
ENGROSSED SUBSTITUTE HOUSE BILL 2153

State of Washington

68th Legislature

2024 Regular Session

By House Consumer Protection & Business (originally sponsored by Representatives Ryu, Ormsby, Cheney, Reeves, Pollet, and Davis)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to deterring the theft of catalytic converters;
2 amending RCW 19.290.010, 19.290.020, 19.290.030, 19.290.040,
3 19.290.050, 19.290.060, 19.290.080, 19.290.220, 19.290.240,
4 46.79.010, 46.80.080, 46.80.210, 46.12.560, and 9A.82.010; reenacting
5 and amending RCW 46.80.010, 9.94A.533, and 9.94A.515; adding a new
6 section to chapter 19.290 RCW; adding a new section to chapter 46.70
7 RCW; adding new sections to chapter 46.79 RCW; adding a new section
8 to chapter 46.80 RCW; adding a new section to chapter 43.43 RCW;
9 adding new sections to chapter 9A.82 RCW; adding a new section to
10 chapter 9.94A RCW; creating a new section; prescribing penalties; and
11 providing an effective date.

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

13 NEW SECTION. **Sec. 1.** The legislature finds that rates of
14 catalytic converter theft have rapidly increased statewide and
15 nationwide, due in part to existing challenges with accurately
16 identifying stolen catalytic converters and tracking them through the
17 stream of commerce after they have been removed from their
18 originating vehicles. The legislature also finds that recent evidence
19 suggests most purchases of stolen catalytic converters are conducted
20 by unlicensed, unregulated purchasers.

1 Therefore, the legislature intends to require all purchasers to
2 be licensed and subject to regulation and inspection. To facilitate
3 the ability to track catalytic converters, the legislature further
4 intends to require permanent marking of catalytic converters for the
5 purpose of identifying the originating vehicle. The legislature also
6 intends to create a related structure for enforcing these provisions
7 and imposing penalties commensurate with the enforcement and penalty
8 structures found in comparable areas of law.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.290
10 RCW to read as follows:

11 Nothing in this chapter shall be construed to authorize licensed
12 scrap metal businesses to purchase or sell junk vehicles or major
13 component parts as defined in RCW 46.79.010.

14 **Sec. 3.** RCW 19.290.010 and 2023 c 125 s 2 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Commercial account" means a relationship between a scrap
19 metal business and a commercial enterprise that is ongoing and
20 properly documented under RCW 19.290.030.

21 (2) "Commercial enterprise" means a corporation, partnership,
22 limited liability company, association, state agency, political
23 subdivision of the state, public corporation, or any other legal or
24 commercial entity.

25 (3) "Commercial metal property" means: Utility access covers;
26 street light poles and fixtures; road and bridge guardrails; highway
27 or street signs; water meter covers; traffic directional and control
28 signs; traffic light signals; any metal property marked with the name
29 of a commercial enterprise, including but not limited to a telephone,
30 commercial mobile radio services, cable, electric, water, natural
31 gas, or other utility, or railroad; unused or undamaged building
32 construction materials consisting of copper pipe, tubing, or wiring,
33 or aluminum wire, siding, downspouts, or gutters; aluminum or
34 stainless steel fence panels made from one inch tubing, 42 inches
35 high with four-inch gaps; aluminum decking, bleachers, or risers;
36 historical markers; statue plaques; grave markers and funeral vases;
37 components of electric vehicle supply equipment made available for

1 commercial or public use; or agricultural irrigation wheels,
2 sprinkler heads, and pipes.

3 (4) "Engage in business" means conducting more than 12
4 transactions in a 12-month period.

5 (5) "Nonferrous metal property" means metal property for which
6 the value of the metal property is derived from the property's
7 content of copper, brass, aluminum, bronze, lead, zinc, nickel, and
8 their alloys. "Nonferrous metal property" does not include precious
9 metals.

10 (6) "Person" means an individual, domestic or foreign
11 corporation, limited liability corporation, partnership, trust,
12 unincorporated association, or other entity; an affiliate or
13 associate of any such person; or any two or more persons acting as a
14 partnership, syndicate, or other group for the purpose of acquiring,
15 holding, or dispersing of securities of a domestic or foreign
16 corporation.

17 (7) "Precious metals" means gold, silver, and platinum.

18 (8) (~~"Private metal property" means catalytic converters, either~~
19 ~~singly or in bundles, bales, or bulk, that have been removed from~~
20 ~~vehicles for sale as a specific commodity.~~

21 ~~(9))~~ "Record" means a paper, electronic, or other method of
22 storing information.

23 ~~((10))~~ (9) "Scrap metal business" means a scrap metal supplier,
24 scrap metal recycler, and scrap metal processor.

25 ~~((11))~~ (10) "Scrap metal processor" means a person with a
26 current business license that conducts business from a permanent
27 location, that is engaged in the business of purchasing or receiving
28 (~~(private metal property,)~~) nonferrous metal property(~~(,)~~) and
29 commercial metal property for the purpose of altering the metal in
30 preparation for its use as feedstock in the manufacture of new
31 products, and that maintains a hydraulic bailer, shearing device, or
32 shredding device for recycling.

33 ~~((12))~~ (11) "Scrap metal recycler" means a person with a
34 current business license that is engaged in the business of
35 purchasing or receiving (~~(private metal property,)~~) nonferrous metal
36 property(~~(,)~~) and commercial metal property for the purpose of
37 aggregation and sale to another scrap metal business and that
38 maintains a fixed place of business within the state.

39 ~~((13))~~ (12) "Scrap metal supplier" means a person with a
40 current business license that is engaged in the business of

1 purchasing or receiving (~~(private metal property or)~~) nonferrous
2 metal property for the purpose of aggregation and sale to a scrap
3 metal recycler or scrap metal processor and that does not maintain a
4 fixed business location in the state.

5 (~~(14)~~) (13) "Transaction" means a pledge, or the purchase of,
6 or the trade of any item of (~~(private metal property or)~~) nonferrous
7 metal property by a scrap metal business from a member of the general
8 public. "Transaction" does not include donations or the purchase or
9 receipt of (~~(private metal property or)~~) nonferrous metal property by
10 a scrap metal business from a commercial enterprise, from another
11 scrap metal business, or from a duly authorized employee or agent of
12 the commercial enterprise or scrap metal business.

13 **Sec. 4.** RCW 19.290.020 and 2022 c 221 s 3 are each amended to
14 read as follows:

15 (1) At the time of a transaction, every scrap metal business
16 doing business in this state shall produce wherever that business is
17 conducted an accurate and legible record of each transaction
18 involving (~~(private metal property or)~~) nonferrous metal property.
19 This record must be written in the English language, documented on a
20 standardized form or in electronic form, and contain the following
21 information:

22 (a) The signature of the person with whom the transaction is
23 made;

24 (b) The time, date, location, and value of the transaction;

25 (c) The name of the employee representing the scrap metal
26 business in the transaction;

27 (d) The name, street address, and telephone number of the person
28 with whom the transaction is made;

29 (e) The license plate number and state of issuance of the license
30 plate on the motor vehicle used to deliver the (~~(private metal
31 property or)~~) nonferrous metal property subject to the transaction;

32 (f) A description of the motor vehicle used to deliver the
33 (~~(private metal property or)~~) nonferrous metal property subject to
34 the transaction;

35 (g) The current driver's license number or other government-
36 issued picture identification card number of the seller or a copy of
37 the seller's government-issued picture identification card; and

38 (h) A description of the predominant types of (~~(private metal
39 property or)~~) nonferrous metal property subject to the transaction,

1 utilizing the institute of scrap recycling industries' generally
2 accepted terminology, and including weight, quantity, or volume(~~+~~
3 and

4 ~~(i) For every transaction specifically involving a catalytic~~
5 ~~converter that has been removed from a vehicle, documentation~~
6 ~~indicating that the private metal property in the seller's possession~~
7 ~~is the result of the seller replacing private metal property from a~~
8 ~~vehicle registered in the seller's name)).~~

9 (2) For every transaction that involves (~~private metal property~~
10 ~~or~~) nonferrous metal property, every scrap metal business doing
11 business in the state shall require the person with whom a
12 transaction is being made to sign a declaration. The declaration may
13 be included as part of the transactional record required under
14 subsection (1) of this section, or on a receipt for the transaction.
15 The declaration must state substantially the following:

16 "I, the undersigned, affirm under penalty of law that the
17 property that is subject to this transaction is not to the best of my
18 knowledge stolen property."

19 The declaration must be signed and dated by the person with whom
20 the transaction is being made. An employee of the scrap metal
21 business must witness the signing and dating of the declaration and
22 sign the declaration accordingly before any transaction may be
23 consummated.

24 (3) The record and declaration required under this section must
25 be open to the inspection of any commissioned law enforcement officer
26 of the state or any of its political subdivisions at all times during
27 the ordinary hours of business, or at reasonable times if ordinary
28 hours of business are not kept, and must be maintained wherever that
29 business is conducted for five years following the date of the
30 transaction.

31 **Sec. 5.** RCW 19.290.030 and 2022 c 221 s 4 are each amended to
32 read as follows:

33 (1) No scrap metal business may enter into a transaction to
34 purchase or receive (~~private metal property or~~) nonferrous metal
35 property from any person who cannot produce at least one piece of
36 current government-issued picture identification, including a valid
37 driver's license or identification card issued by any state.

38 (2) No scrap metal business may purchase or receive (~~private~~
39 ~~metal property or~~) commercial metal property unless the seller: (a)

1 Has a commercial account with the scrap metal business; (b) can prove
2 ownership of the property by producing written documentation that the
3 seller is the owner of the property; or (c) can produce written
4 documentation that the seller is an employee or agent authorized to
5 sell the property on behalf of a commercial enterprise.

6 (3) No scrap metal business may enter into a transaction to
7 purchase or receive metallic wire that was burned in whole or in part
8 to remove insulation unless the seller can produce written proof to
9 the scrap metal business that the wire was lawfully burned.

10 (4) (a) No transaction involving (~~private metal property or~~)
11 nonferrous metal property may be made in cash or with any person who
12 does not provide a street address and photographic identification and
13 sign a declaration under the requirements of RCW 19.290.020 (~~(1) (d)~~
14 ~~and (g)~~) except as described in (b) (~~and (e)~~) of this subsection.
15 The person with whom the transaction is being made may only be paid
16 by a nontransferable check, mailed by the scrap metal business to a
17 street address provided under RCW 19.290.020, no earlier than three
18 days after the transaction was made. A transaction occurs on the date
19 provided in the record required under RCW 19.290.020.

20 (b) A scrap metal business that is in compliance with this
21 chapter may pay up to a maximum of \$30 in cash, stored value device,
22 or electronic funds transfer for nonferrous metal property. The
23 balance of the value of the transaction may be made by
24 nontransferable check, stored value device, or electronic funds
25 transfer at the time the transaction is made if the scrap metal
26 business digitally captures:

27 (i) A copy of one piece of current government-issued picture
28 identification, including a current driver's license or
29 identification card issued by any state; and

30 (ii) Either a picture or video of either the material subject to
31 the transaction in the form received or the material subject to the
32 transaction within the vehicle which the material was transported to
33 the scrap metal business.

34 (~~(c) Payment to individual sellers of private metal property as~~
35 ~~defined in this chapter may not be made at the time of the~~
36 ~~transaction and shall not be paid earlier than three business days~~
37 ~~after the transaction was made. Records of payment for private metal~~
38 ~~property as defined in this chapter must be kept in the same file or~~
39 ~~record as all records collected under this subsection and retained~~

1 ~~and be available for review for two years from the date of the~~
2 ~~transaction.))~~

3 (5) (a) A scrap metal business's usage of video surveillance shall
4 be sufficient to comply with subsection (4) (b) (ii) of this section so
5 long as the video captures the material subject to the transaction.

6 (b) A digital image or picture taken under this section must be
7 available for two years from the date of transaction, while a video
8 recording must be available for 30 days.

9 (6) No scrap metal business may purchase or receive beer kegs
10 from anyone except a manufacturer of beer kegs or licensed brewery.

11 **Sec. 6.** RCW 19.290.040 and 2013 c 322 s 7 are each amended to
12 read as follows:

13 (1) Every scrap metal business must create and maintain a
14 permanent record with a commercial enterprise, including another
15 scrap metal business, in order to establish a commercial account.
16 That record, at a minimum, must include the following information:

17 (a) The full name of the commercial enterprise or commercial
18 account;

19 (b) The business address and telephone number of the commercial
20 enterprise or commercial account; and

21 (c) The full name of the person employed by the commercial
22 enterprise who is authorized to deliver (~~(private metal property,)~~)
23 nonferrous metal property(~~(,)~~) and commercial metal property to the
24 scrap metal business.

25 (2) The record maintained by a scrap metal business for a
26 commercial account must document every purchase or receipt of
27 (~~(private metal property,)~~) nonferrous metal property(~~(,)~~) and
28 commercial metal property from the commercial enterprise. The record
29 must be maintained for three years following the date of the transfer
30 or receipt. The documentation must include, at a minimum, the
31 following information:

32 (a) The time, date, and value of the property being purchased or
33 received;

34 (b) A description of the predominant types of property being
35 purchased or received; and

36 (c) The signature of the person delivering the property to the
37 scrap metal business.

1 **Sec. 7.** RCW 19.290.050 and 2013 c 322 s 8 are each amended to
2 read as follows:

3 (1) (~~Upon~~) In addition to all other requirements of this
4 chapter, upon request by any commissioned law enforcement officer of
5 the state or any of its political subdivisions, every scrap metal
6 business shall furnish a full, true, and correct transcript of the
7 records from the purchase or receipt of (~~private metal property,~~)
8 nonferrous metal property((~~r~~)) and commercial metal property
9 involving only a specified individual, vehicle, or item of (~~private~~
10 ~~metal property,~~) nonferrous metal property((~~r~~)) or commercial metal
11 property. This information may be transmitted within a specified time
12 of not less than two business days to the applicable law enforcement
13 agency electronically, by facsimile transmission, or by modem or
14 similar device, or by delivery of computer disk subject to the
15 requirements of, and approval by, the chief of police or the county's
16 chief law enforcement officer.

17 (2) Any records created or produced under this section are exempt
18 from disclosure under chapter 42.56 RCW.

19 (3) If the scrap metal business has good cause to believe that
20 any (~~private metal property,~~) nonferrous metal property((~~r~~)) or
21 commercial metal property in (~~his or her~~) their possession has been
22 previously lost or stolen, the scrap metal business shall promptly
23 report that fact to the applicable commissioned law enforcement
24 officer of the state, the chief of police, or the county's chief law
25 enforcement officer, together with the name of the owner, if known,
26 and the date when and the name of the person from whom it was
27 received.

28 (4) Compliance with this section shall not give rise to or form
29 the basis of private civil liability on the part of a scrap metal
30 business or scrap metal recycler.

31 **Sec. 8.** RCW 19.290.060 and 2013 c 322 s 9 are each amended to
32 read as follows:

33 (1) Following notification in writing from a commissioned law
34 enforcement officer of the state or any of its political subdivisions
35 that an item of (~~private metal property,~~) nonferrous metal
36 property((~~r~~)) or commercial metal property has been reported as
37 stolen, a scrap metal business shall hold that property intact and
38 safe from alteration, damage, or commingling, and shall place an
39 identifying tag or other suitable identification upon the property.

1 The scrap metal business shall hold the property for a period of time
2 as directed by the applicable law enforcement agency up to a maximum
3 of ten business days.

4 (2) A commissioned law enforcement officer of the state or any of
5 its political subdivisions shall not place on hold any item of
6 (~~private metal property~~) nonferrous metal property(~~(r)~~) or
7 commercial metal property unless that law enforcement agency
8 reasonably suspects that the property is a lost or stolen item. Any
9 hold that is placed on the property must be removed within ten
10 business days after the property on hold is determined not to be
11 stolen or lost and the property must be returned to the owner or
12 released.

13 **Sec. 9.** RCW 19.290.080 and 2007 c 377 s 8 are each amended to
14 read as follows:

15 (1) Each violation of the requirements of this chapter that are
16 not subject to the criminal penalties under RCW (~~19.290.070~~)
17 9A.56.410 shall be punishable(~~(r upon conviction)~~) by a fine of not
18 more than one thousand dollars.

19 (2) Within two years (~~of being convicted~~) of a violation of any
20 of the requirements of this chapter that (~~are not subject to the~~
21 ~~criminal penalties under RCW 19.290.070~~) results in a civil penalty
22 under this section, each subsequent violation shall be punishable(~~(r~~
23 ~~upon conviction)~~) by a fine of not more than two thousand dollars.

24 **Sec. 10.** RCW 19.290.220 and 2013 c 322 s 25 are each amended to
25 read as follows:

26 (1) Law enforcement agencies may register with the scrap theft
27 alert system that is maintained and provided at no charge to users by
28 the institute of scrap recycling industries, incorporated, or its
29 successor organization, to receive alerts regarding thefts of
30 (~~private~~) nonferrous(~~(r)~~) or commercial metal property in the
31 relevant geographic area.

32 (2) Any business licensed under this chapter shall:

33 (a) Sign up with the scrap theft alert system that is maintained
34 and provided at no charge to users by the institute of scrap
35 recycling industries, incorporated, or its successor organization, to
36 receive alerts regarding thefts of (~~private~~) nonferrous(~~(r)~~) or
37 commercial metal property in the relevant geographic area;

1 (b) Download the scrap metal theft alerts generated by the scrap
2 theft alert system on a daily basis;

3 (c) Use the alerts to identify potentially stolen commercial
4 metal property(~~(r)~~) and nonferrous metal property(~~(r—and private~~
5 ~~metal property)~~); and

6 (d) Maintain for (~~(ninety)~~) 90 days copies of any theft alerts
7 received and downloaded pursuant to this section.

8 **Sec. 11.** RCW 19.290.240 and 2013 c 322 s 28 are each amended to
9 read as follows:

10 The provisions of this chapter shall be liberally construed to
11 the end that traffic in stolen (~~(private)~~) commercial metal property
12 (~~(or)~~) and nonferrous metal property may be prevented, and
13 irresponsible, unreliable, or dishonest persons may be prevented from
14 engaging in the business of processing, recycling, or supplying scrap
15 metal in this state and reliable persons may be encouraged to engage
16 in businesses of processing, recycling, or supplying scrap metal in
17 this state.

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.70
19 RCW to read as follows:

20 (1) A vehicle dealer shall, prior to the sale and transfer of a
21 vehicle, offer the purchaser the option to have the dealer clearly
22 and permanently mark the last eight digits of the originating
23 vehicle's vehicle identification number on the vehicle's catalytic
24 converter unless such marking already exists on the catalytic
25 converter, the catalytic converter is not in a location where it is
26 clearly visible and readily accessible to mark without the need to
27 remove parts from the vehicle, or the vehicle is sold at wholesale. A
28 clear and permanent mark applied by permanent marker is sufficient.
29 The vehicle dealer may add a fee to the sale price for the marking if
30 separately delineated and clearly marked.

31 (2) If a consumer elects not to have the vehicle dealer mark the
32 vehicle's catalytic converter as provided in subsection (1) of this
33 section, the vehicle dealer must provide the consumer a disclosure
34 written in a typeface that is at least as large as the typeface used
35 in the standard text of the document that contains the disclosure and
36 that is boldfaced, capitalized, underlined, or otherwise set out from
37 the surrounding material so as to be conspicuous that (a) the
38 purchaser is knowingly purchasing the vehicle without clearly and

1 permanently marking the catalytic converter prior to the sale and
2 transfer of the vehicle; and (b) the purchaser acknowledges and
3 understands that catalytic converters must be marked as provided in
4 section 23 of this act.

5 **Sec. 13.** RCW 46.79.010 and 2001 c 64 s 10 are each amended to
6 read as follows:

7 The definitions set forth in this section apply throughout this
8 chapter unless the context indicates otherwise.

9 (1) "Junk vehicle" means a motor vehicle certified under RCW
10 46.55.230 as meeting all the following requirements:

11 (a) Is three years old or older;

12 (b) Is extensively damaged, such damage including but not limited
13 to any of the following: A broken window or windshield or missing
14 wheels, tires, motor, or transmission;

15 (c) Is apparently inoperable;

16 (d) Is without a valid, current registration plate;

17 (e) Has a fair market value equal only to the value of the scrap
18 in it.

19 (2) "Scrap processor" means a licensed establishment that
20 maintains a hydraulic baler and shears, or a shredder for recycling
21 salvage.

22 (3) "Demolish" means to destroy completely by use of a hydraulic
23 baler and shears, or a shredder.

24 (4) "Hulk hauler" means any person who deals in vehicles for the
25 sole purpose of transporting and/or selling them to a licensed
26 vehicle wrecker or scrap processor in substantially the same form in
27 which they are obtained. A hulk hauler may not sell secondhand motor
28 vehicle parts to anyone other than a licensed vehicle wrecker or
29 scrap processor, except for those parts specifically enumerated in
30 RCW 46.79.020(2), as now or hereafter amended, which may be sold to a
31 licensed vehicle wrecker or disposed of at a public facility for
32 waste disposal.

33 (5) "Director" means the director of licensing.

34 (6) "Major component parts" include engines and short blocks,
35 frames, transmissions or transfer cases, cabs, doors, front or rear
36 differentials, front or rear clips, quarter panels or fenders,
37 bumpers, truck beds or boxes, seats, ~~((and))~~ hoods, and catalytic
38 converters.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.79
2 RCW to read as follows:

3 (1) No person may engage in the business of disassembling or de-
4 canning a catalytic converter for removal or processing of the
5 internal core to extract platinum, palladium, rhodium, or other
6 metals, unless the person is a licensed scrap processor under this
7 chapter.

8 (2) Any licensed scrap processor engaged in disassembling or de-
9 canning catalytic converters as described in this section shall
10 maintain the records of every catalytic converter the scrap processor
11 disassembles or de-cans in accordance with the recordkeeping
12 requirements of this chapter and other provisions of the law.

13 (3) Any licensed scrap processor engaged in disassembling or de-
14 canning catalytic converters as described in this section shall
15 implement a 30-day waiting period between the purchase and
16 disassembly or de-canning of a catalytic converter, unless the scrap
17 processor is also the registered owner of the originating vehicle.

18 NEW SECTION. **Sec. 15.** A new section is added to chapter 46.79
19 RCW to read as follows:

20 (1) Payment to individual sellers of catalytic converters that
21 have been removed from a vehicle may not be made at the time of the
22 transaction and shall not be paid earlier than three business days
23 after the transaction was made.

24 (2) No transaction involving catalytic converters that have been
25 removed from a vehicle may be made in cash or with any person who
26 does not provide a street address and photographic identification.
27 The person with whom the transaction is being made may only be paid
28 by a nontransferable check, mailed by the licensed scrap processor to
29 the street address recorded according to this section, no earlier
30 than three days after the transaction was made. A transaction occurs
31 on the date provided in the record required under this section.

32 (3) A record of each purchase of catalytic converters that have
33 been removed from a vehicle must be kept for three years following
34 the date of the transaction and be open to inspection by any
35 commissioned law enforcement officer of the state or any of its
36 political subdivisions at all times during the ordinary hours of
37 business, or at reasonable times if ordinary hours of business are
38 not kept. The record shall include, at a minimum, the following
39 elements:

- 1 (a) The time, date, location, and value of the transaction;
- 2 (b) The name of the employee representing the scrap processor in
3 the transaction;
- 4 (c) The name, street address, and telephone number of the person
5 with whom the transaction is made;
- 6 (d) The license plate number and state of issuance of the license
7 plate on the motor vehicle used to deliver the catalytic converter or
8 converters subject to the transaction;
- 9 (e) A description of the motor vehicle used to deliver the
10 catalytic converter or converters subject to the transaction;
- 11 (f) A copy of the seller's current driver's license or other
12 government-issued picture identification card;
- 13 (g) The vehicle identification number of the vehicle from which
14 the catalytic converter was removed;
- 15 (h) A declaration signed by the seller that states substantially
16 the following:
- 17 "I, the undersigned, affirm under penalty of law that the
18 property that is subject to this transaction is not to the best of my
19 knowledge stolen property and the information provided by me is
20 accurate."; and
- 21 (i) A photo of the catalytic converter that includes the vehicle
22 identification number marking required under section 23 of this act.
- 23 (4) This section does not apply to the purchase of material from
24 a licensed business that manufactures catalytic converters in the
25 ordinary course of its legal business.

26 NEW SECTION. **Sec. 16.** A new section is added to chapter 46.79
27 RCW to read as follows:

28 The license fees required under RCW 46.79.040 and 46.79.050 for a
29 scrap processor's license must also include a \$500 catalytic
30 converter inspection fee, to be deposited in the state patrol highway
31 account, in order to support the activities of the Washington state
32 patrol under section 21 of this act.

33 **Sec. 17.** RCW 46.80.010 and 2010 c 161 s 1138 and 2010 c 8 s 9097
34 are each reenacted and amended to read as follows:

35 The definitions set forth in this section apply throughout this
36 chapter.

37 (1) "Core" means a major component part received by a vehicle
38 wrecker in exchange for a like part sold by the vehicle wrecker, is

1 not resold as a major component part except for scrap metal value or
2 for remanufacture, and the vehicle wrecker maintains records for
3 three years from the date of acquisition to identify the name of the
4 person from whom the core was received.

5 (2) "Established place of business" means a building or enclosure
6 which the vehicle wrecker occupies either continuously or at regular
7 periods and where his or her books and records are kept and business
8 is transacted and which must conform with zoning regulations.

9 (3) "Interim owner" means the owner of a vehicle who has the
10 original certificate of title for the vehicle, which certificate has
11 been released by the person named on the certificate and assigned to
12 the person offering to sell the vehicle to the wrecker.

13 (4) "Major component part" includes at least each of the
14 following vehicle parts: (a) Engines and short blocks; (b) frame; (c)
15 transmission and/or transfer case; (d) cab; (e) door; (f) front or
16 rear differential; (g) front or rear clip; (h) quarter panel; (i)
17 truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; ~~((and))~~
18 (n) airbag; and (o) catalytic converter. The director may supplement
19 this list by rule.

20 (5) "Vehicle wrecker" means every person, firm, partnership,
21 association, or corporation engaged in the business of buying,
22 selling, or dealing in vehicles of a type required to be registered
23 under the laws of this state, for the purpose of wrecking,
24 dismantling, disassembling, or substantially changing the form of a
25 vehicle, or who buys or sells integral secondhand parts of component
26 material thereof, in whole or in part, or who deals in secondhand
27 vehicle parts.

28 (6) "Wrecked vehicle" means a vehicle which is disassembled or
29 dismantled or a vehicle which is acquired with the intent to
30 dismantle or disassemble and never again to operate as a vehicle, or
31 a vehicle which has sustained such damage that its cost to repair
32 exceeds the fair market value of a like vehicle which has not
33 sustained such damage, or a damaged vehicle whose salvage value plus
34 cost to repair equals or exceeds its fair market value, if repaired,
35 or a vehicle which has sustained such damage or deterioration that it
36 may not lawfully operate upon the highways of this state for which
37 the salvage value plus cost to repair exceeds its fair market value,
38 if repaired; further, it is presumed that a vehicle is a wreck if it
39 has sustained such damage or deterioration that it may not lawfully
40 operate upon the highways of this state.

1 **Sec. 18.** RCW 46.80.080 and 2022 c 221 s 7 are each amended to
2 read as follows:

3 (1) Every vehicle wrecker shall maintain books or files in which
4 the wrecker shall keep a record and a description of:

5 (a) Every vehicle wrecked, dismantled, disassembled, or
6 substantially altered by the wrecker; and

7 (b) Every major component part, including catalytic converters,
8 acquired by the wrecker; together with a bill of sale signed by a
9 seller whose identity has been verified and the name and address of
10 the person, firm, or corporation from whom the wrecker purchased the
11 vehicle or part. Major component parts other than cores shall be
12 further identified by the vehicle identification number of the
13 vehicle from which the part came.

14 (2) The record shall also contain the following data regarding
15 the wrecked or acquired vehicle or vehicle that is the source of a
16 major component part, including catalytic converters, other than a
17 core:

18 (a) The certificate of title number (if previously titled in this
19 or any other state);

20 (b) Name of state where last registered;

21 (c) Number of the last license number plate issued;

22 (d) Name of vehicle;

23 (e) Motor or identification number and serial number of the
24 vehicle;

25 (f) Date purchased;

26 (g) Disposition of the motor and chassis;

27 (h) Yard number assigned by the licensee to the vehicle or major
28 component part, which shall also appear on the identified vehicle or
29 part; and

30 (i) Such other information as the department may require.

31 (3) The records shall also contain a bill of sale signed by the
32 seller for other minor component parts, including catalytic
33 converters, acquired by the licensee, identifying the seller by name,
34 address, and date of sale.

35 (4) In addition to all other requirements of this chapter, the
36 records of each transaction involving the purchase of catalytic
37 converters that have been removed from a vehicle shall also include,
38 at a minimum, the following elements:

39 (a) The time, date, location, and value of the transaction;

1 (b) The name of the employee representing the vehicle wrecker in
2 the transaction;

3 (c) The name, street address, and telephone number of the person
4 with whom the transaction is made;

5 (d) The license plate number and state of issuance of the license
6 plate on the motor vehicle used to deliver the catalytic converter or
7 converters subject to the transaction;

8 (e) A description of the motor vehicle used to deliver the
9 catalytic converter or converters subject to the transaction;

10 (f) A copy of the seller's current driver's license or other
11 government-issued picture identification card;

12 (g) The vehicle identification number of the vehicle from which
13 the catalytic converter was removed;

14 (h) A declaration signed by the seller that states substantially
15 the following:

16 "I, the undersigned, affirm under penalty of law that the
17 property that is subject to this transaction is not to the best of my
18 knowledge stolen property and the information provided by me is
19 accurate."; and

20 (i) A photo of the catalytic converter that includes the vehicle
21 identification number marking required under section 23 of this act.

22 (5) The records shall be maintained by the licensee at his or her
23 established place of business for a period of three years from the
24 date of acquisition.

25 ~~((+5))~~ (6) The record is subject to inspection at all times
26 during regular business hours by members of the police department,
27 sheriff's office, members of the Washington state patrol, or officers
28 or employees of the department.

29 ~~((+6))~~ (7) A vehicle wrecker shall also maintain a similar
30 record of all disabled vehicles that have been towed or transported
31 to the vehicle wrecker's place of business or to other places
32 designated by the owner of the vehicle or his or her representative.
33 This record shall specify the name and description of the vehicle,
34 name of owner, number of license plate, condition of the vehicle and
35 place to which it was towed or transported.

36 ~~((+7))~~ (8) Failure to comply with this section is a gross
37 misdemeanor.

38 **Sec. 19.** RCW 46.80.210 and 2022 c 221 s 6 are each amended to
39 read as follows:

1 (1) Payment to individual sellers of (~~private metal property as~~
2 ~~defined in RCW 19.290.010~~) catalytic converters that have been
3 removed from a vehicle may not be made at the time of the transaction
4 and shall not be paid earlier than three business days after the
5 transaction was made.

6 (2) No transaction involving catalytic converters that have been
7 removed from a vehicle may be made in cash or with any person who
8 does not provide a street address and photographic identification.
9 The person with whom the transaction is being made may only be paid
10 by a nontransferable check, mailed by the licensed auto wrecker to a
11 street address recorded according to RCW 46.80.080, no earlier than
12 three days after the transaction was made. A transaction occurs on
13 the date provided in the record required under RCW 46.80.080.

14 (3) This section does not apply to the purchase of material from
15 a licensed business that manufactures catalytic converters in the
16 ordinary course of its legal business.

17 NEW SECTION. Sec. 20. A new section is added to chapter 46.80
18 RCW to read as follows:

19 The license fees required under RCW 46.80.040 and 46.80.050 must
20 also include a \$500 catalytic converter inspection fee, to be
21 deposited in the state patrol highway account, in order to support
22 the activities of the Washington state patrol under section 21 of
23 this act.

24 NEW SECTION. Sec. 21. A new section is added to chapter 43.43
25 RCW to read as follows:

26 Subject to the availability of amounts appropriated for this
27 specific purpose, the Washington state patrol shall:

28 (1) Conduct periodic inspections at least once a year of all
29 licensed purchasers of catalytic converters that have been removed
30 from vehicles that are licensed under chapter 46.79 or 46.80 RCW;

31 (2) Develop a standardized inspection form and train local law
32 enforcement agencies, civilian employees, and limited authority law
33 enforcement personnel on inspection procedures of licensed
34 purchasers;

35 (3) Specify which specific law enforcement agencies have a duty
36 to inspect the different business types that are licensed to purchase
37 catalytic converters; and

1 (4) Authorize inspections to be conducted by civilian employees
2 or limited authority law enforcement agencies if necessary to
3 increase the availability of potential inspectors, provided that the
4 Washington state patrol shall retain oversight of such inspections.

5 **Sec. 22.** RCW 46.12.560 and 2011 c 114 s 7 are each amended to
6 read as follows:

7 (1)(a) Before accepting an application for a certificate of
8 title, the department, county auditor or other agent, or subagent
9 appointed by the director shall require an applicant to provide a
10 certificate of vehicle inspection completed by the Washington state
11 patrol or other authorized inspector if the vehicle:

12 (i) Was declared a total loss or salvage vehicle under the laws
13 of this state;

14 (ii) Has been rebuilt after the certificate of title was returned
15 to the department under RCW 46.12.600 and the vehicle was not kept by
16 the registered owner at the time of the vehicle's destruction or
17 declaration as a total loss; or

18 (iii) Is presented with documents from another state showing that
19 the vehicle was a total loss or salvage vehicle and has not been
20 reissued a valid registration certificate from that state after the
21 declaration of total loss or salvage.

22 (b) A vehicle presented for inspection must have all damaged
23 major component parts replaced or repaired to meet all requirements
24 in law and rule before the Washington state patrol will inspect the
25 vehicle. The inspection must verify that the vehicle identification
26 number is genuine and agrees with the number shown on the certificate
27 of title and registration certificate.

28 (c) A Washington state patrol vehicle identification number
29 specialist must ensure that all major component parts used for the
30 reconstruction of a salvage or rebuilt vehicle were obtained legally,
31 and must securely attach a marking at the driver's door latch pillar
32 indicating the vehicle was previously destroyed or declared a total
33 loss. It is a class C felony for a person to remove the marking
34 indicating that the vehicle was previously destroyed or declared a
35 total loss.

36 (2) A person presenting a vehicle for inspection under subsection
37 (1) of this section must provide original invoices for new and used
38 parts from:

1 (a) A vendor that is registered with the department of revenue or
2 a comparable agency in the jurisdiction where the major component
3 parts were purchased for the collection of retail sales or use taxes.
4 The invoices must include:

5 (i) The name and address of the business;

6 (ii) A description of the part or parts sold;

7 (iii) The date of sale; and

8 (iv) The amount of sale to include all taxes paid unless exempted
9 by the department of revenue or a comparable agency in the
10 jurisdiction where the major component parts were purchased;

11 (b) A vehicle wrecker licensed under chapter 46.80 RCW or a
12 comparable business in the jurisdiction outside Washington state
13 where the major component part was purchased; and

14 (c) Private individuals. The private individual must have the
15 certificate of title to the vehicle where the parts were taken from
16 unless the parts were obtained from a parts car owned by a collector.
17 Bills of sale for parts must be notarized and include:

18 (i) The names and addresses of the sellers and purchasers;

19 (ii) A description of the vehicle and the part or parts being
20 sold, including the make, model, year, and identification or serial
21 number;

22 (iii) The date of sale; and

23 (iv) The purchase price of the vehicle part or parts.

24 (3) A person presenting a vehicle for inspection under this
25 section who is unable to provide an acceptable release of interest or
26 proof of ownership for a vehicle or major component part as described
27 in this section shall apply for an ownership in doubt application
28 described in RCW 46.12.680.

29 (4)(a) Before accepting an application for a certificate of
30 title, the department, county auditor or other agent, or subagent
31 appointed by the director shall require an applicant to provide a
32 certificate of vehicle inspection completed by the Washington state
33 patrol or other authorized inspector when the application is for a
34 vehicle being titled for the first time as:

35 (i) Assembled;

36 (ii) Glider kit;

37 (iii) Homemade;

38 (iv) Kit vehicle;

39 (v) Street rod vehicle;

40 (vi) Custom vehicle; or

1 (vii) Subject to ownership in doubt under RCW 46.12.680.

2 (b) The inspection must verify that the vehicle identification
3 number is genuine and agrees with the number shown on the certificate
4 of title and registration certificate.

5 (5) (a) Before accepting an application for a certificate of
6 title, the department, county auditor or other agent, or subagent
7 appointed by the director shall require an applicant to provide a
8 certificate of vehicle inspection completed by the Washington state
9 patrol when the application is for a vehicle with a vehicle
10 identification number that has been:

11 (i) Altered;

12 (ii) Defaced;

13 (iii) Obliterated;

14 (iv) Omitted;

15 (v) Removed; or

16 (vi) Otherwise absent.

17 (b) The application must include payment of the fee required in
18 RCW 46.17.135.

19 (c) The Washington state patrol shall assign a new vehicle
20 identification number to the vehicle and place or stamp the new
21 number in a conspicuous position on the vehicle.

22 (d) The department shall use the new vehicle identification
23 number assigned by the Washington state patrol as the official
24 vehicle identification number assigned to the vehicle.

25 (6) The department may adopt rules as necessary to implement this
26 section.

27 (7) Nothing in this section creates a requirement for the
28 Washington state patrol to inspect attached catalytic converters as
29 major component parts.

30 NEW SECTION. **Sec. 23.** A new section is added to chapter 9A.82
31 RCW to read as follows:

32 (1) Any person who removes a catalytic converter from a vehicle
33 for a purpose other than maintenance, repair, or demolition, or who
34 knowingly possesses an unmarked detached catalytic converter, must
35 permanently mark the detached catalytic converter with the last eight
36 digits of the originating vehicle's vehicle identification number
37 such that at least a portion of the marking is visible from any side.
38 The marking must be completed in a reasonable time after removal, but

1 no later than 24 hours after removal, and before off-site transport
2 of the detached catalytic converter.

3 (2) Detached catalytic converters that are not marked as required
4 by this section are subject to immediate seizure and forfeiture by
5 law enforcement.

6 (3)(a) Except as provided in (b) of this subsection, it is a
7 gross misdemeanor for any person to intentionally remove, alter or
8 obliterate from a detached catalytic converter the last eight digits
9 of the originating vehicle identification number, as required by
10 subsection (1) of this section.

11 (b) A person who intentionally removes, alters, or obliterates
12 from a detached catalytic converter the last eight digits of the
13 original vehicle identification number is guilty of a class C felony
14 punishable according to chapter 9A.20 RCW if the person has
15 previously been convicted under this subsection.

16 (4) It is a gross misdemeanor for any person who is not a scrap
17 processor licensed under chapter 46.79 RCW or vehicle wrecker
18 licensed under chapter 46.80 RCW to knowingly possess, sell, or offer
19 for sale six or fewer detached catalytic converters that do not
20 comply with the marking requirements under subsection (1) of this
21 section.

22 (5) It is a class C felony for any person who is not a scrap
23 processor licensed under chapter 46.79 RCW or vehicle wrecker
24 licensed under chapter 46.80 RCW to knowingly possess, sell, or offer
25 for sale seven or more detached catalytic converters that do not
26 comply with the marking requirements under subsection (1) of this
27 section.

28 (6) Where a case is legally sufficient to charge an alleged
29 juvenile offender with a violation under this section, and that
30 violation would be the alleged offender's first violation involving
31 detached catalytic converters, the prosecutor is encouraged to divert
32 the case pursuant to RCW 13.40.070.

33 (7) It is an affirmative defense to this section that the
34 possessor removed the detached catalytic converter with the
35 permission of the registered owner of the vehicle or vehicles.

36 NEW SECTION. **Sec. 24.** A new section is added to chapter 9A.82
37 RCW to read as follows:

38 (1) A person is guilty of trafficking in catalytic converters in
39 the first degree if the person knowingly:

1 (a) Traffics seven or more catalytic converters that have been
2 removed from a motor vehicle, without fulfilling the requirements
3 under chapter 46.79 or 46.80 RCW for lawful transfer; or

4 (b) Purchases a catalytic converter that has been removed from a
5 motor vehicle, without possessing a valid scrap processor license
6 under chapter 46.79 RCW or vehicle wrecker license under chapter
7 46.80 RCW.

8 (2) Trafficking in catalytic converters in the first degree is a
9 class C felony.

10 NEW SECTION. **Sec. 25.** A new section is added to chapter 9.94A
11 RCW to read as follows:

12 The court shall make a finding of fact of the special allegation
13 or, if a jury is had, the jury shall, if it finds the defendant
14 guilty, also find a special verdict as to the special allegation, in
15 a criminal case where:

16 (1) The defendant has been convicted of trafficking in catalytic
17 converters in the first degree; and

18 (2) There has been a special allegation pleaded and proven beyond
19 a reasonable doubt that the defendant knowingly (a) trafficked seven
20 or more catalytic converters that were removed from a motor vehicle
21 without fulfilling the requirements under chapter 46.79 or 46.80 RCW
22 for lawful transfer; or (b) purchased a catalytic converter that has
23 been removed from a motor vehicle without possessing a valid scrap
24 processor license under chapter 46.79 RCW or vehicle wrecker license
25 under chapter 46.80 RCW, for the purpose of selling, transferring, or
26 exchanging them online.

27 NEW SECTION. **Sec. 26.** A new section is added to chapter 9A.82
28 RCW to read as follows:

29 (1) A person is guilty of trafficking in catalytic converters in
30 the second degree if the person knowingly traffics six or fewer
31 catalytic converters that have been removed from a motor vehicle,
32 without fulfilling the requirements under chapter 46.79 or 46.80 RCW
33 for lawful transfer.

34 (2) Trafficking in catalytic converters in the second degree is a
35 class C felony.

36 **Sec. 27.** RCW 9A.82.010 and 2013 c 302 s 10 are each amended to
37 read as follows:

1 Unless the context requires the contrary, the definitions in this
2 section apply throughout this chapter.

3 (1) (a) "Beneficial interest" means:

4 (i) The interest of a person as a beneficiary under a trust
5 established under Title 11 RCW in which the trustee for the trust
6 holds legal or record title to real property;

7 (ii) The interest of a person as a beneficiary under any other
8 trust arrangement under which a trustee holds legal or record title
9 to real property for the benefit of the beneficiary; or

10 (iii) The interest of a person under any other form of express
11 fiduciary arrangement under which one person holds legal or record
12 title to real property for the benefit of the other person.

13 (b) "Beneficial interest" does not include the interest of a
14 stockholder in a corporation or the interest of a partner in a
15 general partnership or limited partnership.

16 (c) A beneficial interest is considered to be located where the
17 real property owned by the trustee is located.

18 (2) "Control" means the possession of a sufficient interest to
19 permit substantial direction over the affairs of an enterprise.

20 (3) "Creditor" means a person making an extension of credit or a
21 person claiming by, under, or through a person making an extension of
22 credit.

23 (4) "Criminal profiteering" means any act, including any
24 anticipatory or completed offense, committed for financial gain, that
25 is chargeable or indictable under the laws of the state in which the
26 act occurred and, if the act occurred in a state other than this
27 state, would be chargeable or indictable under the laws of this state
28 had the act occurred in this state and punishable as a felony and by
29 imprisonment for more than one year, regardless of whether the act is
30 charged or indicted, as any of the following:

31 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

32 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

33 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

34 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

35 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060,
36 9A.56.080, and 9A.56.083;

37 (f) Unlawful sale of subscription television services, as defined
38 in RCW 9A.56.230;

1 (g) Theft of telecommunication services or unlawful manufacture
2 of a telecommunication device, as defined in RCW 9A.56.262 and
3 9A.56.264;

4 (h) Child selling or child buying, as defined in RCW 9A.64.030;

5 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040,
6 and 9A.68.050;

7 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and
8 9.46.217;

9 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

10 (l) Unlawful production of payment instruments, unlawful
11 possession of payment instruments, unlawful possession of a personal
12 identification device, unlawful possession of fictitious
13 identification, or unlawful possession of instruments of financial
14 fraud, as defined in RCW 9A.56.320;

15 (m) Extortionate extension of credit, as defined in RCW
16 9A.82.020;

17 (n) Advancing money for use in an extortionate extension of
18 credit, as defined in RCW 9A.82.030;

19 (o) Collection of an extortionate extension of credit, as defined
20 in RCW 9A.82.040;

21 (p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

22 (q) Delivery or manufacture of controlled substances or
23 possession with intent to deliver or manufacture controlled
24 substances under chapter 69.50 RCW;

25 (r) Trafficking in stolen property, as defined in RCW 9A.82.050;

26 (s) Leading organized crime, as defined in RCW 9A.82.060;

27 (t) Money laundering, as defined in RCW 9A.83.020;

28 (u) Obstructing criminal investigations or prosecutions in
29 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120,
30 9A.72.130, 9A.76.070, or 9A.76.180;

31 (v) Fraud in the purchase or sale of securities, as defined in
32 RCW 21.20.010;

33 (w) Promoting pornography, as defined in RCW 9.68.140;

34 (x) Sexual exploitation of children, as defined in RCW 9.68A.040,
35 9.68A.050, and 9.68A.060;

36 (y) Promoting prostitution, as defined in RCW 9A.88.070 and
37 9A.88.080;

38 (z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

39 (aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

- 1 (bb) Assault of a child, as defined in RCW 9A.36.120 and
2 9A.36.130;
- 3 (cc) A pattern of equity skimming, as defined in RCW 61.34.020;
- 4 (dd) Commercial telephone solicitation in violation of RCW
5 19.158.040(1);
- 6 (ee) Trafficking in insurance claims, as defined in RCW
7 48.30A.015;
- 8 (ff) Unlawful practice of law, as defined in RCW 2.48.180;
- 9 (gg) Commercial bribery, as defined in RCW 9A.68.060;
- 10 (hh) Health care false claims, as defined in RCW 48.80.030;
- 11 (ii) Unlicensed practice of a profession or business, as defined
12 in RCW 18.130.190(7);
- 13 (jj) Improperly obtaining financial information, as defined in
14 RCW 9.35.010;
- 15 (kk) Identity theft, as defined in RCW 9.35.020;
- 16 (ll) Unlawful shipment of cigarettes in violation of RCW
17 70.155.105(6) (a) or (b);
- 18 (mm) Unlawful shipment of cigarettes in violation of RCW
19 82.24.110(2);
- 20 (nn) Unauthorized sale or procurement of telephone records in
21 violation of RCW 9.26A.140;
- 22 (oo) Theft with the intent to resell, as defined in RCW
23 9A.56.340;
- 24 (pp) Organized retail theft, as defined in RCW 9A.56.350;
- 25 (qq) Mortgage fraud, as defined in RCW 19.144.080;
- 26 (rr) Commercial sexual abuse of a minor, as defined in RCW
27 9.68A.100;
- 28 (ss) Promoting commercial sexual abuse of a minor, as defined in
29 RCW 9.68A.101; ((~~ee~~))
- 30 (tt) Trafficking, as defined in RCW 9A.40.100, promoting travel
31 for commercial sexual abuse of a minor, as defined in RCW 9.68A.102,
32 and permitting commercial sexual abuse of a minor, as defined in RCW
33 9.68A.103; or
- 34 (uu) Trafficking in catalytic converters, as defined in sections
35 24 and 26 of this act.

36 (5) "Dealer in property" means a person who buys and sells
37 property as a business.

38 (6) "Debtor" means a person to whom an extension of credit is
39 made or a person who guarantees the repayment of an extension of
40 credit or in any manner undertakes to indemnify the creditor against

1 loss resulting from the failure of a person to whom an extension is
2 made to repay the same.

3 (7) "Documentary material" means any book, paper, document,
4 writing, drawing, graph, chart, photograph, phonograph record,
5 magnetic tape, computer printout, other data compilation from which
6 information can be obtained or from which information can be
7 translated into usable form, or other tangible item.

8 (8) "Enterprise" includes any individual, sole proprietorship,
9 partnership, corporation, business trust, or other profit or
10 nonprofit legal entity, and includes any union, association, or group
11 of individuals associated in fact although not a legal entity, and
12 both illicit and licit enterprises and governmental and
13 nongovernmental entities.

14 (9) "Extortionate extension of credit" means an extension of
15 credit with respect to which it is the understanding of the creditor
16 and the debtor at the time the extension is made that delay in making
17 repayment or failure to make repayment could result in the use of
18 violence or other criminal means to cause harm to the person,
19 reputation, or property of any person.

20 (10) "Extortionate means" means the use, or an express or
21 implicit threat of use, of violence or other criminal means to cause
22 harm to the person, reputation, or property of any person.

23 (11) "Financial institution" means any bank, trust company,
24 savings and loan association, savings bank, mutual savings bank,
25 credit union, or loan company under the jurisdiction of the state or
26 an agency of the United States.

27 (12) "Pattern of criminal profiteering activity" means engaging
28 in at least three acts of criminal profiteering, one of which
29 occurred after July 1, 1985, and the last of which occurred within
30 five years, excluding any period of imprisonment, after the
31 commission of the earliest act of criminal profiteering. In order to
32 constitute a pattern, the three acts must have the same or similar
33 intent, results, accomplices, principals, victims, or methods of
34 commission, or be otherwise interrelated by distinguishing
35 characteristics including a nexus to the same enterprise, and must
36 not be isolated events. However, in any civil proceedings brought
37 pursuant to RCW 9A.82.100 by any person other than the attorney
38 general or county prosecuting attorney in which one or more acts of
39 fraud in the purchase or sale of securities are asserted as acts of
40 criminal profiteering activity, it is a condition to civil liability

1 under RCW 9A.82.100 that the defendant has been convicted in a
2 criminal proceeding of fraud in the purchase or sale of securities
3 under RCW 21.20.400 or under the laws of another state or of the
4 United States requiring the same elements of proof, but such
5 conviction need not relate to any act or acts asserted as acts of
6 criminal profiteering activity in such civil action under RCW
7 9A.82.100.

8 (13) "Real property" means any real property or interest in real
9 property, including but not limited to a land sale contract, lease,
10 or mortgage of real property.

11 (14) "Records" means any book, paper, writing, record, computer
12 program, or other material.

13 (15) "Repayment of an extension of credit" means the repayment,
14 satisfaction, or discharge in whole or in part of a debt or claim,
15 acknowledged or disputed, valid or invalid, resulting from or in
16 connection with that extension of credit.

17 (16) "Stolen property" means property that has been obtained by
18 theft, robbery, or extortion.

19 (17) "To collect an extension of credit" means to induce in any
20 way a person to make repayment thereof.

21 (18) "To extend credit" means to make or renew a loan or to enter
22 into an agreement, tacit or express, whereby the repayment or
23 satisfaction of a debt or claim, whether acknowledged or disputed,
24 valid or invalid, and however arising, may or shall be deferred.

25 (19) "Traffic" means to sell, transfer, distribute, dispense, or
26 otherwise dispose of stolen property to another person, or to buy,
27 receive, possess, or obtain control of stolen property, with intent
28 to sell, transfer, distribute, dispense, or otherwise dispose of the
29 property to another person.

30 (20)(a) "Trustee" means:

31 (i) A person acting as a trustee under a trust established under
32 Title 11 RCW in which the trustee holds legal or record title to real
33 property;

34 (ii) A person who holds legal or record title to real property in
35 which another person has a beneficial interest; or

36 (iii) A successor trustee to a person who is a trustee under
37 (a)(i) or (ii) of this subsection.

38 (b) "Trustee" does not mean a person appointed or acting as:

39 (i) A personal representative under Title 11 RCW;

40 (ii) A trustee of any testamentary trust;

1 (iii) A trustee of any indenture of trust under which a bond is
2 issued; or

3 (iv) A trustee under a deed of trust.

4 (21) "Unlawful debt" means any money or other thing of value
5 constituting principal or interest of a debt that is legally
6 unenforceable in the state in full or in part because the debt was
7 incurred or contracted:

8 (a) In violation of any one of the following:

9 (i) Chapter 67.16 RCW relating to horse racing;

10 (ii) Chapter 9.46 RCW relating to gambling;

11 (b) In a gambling activity in violation of federal law; or

12 (c) In connection with the business of lending money or a thing
13 of value at a rate that is at least twice the permitted rate under
14 the applicable state or federal law relating to usury.

15 **Sec. 28.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are
16 each reenacted and amended to read as follows:

17 (1) The provisions of this section apply to the standard sentence
18 ranges determined by RCW 9.94A.510 or 9.94A.517.

19 (2) For persons convicted of the anticipatory offenses of
20 criminal attempt, solicitation, or conspiracy under chapter 9A.28
21 RCW, the standard sentence range is determined by locating the
22 sentencing grid sentence range defined by the appropriate offender
23 score and the seriousness level of the completed crime, and
24 multiplying the range by seventy-five percent.

25 (3) The following additional times shall be added to the standard
26 sentence range for felony crimes committed after July 23, 1995, if
27 the offender or an accomplice was armed with a firearm as defined in
28 RCW 9.41.010 and the offender is being sentenced for one of the
29 crimes listed in this subsection as eligible for any firearm
30 enhancements based on the classification of the completed felony
31 crime. If the offender is being sentenced for more than one offense,
32 the firearm enhancement or enhancements must be added to the total
33 period of confinement for all offenses, regardless of which
34 underlying offense is subject to a firearm enhancement. If the
35 offender or an accomplice was armed with a firearm as defined in RCW
36 9.41.010 and the offender is being sentenced for an anticipatory
37 offense under chapter 9A.28 RCW to commit one of the crimes listed in
38 this subsection as eligible for any firearm enhancements, the
39 following additional times shall be added to the standard sentence

1 range determined under subsection (2) of this section based on the
2 felony crime of conviction as classified under RCW 9A.28.020:

3 (a) Five years for any felony defined under any law as a class A
4 felony or with a statutory maximum sentence of at least twenty years,
5 or both, and not covered under (f) of this subsection;

6 (b) Three years for any felony defined under any law as a class B
7 felony or with a statutory maximum sentence of ten years, or both,
8 and not covered under (f) of this subsection;

9 (c) Eighteen months for any felony defined under any law as a
10 class C felony or with a statutory maximum sentence of five years, or
11 both, and not covered under (f) of this subsection;

12 (d) If the offender is being sentenced for any firearm
13 enhancements under (a), (b), and/or (c) of this subsection and the
14 offender has previously been sentenced for any deadly weapon
15 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
16 subsection or subsection (4)(a), (b), and/or (c) of this section, or
17 both, all firearm enhancements under this subsection shall be twice
18 the amount of the enhancement listed;

19 (e) Notwithstanding any other provision of law, all firearm
20 enhancements under this section are mandatory, shall be served in
21 total confinement, and shall run consecutively to all other
22 sentencing provisions, including other firearm or deadly weapon
23 enhancements, for all offenses sentenced under this chapter. However,
24 whether or not a mandatory minimum term has expired, an offender
25 serving a sentence under this subsection may be:

26 (i) Granted an extraordinary medical placement when authorized
27 under RCW 9.94A.728(1)(c); or

28 (ii) Released under the provisions of RCW 9.94A.730;

29 (f) The firearm enhancements in this section shall apply to all
30 felony crimes except the following: Possession of a machine gun or
31 bump-fire stock, possessing a stolen firearm, drive-by shooting,
32 theft of a firearm, unlawful possession of a firearm in the first and
33 second degree, and use of a machine gun or bump-fire stock in a
34 felony;

35 (g) If the standard sentence range under this section exceeds the
36 statutory maximum sentence for the offense, the statutory maximum
37 sentence shall be the presumptive sentence unless the offender is a
38 persistent offender. If the addition of a firearm enhancement
39 increases the sentence so that it would exceed the statutory maximum

1 for the offense, the portion of the sentence representing the
2 enhancement may not be reduced.

3 (4) The following additional times shall be added to the standard
4 sentence range for felony crimes committed after July 23, 1995, if
5 the offender or an accomplice was armed with a deadly weapon other
6 than a firearm as defined in RCW 9.41.010 and the offender is being
7 sentenced for one of the crimes listed in this subsection as eligible
8 for any deadly weapon enhancements based on the classification of the
9 completed felony crime. If the offender is being sentenced for more
10 than one offense, the deadly weapon enhancement or enhancements must
11 be added to the total period of confinement for all offenses,
12 regardless of which underlying offense is subject to a deadly weapon
13 enhancement. If the offender or an accomplice was armed with a deadly
14 weapon other than a firearm as defined in RCW 9.41.010 and the
15 offender is being sentenced for an anticipatory offense under chapter
16 9A.28 RCW to commit one of the crimes listed in this subsection as
17 eligible for any deadly weapon enhancements, the following additional
18 times shall be added to the standard sentence range determined under
19 subsection (2) of this section based on the felony crime of
20 conviction as classified under RCW 9A.28.020:

21 (a) Two years for any felony defined under any law as a class A
22 felony or with a statutory maximum sentence of at least twenty years,
23 or both, and not covered under (f) of this subsection;

24 (b) One year for any felony defined under any law as a class B
25 felony or with a statutory maximum sentence of ten years, or both,
26 and not covered under (f) of this subsection;

27 (c) Six months for any felony defined under any law as a class C
28 felony or with a statutory maximum sentence of five years, or both,
29 and not covered under (f) of this subsection;

30 (d) If the offender is being sentenced under (a), (b), and/or (c)
31 of this subsection for any deadly weapon enhancements and the
32 offender has previously been sentenced for any deadly weapon
33 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
34 subsection or subsection (3)(a), (b), and/or (c) of this section, or
35 both, all deadly weapon enhancements under this subsection shall be
36 twice the amount of the enhancement listed;

37 (e) Notwithstanding any other provision of law, all deadly weapon
38 enhancements under this section are mandatory, shall be served in
39 total confinement, and shall run consecutively to all other
40 sentencing provisions, including other firearm or deadly weapon

1 enhancements, for all offenses sentenced under this chapter. However,
2 whether or not a mandatory minimum term has expired, an offender
3 serving a sentence under this subsection may be:

4 (i) Granted an extraordinary medical placement when authorized
5 under RCW 9.94A.728(1)(c); or

6 (ii) Released under the provisions of RCW 9.94A.730;

7 (f) The deadly weapon enhancements in this section shall apply to
8 all felony crimes except the following: Possession of a machine gun
9 or bump-fire stock, possessing a stolen firearm, drive-by shooting,
10 theft of a firearm, unlawful possession of a firearm in the first and
11 second degree, and use of a machine gun or bump-fire stock in a
12 felony;

13 (g) If the standard sentence range under this section exceeds the
14 statutory maximum sentence for the offense, the statutory maximum
15 sentence shall be the presumptive sentence unless the offender is a
16 persistent offender. If the addition of a deadly weapon enhancement
17 increases the sentence so that it would exceed the statutory maximum
18 for the offense, the portion of the sentence representing the
19 enhancement may not be reduced.

20 (5) The following additional times shall be added to the standard
21 sentence range if the offender or an accomplice committed the offense
22 while in a county jail or state correctional facility and the
23 offender is being sentenced for one of the crimes listed in this
24 subsection. If the offender or an accomplice committed one of the
25 crimes listed in this subsection while in a county jail or state
26 correctional facility, and the offender is being sentenced for an
27 anticipatory offense under chapter 9A.28 RCW to commit one of the
28 crimes listed in this subsection, the following additional times
29 shall be added to the standard sentence range determined under
30 subsection (2) of this section:

31 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
32 (a) or (b) or 69.50.410;

33 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
34 (c), (d), or (e);

35 (c) Twelve months for offenses committed under RCW 69.50.4013.

36 For the purposes of this subsection, all of the real property of
37 a state correctional facility or county jail shall be deemed to be
38 part of that facility or county jail.

39 (6) An additional twenty-four months shall be added to the
40 standard sentence range for any ranked offense involving a violation

1 of chapter 69.50 RCW if the offense was also a violation of RCW
2 69.50.435 or 9.94A.827. All enhancements under this subsection shall
3 run consecutively to all other sentencing provisions, for all
4 offenses sentenced under this chapter.

5 (7) An additional two years shall be added to the standard
6 sentence range for vehicular homicide committed while under the
7 influence of intoxicating liquor or any drug as defined by RCW
8 46.61.502 for each prior offense as defined in RCW 46.61.5055.

9 Notwithstanding any other provision of law, all impaired driving
10 enhancements under this subsection are mandatory, shall be served in
11 total confinement, and shall run consecutively to all other
12 sentencing provisions, including other impaired driving enhancements,
13 for all offenses sentenced under this chapter.

14 An offender serving a sentence under this subsection may be
15 granted an extraordinary medical placement when authorized under RCW
16 9.94A.728(1)(c).

17 (8)(a) The following additional times shall be added to the
18 standard sentence range for felony crimes committed on or after July
19 1, 2006, if the offense was committed with sexual motivation, as that
20 term is defined in RCW 9.94A.030. If the offender is being sentenced
21 for more than one offense, the sexual motivation enhancement must be
22 added to the total period of total confinement for all offenses,
23 regardless of which underlying offense is subject to a sexual
24 motivation enhancement. If the offender committed the offense with
25 sexual motivation and the offender is being sentenced for an
26 anticipatory offense under chapter 9A.28 RCW, the following
27 additional times shall be added to the standard sentence range
28 determined under subsection (2) of this section based on the felony
29 crime of conviction as classified under RCW 9A.28.020:

30 (i) Two years for any felony defined under the law as a class A
31 felony or with a statutory maximum sentence of at least twenty years,
32 or both;

33 (ii) Eighteen months for any felony defined under any law as a
34 class B felony or with a statutory maximum sentence of ten years, or
35 both;

36 (iii) One year for any felony defined under any law as a class C
37 felony or with a statutory maximum sentence of five years, or both;

38 (iv) If the offender is being sentenced for any sexual motivation
39 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
40 the offender has previously been sentenced for any sexual motivation

1 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
2 (iii) of this subsection, all sexual motivation enhancements under
3 this subsection shall be twice the amount of the enhancement listed;

4 (b) Notwithstanding any other provision of law, all sexual
5 motivation enhancements under this subsection are mandatory, shall be
6 served in total confinement, and shall run consecutively to all other
7 sentencing provisions, including other sexual motivation
8 enhancements, for all offenses sentenced under this chapter. However,
9 whether or not a mandatory minimum term has expired, an offender
10 serving a sentence under this subsection may be:

11 (i) Granted an extraordinary medical placement when authorized
12 under RCW 9.94A.728(1)(c); or

13 (ii) Released under the provisions of RCW 9.94A.730;

14 (c) The sexual motivation enhancements in this subsection apply
15 to all felony crimes;

16 (d) If the standard sentence range under this subsection exceeds
17 the statutory maximum sentence for the offense, the statutory maximum
18 sentence shall be the presumptive sentence unless the offender is a
19 persistent offender. If the addition of a sexual motivation
20 enhancement increases the sentence so that it would exceed the
21 statutory maximum for the offense, the portion of the sentence
22 representing the enhancement may not be reduced;

23 (e) The portion of the total confinement sentence which the
24 offender must serve under this subsection shall be calculated before
25 any earned early release time is credited to the offender;

26 (f) Nothing in this subsection prevents a sentencing court from
27 imposing a sentence outside the standard sentence range pursuant to
28 RCW 9.94A.535.

29 (9) An additional one-year enhancement shall be added to the
30 standard sentence range for the felony crimes of RCW 9A.44.073,
31 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
32 or after July 22, 2007, if the offender engaged, agreed, or offered
33 to engage the victim in the sexual conduct in return for a fee. If
34 the offender is being sentenced for more than one offense, the
35 one-year enhancement must be added to the total period of total
36 confinement for all offenses, regardless of which underlying offense
37 is subject to the enhancement. If the offender is being sentenced for
38 an anticipatory offense for the felony crimes of RCW 9A.44.073,
39 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
40 offender attempted, solicited another, or conspired to engage, agree,

1 or offer to engage the victim in the sexual conduct in return for a
2 fee, an additional one-year enhancement shall be added to the
3 standard sentence range determined under subsection (2) of this
4 section. For purposes of this subsection, "sexual conduct" means
5 sexual intercourse or sexual contact, both as defined in chapter
6 9A.44 RCW.

7 (10)(a) For a person age eighteen or older convicted of any
8 criminal street gang-related felony offense for which the person
9 compensated, threatened, or solicited a minor in order to involve the
10 minor in the commission of the felony offense, the standard sentence
11 range is determined by locating the sentencing grid sentence range
12 defined by the appropriate offender score and the seriousness level
13 of the completed crime, and multiplying the range by one hundred
14 twenty-five percent. If the standard sentence range under this
15 subsection exceeds the statutory maximum sentence for the offense,
16 the statutory maximum sentence is the presumptive sentence unless the
17 offender is a persistent offender.

18 (b) This subsection does not apply to any criminal street gang-
19 related felony offense for which involving a minor in the commission
20 of the felony offense is an element of the offense.

21 (c) The increased penalty specified in (a) of this subsection is
22 unavailable in the event that the prosecution gives notice that it
23 will seek an exceptional sentence based on an aggravating factor
24 under RCW 9.94A.535.

25 (11) An additional twelve months and one day shall be added to
26 the standard sentence range for a conviction of attempting to elude a
27 police vehicle as defined by RCW 46.61.024, if the conviction
28 included a finding by special allegation of endangering one or more
29 persons under RCW 9.94A.834.

30 (12) An additional twelve months shall be added to the standard
31 sentence range for an offense that is also a violation of RCW
32 9.94A.831.

33 (13) An additional twelve months shall be added to the standard
34 sentence range for vehicular homicide committed while under the
35 influence of intoxicating liquor or any drug as defined by RCW
36 46.61.520 or for vehicular assault committed while under the
37 influence of intoxicating liquor or any drug as defined by RCW
38 46.61.522, or for any felony driving under the influence (RCW
39 46.61.502(6)) or felony physical control under the influence (RCW
40 46.61.504(6)) for each child passenger under the age of sixteen who

1 is an occupant in the defendant's vehicle. These enhancements shall
2 be mandatory, shall be served in total confinement, and shall run
3 consecutively to all other sentencing provisions, including other
4 minor child enhancements, for all offenses sentenced under this
5 chapter. If the addition of a minor child enhancement increases the
6 sentence so that it would exceed the statutory maximum for the
7 offense, the portion of the sentence representing the enhancement
8 shall be mandatory, shall be served in total confinement, and shall
9 run consecutively to all other sentencing provisions.

10 (14) An additional twelve months shall be added to the standard
11 sentence range for an offense that is also a violation of RCW
12 9.94A.832.

13 (15) An additional 12 months may, at the discretion of the court,
14 be added to the standard sentence range for an offense that is also a
15 violation of section 25 of this act.

16 (16) Regardless of any provisions in this section, if a person is
17 being sentenced in adult court for a crime committed under age
18 eighteen, the court has full discretion to depart from mandatory
19 sentencing enhancements and to take the particular circumstances
20 surrounding the defendant's youth into account.

21 **Sec. 29.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are
22 each reenacted and amended to read as follows:

23 TABLE 2

24 CRIMES INCLUDED WITHIN EACH
25 SERIOUSNESS LEVEL

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

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation
4 device 1 (RCW 70.74.272(1)(a))
5 Promoting Commercial Sexual Abuse
6 of a Minor (RCW 9.68A.101)
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)
9 Trafficking 2 (RCW 9A.40.100(3))
10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 (RCW 9A.44.076)
13 Vehicular Homicide, by being under the
14 influence of intoxicating liquor or
15 any drug (RCW 46.61.520)
16 Vehicular Homicide, by the operation of
17 any vehicle in a reckless manner
18 (RCW 46.61.520)
19 X Child Molestation 1 (RCW 9A.44.083)
20 Criminal Mistreatment 1 (RCW
21 9A.42.020)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Sexually Violent Predator Escape (RCW
31 9A.76.115)
32 IX Abandonment of Dependent Person 1
33 (RCW 9A.42.060)
34 Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run—Death (RCW
4 46.52.020(4)(a))
5 Homicide by Watercraft, by being under
6 the influence of intoxicating liquor
7 or any drug (RCW 79A.60.050)
8 Inciting Criminal Profiteering (RCW
9 9A.82.060(1)(b))
10 Malicious placement of an explosive 2
11 (RCW 70.74.270(2))
12 Robbery 1 (RCW 9A.56.200)
13 Sexual Exploitation (RCW 9.68A.040)
14 VIII Arson 1 (RCW 9A.48.020)
15 Commercial Sexual Abuse of a Minor
16 (RCW 9.68A.100)
17 Homicide by Watercraft, by the
18 operation of any vessel in a reckless
19 manner (RCW 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 VII Air bag diagnostic systems (causing
25 bodily injury or death) (RCW
26 46.37.660(2)(b))
27 Air bag replacement requirements
28 (causing bodily injury or death)
29 (RCW 46.37.660(1)(b))
30 Burglary 1 (RCW 9A.52.020)
31 Child Molestation 2 (RCW 9A.44.086)
32 Civil Disorder Training (RCW
33 9A.48.120)
34 Custodial Sexual Misconduct 1 (RCW
35 9A.44.160)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct 1
3 (RCW 9.68A.050(1))
4 Drive-by Shooting (RCW 9A.36.045)
5 False Reporting 1 (RCW
6 9A.84.040(2)(a))
7 Homicide by Watercraft, by disregard
8 for the safety of others (RCW
9 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1)
12 (b) and (c))
13 Introducing Contraband 1 (RCW
14 9A.76.140)
15 Malicious placement of an explosive 3
16 (RCW 70.74.270(3))
17 Manufacture or import counterfeit,
18 nonfunctional, damaged, or
19 previously deployed air bag
20 (causing bodily injury or death)
21 (RCW 46.37.650(1)(b))
22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)
25 Sell, install, or reinstall counterfeit,
26 nonfunctional, damaged, or
27 previously deployed airbag (RCW
28 46.37.650(2)(b))
29 Sending, bringing into state depictions
30 of minor engaged in sexually
31 explicit conduct 1 (RCW
32 9.68A.060(1))
33 Unlawful Possession of a Firearm in the
34 first degree (RCW 9.41.040(1))
35 Use of a Machine Gun or Bump-fire
36 Stock in Commission of a Felony
37 (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW 9A.72.160)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Malicious placement of an imitation
12 device 2 (RCW 70.74.272(1)(b))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.070(1))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Theft from a Vulnerable Adult 1 (RCW
19 9A.56.400(1))
20 Unlawful Storage of Ammonia (RCW
21 69.55.020)

22 V Abandonment of Dependent Person 2
23 (RCW 9A.42.070)
24 Advancing money or property for
25 extortionate extension of credit
26 (RCW 9A.82.030)
27 Air bag diagnostic systems (RCW
28 46.37.660(2)(c))
29 Air bag replacement requirements
30 (RCW 46.37.660(1)(c))
31 Bail Jumping with class A Felony
32 (RCW 9A.76.170(3)(b))
33 Child Molestation 3 (RCW 9A.44.089)
34 Criminal Mistreatment 2 (RCW
35 9A.42.030)

1 Custodial Sexual Misconduct 2 (RCW
2 9A.44.170)
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 7.105.450,
8 10.99.040, 10.99.050, 26.09.300,
9 26.26B.050, or 26.52.070)
10 Extortion 1 (RCW 9A.56.120)
11 Extortionate Extension of Credit (RCW
12 9A.82.020)
13 Extortionate Means to Collect
14 Extensions of Credit (RCW
15 9A.82.040)
16 Incest 2 (RCW 9A.64.020(2))
17 Kidnapping 2 (RCW 9A.40.030)
18 Manufacture or import counterfeit,
19 nonfunctional, damaged, or
20 previously deployed air bag (RCW
21 46.37.650(1)(c))
22 Perjury 1 (RCW 9A.72.020)
23 Persistent prison misbehavior (RCW
24 9.94.070)
25 Possession of a Stolen Firearm (RCW
26 9A.56.310)
27 Rape 3 (RCW 9A.44.060)
28 Rendering Criminal Assistance 1 (RCW
29 9A.76.070)
30 Sell, install, or reinstall counterfeit,
31 nonfunctional, damaged, or
32 previously deployed airbag (RCW
33 46.37.650(2)(c))

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 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 4 (third domestic violence
18 offense) (RCW 9A.36.041(3))
19 Assault by Watercraft (RCW
20 79A.60.060)
21 Bribing a Witness/Bribe Received by
22 Witness (RCW 9A.72.090,
23 9A.72.100)
24 Cheating 1 (RCW 9.46.1961)
25 Commercial Bribery (RCW 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Hate Crime (RCW 9A.36.080)
33 Hit and Run—Injury (RCW
34 46.52.020(4)(b))

1 Hit and Run with Vessel—Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4 Indecent Exposure to Person Under Age
5 14 (subsequent sex offense) (RCW
6 9A.88.010)
7 Influencing Outcome of Sporting Event
8 (RCW 9A.82.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of Depictions of a Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.070(2))
15 Residential Burglary (RCW 9A.52.025)
16 Robbery 2 (RCW 9A.56.210)
17 Theft of Livestock 1 (RCW 9A.56.080)
18 Threats to Bomb (RCW 9.61.160)
19 Trafficking in Catalytic Converters 1
20 (section 24 of this act)
21 Trafficking in Stolen Property 1 (RCW
22 9A.82.050)
23 Unlawful factoring of a credit card or
24 payment card transaction (RCW
25 9A.56.290(4)(b))
26 Unlawful transaction of health coverage
27 as a health care service contractor
28 (RCW 48.44.016(3))
29 Unlawful transaction of health coverage
30 as a health maintenance
31 organization (RCW 48.46.033(3))
32 Unlawful transaction of insurance
33 business (RCW 48.15.023(3))
34 Unlicensed practice as an insurance
35 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicle Prowling 2 (third or subsequent
5 offense) (RCW 9A.52.100(3))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Viewing of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 1 (RCW 9.68A.075(1))
14 III Animal Cruelty 1 (Sexual Conduct or
15 Contact) (RCW 16.52.205(3))
16 Assault 3 (Except Assault 3 of a Peace
17 Officer With a Projectile Stun Gun)
18 (RCW 9A.36.031 except subsection
19 (1)(h))
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony
22 (RCW 9A.76.170(3)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Communication with a Minor for
25 Immoral Purposes (RCW
26 9.68A.090)
27 Criminal Gang Intimidation (RCW
28 9A.46.120)
29 Custodial Assault (RCW 9A.36.100)
30 Cyber Harassment (RCW
31 9A.90.120(2)(b))
32 Escape 2 (RCW 9A.76.120)
33 Extortion 2 (RCW 9A.56.130)
34 False Reporting 2 (RCW
35 9A.84.040(2)(b))
36 Harassment (RCW 9A.46.020)

1 Hazing (RCW 28B.10.901(2)(b))
2 Intimidating a Public Servant (RCW
3 9A.76.180)
4 Introducing Contraband 2 (RCW
5 9A.76.150)
6 Malicious Injury to Railroad Property
7 (RCW 81.60.070)
8 Manufacture of Untraceable Firearm
9 with Intent to Sell (RCW 9.41.190)
10 Manufacture or Assembly of an
11 Undetectable Firearm or
12 Untraceable Firearm (RCW
13 9.41.325)
14 Mortgage Fraud (RCW 19.144.080)
15 Negligently Causing Substantial Bodily
16 Harm By Use of a Signal
17 Preemption Device (RCW
18 46.37.674)
19 Organized Retail Theft 1 (RCW
20 9A.56.350(2))
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun, Bump-Fire
25 Stock, Undetectable Firearm, or
26 Short-Barreled Shotgun or Rifle
27 (RCW 9.41.190)
28 Promoting Prostitution 2 (RCW
29 9A.88.080)
30 Retail Theft with Special Circumstances
31 1 (RCW 9A.56.360(2))
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Catalytic Converters 2
8 (section 26 of this act)
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1
12 (RCW 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Fish or
16 Shellfish 1 (RCW 77.140.060(3))
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish or
20 Wildlife 1 (RCW 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 II Commercial Fishing Without a License
31 1 (RCW 77.15.500(3)(b))
32 Computer Trespass 1 (RCW 9A.90.040)
33 Counterfeiting (RCW 9.16.035(3))
34 Electronic Data Service Interference
35 (RCW 9A.90.060)

1 Electronic Data Tampering 1 (RCW
2 9A.90.080)
3 Electronic Data Theft (RCW
4 9A.90.100)
5 Engaging in Fish Dealing Activity
6 Unlicensed 1 (RCW 77.15.620(3))
7 Escape from Community Custody
8 (RCW 72.09.310)
9 Failure to Register as a Sex Offender
10 (second or subsequent offense)
11 (RCW 9A.44.130 prior to June 10,
12 2010, and RCW 9A.44.132)
13 Health Care False Claims (RCW
14 48.80.030)
15 Identity Theft 2 (RCW 9.35.020(3))
16 Improperly Obtaining Financial
17 Information (RCW 9.35.010)
18 Malicious Mischief 1 (RCW 9A.48.070)
19 Organized Retail Theft 2 (RCW
20 9A.56.350(3))
21 Possession of Stolen Property 1 (RCW
22 9A.56.150)
23 Possession of a Stolen Vehicle (RCW
24 9A.56.068)
25 Possession, sale, or offering for sale of
26 seven or more unmarked catalytic
27 converters (section 23(5) of this
28 act)
29 Retail Theft with Special Circumstances
30 2 (RCW 9A.56.360(3))
31 Scrap Processing, Recycling, or
32 Supplying Without a License
33 (second or subsequent offense)
34 (RCW 19.290.100)
35 Theft 1 (RCW 9A.56.030)

1 Theft of a Motor Vehicle (RCW
2 9A.56.065)
3 Theft of Rental, Leased, Lease-
4 purchased, or Loaned Property
5 (valued at \$5,000 or more) (RCW
6 9A.56.096(5)(a))
7 Theft with the Intent to Resell 2 (RCW
8 9A.56.340(3))
9 Trafficking in Insurance Claims (RCW
10 48.30A.015)
11 Unlawful factoring of a credit card or
12 payment card transaction (RCW
13 9A.56.290(4)(a))
14 Unlawful Participation of Non-Indians
15 in Indian Fishery (RCW
16 77.15.570(2))
17 Unlawful Practice of Law (RCW
18 2.48.180)
19 Unlawful Purchase or Use of a License
20 (RCW 77.15.650(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 2 (RCW
23 77.15.260(3)(a))
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 Voyeurism 1 (RCW 9A.44.115)
27 I Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive
34 (RCW 9A.60.060)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Spotlighting Big Game 1 (RCW
5 77.15.450(3)(b))
6 Suspension of Department Privileges 1
7 (RCW 77.15.670(3)(b))
8 Taking Motor Vehicle Without
9 Permission 2 (RCW 9A.56.075)
10 Theft 2 (RCW 9A.56.040)
11 Theft from a Vulnerable Adult 2 (RCW
12 9A.56.400(2))
13 Theft of Rental, Leased, Lease-
14 purchased, or Loaned Property
15 (valued at \$750 or more but less
16 than \$5,000) (RCW
17 9A.56.096(5)(b))
18 Transaction of insurance business
19 beyond the scope of licensure
20 (RCW 48.17.063)
21 Unlawful Fish and Shellfish Catch
22 Accounting (RCW 77.15.630(3)(b))
23 Unlawful Issuance of Checks or Drafts
24 (RCW 9A.56.060)
25 Unlawful Possession of Fictitious
26 Identification (RCW 9A.56.320)
27 Unlawful Possession of Instruments of
28 Financial Fraud (RCW 9A.56.320)
29 Unlawful Possession of Payment
30 Instruments (RCW 9A.56.320)
31 Unlawful Possession of a Personal
32 Identification Device (RCW
33 9A.56.320)
34 Unlawful Production of Payment
35 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,
2 Possessing, or Placing Deleterious
3 Exotic Wildlife (RCW
4 77.15.250(2)(b))
5 Unlawful Trafficking in Food Stamps
6 (RCW 9.91.142)
7 Unlawful Use of Food Stamps (RCW
8 9.91.144)
9 Unlawful Use of Net to Take Fish 1
10 (RCW 77.15.580(3)(b))
11 Vehicle Prowl 1 (RCW 9A.52.095)
12 Violating Commercial Fishing Area or
13 Time 1 (RCW 77.15.550(3)(b))
14 NEW SECTION. **Sec. 30.** This act takes effect April 1, 2025.

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