
HOUSE BILL 2709

State of Washington

66th Legislature

2020 Regular Session

By Representatives Lovick, Dent, and Goodman; by request of Department of Social and Health Services

Read first time 01/20/20. Referred to Committee on Public Safety.

1 AN ACT Relating to food benefits trafficking; amending RCW
2 9.91.140; reenacting and amending RCW 9.94A.515; repealing RCW
3 9.91.142 and 9.91.144; and prescribing penalties.

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

5 **Sec. 1.** RCW 9.91.140 and 2003 c 53 s 49 are each amended to read
6 as follows:

7 ~~((A person who sells food stamps obtained through the program
8 established under RCW 74.04.500 or food stamp benefits transferred
9 electronically, or food purchased therewith, is guilty of the
10 following:~~

11 ~~(1) A gross misdemeanor if the value of the stamps, benefits, or
12 food transferred exceeds one hundred dollars; or~~

13 ~~(2) A misdemeanor if the value of the stamps, benefits, or food
14 transferred is one hundred dollars or less.))~~ (1) A person who sells
15 food benefits, or items purchased using food benefits, is guilty of:

16 (a) A gross misdemeanor if the value of the food benefits or
17 items sold exceeds one hundred dollars; or

18 (b) A misdemeanor if the value of the food benefits or items sold
19 is one hundred dollars or less.

1 (2) A person who knowingly uses, transfers, acquires, alters, or
2 possesses food benefits in a manner that is contrary to Title 74 RCW
3 or regulations issued pursuant to that title is guilty of:

4 (a) A class C felony punishable under chapter 9A.20 RCW if the
5 value of the food benefits exceeds one hundred dollars; or

6 (b) A gross misdemeanor if the value of the food benefits is one
7 hundred dollars or less.

8 (3) A person who presents, or causes to be presented, food
9 benefits for payment or redemption, knowing the food benefits have
10 been received, transferred, or used in any manner in violation of the
11 provisions of Title 74 RCW or regulations issued pursuant to that
12 title, is guilty of a class C felony punishable under chapter 9A.20
13 RCW.

14 (4) For purposes of this section, "food benefits" includes: (a)
15 Stamps, coupons, vouchers, cards, and benefits transferred
16 electronically where those items are issued under a food assistance
17 program under Title 74 RCW; and (b) benefits issued as part of
18 federally funded and/or state-funded food assistance programs.

19 **Sec. 2.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c
20 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read
21 as follows:

22 TABLE 2

23 CRIMES INCLUDED WITHIN EACH
24 SERIOUSNESS LEVEL

25	XVI	Aggravated Murder 1 (RCW 10.95.020)
26	XV	Homicide by abuse (RCW 9A.32.055)
27		Malicious explosion 1 (RCW
28		70.74.280(1))
29		Murder 1 (RCW 9A.32.030)
30	XIV	Murder 2 (RCW 9A.32.050)
31		Trafficking 1 (RCW 9A.40.100(1))
32	XIII	Malicious explosion 2 (RCW
33		70.74.280(2))
34		Malicious placement of an explosive 1
35		(RCW 70.74.270(1))
36	XII	Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)
2 Malicious placement of an imitation
3 device 1 (RCW 70.74.272(1)(a))
4 Promoting Commercial Sexual Abuse of
5 a Minor (RCW 9.68A.101)
6 Rape 1 (RCW 9A.44.040)
7 Rape of a Child 1 (RCW 9A.44.073)
8 Trafficking 2 (RCW 9A.40.100(3))
9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)
12 Vehicular Homicide, by being under the
13 influence of intoxicating liquor or
14 any drug (RCW 46.61.520)
15 Vehicular Homicide, by the operation of
16 any vehicle in a reckless manner
17 (RCW 46.61.520)
18 X Child Molestation 1 (RCW 9A.44.083)
19 Criminal Mistreatment 1 (RCW
20 9A.42.020)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape (RCW
30 9A.76.115)
31 IX Abandonment of Dependent Person 1
32 (RCW 9A.42.060)
33 Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)

1 Hit and Run—Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being under
4 the influence of intoxicating liquor
5 or any drug (RCW 79A.60.050)
6 Inciting Criminal Profiteering (RCW
7 9A.82.060(1)(b))
8 Malicious placement of an explosive 2
9 (RCW 70.74.270(2))
10 Robbery 1 (RCW 9A.56.200)
11 Sexual Exploitation (RCW 9.68A.040)
12 VIII Arson 1 (RCW 9A.48.020)
13 Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)
15 Homicide by Watercraft, by the
16 operation of any vessel in a reckless
17 manner (RCW 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Promoting Prostitution 1 (RCW
20 9A.88.070)
21 Theft of Ammonia (RCW 69.55.010)
22 VII Air bag diagnostic systems (causing
23 bodily injury or death) (RCW
24 46.37.660(2)(b))
25 Air bag replacement requirements
26 (causing bodily injury or death)
27 (RCW 46.37.660(1)(b))
28 Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sell, install, or reinstall counterfeit,
20 nonfunctional, damaged, or
21 previously deployed airbag (RCW
22 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun or Bump-fire
30 Stock in Commission of a Felony
31 (RCW 9.41.225)

32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)

35 VI Bail Jumping with Murder 1 (RCW
36 9A.76.170(3)(a))

37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation
6 device 2 (RCW 70.74.272(1)(b))
7 Possession of Depictions of a Minor
8 Engaged in Sexually Explicit
9 Conduct 1 (RCW 9.68A.070(1))
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Theft from a Vulnerable Adult 1 (RCW
13 9A.56.400(1))
14 Unlawful Storage of Ammonia (RCW
15 69.55.020)
16 V Abandonment of Dependent Person 2
17 (RCW 9A.42.070)
18 Advancing money or property for
19 extortionate extension of credit
20 (RCW 9A.82.030)
21 Air bag diagnostic systems (RCW
22 46.37.660(2)(c))
23 Air bag replacement requirements
24 (RCW 46.37.660(1)(c))
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 2 (RCW
29 9A.42.030)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Dealing in Depictions of Minor
33 Engaged in Sexually Explicit
34 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26B.050, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sell, install, or reinstall counterfeit,
27 nonfunctional, damaged, or
28 previously deployed airbag (RCW
29 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
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 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9A.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hate Crime (RCW 9A.36.080)
27 Hit and Run—Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel—Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9A.35.020(2))
32 Indecent Exposure to Person Under Age
33 Fourteen (subsequent sex offense)
34 (RCW 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 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 Furlough
10 (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 Gun)
15 (RCW 9A.36.031 except subsection
16 (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 or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

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

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

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Manufacture of Untraceable Firearm
4 with Intent to Sell (RCW 9.41.190)
5 Manufacture or Assembly of an
6 Undetectable Firearm or
7 Untraceable Firearm (RCW
8 9.41.325)
9 Mortgage Fraud (RCW 19.144.080)
10 Negligently Causing Substantial Bodily
11 Harm By Use of a Signal
12 Preemption Device (RCW
13 46.37.674)
14 Organized Retail Theft 1 (RCW
15 9A.56.350(2))
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun, Bump-Fire
20 Stock, Undetectable Firearm, or
21 Short-Barreled Shotgun or Rifle
22 (RCW 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Retail Theft with Special Circumstances
26 1 (RCW 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death) (RCW
33 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 9A.56.340(2))

1 Trafficking in Stolen Property 2 (RCW
2 9A.82.055)
3 Unlawful Hunting of Big Game 1 (RCW
4 77.15.410(3)(b))
5 Unlawful Imprisonment (RCW
6 9A.40.040)
7 Unlawful Misbranding of Fish or
8 Shellfish 1 (RCW 77.140.060(3))
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Unlawful Taking of Endangered Fish or
12 Wildlife 1 (RCW 77.15.120(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 1 (RCW
15 77.15.260(3)(b))
16 Unlawful Use of a Nondesigned
17 Vessel (RCW 77.15.530(4))
18 Vehicular Assault, by the operation or
19 driving of a vehicle with disregard
20 for the safety of others (RCW
21 46.61.522)
22 Willful Failure to Return from Work
23 Release (RCW 72.65.070)
24 II Commercial Fishing Without a License
25 1 (RCW 77.15.500(3)(b))
26 Computer Trespass 1 (RCW 9A.90.040)
27 Counterfeiting (RCW 9.16.035(3))
28 Electronic Data Service Interference
29 (RCW 9A.90.060)
30 Electronic Data Tampering 1 (RCW
31 9A.90.080)
32 Electronic Data Theft (RCW 9A.90.100)
33 Engaging in Fish Dealing Activity
34 Unlicensed 1 (RCW 77.15.620(3))
35 Escape from Community Custody
36 (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 9A.48.070)
11 Organized Retail Theft 2 (RCW
12 9A.56.350(3))
13 Possession of Stolen Property 1 (RCW
14 9A.56.150)
15 Possession of a Stolen Vehicle (RCW
16 9A.56.068)
17 Retail Theft with Special Circumstances
18 2 (RCW 9A.56.360(3))
19 Scrap Processing, Recycling, or
20 Supplying Without a License
21 (second or subsequent offense)
22 (RCW 19.290.100)
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at five thousand dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians
2 in Indian Fishery (RCW
3 77.15.570(2))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlawful Purchase or Use of a License
7 (RCW 77.15.650(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 2 (RCW
10 77.15.260(3)(a))
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Voyeurism 1 (RCW 9A.44.115)
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW 9A.48.080)
23 Mineral Trespass (RCW 78.44.330)
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Spotlighting Big Game 1 (RCW
28 77.15.450(3)(b))
29 Suspension of Department Privileges 1
30 (RCW 77.15.670(3)(b))
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)
34 Theft from a Vulnerable Adult 2 (RCW
35 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at seven hundred fifty
4 dollars or more but less than five
5 thousand dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Presentation of Food Benefits
24 (RCW 9.91.140(3))
25 Unlawful Production of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Releasing, Planting,
28 Possessing, or Placing Deleterious
29 Exotic Wildlife (RCW
30 77.15.250(2)(b))
31 ~~((Unlawful Trafficking in Food Stamps~~
32 ~~(RCW 9.91.142)~~
33 ~~Unlawful Use of Food Stamps (RCW~~
34 ~~9.91.144)))~~
35 Unlawful Use of Net to Take Fish 1
36 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic
2 Animal Species (RCW
3 77.15.253(3))
4 Unlawful Use, Transfer, Acquisition,
5 Alteration, or Possession of Food
6 Benefits (RCW 9.91.140(2)(a))
7 Vehicle Prowl 1 (RCW 9A.52.095)
8 Violating Commercial Fishing Area or
9 Time 1 (RCW 77.15.550(3)(b))

10 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 9.91.142 (Food stamps—Trafficking) and 2003 c 53 s 50;
13 and

14 (2) RCW 9.91.144 (Food stamps—Unlawful redemption) and 2003 c 53
15 s 51.

--- END ---