
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; prescribing penalties; and providing an
3 effective date.

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

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

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

13 (2)(a) A person is guilty of unlawful possession of payment
14 instruments if he or she possesses two or more checks or other payment
15 instruments, alone or in combination:

16 (i) In the name of a person or entity, or with the routing number
17 or account number of a person or entity, without the permission of the
18 person or entity to possess such payment instrument, and with intent

1 either to deprive the person of possession of such payment instrument
2 or to commit theft, forgery, or identity theft; or

3 (ii) In the name of a fictitious person or entity, or with a
4 fictitious routing number or account number of a person or entity, with
5 intent to use the payment instruments to commit theft, forgery, or
6 identity theft.

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

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

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

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

21 (4) A person is guilty of unlawful possession of fictitious
22 identification if the person possesses a personal identification card
23 with a fictitious person's identification with intent to use such
24 identification card to commit theft, forgery, or identity theft, when
25 the possession does not amount to a violation of RCW 9.35.020.

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

31 (6) A person is guilty of unlawful possession of instruments of
32 financial fraud if he or she possesses a device that has the ability to
33 capture, read, scan, store, record, transmit, or receive financial
34 information from an access device, with the intent to commit financial
35 fraud. For the purposes of this subsection:

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

37 (b) A device that has the ability to capture, read, scan, store,
38 record, transmit, or receive financial information may include, but is

1 not limited to, automated teller machine overlays, wireless devices,
2 magnetic card readers, video recorders, memory and data storage
3 devices, and wireless transmitters and receivers.

4 (7) This section does not apply to:

5 (a) A person, business, or other entity, that has lawful possession
6 of a check, which is endorsed to that person, business, or other
7 entity;

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

10 (c) A person engaged in a lawful business who obtains another
11 person's personal identification in the ordinary course of that lawful
12 business;

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

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

18 ~~((+7))~~ (8) In a proceeding under this section that is related to
19 an identity theft under RCW 9.35.020, the crime will be considered to
20 have been committed in any locality where the person whose means of
21 identification or financial information was appropriated resides, or in
22 which any part of the offense took place, regardless of whether the
23 defendant was ever actually in that locality.

24 ~~((+8))~~ (9) A violation of this section is a class C felony.

25 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2015.

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