
SECOND SUBSTITUTE HOUSE BILL 1499

State of Washington

64th Legislature

2015 Regular Session

By House General Government & Information Technology (originally sponsored by Representatives Goodman, Jenkins, Johnson, Orwall, Appleton, Lytton, and Tharinger)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to vulnerable adults; amending RCW 9A.42.020,
2 9A.42.030, 9A.42.035, 9A.56.020, 9A.56.010, 9A.04.080, 9A.56.030, and
3 9A.56.040; reenacting and amending RCW 9.94A.515; adding a new
4 section to chapter 9A.56 RCW; adding a new section to chapter 74.34
5 RCW; and prescribing penalties.

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

7 **Sec. 1.** RCW 9A.42.020 and 2006 c 228 s 2 are each amended to
8 read as follows:

9 (1) A parent of a child, the person entrusted with the physical
10 custody of a child or dependent person, a person who has assumed the
11 responsibility to provide to a dependent person the basic necessities
12 of life, or a person employed to provide to the child or dependent
13 person the basic necessities of life is guilty of criminal
14 mistreatment in the first degree if he or she (~~recklessly~~) with
15 criminal negligence, as defined in RCW 9A.08.010, causes great bodily
16 harm to a child or dependent person by withholding any of the basic
17 necessities of life.

18 (2) Criminal mistreatment in the first degree is a class B
19 felony.

1 **Sec. 2.** RCW 9A.42.030 and 2006 c 228 s 3 are each amended to
2 read as follows:

3 (1) A parent of a child, the person entrusted with the physical
4 custody of a child or dependent person, a person who has assumed the
5 responsibility to provide to a dependent person the basic necessities
6 of life, or a person employed to provide to the child or dependent
7 person the basic necessities of life is guilty of criminal
8 mistreatment in the second degree if he or she (~~recklessly~~) with
9 criminal negligence, as defined in RCW 9A.08.010, either (a) creates
10 an imminent and substantial risk of death or great bodily harm, or
11 (b) causes substantial bodily harm by withholding any of the basic
12 necessities of life.

13 (2) Criminal mistreatment in the second degree is a class C
14 felony.

15 **Sec. 3.** RCW 9A.42.035 and 2006 c 228 s 4 are each amended to
16 read as follows:

17 (1) A person is guilty of the crime of criminal mistreatment in
18 the third degree if the person is the parent of a child, is a person
19 entrusted with the physical custody of a child or other dependent
20 person, is a person who has assumed the responsibility to provide to
21 a dependent person the basic necessities of life, or is a person
22 employed to provide to the child or dependent person the basic
23 necessities of life(~~(r)~~) and (~~either~~

24 ~~(a)~~), with criminal negligence, creates an imminent and
25 substantial risk of substantial bodily harm to a child or dependent
26 person by withholding any of the basic necessities of life(~~(; or~~

27 ~~(b) With criminal negligence, causes substantial bodily harm to a~~
28 ~~child or dependent person by withholding any of the basic necessities~~
29 ~~of life)).~~

30 (2) For purposes of this section, "a person who has assumed the
31 responsibility to provide to a dependent person the basic necessities
32 of life" means a person other than: (a) A government agency that
33 regularly provides assistance or services to dependent persons,
34 including but not limited to the department of social and health
35 services; or (b) a good samaritan as defined in RCW 9A.42.010.

36 (3) Criminal mistreatment in the third degree is a gross
37 misdemeanor.

1 **Sec. 4.** RCW 9A.56.020 and 2004 c 122 s 1 are each amended to
2 read as follows:

3 (1) "Theft" means:

4 (a) To wrongfully obtain or exert unauthorized control over the
5 property or services of another or the value thereof, with intent to
6 deprive him or her of such property or services; or

7 (b) By color or aid of deception to obtain control over the
8 property or services of another or the value thereof, with intent to
9 deprive him or her of such property or services; or

10 (c) To appropriate lost or misdelivered property or services of
11 another, or the value thereof, with intent to deprive him or her of
12 such property or services; or

13 (d) To obtain control over the property or services, or the value
14 thereof, of a vulnerable adult using undue influence.

15 (i) "Undue influence" means excessive persuasion that causes a
16 vulnerable adult to act or refrain from acting by overcoming that
17 vulnerable adult's free will.

18 (ii) "Undue influence" does not include the normal influence that
19 one member of a family has over another member of the family.

20 (2) In any prosecution for theft, it shall be a sufficient
21 defense that:

22 (a) The property or service was appropriated openly and avowedly
23 under a claim of title made in good faith, even though the claim be
24 untenable; or

25 (b) The property was merchandise pallets that were received by a
26 pallet recycler or repairer in the ordinary course of its business.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.56
28 RCW to read as follows:

29 (1)(a) A person is guilty of theft from a vulnerable adult in the
30 first degree if he or she commits theft of property or services that
31 exceed(s) five thousand dollars in value, other than a firearm as
32 defined in RCW 9.41.010, of a vulnerable adult.

33 (b) Theft from a vulnerable adult in the first degree is a class
34 B felony.

35 (2)(a) A person is guilty of theft from a vulnerable adult in the
36 second degree if he or she commits theft of property or services that
37 exceed(s) seven hundred fifty dollars in value but does not exceed
38 five thousand dollars in value, other than a firearm as defined in
39 RCW 9.41.010 or a motor vehicle, of a vulnerable adult.

1 (b) Theft from a vulnerable adult in the second degree is a class
2 C felony.

3 **Sec. 6.** RCW 9A.56.010 and 2011 c 164 s 2 are each amended to
4 read as follows:

5 The following definitions are applicable in this chapter unless
6 the context otherwise requires:

7 (1) "Access device" means any card, plate, code, account number,
8 or other means of account access that can be used alone or in
9 conjunction with another access device to obtain money, goods,
10 services, or anything else of value, or that can be used to initiate
11 a transfer of funds, other than a transfer originated solely by paper
12 instrument;

13 (2) "Appropriate lost or misdelivered property or services" means
14 obtaining or exerting control over the property or services of
15 another which the actor knows to have been lost or mislaid, or to
16 have been delivered under a mistake as to identity of the recipient
17 or as to the nature or amount of the property;

18 (3) "Beverage crate" means a plastic or metal box-like container
19 used by a manufacturer or distributor in the transportation or
20 distribution of individually packaged beverages to retail outlets,
21 and affixed with language stating "property of," "owned
22 by," or other markings or words identifying ownership;

23 (4) "By color or aid of deception" means that the deception
24 operated to bring about the obtaining of the property or services; it
25 is not necessary that deception be the sole means of obtaining the
26 property or services;

27 (5) "Deception" occurs when an actor knowingly:

28 (a) Creates or confirms another's false impression which the
29 actor knows to be false; or

30 (b) Fails to correct another's impression which the actor
31 previously has created or confirmed; or

32 (c) Prevents another from acquiring information material to the
33 disposition of the property involved; or

34 (d) Transfers or encumbers property without disclosing a lien,
35 adverse claim, or other legal impediment to the enjoyment of the
36 property, whether that impediment is or is not valid, or is or is not
37 a matter of official record; or

38 (e) Promises performance which the actor does not intend to
39 perform or knows will not be performed;

1 (6) "Deprive" in addition to its common meaning means to make
2 unauthorized use or an unauthorized copy of records, information,
3 data, trade secrets, or computer programs;

4 (7) "Mail," in addition to its common meaning, means any letter,
5 postal card, package, bag, or other item that is addressed to a
6 specific address for delivery by the United States postal service or
7 any commercial carrier performing the function of delivering similar
8 items to residences or businesses, provided the mail:

9 (a)(i) Is addressed with a specific person's name, family name,
10 or company, business, or corporation name on the outside of the item
11 of mail or on the contents inside; and

12 (ii) Is not addressed to a generic unnamed occupant or resident
13 of the address without an identifiable person, family, or company,
14 business, or corporation name on the outside of the item of mail or
15 on the contents inside; and

16 (b) Has been left for collection or delivery in any letter box,
17 mailbox, mail receptacle, or other authorized depository for mail, or
18 given to a mail carrier, or left with any private business that
19 provides mailboxes or mail addresses for customers or when left in a
20 similar location for collection or delivery by any commercial
21 carrier; or

22 (c) Is in transit with a postal service, mail carrier, letter
23 carrier, commercial carrier, or that is at or in a postal vehicle,
24 postal station, mailbox, postal airplane, transit station, or similar
25 location of a commercial carrier; or

26 (d) Has been delivered to the intended address, but has not been
27 received by the intended addressee.

28 Mail, for purposes of chapter 164, Laws of 2011, does not include
29 magazines, catalogs, direct mail inserts, newsletters, advertising
30 circulars, or any mail that is considered third-class mail by the
31 United States postal service;

32 (8) "Mailbox," in addition to its common meaning, means any
33 authorized depository or receptacle of mail for the United States
34 postal service or authorized depository for a commercial carrier that
35 provides services to the general public, including any address to
36 which mail is or can be addressed, or a place where the United States
37 postal service or equivalent commercial carrier delivers mail to its
38 addressee;

39 (9) "Merchandise pallet" means a wood or plastic carrier designed
40 and manufactured as an item on which products can be placed before or

1 during transport to retail outlets, manufacturers, or contractors,
2 and affixed with language stating "property of . . .," "owned
3 by . . .," or other markings or words identifying ownership;

4 (10) "Obtain control over" in addition to its common meaning,
5 means:

6 (a) In relation to property, to bring about a transfer or
7 purported transfer to the obtainer or another of a legally recognized
8 interest in the property; or

9 (b) In relation to labor or service, to secure performance
10 thereof for the benefits of the obtainer or another;

11 (11) "Owner" means a person, other than the actor, who has
12 possession of or any other interest in the property or services
13 involved, and without whose consent the actor has no authority to
14 exert control over the property or services;

15 (12) "Parking area" means a parking lot or other property
16 provided by retailers for use by a customer for parking an automobile
17 or other vehicle;

18 (13) "Receive" includes, but is not limited to, acquiring title,
19 possession, control, or a security interest, or any other interest in
20 the property;

21 (14) "Received by the intended addressee" means that the
22 addressee, owner of the delivery mailbox, or authorized agent has
23 removed the delivered mail from its delivery mailbox;

24 (15) "Services" includes, but is not limited to, labor,
25 professional services, transportation services, electronic computer
26 services, the supplying of hotel accommodations, restaurant services,
27 entertainment, the supplying of equipment for use, and the supplying
28 of commodities of a public utility nature such as gas, electricity,
29 steam, and water;

30 (16) "Shopping cart" means a basket mounted on wheels or similar
31 container generally used in a retail establishment by a customer for
32 the purpose of transporting goods of any kind;

33 (17) "Stolen" means obtained by theft, robbery, or extortion;

34 (18) "Subscription television service" means cable or encrypted
35 video and related audio and data services intended for viewing on a
36 home television by authorized members of the public only, who have
37 agreed to pay a fee for the service. Subscription services include
38 but are not limited to those video services presently delivered by
39 coaxial cable, fiber optic cable, terrestrial microwave, television
40 broadcast, and satellite transmission;

1 (19) "Telecommunication device" means (a) any type of instrument,
2 device, machine, or equipment that is capable of transmitting or
3 receiving telephonic or electronic communications; or (b) any part of
4 such an instrument, device, machine, or equipment, or any computer
5 circuit, computer chip, electronic mechanism, or other component,
6 that is capable of facilitating the transmission or reception of
7 telephonic or electronic communications;

8 (20) "Telecommunication service" includes any service other than
9 subscription television service provided for a charge or compensation
10 to facilitate the transmission, transfer, or reception of a
11 telephonic communication or an electronic communication;

12 (21) Value. (a) "Value" means the market value of the property or
13 services at the time and in the approximate area of the criminal act.

14 (b) Whether or not they have been issued or delivered, written
15 instruments, except those having a readily ascertained market value,
16 shall be evaluated as follows:

17 (i) The value of an instrument constituting an evidence of debt,
18 such as a check, draft, or promissory note, shall be deemed the
19 amount due or collectible thereon or thereby, that figure ordinarily
20 being the face amount of the indebtedness less any portion thereof
21 which has been satisfied;

22 (ii) The value of a ticket or equivalent instrument which
23 evidences a right to receive transportation, entertainment, or other
24 service shall be deemed the price stated thereon, if any; and if no
25 price is stated thereon, the value shall be deemed the price of such
26 ticket or equivalent instrument which the issuer charged the general
27 public;

28 (iii) The value of any other instrument that creates, releases,
29 discharges, or otherwise affects any valuable legal right, privilege,
30 or obligation shall be deemed the greatest amount of economic loss
31 which the owner of the instrument might reasonably suffer by virtue
32 of the loss of the instrument.

33 (c) Except as provided in RCW 9A.56.340(4) and 9A.56.350(4),
34 whenever any series of transactions which constitute theft, would,
35 when considered separately, constitute theft in the third degree
36 because of value, and said series of transactions are a part of a
37 criminal episode or a common scheme or plan, then the transactions
38 may be aggregated in one count and the sum of the value of all said
39 transactions shall be the value considered in determining the degree
40 of theft involved.

1 For purposes of this subsection, "criminal episode" means a
2 series of thefts committed by the same person from one or more
3 mercantile establishments on three or more occasions within a five-
4 day period.

5 (d) Whenever any person is charged with possessing stolen
6 property and such person has unlawfully in his possession at the same
7 time the stolen property of more than one person, then the stolen
8 property possessed may be aggregated in one count and the sum of the
9 value of all said stolen property shall be the value considered in
10 determining the degree of theft involved. Thefts committed by the
11 same person in different counties that have been aggregated in one
12 county may be prosecuted in any county in which one of the thefts
13 occurred.

14 (e) Property or services having value that cannot be ascertained
15 pursuant to the standards set forth above shall be deemed to be of a
16 value not exceeding two hundred and fifty dollars;

17 (22) "Vulnerable adult" means a person eighteen years or older
18 who is particularly vulnerable or incapable of resistance. A person
19 is particularly vulnerable if he or she is more vulnerable to the
20 commission of a crime than the typical victim of that same crime. The
21 defendant must have known or should have known that the victim was a
22 vulnerable adult;

23 (23) "Wrongfully obtains" or "exerts unauthorized control" means:

24 (a) To take the property or services of another;

25 (b) Having any property or services in one's possession, custody
26 or control as bailee, factor, lessee, pledgee, renter, servant,
27 attorney, agent, employee, trustee, executor, administrator,
28 guardian, or officer of any person, estate, association, or
29 corporation, or as a public officer, or person authorized by
30 agreement or competent authority to take or hold such possession,
31 custody, or control, to secrete, withhold, or appropriate the same to
32 his or her own use or to the use of any person other than the true
33 owner or person entitled thereto; or

34 (c) Having any property or services in one's possession, custody,
35 or control as partner, to secrete, withhold, or appropriate the same
36 to his or her use or to the use of any person other than the true
37 owner or person entitled thereto, where the use is unauthorized by
38 the partnership agreement.

1 X Child Molestation 1 (RCW 9A.44.083)
2 Criminal Mistreatment 1 (RCW
3 9A.42.020)
4 Indecent Liberties (with forcible
5 compulsion) (RCW
6 9A.44.100(1)(a))
7 Kidnapping 1 (RCW 9A.40.020)
8 Leading Organized Crime (RCW
9 9A.82.060(1)(a))
10 Malicious explosion 3 (RCW
11 70.74.280(3))
12 Sexually Violent Predator Escape
13 (RCW 9A.76.115)
14 IX Abandonment of Dependent Person 1
15 (RCW 9A.42.060)
16 Assault of a Child 2 (RCW 9A.36.130)
17 Explosive devices prohibited (RCW
18 70.74.180)
19 Hit and Run—Death (RCW
20 46.52.020(4)(a))
21 Homicide by Watercraft, by being
22 under the influence of intoxicating
23 liquor or any drug (RCW
24 79A.60.050)
25 Inciting Criminal Profiteering (RCW
26 9A.82.060(1)(b))
27 Malicious placement of an explosive 2
28 (RCW 70.74.270(2))
29 Robbery 1 (RCW 9A.56.200)
30 Sexual Exploitation (RCW 9.68A.040)
31 VIII Arson 1 (RCW 9A.48.020)
32 Commercial Sexual Abuse of a Minor
33 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a
3 reckless manner (RCW
4 79A.60.050)
5 Manslaughter 2 (RCW 9A.32.070)
6 Promoting Prostitution 1 (RCW
7 9A.88.070)
8 Theft of Ammonia (RCW 69.55.010)
9 Vehicular Homicide, by the operation
10 of any vehicle in a reckless
11 manner (RCW 46.61.520)
12 VII Burglary 1 (RCW 9A.52.020)
13 Child Molestation 2 (RCW 9A.44.086)
14 Civil Disorder Training (RCW
15 9A.48.120)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct 1
18 (RCW 9.68A.050(1))
19 Drive-by Shooting (RCW 9A.36.045)
20 Homicide by Watercraft, by disregard
21 for the safety of others (RCW
22 79A.60.050)
23 Indecent Liberties (without forcible
24 compulsion) (RCW 9A.44.100(1)
25 (b) and (c))
26 Introducing Contraband 1 (RCW
27 9A.76.140)
28 Malicious placement of an explosive 3
29 (RCW 70.74.270(3))
30 Negligently Causing Death By Use of a
31 Signal Preemption Device (RCW
32 46.37.675)
33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct 1 (RCW
36 9.68A.060(1))

1 Unlawful Possession of a Firearm in
2 the first degree (RCW
3 9.41.040(1))
4 Use of a Machine Gun in Commission
5 of a Felony (RCW 9.41.225)
6 Vehicular Homicide, by disregard for
7 the safety of others (RCW
8 46.61.520)
9 VI Bail Jumping with Murder 1 (RCW
10 9A.76.170(3)(a))
11 Bribery (RCW 9A.68.010)
12 Incest 1 (RCW 9A.64.020(1))
13 Intimidating a Judge (RCW 9A.72.160)
14 Intimidating a Juror/Witness (RCW
15 9A.72.110, 9A.72.130)
16 Malicious placement of an imitation
17 device 2 (RCW 70.74.272(1)(b))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.070(1))
21 Rape of a Child 3 (RCW 9A.44.079)
22 Theft of a Firearm (RCW 9A.56.300)
23 Unlawful Storage of Ammonia (RCW
24 69.55.020)
25 V Abandonment of Dependent Person 2
26 (RCW 9A.42.070)
27 Advancing money or property for
28 extortionate extension of credit
29 (RCW 9A.82.030)
30 Bail Jumping with class A Felony
31 (RCW 9A.76.170(3)(b))
32 Child Molestation 3 (RCW 9A.44.089)
33 Criminal Mistreatment 2 (RCW
34 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Dealing in Depictions of Minor
4 Engaged in Sexually Explicit
5 Conduct 2 (RCW 9.68A.050(2))
6 Domestic Violence Court Order
7 Violation (RCW 10.99.040,
8 10.99.050, 26.09.300, 26.10.220,
9 26.26.138, 26.50.110, 26.52.070,
10 or 74.34.145)
11 Driving While Under the Influence
12 (RCW 46.61.502(6))
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Physical Control of a Vehicle While
25 Under the Influence (RCW
26 46.61.504(6))
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1
31 (RCW 9A.76.070)
32 Sending, Bringing into State
33 Depictions of Minor Engaged in
34 Sexually Explicit Conduct 2
35 (RCW 9.68A.060(2))

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault 3 (of a Peace Officer with a
11 Projectile Stun Gun) (RCW
12 9A.36.031(1)(h))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9.46.1961)
19 Commercial Bribery (RCW
20 9A.68.060)
21 Counterfeiting (RCW 9.16.035(4))
22 Endangerment with a Controlled
23 Substance (RCW 9A.42.100)
24 Escape 1 (RCW 9A.76.110)
25 Hit and Run—Injury (RCW
26 46.52.020(4)(b))
27 Hit and Run with Vessel—Injury
28 Accident (RCW 79A.60.200(3))
29 Identity Theft 1 (RCW 9.35.020(2))
30 Indecent Exposure to Person Under
31 Age Fourteen (subsequent sex
32 offense) (RCW 9A.88.010)
33 Influencing Outcome of Sporting Event
34 (RCW 9A.82.070)

1 Malicious Harassment (RCW
2 9A.36.080)
3 Possession of Depictions of a Minor
4 Engaged in Sexually Explicit
5 Conduct 2 (RCW 9.68A.070(2))
6 Residential Burglary (RCW
7 9A.52.025)
8 Robbery 2 (RCW 9A.56.210)
9 Theft of Livestock 1 (RCW 9A.56.080)
10 Threats to Bomb (RCW 9.61.160)
11 Trafficking in Stolen Property 1 (RCW
12 9A.82.050)
13 Unlawful factoring of a credit card or
14 payment card transaction (RCW
15 9A.56.290(4)(b))
16 Unlawful transaction of health
17 coverage as a health care service
18 contractor (RCW 48.44.016(3))
19 Unlawful transaction of health
20 coverage as a health maintenance
21 organization (RCW 48.46.033(3))
22 Unlawful transaction of insurance
23 business (RCW 48.15.023(3))
24 Unlicensed practice as an insurance
25 professional (RCW 48.17.063(2))
26 Use of Proceeds of Criminal
27 Profiteering (RCW 9A.82.080 (1)
28 and (2))
29 Vehicle Prowling 2 (third or
30 subsequent offense) (RCW
31 9A.52.100(3))
32 Vehicular Assault, by being under the
33 influence of intoxicating liquor or
34 any drug, or by the operation or
35 driving of a vehicle in a reckless
36 manner (RCW 46.61.522)

1 Viewing of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.075(1))
4 Willful Failure to Return from
5 Furlough (RCW 72.66.060)
6 III Animal Cruelty 1 (Sexual Conduct or
7 Contact) (RCW 16.52.205(3))
8 Assault 3 (Except Assault 3 of a Peace
9 Officer With a Projectile Stun
10 Gun) (RCW 9A.36.031 except
11 subsection (1)(h))
12 Assault of a Child 3 (RCW 9A.36.140)
13 Bail Jumping with class B or C Felony
14 (RCW 9A.76.170(3)(c))
15 Burglary 2 (RCW 9A.52.030)
16 Communication with a Minor for
17 Immoral Purposes (RCW
18 9.68A.090)
19 Criminal Gang Intimidation (RCW
20 9A.46.120)
21 Custodial Assault (RCW 9A.36.100)
22 Cyberstalking (subsequent conviction
23 or threat of death) (RCW
24 9.61.260(3))
25 Escape 2 (RCW 9A.76.120)
26 Extortion 2 (RCW 9A.56.130)
27 Harassment (RCW 9A.46.020)
28 Intimidating a Public Servant (RCW
29 9A.76.180)
30 Introducing Contraband 2 (RCW
31 9A.76.150)
32 Malicious Injury to Railroad Property
33 (RCW 81.60.070)
34 Mortgage Fraud (RCW 19.144.080)

1 Negligently Causing Substantial
2 Bodily Harm By Use of a Signal
3 Preemption Device (RCW
4 46.37.674)
5 Organized Retail Theft 1 (RCW
6 9A.56.350(2))
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun or Short-
11 Barreled Shotgun or Rifle (RCW
12 9.41.190)
13 Promoting Prostitution 2 (RCW
14 9A.88.080)
15 Retail Theft with Special
16 Circumstances 1 (RCW
17 9A.56.360(2))
18 Securities Act violation (RCW
19 21.20.400)
20 Tampering with a Witness (RCW
21 9A.72.120)
22 Telephone Harassment (subsequent
23 conviction or threat of death)
24 (RCW 9.61.230(2))
25 Theft of Livestock 2 (RCW 9A.56.083)
26 Theft with the Intent to Resell 1 (RCW
27 9A.56.340(2))
28 Trafficking in Stolen Property 2 (RCW
29 9A.82.055)
30 Unlawful Hunting of Big Game 1
31 (RCW 77.15.410(3)(b))
32 Unlawful Imprisonment (RCW
33 9A.40.040)
34 Unlawful Misbranding of Food Fish or
35 Shellfish 1 (RCW 69.04.938(3))

1 Unlawful possession of firearm in the
2 second degree (RCW 9.41.040(2))
3 Unlawful Taking of Endangered Fish
4 or Wildlife 1 (RCW
5 77.15.120(3)(b))
6 Unlawful Trafficking in Fish, Shellfish,
7 or Wildlife 1 (RCW
8 77.15.260(3)(b))
9 Unlawful Use of a Nondesignated
10 Vessel (RCW 77.15.530(4))
11 Vehicular Assault, by the operation or
12 driving of a vehicle with disregard
13 for the safety of others (RCW
14 46.61.522)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 II Commercial Fishing Without a License
18 1 (RCW 77.15.500(3)(b))
19 Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Engaging in Fish Dealing Activity
23 Unlicensed 1 (RCW 77.15.620(3))
24 Escape from Community Custody
25 (RCW 72.09.310)
26 Failure to Register as a Sex Offender
27 (second or subsequent offense)
28 (RCW 9A.44.132)
29 Health Care False Claims (RCW
30 48.80.030)
31 Identity Theft 2 (RCW 9.35.020(3))
32 Improperly Obtaining Financial
33 Information (RCW 9.35.010)
34 Malicious Mischief 1 (RCW
35 9A.48.070)

1 Organized Retail Theft 2 (RCW
2 9A.56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Possession of a Stolen Vehicle (RCW
6 9A.56.068)
7 Retail Theft with Special
8 Circumstances 2 (RCW
9 9A.56.360(3))
10 Scrap Processing, Recycling, or
11 Supplying Without a License
12 (second or subsequent offense)
13 (RCW 19.290.100)
14 Theft 1 (RCW 9A.56.030)
15 Theft from a Vulnerable Adult 1
16 (section 5(1) of this act)
17 Theft of a Motor Vehicle (RCW
18 9A.56.065)
19 Theft of Rental, Leased, or Lease-
20 purchased Property (valued at one
21 thousand five hundred dollars or
22 more) (RCW 9A.56.096(5)(a))
23 Theft with the Intent to Resell 2 (RCW
24 9A.56.340(3))
25 Trafficking in Insurance Claims (RCW
26 48.30A.015)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(a))
30 Unlawful Participation of Non-Indians
31 in Indian Fishery (RCW
32 77.15.570(2))
33 Unlawful Practice of Law (RCW
34 2.48.180)
35 Unlawful Purchase or Use of a License
36 (RCW 77.15.650(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,
2 or Wildlife 2 (RCW
3 77.15.260(3)(a))
4 Unlicensed Practice of a Profession or
5 Business (RCW 18.130.190(7))
6 Voyeurism (RCW 9A.44.115)
7 I Attempting to Elude a Pursuing Police
8 Vehicle (RCW 46.61.024)
9 False Verification for Welfare (RCW
10 74.08.055)
11 Forgery (RCW 9A.60.020)
12 Fraudulent Creation or Revocation of a
13 Mental Health Advance Directive
14 (RCW 9A.60.060)
15 Malicious Mischief 2 (RCW
16 9A.48.080)
17 Mineral Trespass (RCW 78.44.330)
18 Possession of Stolen Property 2 (RCW
19 9A.56.160)
20 Reckless Burning 1 (RCW 9A.48.040)
21 Spotlighting Big Game 1 (RCW
22 77.15.450(3)(b))
23 Suspension of Department Privileges 1
24 (RCW 77.15.670(3)(b))
25 Taking Motor Vehicle Without
26 Permission 2 (RCW 9A.56.075)
27 Theft 2 (RCW 9A.56.040)
28 Theft from a Vulnerable Adult 2
29 (section 5(2) of this act)
30 Theft of Rental, Leased, or Lease-
31 purchased Property (valued at two
32 hundred fifty dollars or more but
33 less than one thousand five
34 hundred dollars) (RCW
35 9A.56.096(5)(b))

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063)

4 Unlawful Fish and Shellfish Catch
5 Accounting (RCW
6 77.15.630(3)(b))

7 Unlawful Issuance of Checks or Drafts
8 (RCW 9A.56.060)

9 Unlawful Possession of Fictitious
10 Identification (RCW 9A.56.320)

11 Unlawful Possession of Instruments of
12 Financial Fraud (RCW 9A.56.320)

13 Unlawful Possession of Payment
14 Instruments (RCW 9A.56.320)

15 Unlawful Possession of a Personal
16 Identification Device (RCW
17 9A.56.320)

18 Unlawful Production of Payment
19 Instruments (RCW 9A.56.320)

20 (~~Unlawful Release of~~) Unlawfully
21 Releasing, Planting, Possessing, or
22 Placing Deleterious Exotic
23 Wildlife (RCW 77.15.250(2)(b))

24 Unlawful Trafficking in Food Stamps
25 (RCW 9.91.142)

26 Unlawful Use of Food Stamps (RCW
27 9.91.144)

28 Unlawful Use of Net to Take Fish 1
29 (RCW 77.15.580(3)(b))

30 Unlawful Use of Prohibited Aquatic
31 Animal Species (RCW
32 77.15.253(3))

33 Vehicle Prowl 1 (RCW 9A.52.095)

34 Violating Commercial Fishing Area or
35 Time 1 (RCW 77.15.550(3)(b))

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.34
2 RCW to read as follows:

3 (1) Notwithstanding any provision of law governing the disclosure
4 of information and records, persons who are trained and qualified to
5 serve on multidisciplinary personnel teams may disclose to each other
6 information and records that are relevant to the prevention,
7 identification, or treatment of abuse, neglect, or exploitation of
8 vulnerable adults, as defined in RCW 74.34.020.

9 (2) Except as provided in subsection (1) of this section, any
10 personnel of the multidisciplinary teams who receives information
11 pursuant to this chapter are under the same obligations and subject
12 to the same confidentiality penalties as the person disclosing or
13 providing that information. The information obtained must be
14 maintained in a manner that ensures the maximum protection of privacy
15 and confidentiality rights.

16 (3) For the purposes of this section, a "multidisciplinary
17 personnel team" means any team of two or more persons who are trained
18 in the prevention, identification, management, investigation,
19 prosecution, or treatment of abuse, neglect, or exploitation of
20 vulnerable adults and who are qualified to provide a broad range of
21 services related to abuse, neglect, or exploitation of vulnerable
22 adults. A multidisciplinary personnel team may include, but is not
23 limited to, any of the following:

- 24 (a) Representatives of the department;
- 25 (b) Law enforcement officers or other law enforcement agents;
- 26 (c) Medical personnel with sufficient training to provide health
27 services;
- 28 (d) Social workers with experience or training in response to or
29 prevention of abuse of vulnerable adults;
- 30 (e) Public guardians;
- 31 (f) Long-term care ombuds employees or volunteers;
- 32 (g) Prosecutors;
- 33 (h) Medical examiners or coroners; and
- 34 (i) Financial analysts or forensic accountants.

35 **Sec. 9.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read
36 as follows:

37 (1) Prosecutions for criminal offenses shall not be commenced
38 after the periods prescribed in this section.

1 (a) The following offenses may be prosecuted at any time after
2 their commission:

3 (i) Murder;

4 (ii) Homicide by abuse;

5 (iii) Arson if a death results;

6 (iv) Vehicular homicide;

7 (v) Vehicular assault if a death results;

8 (vi) Hit-and-run injury-accident if a death results (RCW
9 46.52.020(4)).

10 (b) Except as provided in (c) of this subsection, the following
11 offenses shall not be prosecuted more than ten years after their
12 commission:

13 (i) Any felony committed by a public officer if the commission is
14 in connection with the duties of his or her office or constitutes a
15 breach of his or her public duty or a violation of the oath of
16 office;

17 (ii) Arson if no death results;

18 (iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
19 reported to a law enforcement agency within one year of its
20 commission.

21 (B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported
22 within one year, the rape may not be prosecuted more than three years
23 after its commission; or

24 (iv) Indecent liberties under RCW 9A.44.100(1)(b).

25 (c) Violations of the following statutes, when committed against
26 a victim under the age of eighteen, may be prosecuted up to the
27 victim's thirtieth birthday: RCW 9A.44.040 (rape in the first
28 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a
29 child in the first degree), 9A.44.076 (rape of a child in the second
30 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083
31 (child molestation in the first degree), 9A.44.086 (child molestation
32 in the second degree), 9A.44.089 (child molestation in the third
33 degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or
34 9.68A.040 (sexual exploitation of a minor).

35 (d) The following offenses shall not be prosecuted more than six
36 years after their commission or their discovery, whichever occurs
37 later:

38 (i) Violations of RCW 9A.82.060 or 9A.82.080;

39 (ii) Any felony violation of chapter 9A.83 RCW;

40 (iii) Any felony violation of chapter 9.35 RCW;

1 (iv) Theft in the first or second degree under chapter 9A.56 RCW
2 when accomplished by color or aid of deception; ((~~or~~))

3 (v) Theft from a vulnerable adult under section 5 of this act; or

4 (vi) Trafficking in stolen property in the first or second degree
5 under chapter 9A.82 RCW in which the stolen property is a motor
6 vehicle or major component part of a motor vehicle as defined in RCW
7 46.80.010.

8 (e) The following offenses shall not be prosecuted more than five
9 years after their commission: Any class C felony under chapter 74.09,
10 82.36, or 82.38 RCW.

11 (f) Bigamy shall not be prosecuted more than three years after
12 the time specified in RCW 9A.64.010.

13 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
14 three years after the discovery of the offense when the victim is a
15 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

16 (h) No other felony may be prosecuted more than three years after
17 its commission; except that in a prosecution under RCW 9A.44.115, if
18 the person who was viewed, photographed, or filmed did not realize at
19 the time that he or she was being viewed, photographed, or filmed,
20 the prosecution must be commenced within two years of the time the
21 person who was viewed or in the photograph or film first learns that
22 he or she was viewed, photographed, or filmed.

23 (i) No gross misdemeanor may be prosecuted more than two years
24 after its commission.

25 (j) No misdemeanor may be prosecuted more than one year after its
26 commission.

27 (2) The periods of limitation prescribed in subsection (1) of
28 this section do not run during any time when the person charged is
29 not usually and publicly resident within this state.

30 (3) In any prosecution for a sex offense as defined in RCW
31 9.94A.030, the periods of limitation prescribed in subsection (1) of
32 this section run from the date of commission or one year from the
33 date on which the identity of the suspect is conclusively established
34 by deoxyribonucleic acid testing or by photograph as defined in RCW
35 9.68A.011, whichever is later.

36 (4) If, before the end of a period of limitation prescribed in
37 subsection (1) of this section, an indictment has been found or a
38 complaint or an information has been filed, and the indictment,
39 complaint, or information is set aside, then the period of limitation

1 is extended by a period equal to the length of time from the finding
2 or filing to the setting aside.

3 **Sec. 10.** RCW 9A.56.030 and 2013 c 322 s 2 are each amended to
4 read as follows:

5 (1) Except as provided in section 5 of this act, a person is
6 guilty of theft in the first degree if he or she commits theft of:

7 (a) Property or services which exceed(s) five thousand dollars in
8 value other than a firearm as defined in RCW 9.41.010;

9 (b) Property of any value, other than a firearm as defined in RCW
10 9.41.010 or a motor vehicle, taken from the person of another;

11 (c) A search and rescue dog, as defined in RCW 9.91.175, while
12 the search and rescue dog is on duty; or

13 (d) Commercial metal property, nonferrous metal property, or
14 private metal property, as those terms are defined in RCW 19.290.010,
15 and the costs of the damage to the owner's property exceed five
16 thousand dollars in value.

17 (2) Theft in the first degree is a class B felony.

18 **Sec. 11.** RCW 9A.56.040 and 2013 c 322 s 3 are each amended to
19 read as follows:

20 (1) Except as provided in section 5 of this act, a person is
21 guilty of theft in the second degree if he or she commits theft of:

22 (a) Property or services which exceed(s) seven hundred fifty
23 dollars in value but does not exceed five thousand dollars in value,
24 other than a firearm as defined in RCW 9.41.010 or a motor vehicle;

25 (b) A public record, writing, or instrument kept, filed, or
26 deposited according to law with or in the keeping of any public
27 office or public servant;

28 (c) Commercial metal property, nonferrous metal property, or
29 private metal property, as those terms are defined in RCW 19.290.010,
30 and the costs of the damage to the owner's property exceed seven
31 hundred fifty dollars but does not exceed five thousand dollars in
32 value; or

33 (d) An access device.

34 (2) Theft in the second degree is a class C felony.

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