
ENGROSSED SENATE BILL 6248

State of Washington

63rd Legislature

2014 Regular Session

By Senators Pearson, Benton, and O'Ban

Read first time 01/20/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to unlawful possession of instruments of financial
2 fraud; amending RCW 9A.56.320; creating a new section; prescribing
3 penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that financial fraud
6 is being committed with more sophisticated devices including electronic
7 devices. The narrow intent of this act is to combat financial fraud
8 only and not to address other uses by electronic or wireless devices.

9 **Sec. 2.** RCW 9A.56.320 and 2003 c 119 s 1 are each amended to read
10 as follows:

11 (1) A person is guilty of unlawful production of payment
12 instruments if he or she prints or produces a check or other payment
13 instrument in the name of a person or entity, or with the routing
14 number or account number of a person or entity, without the permission
15 of the person or entity to manufacture or reproduce such payment
16 instrument with such name, routing number, or account number.

17 (2)(a) A person is guilty of unlawful possession of payment

1 instruments if he or she possesses two or more checks or other payment
2 instruments, alone or in combination:

3 (i) In the name of a person or entity, or with the routing number
4 or account number of a person or entity, without the permission of the
5 person or entity to possess such payment instrument, and with intent
6 either to deprive the person of possession of such payment instrument
7 or to commit theft, forgery, or identity theft; or

8 (ii) In the name of a fictitious person or entity, or with a
9 fictitious routing number or account number of a person or entity, with
10 intent to use the payment instruments to commit theft, forgery, or
11 identity theft.

12 (b) (a)(i) of this subsection does not apply to:

13 (i) A person or financial institution that has lawful possession of
14 a check, which is endorsed to that person or financial institution; and

15 (ii) A person or financial institution that processes checks for a
16 lawful business purpose.

17 (3) A person is guilty of unlawful possession of a personal
18 identification device if the person possesses a personal identification
19 device with intent to use such device to commit theft, forgery, or
20 identity theft. "Personal identification device" includes any machine
21 or instrument whose purpose is to manufacture or print any driver's
22 license or identification card issued by any state or the federal
23 government, or any employee identification issued by any employer,
24 public or private, including but not limited to badges and
25 identification cards, or any credit or debit card.

26 (4) A person is guilty of unlawful possession of fictitious
27 identification if the person possesses a personal identification card
28 with a fictitious person's identification with intent to use such
29 identification card to commit theft, forgery, or identity theft, when
30 the possession does not amount to a violation of RCW 9.35.020.

31 (5) A person is guilty of unlawful possession of instruments of
32 financial fraud if the person possesses a check-making machine,
33 equipment, or software, with intent to use or distribute checks for
34 purposes of defrauding an account holder, business, financial
35 institution, or any other person or organization.

36 (6) A person is guilty of unlawful possession of instruments of
37 financial fraud if he or she possesses a device that has the ability to

1 capture, read, scan, store, record, transmit, or receive financial
2 information from an access device, with the intent to commit financial
3 fraud. For the purposes of this subsection:

4 (a) An access device is defined in RCW 9A.56.010;

5 (b) A device that has the ability to capture, read, scan, store,
6 record, transmit, or receive financial information may include, but is
7 not limited to, automated teller machine overlays, wireless devices,
8 magnetic card readers, video recorders, memory and data storage
9 devices, and wireless transmitters and receivers.

10 (7) This section does not apply to:

11 (a) A person, business, or other entity, that has lawful possession
12 of a check, which is endorsed to that person, business, or other
13 entity;

14 (b) A financial institution or other entity that processes checks
15 for a lawful business purpose;

16 (c) A person engaged in a lawful business who obtains another
17 person's personal identification in the ordinary course of that lawful
18 business;

19 (d) A person who obtains another person's personal identification
20 for the sole purpose of misrepresenting his or her age; and

21 (e) A law enforcement agency that produces or displays counterfeit
22 credit or debit cards, checks or other payment instruments, or personal
23 identification devices for investigative or educational purposes.

24 ~~((+7))~~ (8) In a proceeding under this section that is related to
25 an identity theft under RCW 9.35.020, the crime will be considered to
26 have been committed in any locality where the person whose means of
27 identification or financial information was appropriated resides, or in
28 which any part of the offense took place, regardless of whether the
29 defendant was ever actually in that locality.

30 ~~((+8))~~ (9) A violation of this section is a class C felony.

31 NEW SECTION. Sec. 3. This act takes effect January 1, 2015.

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