

**HB 2638 - DIGEST**

(SEE ALSO PROPOSED 1ST SUB)

Provides violation of RCW 9.35.020 is identity theft in the first degree when the accused, a conspirator, or an accomplice violates RCW 9.35.020 and: (1) Obtains credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value; or

(2) Acts with intent to transfer the means of identification or financial information to another person; or

(3) Transfers the means of identification or financial information to a third person; or

(4) Manufactures or intends to manufacture any false means of identification, financial documents, accounts, or records for transfer to or use by any other person; or

(5) Obtains, possesses, transfers, or uses the means of identification or financial information through use of the actor's position as a "trusted person" as defined in RCW 9A.68.060; or

(6) Violates RCW 46.20.0921(3)(a); or

(7) During a contact with a law enforcement officer, uses the means of identification or financial information as a form of identification.

Provides a person is guilty of identity theft in the second degree when he or she violates RCW 9.35.020 under circumstances not amounting to identity theft in the first degree.

Provides each crime prosecuted under this act shall be punished separately under chapter 9.94A RCW, unless it is the same criminal conduct as any other crime, under RCW 9.94A.589.

Provides whenever any series of transactions involving a single person's means of identification or financial information which constitute identity theft would, when considered separately, constitute identity theft in the second degree because of value, and the series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining the degree of identity theft involved.

Provides every person who, in the commission of identity theft, shall commit any other crime may be punished therefor as well as for the identity theft, and may be prosecuted for each crime separately.