

E2SHB 2375 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/01/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the rapid pace
4 of technological change and information computerization in the
5 digital age generates a never ending sequence of anxiety inducing
6 reports highlighting how the latest device or innovation is being
7 used to harm consumers. The legislature finds that this generates an
8 ongoing pattern of legislation being proposed to regulate each new
9 technology. The legislature finds that a more systemic approach is
10 needed to better protect consumers and address these rapidly
11 advancing technologies. The legislature finds that the application of
12 traditional criminal enforcement measures that apply long-standing
13 concepts of trespass, fraud, and theft to activities in the
14 electronic frontier has not provided the essential clarity,
15 certainty, and predictability that regulators, entrepreneurs, and
16 innovators need. The legislature finds that an integrated,
17 comprehensive methodology, rather than a piecemeal approach, will
18 provide significant economic development benefits by providing
19 certainty to the innovation community about the actions and
20 activities that are prohibited. Therefore, the legislature intends to
21 create a new chapter of crimes to the criminal code to punish and
22 deter misuse or abuse of technology, rather than the perceived
23 threats of individual technologies. This new chapter of crimes has
24 been developed from an existing and proven system of computer
25 security threat modeling known as the STRIDE system.

26 The legislature intends to strike a balance between public safety
27 and civil liberties in the digital world, including creating
28 sufficient space for white hat security research and whistleblowers.
29 The state whistleblower and public record laws prevent this act from
30 being used to hide any deleterious actions by government officials
31 under the guise of security. Furthermore, this act is not intended to

1 criminalize activity solely on the basis that it violates any terms
2 of service.

3 The purpose of the Washington cybercrime act is to provide
4 prosecutors the twenty-first century tools they need to combat
5 twenty-first century crimes.

6 NEW SECTION. **Sec. 2.** This act may be known and cited as the
7 Washington cybercrime act.

8 NEW SECTION. **Sec. 3.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Access" means to gain entry to, instruct, communicate with,
12 store data in, retrieve data from, or otherwise make use of any
13 resources of electronic data, data network, or data system, including
14 via electronic means.

15 (2) "Cybercrime" includes crimes of this chapter.

16 (3) "Data" means a digital representation of information,
17 knowledge, facts, concepts, data software, data programs, or
18 instructions that are being prepared or have been prepared in a
19 formalized manner and are intended for use in a data network, data
20 program, data services, or data system.

21 (4) "Data network" means any system that provides digital
22 communications between one or more data systems or other digital
23 input/output devices including, but not limited to, display
24 terminals, remote systems, mobile devices, and printers.

25 (5) "Data program" means an ordered set of electronic data
26 representing coded instructions or statements that when executed by a
27 computer causes the device to process electronic data.

28 (6) "Data services" includes data processing, storage functions,
29 internet services, email services, electronic message services, web
30 site access, internet-based electronic gaming services, and other
31 similar system, network, or internet-based services.

32 (7) "Data system" means an electronic device or collection of
33 electronic devices, including support devices one or more of which
34 contain data programs, input data, and output data, and that performs
35 functions including, but not limited to, logic, arithmetic, data
36 storage and retrieval, communication, and control. This term does not
37 include calculators that are not programmable and incapable of being
38 used in conjunction with external files.

1 (8) "Identifying information" means information that, alone or in
2 combination, is linked or linkable to a trusted entity that would be
3 reasonably expected to request or provide credentials to access a
4 targeted data system or network. It includes, but is not limited to,
5 recognizable names, addresses, telephone numbers, logos, HTML links,
6 email addresses, registered domain names, reserved IP addresses,
7 usernames, social media profiles, cryptographic keys, and biometric
8 identifiers.

9 (9) "Malware" means any set of data instructions that are
10 designed, without authorization and with malicious intent, to disrupt
11 computer operations, gather sensitive information, or gain access to
12 private computer systems. "Malware" does not include software that
13 installs security updates, removes malware, or causes unintentional
14 harm due to some deficiency. It includes, but is not limited to, a
15 group of data instructions commonly called viruses or worms, that are
16 self-replicating or self-propagating and are designed to infect other
17 data programs or data, consume data resources, modify, destroy,
18 record, or transmit data, or in some other fashion usurp the normal
19 operation of the data, data system, or data network.

20 (10) "White hat security research" means accessing a data
21 program, service, or system solely for purposes of good faith
22 testing, investigation, identification, and/or correction of a
23 security flaw or vulnerability, where such activity is carried out,
24 and where the information derived from the activity is used,
25 primarily to promote security or safety.

26 (11) "Without authorization" means to knowingly circumvent
27 technological access barriers to a data system in order to obtain
28 information without the express or implied permission of the owner,
29 where such technological access measures are specifically designed to
30 exclude or prevent unauthorized individuals from obtaining such
31 information, but does not include white hat security research or
32 circumventing a technological measure that does not effectively
33 control access to a computer. The term "without the express or
34 implied permission" does not include access in violation of a duty,
35 agreement, or contractual obligation, such as an acceptable use
36 policy or terms of service agreement, with an internet service
37 provider, internet web site, or employer. The term "circumvent
38 technological access barriers" may include unauthorized elevation of
39 privileges, such as allowing a normal user to execute code as

1 administrator, or allowing a remote person without any privileges to
2 run code.

3 NEW SECTION. **Sec. 4.** (1) A person is guilty of computer
4 trespass in the first degree if the person, without authorization,
5 intentionally gains access to a computer system or electronic
6 database of another; and

7 (a) The access is made with the intent to commit another crime in
8 violation of a state law not included in this chapter; or

9 (b) The violation involves a computer or database maintained by a
10 government agency.

11 (2) Computer trespass in the first degree is a class C felony.

12 NEW SECTION. **Sec. 5.** (1) A person is guilty of computer
13 trespass in the second degree if the person, without authorization,
14 intentionally gains access to a computer system or electronic
15 database of another under circumstances not constituting the offense
16 in the first degree.

17 (2) Computer trespass in the second degree is a gross
18 misdemeanor.

19 NEW SECTION. **Sec. 6.** (1) A person is guilty of electronic data
20 service interference if the person maliciously and without
21 authorization causes the transmission of data, data program, or other
22 electronic command that intentionally interrupts or suspends access
23 to or use of a data network or data service.

24 (2) Electronic data service interference is a class C felony.

25 NEW SECTION. **Sec. 7.** (1) A person is guilty of spoofing if he
26 or she, without authorization, knowingly initiates the transmission,
27 display, or receipt of the identifying information of another
28 organization or person for the purpose of gaining unauthorized access
29 to electronic data, a data system, or a data network, and with the
30 intent to commit another crime in violation of a state law not
31 included in this chapter.

32 (2) Spoofing is a gross misdemeanor.

33 NEW SECTION. **Sec. 8.** (1) A person is guilty of electronic data
34 tampering in the first degree if he or she maliciously and without
35 authorization:

1 (a)(i) Alters data as it transmits between two data systems over
2 an open or unsecure network; or

3 (ii) Introduces any malware into any electronic data, data
4 system, or data network; and

5 (b)(i) Doing so is for the purpose of devising or executing any
6 scheme to defraud, deceive, or extort, or commit any other crime in
7 violation of a state law not included in this chapter, or of
8 wrongfully controlling, gaining access to, or obtaining money,
9 property, or electronic data; or

10 (ii) The electronic data, data system, or data network is
11 maintained by a governmental agency.

12 (2) Electronic data tampering in the first degree is a class C
13 felony.

14 NEW SECTION. **Sec. 9.** (1) A person is guilty of electronic data
15 tampering in the second degree if he or she maliciously and without
16 authorization:

17 (a) Alters data as it transmits between two data systems over an
18 open or unsecure network under circumstances not constituting the
19 offense in the first degree; or

20 (b) Introduces any malware into any electronic data, data system,
21 or data network under circumstances not constituting the offense in
22 the first degree.

23 (2) Electronic data tampering in the second degree is a gross
24 misdemeanor.

25 NEW SECTION. **Sec. 10.** (1) A person is guilty of electronic data
26 theft if he or she intentionally, without authorization, and without
27 reasonable grounds to believe that he or she has such authorization,
28 obtains any electronic data with the intent to:

29 (a) Devise or execute any scheme to defraud, deceive, extort, or
30 commit any other crime in violation of a state law not included in
31 this chapter; or

32 (b) Wrongfully control, gain access to, or obtain money,
33 property, or electronic data.

34 (2) Electronic data theft is a class C felony.

35 NEW SECTION. **Sec. 11.** A person who, in the commission of a
36 crime under this chapter, commits any other crime may be punished for

1 that other crime as well as for the crime under this chapter and may
2 be prosecuted for each crime separately.

3 **Sec. 12.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted
4 and amended to read as follows:

5 The following definitions apply in this chapter:

6 (1) (~~("Access" means to approach, instruct, communicate with,~~
7 ~~store data in, retrieve data from, or otherwise make use of any~~
8 ~~resources of a computer, directly or by electronic means.~~

9 (2) ~~"Computer program" means an ordered set of data representing~~
10 ~~coded instructions or statements that when executed by a computer~~
11 ~~cause the computer to process data.~~

12 (3) ~~"Data" means a representation of information, knowledge,~~
13 ~~facts, concepts, or instructions that are being prepared or have been~~
14 ~~prepared in a formalized manner and are intended for use in a~~
15 ~~computer.~~

16 (4)) "Enter." The word "enter" when constituting an element or
17 part of a crime, shall include the entrance of the person, or the
18 insertion of any part of his or her body, or any instrument or weapon
19 held in his or her hand and used or intended to be used to threaten
20 or intimidate a person or to detach or remove property((+)).

21 ((+5)) (2) "Enters or remains unlawfully." A person "enters or
22 remains unlawfully" in or upon premises when he or she is not then
23 licensed, invited, or otherwise privileged to so enter or remain.

24 A license or privilege to enter or remain in a building which is
25 only partly open to the public is not a license or privilege to enter
26 or remain in that part of a building which is not open to the public.
27 A person who enters or remains upon unimproved and apparently unused
28 land, which is neither fenced nor otherwise enclosed in a manner
29 designed to exclude intruders, does so with license and privilege
30 unless notice against trespass is personally communicated to him or
31 her by the owner of the land or some other authorized person, or
32 unless notice is given by posting in a conspicuous manner. Land that
33 is used for commercial aquaculture or for growing an agricultural
34 crop or crops, other than timber, is not unimproved and apparently
35 unused land if a crop or any other sign of cultivation is clearly
36 visible or if notice is given by posting in a conspicuous manner.
37 Similarly, a field fenced in any manner is not unimproved and
38 apparently unused land. A license or privilege to enter or remain on
39 improved and apparently used land that is open to the public at

1 particular times, which is neither fenced nor otherwise enclosed in a
2 manner to exclude intruders, is not a license or privilege to enter
3 or remain on the land at other times if notice of prohibited times of
4 entry is posted in a conspicuous manner.

5 ((+6+)) (3) "Premises" includes any building, dwelling, structure
6 used for commercial aquaculture, or any real property.

7 **Sec. 13.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
8 read as follows:

9 TABLE 2

10 CRIMES INCLUDED WITHIN
11 EACH SERIOUSNESS LEVEL

- 12 XVI Aggravated Murder 1 (RCW
13 10.95.020)
- 14 XV Homicide by abuse (RCW 9A.32.055)
15 Malicious explosion 1 (RCW
16 70.74.280(1))
17 Murder 1 (RCW 9A.32.030)
- 18 XIV Murder 2 (RCW 9A.32.050)
19 Trafficking 1 (RCW 9A.40.100(1))
- 20 XIII Malicious explosion 2 (RCW
21 70.74.280(2))
22 Malicious placement of an explosive 1
23 (RCW 70.74.270(1))
- 24 XII Assault 1 (RCW 9A.36.011)
25 Assault of a Child 1 (RCW 9A.36.120)
26 Malicious placement of an imitation
27 device 1 (RCW 70.74.272(1)(a))
28 Promoting Commercial Sexual Abuse
29 of a Minor (RCW 9.68A.101)
30 Rape 1 (RCW 9A.44.040)
31 Rape of a Child 1 (RCW 9A.44.073)
32 Trafficking 2 (RCW 9A.40.100(3))
- 33 XI Manslaughter 1 (RCW 9A.32.060)
34 Rape 2 (RCW 9A.44.050)

1 Rape of a Child 2 (RCW 9A.44.076)
2 Vehicular Homicide, by being under
3 the influence of intoxicating liquor
4 or any drug (RCW 46.61.520)
5 X Child Molestation 1 (RCW 9A.44.083)
6 Criminal Mistreatment 1 (RCW
7 9A.42.020)
8 Indecent Liberties (with forcible
9 compulsion) (RCW
10 9A.44.100(1)(a))
11 Kidnapping 1 (RCW 9A.40.020)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Malicious explosion 3 (RCW
15 70.74.280(3))
16 Sexually Violent Predator Escape
17 (RCW 9A.76.115)
18 IX Abandonment of Dependent Person 1
19 (RCW 9A.42.060)
20 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)
35 VIII Arson 1 (RCW 9A.48.020)

1 Commercial Sexual Abuse of a Minor
2 (RCW 9.68A.100)

3 Homicide by Watercraft, by the
4 operation of any vessel in a
5 reckless manner (RCW
6 79A.60.050)

7 Manslaughter 2 (RCW 9A.32.070)

8 Promoting Prostitution 1 (RCW
9 9A.88.070)

10 Theft of Ammonia (RCW 69.55.010)

11 Vehicular Homicide, by the operation
12 of any vehicle in a reckless
13 manner (RCW 46.61.520)

14 VII Burglary 1 (RCW 9A.52.020)

15 Child Molestation 2 (RCW 9A.44.086)

16 Civil Disorder Training (RCW
17 9A.48.120)

18 Dealing in depictions of minor engaged
19 in sexually explicit conduct 1
20 (RCW 9.68A.050(1))

21 Drive-by Shooting (RCW 9A.36.045)

22 Homicide by Watercraft, by disregard
23 for the safety of others (RCW
24 79A.60.050)

25 Indecent Liberties (without forcible
26 compulsion) (RCW 9A.44.100(1)
27 (b) and (c))

28 Introducing Contraband 1 (RCW
29 9A.76.140)

30 Malicious placement of an explosive 3
31 (RCW 70.74.270(3))

32 Negligently Causing Death By Use of a
33 Signal Preemption Device (RCW
34 46.37.675)

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct 1 (RCW
4 9.68A.060(1))
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 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW 9A.72.160)
18 Intimidating a Juror/Witness (RCW
19 9A.72.110, 9A.72.130)
20 Malicious placement of an imitation
21 device 2 (RCW 70.74.272(1)(b))
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 1 (RCW 9.68A.070(1))
25 Rape of a Child 3 (RCW 9A.44.079)
26 Theft of a Firearm (RCW 9A.56.300)
27 Unlawful Storage of Ammonia (RCW
28 69.55.020)
29 V Abandonment of Dependent Person 2
30 (RCW 9A.42.070)
31 Advancing money or property for
32 extortionate extension of credit
33 (RCW 9A.82.030)
34 Bail Jumping with class A Felony
35 (RCW 9A.76.170(3)(b))
36 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW
2 9A.42.030)
3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)
5 Dealing in Depictions of Minor
6 Engaged in Sexually Explicit
7 Conduct 2 (RCW 9.68A.050(2))
8 Domestic Violence Court Order
9 Violation (RCW 10.99.040,
10 10.99.050, 26.09.300, 26.10.220,
11 26.26.138, 26.50.110, 26.52.070,
12 or 74.34.145)
13 Driving While Under the Influence
14 (RCW 46.61.502(6))
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect
19 Extensions of Credit (RCW
20 9A.82.040)
21 Incest 2 (RCW 9A.64.020(2))
22 Kidnapping 2 (RCW 9A.40.030)
23 Perjury 1 (RCW 9A.72.020)
24 Persistent prison misbehavior (RCW
25 9.94.070)
26 Physical Control of a Vehicle While
27 Under the Influence (RCW
28 46.61.504(6))
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1
33 (RCW 9A.76.070)

1 Sending, Bringing into State
2 Depictions of Minor Engaged in
3 Sexually Explicit Conduct 2
4 (RCW 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9.46.1961)
23 Commercial Bribery (RCW
24 9A.68.060)
25 Counterfeiting (RCW 9.16.035(4))
26 Endangerment with a Controlled
27 Substance (RCW 9A.42.100)
28 Escape 1 (RCW 9A.76.110)
29 Hit and Run—Injury (RCW
30 46.52.020(4)(b))
31 Hit and Run with Vessel—Injury
32 Accident (RCW 79A.60.200(3))
33 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting Event
5 (RCW 9A.82.070)
6 Malicious Harassment (RCW
7 9A.36.080)
8 Possession of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.070(2))
11 Residential Burglary (RCW
12 9A.52.025)
13 Robbery 2 (RCW 9A.56.210)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Threats to Bomb (RCW 9.61.160)
16 Trafficking in Stolen Property 1 (RCW
17 9A.82.050)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(b))
21 Unlawful transaction of health
22 coverage as a health care service
23 contractor (RCW 48.44.016(3))
24 Unlawful transaction of health
25 coverage as a health maintenance
26 organization (RCW 48.46.033(3))
27 Unlawful transaction of insurance
28 business (RCW 48.15.023(3))
29 Unlicensed practice as an insurance
30 professional (RCW 48.17.063(2))
31 Use of Proceeds of Criminal
32 Profiteering (RCW 9A.82.080 (1)
33 and (2))
34 Vehicle Prowling 2 (third or
35 subsequent offense) (RCW
36 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from
10 Furlough (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun
15 Gun) (RCW 9A.36.031 except
16 subsection (1)(h))

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 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction
28 or threat of death) (RCW
29 9.61.260(3))

30 Escape 2 (RCW 9A.76.120)

31 Extortion 2 (RCW 9A.56.130)

32 Harassment (RCW 9A.46.020)

33 Intimidating a Public Servant (RCW
34 9A.76.180)

35 Introducing Contraband 2 (RCW
36 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Mortgage Fraud (RCW 19.144.080)
4 Negligently Causing Substantial
5 Bodily Harm By Use of a Signal
6 Preemption Device (RCW
7 46.37.674)
8 Organized Retail Theft 1 (RCW
9 9A.56.350(2))
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-
14 Barreled Shotgun or Rifle (RCW
15 9.41.190)
16 Promoting Prostitution 2 (RCW
17 9A.88.080)
18 Retail Theft with Special
19 Circumstances 1 (RCW
20 9A.56.360(2))
21 Securities Act violation (RCW
22 21.20.400)
23 Tampering with a Witness (RCW
24 9A.72.120)
25 Telephone Harassment (subsequent
26 conviction or threat of death)
27 (RCW 9.61.230(2))
28 Theft of Livestock 2 (RCW 9A.56.083)
29 Theft with the Intent to Resell 1 (RCW
30 9A.56.340(2))
31 Trafficking in Stolen Property 2 (RCW
32 9A.82.055)
33 Unlawful Hunting of Big Game 1
34 (RCW 77.15.410(3)(b))
35 Unlawful Imprisonment (RCW
36 9A.40.040)

1 Unlawful Misbranding of Food Fish or
2 Shellfish 1 (RCW 69.04.938(3))
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Unlawful Taking of Endangered Fish
6 or Wildlife 1 (RCW
7 77.15.120(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 1 (RCW
10 77.15.260(3)(b))
11 Unlawful Use of a Nondesignated
12 Vessel (RCW 77.15.530(4))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Commercial Fishing Without a License
20 1 (RCW 77.15.500(3)(b))
21 Computer Trespass 1 ((RCW
22 9A.52.110)) section 4 of this act)
23 Counterfeiting (RCW 9.16.035(3))
24 Electronic Data Service Interference
25 (section 6 of this act)
26 Electronic Data Tampering 1 (section 8
27 of this act)
28 Electronic Data Theft (section 10 of
29 this act)
30 Engaging in Fish Dealing Activity
31 Unlicensed 1 (RCW 77.15.620(3))
32 Escape from Community Custody
33 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130 prior to June 10,
4 2010, and RCW 9A.44.132)
5 Health Care False Claims (RCW
6 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW
11 9A.48.070)
12 Organized Retail Theft 2 (RCW
13 9A.56.350(3))
14 Possession of Stolen Property 1 (RCW
15 9A.56.150)
16 Possession of a Stolen Vehicle (RCW
17 9A.56.068)
18 Retail Theft with Special
19 Circumstances 2 (RCW
20 9A.56.360(3))
21 Scrap Processing, Recycling, or
22 Supplying Without a License
23 (second or subsequent offense)
24 (RCW 19.290.100)
25 Theft 1 (RCW 9A.56.030)
26 Theft of a Motor Vehicle (RCW
27 9A.56.065)
28 Theft of Rental, Leased, ~~((or))~~ Lease-
29 purchased, or Loaned Property
30 (valued at ~~((one))~~ five thousand
31 ~~((five hundred))~~ dollars or more)
32 (RCW 9A.56.096(5)(a))
33 Theft with the Intent to Resell 2 (RCW
34 9A.56.340(3))
35 Trafficking in Insurance Claims (RCW
36 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Participation of Non-Indians
5 in Indian Fishery (RCW
6 77.15.570(2))
7 Unlawful Practice of Law (RCW
8 2.48.180)
9 Unlawful Purchase or Use of a License
10 (RCW 77.15.650(3)(b))
11 Unlawful Trafficking in Fish, Shellfish,
12 or Wildlife 2 (RCW
13 77.15.260(3)(a))
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Spotlighting Big Game 1 (RCW
32 77.15.450(3)(b))
33 Suspension of Department Privileges 1
34 (RCW 77.15.670(3)(b))
35 Taking Motor Vehicle Without
36 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)
2 Theft of Rental, Leased, ~~((or))~~ Lease-
3 purchased, or Loaned Property
4 (valued at ~~((two))~~ seven hundred
5 fifty dollars or more but less than
6 ~~((one))~~ five thousand ~~((five~~
7 ~~hundred))~~ dollars) (RCW
8 9A.56.096(5)(b))
9 Transaction of insurance business
10 beyond the scope of licensure
11 (RCW 48.17.063)
12 Unlawful Fish and Shellfish Catch
13 Accounting (RCW
14 77.15.630(3)(b))
15 Unlawful Issuance of Checks or Drafts
16 (RCW 9A.56.060)
17 Unlawful Possession of Fictitious
18 Identification (RCW 9A.56.320)
19 Unlawful Possession of Instruments of
20 Financial Fraud (RCW 9A.56.320)
21 Unlawful Possession of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Possession of a Personal
24 Identification Device (RCW
25 9A.56.320)
26 Unlawful Production of Payment
27 Instruments (RCW 9A.56.320)
28 Unlawful Releasing, Planting,
29 Possessing, or Placing Deleterious
30 Exotic Wildlife (RCW
31 77.15.250(2)(b))
32 Unlawful Trafficking in Food Stamps
33 (RCW 9.91.142)
34 Unlawful Use of Food Stamps (RCW
35 9.91.144)
36 Unlawful Use of Net to Take Fish 1
37 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic
2 Animal Species (RCW
3 77.15.253(3))
4 Vehicle Prowl 1 (RCW 9A.52.095)
5 Violating Commercial Fishing Area or
6 Time 1 (RCW 77.15.550(3)(b))

7 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 9A.52.110 (Computer trespass in the first degree) and
10 1984 c 273 s 1;

11 (2) RCW 9A.52.120 (Computer trespass in the second degree) and
12 ~~1984 c 273 s 2~~ and Law & Justice
E2SHB 2375 - S COMM AMD

13 (3) RCW 9A.52.130 (Computer trespass—Commission of other crime)
14 and 1984 c 273 s 3. **ADOPTED 03/01/2016**

15 NEW SECTION. **Sec. 15.** Sections 3 through 11 of this act
16 constitute a new chapter in Title 9A RCW."

17 On page 1, line 1 of the title, after "cybercrime;" strike the
18 remainder of the title and insert "amending RCW 9.94A.515; reenacting
19 and amending RCW 9A.52.010; adding a new chapter to Title 9A RCW;
20 creating new sections; repealing RCW 9A.52.110, 9A.52.120, and
21 9A.52.130; and prescribing penalties."

EFFECT: Changes definition of "without authorization" to include
unauthorized elevation of privileges. Also adjusts the crime of
electronic data tampering to include alteration of data as it
transmits between two data systems over an unsecure network (in
addition to an open network).

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