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SENATE BILL 6686

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State of Washington

58th Legislature

2004 Regular Session

By Senators Murray, Brandland, McCaslin, Hargrove, Oke, Roach, Benton and Rasmussen

Read first time 01/29/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to identity theft; amending RCW 9A.82.090,  
2 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.515;  
3 prescribing penalties; and providing an effective date.

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

5 **Sec. 1.** RCW 9A.82.090 and 2003 c 267 s 5 are each amended to read  
6 as follows:

7 During the pendency of any criminal case charging a violation of  
8 RCW 9A.82.060 or 9A.82.080, ((~~or~~)) an offense defined in RCW 9A.40.100,  
9 or an offense defined in RCW 9.35.020(2), the superior court may, in  
10 addition to its other powers, issue an order pursuant to RCW 9A.82.100  
11 (2) or (3). Upon conviction of a person for a violation of RCW  
12 9A.82.060 or 9A.82.080, ((~~or~~)) an offense defined in RCW 9A.40.100, or  
13 an offense defined in RCW 9.35.020(2), the superior court may, in  
14 addition to its other powers of disposition, issue an order pursuant to  
15 RCW 9A.82.100.

16 **Sec. 2.** RCW 9A.82.100 and 2003 c 267 s 6 are each amended to read  
17 as follows:

18 (1)(a) A person who sustains injury to his or her person, business,

1 or property by an act of criminal profiteering that is part of a  
2 pattern of criminal profiteering activity, (~~or by~~) an offense defined  
3 in RCW 9A.40.100, an offense defined in RCW 9.35.020(2), or by a  
4 violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior  
5 court for the recovery of damages and the costs of the suit, including  
6 reasonable investigative and attorney's fees.

7 (b) The attorney general or county prosecuting attorney may file an  
8 action: (i) On behalf of those persons injured or, respectively, on  
9 behalf of the state or county if the entity has sustained damages, or  
10 (ii) to prevent, restrain, or remedy a pattern of criminal profiteering  
11 activity, (~~or~~) an offense defined in RCW 9A.40.100, an offense  
12 defined in RCW 9.35.020(2), or a violation of RCW 9A.82.060 or  
13 9A.82.080.

14 (c) An action for damages filed by or on behalf of an injured  
15 person, the state, or the county shall be for the recovery of damages  
16 and the costs of the suit, including reasonable investigative and  
17 attorney's fees.

18 (d) In an action filed to prevent, restrain, or remedy a pattern of  
19 criminal profiteering activity, (~~or~~) an offense defined in RCW  
20 9A.40.100, an offense defined in RCW 9.35.020(2), or a violation of RCW  
21 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may  
22 impose a civil penalty not exceeding two hundred fifty thousand  
23 dollars, in addition to awarding the cost of the suit, including  
24 reasonable investigative and attorney's fees.

25 (2) The superior court has jurisdiction to prevent, restrain, and  
26 remedy a pattern of criminal profiteering, (~~or~~) an offense defined in  
27 RCW 9A.40.100, an offense defined in RCW 9.35.020(2), or a violation of  
28 RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all  
29 innocent persons affected by the violation and after hearing or trial,  
30 as appropriate, by issuing appropriate orders.

31 (3) Prior to a determination of liability, orders issued under  
32 subsection (2) of this section may include, but are not limited to,  
33 entering restraining orders or prohibitions or taking such other  
34 actions, including the acceptance of satisfactory performance bonds, in  
35 connection with any property or other interest subject to damages,  
36 forfeiture, or other restraints pursuant to this section as the court  
37 deems proper. The orders may also include attachment, receivership, or  
38 injunctive relief in regard to personal or real property pursuant to

1 Title 7 RCW. In shaping the reach or scope of receivership,  
2 attachment, or injunctive relief, the superior court shall provide for  
3 the protection of bona fide interests in property, including community  
4 property, of persons who were not involved in the violation of this  
5 chapter, except to the extent that such interests or property were  
6 acquired or used in such a way as to be subject to forfeiture under RCW  
7 9A.82.100(4)(f).

8 (4) Following a determination of liability, orders may include, but  
9 are not limited to:

10 (a) Ordering any person to divest himself or herself of any  
11 interest, direct or indirect, in any enterprise.

12 (b) Imposing reasonable restrictions on the future activities or  
13 investments of any person, including prohibiting any person from  
14 engaging in the same type of endeavor as the enterprise engaged in, the  
15 activities of which affect the laws of this state, to the extent the  
16 Constitutions of the United States and this state permit.

17 (c) Ordering dissolution or reorganization of any enterprise.

18 (d) Ordering the payment of actual damages sustained to those  
19 persons injured by a violation of RCW 9A.82.060 or 9A.82.080, ~~(( $\text{\textcircled{e}}$ ))~~ an  
20 offense defined in RCW 9A.40.100, an offense defined in RCW  
21 9.35.020(2), or an act of criminal profiteering that is part of a  
22 pattern of criminal profiteering, and in the court's discretion,  
23 increasing the payment to an amount not exceeding three times the  
24 actual damages sustained.

25 (e) Ordering the payment of all costs and expenses of the  
26 prosecution and investigation of a pattern of criminal profiteering,  
27 ~~(( $\text{\textcircled{e}}$ ))~~ an offense defined in RCW 9A.40.100, or an offense defined in  
28 RCW 9.35.020(2), activity or a violation of RCW 9A.82.060 or 9A.82.080,  
29 civil and criminal, incurred by the state or county, including any  
30 costs of defense provided at public expense, as appropriate to the  
31 state general fund or the antiprofitteering revolving fund of the  
32 county.

33 (f) Ordering forfeiture first as restitution to any person damaged  
34 by an act of criminal profiteering that is part of a pattern of  
35 criminal profiteering, ~~(( $\text{\textcircled{e}}$ ))~~ by an offense defined in RCW 9A.40.100,  
36 or by an offense defined in RCW 9.35.020(2), then to the state general  
37 fund or antiprofitteering revolving fund of the county, as appropriate,

1 to the extent not already ordered to be paid in other damages, of the  
2 following:

3 (i) Any property or other interest acquired or maintained in  
4 violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment  
5 of funds, and any appreciation or income attributable to the  
6 investment, from a violation of RCW 9A.82.060 or 9A.82.080.

7 (ii) Any property, contractual right, or claim against property  
8 used to influence any enterprise that a person has established,  
9 operated, controlled, conducted, or participated in the conduct of, in  
10 violation of RCW 9A.82.060 or 9A.82.080.

11 (iii) All proceeds traceable to or derived from an offense included  
12 in the pattern of criminal profiteering activity, (~~(or)~~) an offense  
13 defined in RCW 9A.40.100, or an offense defined in RCW 9.35.020(2), and  
14 all moneys, negotiable instruments, securities, and other things of  
15 value significantly used or intended to be used significantly to  
16 facilitate commission of the offense.

17 (g) Ordering payment to the state general fund or antiprofitereering  
18 revolving fund of the county, as appropriate, of an amount equal to the  
19 gain a person has acquired or maintained through an offense included in  
20 the definition of criminal profiteering.

21 (5) In addition to or in lieu of an action under this section, the  
22 attorney general or county prosecuting attorney may file an action for  
23 forfeiture to the state general fund or antiprofitereering revolving fund  
24 of the county, as appropriate, to the extent not already ordered paid  
25 pursuant to this section, of the following:

26 (a) Any interest acquired or maintained by a person in violation of  
27 RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds  
28 obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any  
29 appreciation or income attributable to the investment.

30 (b) Any property, contractual right, or claim against property used  
31 to influence any enterprise that a person has established, operated,  
32 controlled, conducted, or participated in the conduct of, in violation  
33 of RCW 9A.82.060 or 9A.82.080.

34 (c) All proceeds traceable to or derived from an offense included  
35 in the pattern of criminal profiteering activity, (~~(or)~~) an offense  
36 defined in RCW 9A.40.100, or an offense defined in RCW 9.35.020(2), and  
37 all moneys, negotiable instruments, securities, and other things of

1 value significantly used or intended to be used significantly to  
2 facilitate the commission of the offense.

3 (6) A defendant convicted in any criminal proceeding is precluded  
4 in any civil proceeding from denying the essential allegations of the  
5 criminal offense proven in the criminal trial in which the defendant  
6 was convicted. For the purposes of this subsection, a conviction shall  
7 be deemed to have occurred upon a verdict, finding, or plea of guilty,  
8 notwithstanding the fact that appellate review of the conviction and  
9 sentence has been or may be sought. If a subsequent reversal of the  
10 conviction occurs, any judgment that was based upon that conviction may  
11 be reopened upon motion of the defendant.

12 (7) The initiation of civil proceedings under this section shall be  
13 commenced within three years after discovery of the pattern of criminal  
14 profiteering activity or after the pattern should reasonably have been  
15 discovered or, in the case of an offense that is defined in RCW  
16 9A.40.100 or 9.35.020(2), within three years after the final  
17 disposition of any criminal charges relating to the offense, whichever  
18 is later.

19 (8) The attorney general or county prosecuting attorney may, in a  
20 civil action brought pursuant to this section, file with the clerk of  
21 the superior court a certificate stating that the case is of special  
22 public importance. A copy of that certificate shall be furnished  
23 immediately by the clerk to the presiding chief judge of the superior  
24 court in which the action is pending and, upon receipt of the copy, the  
25 judge shall immediately designate a judge to hear and determine the  
26 action. The judge so designated shall promptly assign the action for  
27 hearing, participate in the hearings and determination, and cause the  
28 action to be expedited.

29 (9) The standard of proof in actions brought pursuant to this  
30 section is the preponderance of the evidence test.

31 (10) A person other than the attorney general or county prosecuting  
32 attorney who files an action under this section shall serve notice and  
33 one copy of the pleading on the attorney general within thirty days  
34 after the action is filed with the superior court. The notice shall  
35 identify the action, the person, and the person's attorney. Service of  
36 the notice does not limit or otherwise affect the right of the state to  
37 maintain an action under this section or intervene in a pending action

1 nor does it authorize the person to name the state or the attorney  
2 general as a party to the action.

3 (11) Except in cases filed by a county prosecuting attorney, the  
4 attorney general may, upon timely application, intervene in any civil  
5 action or proceeding brought under this section if the attorney general  
6 certifies that in the attorney general's opinion the action is of  
7 special public importance. Upon intervention, the attorney general may  
8 assert any available claim and is entitled to the same relief as if the  
9 attorney general had instituted a separate action.

10 (12) In addition to the attorney general's right to intervene as a  
11 party in any action under this section, the attorney general may appear  
12 as amicus curiae in any proceeding in which a claim under this section  
13 has been asserted or in which a court is interpreting RCW 9A.82.010,  
14 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

15 (13) A private civil action under this section does not limit any  
16 other civil or criminal action under this chapter or any other  
17 provision. Private civil remedies provided under this section are  
18 supplemental and not mutually exclusive.

19 (14) Upon motion by the defendant, the court may authorize the sale  
20 or transfer of assets subject to an order or lien authorized by this  
21 chapter for the purpose of paying actual attorney's fees and costs of  
22 defense. The motion shall specify the assets for which sale or  
23 transfer is sought and shall be accompanied by the defendant's sworn  
24 statement that the defendant has no other assets available for such  
25 purposes. No order authorizing such sale or transfer may be entered  
26 unless the court finds that the assets involved are not subject to  
27 possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of  
28 the motion, the court shall notify the state of the assets sought to be  
29 sold or transferred and shall hear argument on the issue of whether the  
30 assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a  
31 motion may be made from time to time and shall be heard by the court on  
32 an expedited basis.

33 (15) In an action brought under subsection (1)(a) and (b)(i) of  
34 this section, either party has the right to a jury trial.

35 **Sec. 3.** RCW 9A.82.120 and 2003 c 267 s 7 are each amended to read  
36 as follows:

37 (1) The state, upon filing a criminal action under RCW 9A.82.060 or

1 9A.82.080 ((~~or~~)), for an offense defined in RCW 9A.40.100, an offense  
2 defined in RCW 9.35.020(2), or a civil action under RCW 9A.82.100, may  
3 file in accordance with this section a criminal profiteering lien. A  
4 filing fee or other charge is not required for filing a criminal  
5 profiteering lien.

6 (2) A criminal profiteering lien shall be signed by the attorney  
7 general or the county prosecuting attorney representing the state in  
8 the action and shall set forth the following information:

9 (a) The name of the defendant whose property or other interests are  
10 to be subject to the lien;

11 (b) In the discretion of the attorney general or county prosecuting  
12 attorney filing the lien, any aliases or fictitious names of the  
13 defendant named in the lien;

14 (c) If known to the attorney general or county prosecuting attorney  
15 filing the lien, the present residence or principal place of business  
16 of the person named in the lien;

17 (d) A reference to the proceeding pursuant to which the lien is  
18 filed, including the name of the court, the title of the action, and  
19 the court's file number for the proceeding;

20 (e) The name and address of the attorney representing the state in  
21 the proceeding pursuant to which the lien is filed;

22 (f) A statement that the notice is being filed pursuant to this  
23 section;

24 (g) The amount that the state claims in the action or, with respect  
25 to property or other interests that the state has requested forfeiture  
26 to the state or county, a description of the property or interests  
27 sought to be paid or forfeited;

28 (h) If known to the attorney general or county prosecuting attorney  
29 filing the lien, a description of property that is subject to  
30 forfeiture to the state or property in which the defendant has an  
31 interest that is available to satisfy a judgment entered in favor of  
32 the state; and

33 (i) Such other information as the attorney general or county  
34 prosecuting attorney filing the lien deems appropriate.

35 (3) The attorney general or the county prosecuting attorney filing  
36 the lien may amend a lien filed under this section at any time by  
37 filing an amended criminal profiteering lien in accordance with this  
38 section that identifies the prior lien amended.

1 (4) The attorney general or the county prosecuting attorney filing  
2 the lien shall, as soon as practical after filing a criminal  
3 profiteering lien, furnish to any person named in the lien a notice of  
4 the filing of the lien. Failure to furnish notice under this  
5 subsection does not invalidate or otherwise affect a criminal  
6 profiteering lien filed in accordance with this section.

7 (5)(a) A criminal profiteering lien is perfected against interests  
8 in personal property in the same manner as a security interest in like  
9 property pursuant to RCW 62A.9A-301 through 62A.9A-316 or as otherwise  
10 required to perfect a security interest in like property under  
11 applicable law. In the case of perfection by filing, the state shall  
12 file, in lieu of a financing statement in the form prescribed by RCW  
13 62A.9A-502, a notice of lien in substantially the following form:

14 NOTICE OF LIEN

15 Pursuant to RCW 9A.82.120, the state of Washington  
16 claims a criminal profiteering lien on all real and personal  
17 property of:

18 Name: .....

19 Address: .....

20 .....

21 State of Washington

22 .....

23 By (authorized signature)

24 On receipt of such a notice from the state, a filing officer shall,  
25 without payment of filing fee, file and index the notice as if it were  
26 a financing statement naming the state as secured party and the  
27 defendant as debtor.

28 (b) A criminal profiteering lien is perfected against interests in  
29 real property by filing the lien in the office where a mortgage on the  
30 real estate would be filed or recorded. The filing officer shall file  
31 and index the criminal profiteering lien, without payment of a filing  
32 fee, in the same manner as a mortgage.

33 (6) The filing of a criminal profiteering lien in accordance with  
34 this section creates a lien in favor of the state in:

35 (a) Any interest of the defendant, in real property situated in the



1 county in which the lien is filed, then maintained, or thereafter  
2 acquired in the name of the defendant identified in the lien;

3 (b) Any interest of the defendant, in personal property situated in  
4 this state, then maintained or thereafter acquired in the name of the  
5 defendant identified in the lien; and

6 (c) Any property identified in the lien to the extent of the  
7 defendant's interest therein.

8 (7) The lien created in favor of the state in accordance with this  
9 section, when filed or otherwise perfected as provided in subsection  
10 (5) of this section, has, with respect to any of the property described  
11 in subsection (6) of this section, the same priority determined  
12 pursuant to the laws of this state as a mortgage or security interest  
13 given for value (but not a purchase money security interest) and  
14 perfected in the same manner with respect to such property; except that  
15 any lien perfected pursuant to Title 60 RCW by any person who, in the  
16 ordinary course of his or her business, furnishes labor, services, or  
17 materials, or rents, leases, or otherwise supplies equipment, without  
18 knowledge of the criminal profiteering lien, is superior to the  
19 criminal profiteering lien.

20 (8) Upon entry of judgment in favor of the state, the state may  
21 proceed to execute thereon as in the case of any other judgment, except  
22 that in order to preserve the state's lien priority as provided in this  
23 section the state shall, in addition to such other notice as is  
24 required by law, give at least thirty days' notice of the execution to  
25 any person possessing at the time the notice is given, an interest  
26 recorded subsequent to the date the state's lien was perfected.

27 (9) Upon the entry of a final judgment in favor of the state  
28 providing for forfeiture of property to the state, the title of the  
29 state to the property:

30 (a) In the case of real property or a beneficial interest in real  
31 property, relates back to the date of filing the criminal profiteering  
32 lien or, if no criminal profiteering lien is filed, then to the date of  
33 recording of the final judgment or the abstract thereof; or

34 (b) In the case of personal property or a beneficial interest in  
35 personal property, relates back to the date the personal property was  
36 seized by the state, or the date of filing of a criminal profiteering  
37 lien in accordance with this section, whichever is earlier, but if the  
38 property was not seized and no criminal profiteering lien was filed

1 then to the date the final judgment was filed with the department of  
2 licensing and, if the personal property is an aircraft, with the  
3 federal aviation administration.

4 (10) This section does not limit the right of the state to obtain  
5 any order or injunction, receivership, writ, attachment, garnishment,  
6 or other remedy authorized under RCW 9A.82.100 or appropriate to  
7 protect the interests of the state or available under other applicable  
8 law.

9 (11) In a civil or criminal action under this chapter, the superior  
10 court shall provide for the protection of bona fide interests in  
11 property, including community property, subject to liens of persons who  
12 were not involved in the violation of this chapter, except to the  
13 extent that such interests or property were acquired or used in such a  
14 way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f).

15 **Sec. 4.** RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c  
16 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52  
17 s 4 are each reenacted and amended to read as follows:

18

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

19

20

21 XVI Aggravated Murder 1 (RCW  
22 10.95.020)

23 XV Homicide by abuse (RCW 9A.32.055)  
24 Malicious explosion 1 (RCW  
25 70.74.280(1))  
26 Murder 1 (RCW 9A.32.030)

27 XIV Murder 2 (RCW 9A.32.050)  
28 Trafficking 1 (RCW 9A.40.100(1))

29 XIII Malicious explosion 2 (RCW  
30 70.74.280(2))  
31 Malicious placement of an explosive 1  
32 (RCW 70.74.270(1))

33 XII Assault 1 (RCW 9A.36.011)  
34 Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation  
2 device 1 (RCW 70.74.272(1)(a))  
3 Rape 1 (RCW 9A.44.040)  
4 Rape of a Child 1 (RCW 9A.44.073)  
5 Trafficking 2 (RCW 9A.40.100(2))  
6 XI Manslaughter 1 (RCW 9A.32.060)  
7 Rape 2 (RCW 9A.44.050)  
8 Rape of a Child 2 (RCW 9A.44.076)  
9 X Child Molestation 1 (RCW 9A.44.083)  
10 Indecent Liberties (with forcible  
11 compulsion) (RCW  
12 9A.44.100(1)(a))  
13 Kidnapping 1 (RCW 9A.40.020)  
14 Leading Organized Crime (RCW  
15 9A.82.060(1)(a))  
16 Malicious explosion 3 (RCW  
17 70.74.280(3))  
18 Sexually Violent Predator Escape  
19 (RCW 9A.76.115)  
20 IX Assault of a Child 2 (RCW 9A.36.130)  
21 Explosive devices prohibited (RCW  
22 70.74.180)  
23 Hit and Run--Death (RCW  
24 46.52.020(4)(a))  
25 Homicide by Watercraft, by being  
26 under the influence of intoxicating  
27 liquor or any drug (RCW  
28 79A.60.050)  
29 Inciting Criminal Profiteering (RCW  
30 9A.82.060(1)(b))  
31 Malicious placement of an explosive 2  
32 (RCW 70.74.270(2))  
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 Homicide by Watercraft, by the  
7 operation of any vessel in a  
8 reckless manner (RCW  
9 79A.60.050)  
10 Manslaughter 2 (RCW 9A.32.070)  
11 Promoting Prostitution 1 (RCW  
12 9A.88.070)  
13 Theft of Ammonia (RCW 69.55.010)  
14 Vehicular Homicide, by the operation  
15 of any vehicle in a reckless  
16 manner (RCW 46.61.520)  
17 VII Burglary 1 (RCW 9A.52.020)  
18 Child Molestation 2 (RCW 9A.44.086)  
19 Civil Disorder Training (RCW  
20 9A.48.120)  
21 Dealing in depictions of minor  
22 engaged in sexually explicit  
23 conduct (RCW 9.68A.050)  
24 Drive-by Shooting (RCW 9A.36.045)  
25 Homicide by Watercraft, by disregard  
26 for the safety of others (RCW  
27 79A.60.050)  
28 Indecent Liberties (without forcible  
29 compulsion) (RCW 9A.44.100(1)  
30 (b) and (c))  
31 Introducing Contraband 1 (RCW  
32 9A.76.140)  
33 Malicious placement of an explosive 3  
34 (RCW 70.74.270(3))

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))  
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 Identity Theft 1 (RCW 9.35.020(2))  
17 Incest 1 (RCW 9A.64.020(1))  
18 Intimidating a Judge (RCW  
19 9A.72.160)  
20 Intimidating a Juror/Witness (RCW  
21 9A.72.110, 9A.72.130)  
22 Malicious placement of an imitation  
23 device 2 (RCW 70.74.272(1)(b))  
24 Rape of a Child 3 (RCW 9A.44.079)  
25 Theft of a Firearm (RCW 9A.56.300)  
26 Unlawful Storage of Ammonia (RCW  
27 69.55.020)  
28 V Abandonment of dependent person 1  
29 (RCW 9A.42.060)  
30 Advancing money or property for  
31 extortionate extension of credit  
32 (RCW 9A.82.030)  
33 Bail Jumping with class A Felony  
34 (RCW 9A.76.170(3)(b))  
35 Child Molestation 3 (RCW 9A.44.089)  
36 Criminal Mistreatment 1 (RCW  
37 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW  
2 9A.44.160)  
3 Domestic Violence Court Order  
4 Violation (RCW 10.99.040,  
5 10.99.050, 26.09.300, 26.10.220,  
6 26.26.138, 26.50.110, 26.52.070,  
7 or 74.34.145)  
8 Extortion 1 (RCW 9A.56.120)  
9 Extortionate Extension of Credit  
10 (RCW 9A.82.020)  
11 Extortionate Means to Collect  
12 Extensions of Credit (RCW  
13 9A.82.040)  
14 Incest 2 (RCW 9A.64.020(2))  
15 Kidnapping 2 (RCW 9A.40.030)  
16 Perjury 1 (RCW 9A.72.020)  
17 Persistent prison misbehavior (RCW  
18 9.94.070)  
19 Possession of a Stolen Firearm (RCW  
20 9A.56.310)  
21 Rape 3 (RCW 9A.44.060)  
22 Rendering Criminal Assistance 1  
23 (RCW 9A.76.070)  
24 Sexual Misconduct with a Minor 1  
25 (RCW 9A.44.093)  
26 Sexually Violating Human Remains  
27 (RCW 9A.44.105)  
28 Stalking (RCW 9A.46.110)  
29 Taking Motor Vehicle Without  
30 Permission 1 (RCW 9A.56.070)  
31 IV Arson 2 (RCW 9A.48.030)  
32 Assault 2 (RCW 9A.36.021)  
33 Assault by Watercraft (RCW  
34 79A.60.060)  
35 Bribing a Witness/Bribe Received by  
36 Witness (RCW 9A.72.090,  
37 9A.72.100)

1 Cheating 1 (RCW 9.46.1961)  
2 Commercial Bribery (RCW  
3 9A.68.060)  
4 Counterfeiting (RCW 9.16.035(4))  
5 Endangerment with a Controlled  
6 Substance (RCW 9A.42.100)  
7 Escape 1 (RCW 9A.76.110)  
8 Hit and Run--Injury (RCW  
9 46.52.020(4)(b))  
10 Hit and Run with Vessel--Injury  
11 Accident (RCW 79A.60.200(3))  
12 ~~((Identity Theft 1 (RCW 9.35.020(2))))~~  
13 Indecent Exposure to Person Under  
14 Age Fourteen (subsequent sex  
15 offense) (RCW 9A.88.010)  
16 Influencing Outcome of Sporting  
17 Event (RCW 9A.82.070)  
18 Malicious Harassment (RCW  
19 9A.36.080)  
20 Residential Burglary (RCW  
21 9A.52.025)  
22 Robbery 2 (RCW 9A.56.210)  
23 Theft of Livestock 1 (RCW 9A.56.080)  
24 Threats to Bomb (RCW 9.61.160)  
25 Trafficking in Stolen Property 1 (RCW  
26 9A.82.050)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(b))  
30 Unlawful transaction of health  
31 coverage as a health care service  
32 contractor (RCW 48.44.016(3))  
33 Unlawful transaction of health  
34 coverage as a health maintenance  
35 organization (RCW 48.46.033(3))  
36 Unlawful transaction of insurance  
37 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance  
2 professional (RCW 48.17.063(3))  
3 Use of Proceeds of Criminal  
4 Profiteering (RCW 9A.82.080 (1)  
5 and (2))  
6 Vehicular Assault, by being under the  
7 influence of intoxicating liquor or  
8 any drug, or by the operation or  
9 driving of a vehicle in a reckless  
10 manner (RCW 46.61.522)  
11 Willful Failure to Return from  
12 Furlough (RCW 72.66.060)  
13 III Abandonment of dependent person 2  
14 (RCW 9A.42.070)  
15 Assault 3 (RCW 9A.36.031)  
16 Assault of a Child 3 (RCW 9A.36.140)  
17 Bail Jumping with class B or C Felony  
18 (RCW 9A.76.170(3)(c))  
19 Burglary 2 (RCW 9A.52.030)  
20 Communication with a Minor for  
21 Immoral Purposes (RCW  
22 9.68A.090)  
23 Criminal Gang Intimidation (RCW  
24 9A.46.120)  
25 Criminal Mistreatment 2 (RCW  
26 9A.42.030)  
27 Custodial Assault (RCW 9A.36.100)  
28 Escape 2 (RCW 9A.76.120)  
29 Extortion 2 (RCW 9A.56.130)  
30 Harassment (RCW 9A.46.020)  
31 Intimidating a Public Servant (RCW  
32 9A.76.180)  
33 Introducing Contraband 2 (RCW  
34 9A.76.150)  
35 Malicious Injury to Railroad Property  
36 (RCW 81.60.070)



1 Patronizing a Juvenile Prostitute  
2 (RCW 9.68A.100)  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun or Short-  
7 Barreled Shotgun or Rifle (RCW  
8 9.41.190)  
9 Promoting Prostitution 2 (RCW  
10 9A.88.080)  
11 Securities Act violation (RCW  
12 21.20.400)  
13 Tampering with a Witness (RCW  
14 9A.72.120)  
15 Telephone Harassment (subsequent  
16 conviction or threat of death)  
17 (RCW 9.61.230(2))  
18 Theft of Livestock 2 (RCW 9A.56.083)  
19 Trafficking in Stolen Property 2 (RCW  
20 9A.82.055)  
21 Unlawful Imprisonment (RCW  
22 9A.40.040)  
23 Unlawful possession of firearm in the  
24 second degree (RCW 9.41.040(2))  
25 Vehicular Assault, by the operation or  
26 driving of a vehicle with disregard  
27 for the safety of others (RCW  
28 46.61.522)  
29 Willful Failure to Return from Work  
30 Release (RCW 72.65.070)  
31 II Computer Trespass 1 (RCW  
32 9A.52.110)  
33 Counterfeiting (RCW 9.16.035(3))  
34 Escape from Community Custody  
35 (RCW 72.09.310)  
36 Health Care False Claims (RCW  
37 48.80.030)

1 Identity Theft 2 (RCW 9.35.020(3))  
2 Improperly Obtaining Financial  
3 Information (RCW 9.35.010)  
4 Malicious Mischief 1 (RCW  
5 9A.48.070)  
6 Possession of Stolen Property 1 (RCW  
7 9A.56.150)  
8 Theft 1 (RCW 9A.56.030)  
9 Theft of Rental, Leased, or Lease-  
10 purchased Property (valued at one  
11 thousand five hundred dollars or  
12 more) (RCW 9A.56.096(5)(a))  
13 Trafficking in Insurance Claims (RCW  
14 48.30A.015)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(a))  
18 Unlawful Practice of Law (RCW  
19 2.48.180)  
20 Unlicensed Practice of a Profession or  
21 Business (RCW 18.130.190(7))  
22 I Attempting to Elude a Pursuing Police  
23 Vehicle (RCW 46.61.024)  
24 False Verification for Welfare (RCW  
25 74.08.055)  
26 Forgery (RCW 9A.60.020)  
27 Fraudulent Creation or Revocation of a  
28 Mental Health Advance Directive  
29 (RCW 9A.60.060)  
30 Malicious Mischief 2 (RCW  
31 9A.48.080)  
32 Mineral Trespass (RCW 78.44.330)  
33 Possession of Stolen Property 2 (RCW  
34 9A.56.160)  
35 Reckless Burning 1 (RCW 9A.48.040)  
36 Taking Motor Vehicle Without  
37 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)  
2 Theft of Rental, Leased, or Lease-  
3 purchased Property (valued at two  
4 hundred fifty dollars or more but  
5 less than one thousand five  
6 hundred dollars) (RCW  
7 9A.56.096(5)(b))  
8 Transaction of insurance business  
9 beyond the scope of licensure  
10 (RCW 48.17.063(4))  
11 Unlawful Issuance of Checks or Drafts  
12 (RCW 9A.56.060)  
13 Unlawful Possession of Fictitious  
14 Identification (RCW 9A.56.320)  
15 Unlawful Possession of Instruments of  
16 Financial Fraud (RCW  
17 9A.56.320)  
18 Unlawful Possession of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Possession of a Personal  
21 Identification Device (RCW  
22 9A.56.320)  
23 Unlawful Production of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Trafficking in Food Stamps  
26 (RCW 9.91.142)  
27 Unlawful Use of Food Stamps (RCW  
28 9.91.144)  
29 Vehicle Prowl 1 (RCW 9A.52.095)

30 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004.

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