Homicide (46.61.520)	C+
13		<b>Kidnapping</b>	
14	A	Kidnap 1 (9A.40.020)	B+
15	B+	Kidnap 2 (9A.40.030)	C+
16	C+	Unlawful Imprisonment (9A.40.040)	D+
17		<b>Obstructing Governmental Operation</b>	
18	D	Obstructing a Law Enforcement Officer	
19		(9A.76.020)	E
20	E	Resisting Arrest (9A.76.040)	E
21	B	Introducing Contraband 1 (9A.76.140)	C
22	C	Introducing Contraband 2 (9A.76.150)	D
23	E	Introducing Contraband 3 (9A.76.160)	E
24	B+	Intimidating a Public Servant (9A.76.180)	C+
25	B+	Intimidating a Witness (9A.72.110)	C+
26		<b>Public Disturbance</b>	
27	C+	Riot with Weapon (9A.84.010)	D+
28	D+	Riot Without Weapon (9A.84.010)	E
29	E	Failure to Disperse (9A.84.020)	E
30	E	Disorderly Conduct (9A.84.030)	E
31		<b>Sex Crimes</b>	
32	A	Rape 1 (9A.44.040)	B+
33	A-	Rape 2 (9A.44.050)	B+
34	C+	Rape 3 (9A.44.060)	D+
35	A-	Rape of a Child 1 (9A.44.073)	B+
36	B+	Rape of a Child 2 (9A.44.076)	C+

1	B	Incest 1 (9A.64.020(1))	C
2	C	Incest 2 (9A.64.020(2))	D
3	D+	Indecent Exposure (Victim <14)	
4		(9A.88.010)	E
5	E	Indecent Exposure (Victim 14 or over)	
6		(9A.88.010)	E
7	B+	Promoting Prostitution 1 (9A.88.070)	C+
8	C+	Promoting Prostitution 2 (9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	A-	Child Molestation 1 (9A.44.083)	B+
12	B	Child Molestation 2 (9A.44.086)	C+
13		<b>Theft, Robbery, Extortion, and Forgery</b>	
14	B	Theft 1 (9A.56.030)	C
15	C	Theft 2 (9A.56.040)	D
16	D	Theft 3 (9A.56.050)	E
17	B	Theft of Livestock (9A.56.080)	C
18	C	Forgery (9A.60.020)	D
19	A	Robbery 1 (9A.56.200)	B+
20	B+	Robbery 2 (9A.56.210)	C+
21	B+	Extortion 1 (9A.56.120)	C+
22	C+	Extortion 2 (9A.56.130)	D+
23	<u>B</u>	<u>Identity Theft 1 (9.35.020(2)(a))</u>	<u>C</u>
24	C	Identity Theft ((1)) <u>2</u> (9.35.020(2)(( <del>a</del> )))	
25		(b))	D
26	D	Identity Theft ((2)) <u>3</u> (9.35.020(2)(( <del>b</del> )))	
27		(c))	E
28	D	Improperly Obtaining Financial	
29		Information (9.35.010)	E
30	B	Possession of Stolen Property 1	
31		(9A.56.150)	C
32	C	Possession of Stolen Property 2	
33		(9A.56.160)	D
34	D	Possession of Stolen Property 3	
35		(9A.56.170)	E
36	C	Taking Motor Vehicle Without Permission	
37		1 and 2 (9A.56.070 (1) and (2))	D

1		<b>Motor Vehicle Related Crimes</b>	
2	E	Driving Without a License (46.20.005)	E
3	B+	Hit and Run - Death (46.52.020(4)(a))	C+
4	C	Hit and Run - Injury (46.52.020(4)(b))	D
5	D	Hit and Run-Attended (46.52.020(5))	E
6	E	Hit and Run-Unattended (46.52.010)	E
7	C	Vehicular Assault (46.61.522)	D
8	C	Attempting to Elude Pursuing Police	
9		Vehicle (46.61.024)	D
10	E	Reckless Driving (46.61.500)	E
11	D	Driving While Under the Influence	
12		(46.61.502 and 46.61.504)	E
13		<b>Other</b>	
14	B	Bomb Threat (9.61.160)	C
15	C	Escape 1 <sup>1</sup> (9A.76.110)	C
16	C	Escape 2 <sup>1</sup> (9A.76.120)	C
17	D	Escape 3 (9A.76.130)	E
18	E	Obscene, Harassing, Etc., Phone Calls	
19		(9.61.230)	E
20	A	Other Offense Equivalent to an Adult Class	
21		A Felony	B+
22	B	Other Offense Equivalent to an Adult Class	
23		B Felony	C
24	C	Other Offense Equivalent to an Adult Class	
25		C Felony	D
26	D	Other Offense Equivalent to an Adult	
27		Gross Misdemeanor	E
28	E	Other Offense Equivalent to an Adult	
29		Misdemeanor	E
30	V	Violation of Order of Restitution,	
31		Community Supervision, or Confinement	
32		(13.40.200) <sup>2</sup>	V

33 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
34 and the standard range is established as follows:

35 1st escape or attempted escape during 12-month period - 4 weeks  
36 confinement

1 2nd escape or attempted escape during 12-month period - 8 weeks  
 2 confinement

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

5 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
 6 it may impose a penalty of up to 30 days of confinement.

7 **JUVENILE SENTENCING STANDARDS**

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

10 **OPTION A**  
 11 **JUVENILE OFFENDER SENTENCING GRID**  
 12 **STANDARD RANGE**

13 A+ 180 WEEKS TO AGE 21 YEARS

14 A 103 WEEKS TO 129 WEEKS

15

16

17 A- 15-36 | 52-65 | 80-100 | 103-129  
 18 WEEKS | WEEKS | WEEKS | WEEKS  
 19 EXCEPT  
 20 30-40  
 21 WEEKS FOR  
 22 15-17  
 23 YEAR OLDS

24

25 Current B+ 15-36 | 52-65 | 80-100 | 103-129  
 26 Offense WEEKS | WEEKS | WEEKS | WEEKS

27 Category

28 B LOCAL | | | 52-65  
 29 SANCTIONS (LS) | 15-36 WEEKS | WEEKS

30

31 C+ LS | | |  
 32 | 15-36 WEEKS

33

34 C LS | | | 15-36 WEEKS

35 Local Sanctions:

36 0 to 30 Days

37 D+ LS 0 to 12 Months Community Supervision

38 0 to 150 Hours Community Restitution

39 D LS \$0 to \$500 Fine

E LS

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0 1 2 3 4  
or more

PRIOR ADJUDICATIONS

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

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

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

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

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

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

OR

**OPTION B**

**CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

OR

**OPTION C**

**MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would

1 effectuate a manifest injustice, the court shall impose a disposition  
2 outside the standard range under RCW 13.40.160(2).

3 NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1, 2004.

4 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1,  
5 2004.

--- END ---