S-0027.3

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5360**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Trudeau, Lovelett, Frame, Hasegawa, Krishnadasan, Nobles, and Valdez

AN ACT Relating to environmental crimes; amending RCW 90.48.020 and 70A.300.010; reenacting and amending RCW 70A.15.1030 and 9.94A.515; adding new sections to chapter 90.48 RCW; adding new sections to chapter 70A.15 RCW; adding new sections to chapter 70A.300 RCW; repealing RCW 90.48.140, 70A.15.3150, 70A.300.100, and 70A.300.110; and prescribing penalties.

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

**Sec.**  RCW 90.48.020 and 2002 c 161 s 4 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Whenever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they have the meaning prescribed under RCW 17.26.020.

Whenever the words "general sewer plan" are used in this chapter they shall be construed to include all sewerage general plans, sewer general comprehensive plans, plans for a system of sewerage, and other plans for sewer systems adopted by a local government entity including but not limited to cities, towns, public utility districts, and water-sewer districts.

Whenever the words "knows" or "knowingly" are used in this chapter it shall be construed to mean that a person is aware of the conduct that results in a violation; or he or she has information that would lead a reasonable person in the same situation to believe that facts exist which facts are described by a statute defining an offense.

Whenever the words "negligent" or "negligently" are used in this chapter they shall be construed to mean a failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

NEW SECTION. **Sec.**  A new section is added to chapter 90.48 RCW to read as follows:

(1) A person is guilty of a violation of the water pollution control act in the first degree if the person knowingly violates any provisions of this chapter or chapter 90.56 RCW, or any final written orders or directive of the department or a court in pursuance thereof, or any permit issued under this chapter or of Title 33 of the United States Code and the person knows at the time that the conduct constituting the violation places another person in imminent danger of death or substantial bodily harm.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of the water pollution control act in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(5) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Substantial bodily harm" has the same definition as under RCW 9A.04.110.

NEW SECTION. **Sec.**  A new section is added to chapter 90.48 RCW to read as follows:

(1) A person is guilty of a violation of the water pollution control act in the second degree if the person, under circumstances not amounting to a violation of the water pollution control act in the first degree, knowingly violates any of the provisions of this chapter or chapter 90.56 RCW, or any final written orders or directive of the department or a court in pursuance thereof, or any permit issued under this chapter or of Title 33 of the United States Code.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of the water pollution control act in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 90.48 RCW to read as follows:

(1) A person is guilty of a violation of the water pollution control act in the third degree if the person, under circumstances not amounting to a violation of the water pollution control act in the first or second degree, negligently violates any of the provisions of this chapter or chapter 90.56 RCW, or any final written orders or directive of the department or a court in pursuance thereof, or any permit issued under this chapter or of Title 33 of the United States Code.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of the water pollution control act in the third degree is a gross misdemeanor punishable by a fine of up to $10,000 and costs of prosecution, by imprisonment in the county jail for up to 364 days, or by both such fine and imprisonment in the discretion of the court.

**Sec.**  RCW 70A.15.1030 and 2024 c 280 s 2 are each reenacted and amended to read as follows:

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

(1) "Air contaminant" or "air pollutant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Ambient air" means the surrounding outside air.

(5) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(6) "Best available control technology" (BACT) means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under this chapter emitted from or that results from any new or modified stationary source, that the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such a source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such a pollutant. In no event shall application of "best available control technology" result in emissions of any pollutants that will exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61, as they exist on July 25, 1993, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this subsection shall not be allowed to increase above levels that would have been required under the definition of BACT as it existed prior to enactment of the federal clean air act amendments of 1990.

(7) "Best available retrofit technology" (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility that might reasonably be anticipated to result from the use of the technology.

(8) "Board" means the board of directors of an authority.

(9) "Control officer" means the air pollution control officer of any authority.

(10) "Department" or "ecology" means the department of ecology.

(11) "Emission" means a release of air contaminants into the ambient air.

(12) "Emission standard" and "emission limitation" mean a requirement established under the federal clean air act or this chapter that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard adopted under the federal clean air act or this chapter.

(13) "Fine particulate" means particulates with a diameter of two and one-half microns and smaller.

(14) "Flame cap kiln" means an outdoor container used for the combustion of natural vegetation from silvicultural or agricultural activities that meets the following requirements:

(a) Has a solid or sealed bottom including, but not limited to, mineral soils, so that all air for combustion comes from above;

(b) Is completely open on top with no restrictions;

(c) Is a shallow container where the width is greater than the height; and

(d) Has a volume of 10 cubic meters or less.

(15) "Knows" or "knowingly" means that a person is aware of the conduct that results in a violation; or he or she has information that would lead a reasonable person in the same situation to believe that facts exist which facts are described by a statute defining an offense.

(16)(a) "Lowest achievable emission rate" (LAER) means for any source that rate of emissions that reflects:

(i) The most stringent emission limitation that is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(ii) The most stringent emission limitation that is achieved in practice by such class or category of source, whichever is more stringent.

(b) In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

((~~(16)~~)) (17) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

((~~(17)~~)) (18) "Multicounty authority" means an authority which consists of two or more counties.

((~~(18)~~)) (19) "Negligent" or "negligently" means a failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

(20) "New source" means (a) the construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted, and (b) any other project that constitutes a new source under the federal clean air act.

((~~(19)~~)) (21) "Permit program source" means a source required to apply for or to maintain an operating permit under RCW 70A.15.2260.

((~~(20)~~)) (22) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

((~~(21)~~)) (23) "Reasonably available control technology" (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for a source or source category shall be adopted only after notice and opportunity for comment are afforded.

((~~(22)~~)) (24) "Silvicultural burning" means burning of wood fiber on forestland or combustion of natural vegetation from silvicultural activities consistent with the provisions of RCW 70A.15.5120.

((~~(23)~~)) (25) "Source" means all of the emissions units including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products.

((~~(24)~~)) (26) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant.

((~~(25)~~)) (27) "Trigger level" means the ambient level of fine particulates, measured in micrograms per cubic meter, that must be detected prior to initiating a first or second stage of impaired air quality under RCW 70A.15.3580.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of the clean air act in the first degree if the person knowingly releases into the ambient air any substance listed by the department as a hazardous or toxic air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and the person knows at the time that he or she thereby places:

(a) Another person in imminent danger of death or substantial bodily harm; or

(b) Any property of another person, or any natural resources owned by the state of Washington, or any of its local governments, in imminent danger of harm.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) For the purposes of this section, air pollutant does not include an odorous substance unless it is listed by the department as hazardous or toxic.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Substantial bodily harm" has the same definition as under RCW 9A.04.110.

(5) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(6) A violation of the clean air act in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of the clean air act in the second degree if the person, under circumstances not amounting to a violation of the clean air act in the first degree:

(a) Knowingly violates any of the provisions of this chapter or chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance resolution, or regulation in force pursuant thereto; or

(b) Negligently releases into the ambient air any substance listed by the department as a hazardous or toxic air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and:

(i) Places another person in imminent danger of death or substantial bodily harm; or

(ii) Places any property of another person, or any natural resources owned by the state of Washington, or any of its local governments, in imminent danger of harm.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) For the purposes of this section, air pollutant does not include an odorous substance unless it is listed by the department as hazardous or toxic.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Substantial bodily harm" has the same definition as under RCW 9A.04.110.

(5) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(6) A violation of the clean air act in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of the clean air act in the third degree if the person, under circumstances not amounting to a violation of the clean air act in the first or second degree:

(a) Negligently violates any of the provisions of this chapter or chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance, resolution, or regulation in force pursuant thereto; or

(b) Knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) For the purposes of this section, air pollutant does not include an odorous substance unless it is listed by the department as hazardous or toxic.

(5) A violation of the clean air act in the third degree is a gross misdemeanor and upon conviction shall be punishable by a fine of not more than $10,000, or by imprisonment in the county jail for up to 364 days.

**Sec.**  RCW 70A.300.010 and 2020 c 20 s 1278 are each amended to read as follows:

((~~The words and phrases defined in this section shall have the meanings indicated when used in~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances((~~,~~)) including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(2) "Department" means the department of ecology.

(3) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(4) "Director" means the director of the department of ecology or the director's designee.

(5) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

(6) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(7) "Extremely hazardous waste" means any dangerous waste which:

(a) Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of human beings or wildlife((~~,~~)); and

(ii) Is highly toxic to human beings or wildlife.

(b) If disposed of at a disposal site in such quantities as would present an extreme hazard to human beings or the environment.

(8) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(9) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70A.300.350.

(10) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(11) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

(12) "Knows" or "knowingly" means that a person is aware of the conduct that results in a violation; or he or she has information that would lead a reasonable person in the same situation to believe that facts exist which facts are described by a statute defining an offense.

(13) "Local government" means a city, town, or county.

((~~(13)~~)) (14) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

((~~(14)~~)) (15) "Negligent" or "negligently" means a failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

(16) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

((~~(15)~~)) (17) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

((~~(16)~~)) (18) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

((~~(17)~~)) (19) "Service charge" means an assessment imposed under RCW 70A.300.460 against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.300 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the first degree if the person knowingly transports, treats, stores, handles, disposes of, or exports a hazardous substance in violation of this chapter and the person knows at the time that the conduct constituting the violation:

(a) Places another person in imminent danger of death or substantial bodily harm; or

(b) Places any property of another person, any natural resources owned by the state of Washington, or any of its local governments, in imminent danger of harm.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Substantial bodily harm" has the same definition as under RCW 9A.04.110.

(4) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(5) A violation of this chapter in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.300 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the second degree if the person, under circumstances not amounting to a violation of this chapter in the first degree, knowingly violates any provisions of this chapter, or of the rules implementing this chapter.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the third degree if the person, under circumstances not amounting to a violation of this chapter in the first or second degree, negligently violates any provisions of this chapter, or the rules implementing this chapter.

(2) An entity is guilty of the offense if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the third degree is a gross misdemeanor and upon conviction shall be punishable by a fine of not more than $10,000, or by imprisonment in the county jail for up to 364 days.

**Sec.**  RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are each reenacted and amended to read as follows:

|  |  |  |
| --- | --- | --- |
|  | TABLE 2 |  |
|  | CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL |  |
| XVI | Aggravated Murder 1 (RCW 10.95.020) |  |
| XV | Homicide by abuse (RCW 9A.32.055) |  |
|  | Malicious explosion 1 (RCW 70.74.280(1)) |  |
|  | Murder 1 (RCW 9A.32.030) |  |
| XIV | Murder 2 (RCW 9A.32.050) |  |
|  | Trafficking 1 (RCW 9A.40.100(1)) |  |
| XIII | Malicious explosion 2 (RCW 70.74.280(2)) |  |
|  | Malicious placement of an explosive 1 (RCW 70.74.270(1)) |  |
| XII | Assault 1 (RCW 9A.36.011) |  |
|  | Assault of a Child 1 (RCW 9A.36.120) |  |
|  | Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) |  |
|  | Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) |  |
|  | Rape 1 (RCW 9A.44.040) |  |
|  | Rape of a Child 1 (RCW 9A.44.073) |  |
|  | Trafficking 2 (RCW 9A.40.100(3)) |  |
| XI | Manslaughter 1 (RCW 9A.32.060) |  |
|  | Rape 2 (RCW 9A.44.050) |  |
|  | Rape of a Child 2 (RCW 9A.44.076) |  |
|  | Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) |  |
|  | Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520) |  |
| X | Child Molestation 1 (RCW 9A.44.083) |  |
|  | Criminal Mistreatment 1 (RCW 9A.42.020) |  |
|  | Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) |  |
|  | Kidnapping 1 (RCW 9A.40.020) |  |
|  | Leading Organized Crime (RCW 9A.82.060(1)(a)) |  |
|  | Malicious explosion 3 (RCW 70.74.280(3)) |  |
|  | Sexually Violent Predator Escape (RCW 9A.76.115) |  |
| IX | Abandonment of Dependent Person 1 (RCW 9A.42.060) |  |
|  | Assault of a Child 2 (RCW 9A.36.130) |  |
|  | Explosive devices prohibited (RCW 70.74.180) |  |
|  | Hit and Run—Death (RCW 46.52.020(4)(a)) |  |
|  | Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) |  |
|  | Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) |  |
|  | Malicious placement of an explosive 2 (RCW 70.74.270(2)) |  |
|  | Robbery 1 (RCW 9A.56.200) |  |
|  | Sexual Exploitation (RCW 9.68A.040) |  |
| VIII | Arson 1 (RCW 9A.48.020) |  |
|  | Commercial Sexual Abuse of a Minor (RCW 9.68A.100) |  |
|  | Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) |  |
|  | Manslaughter 2 (RCW 9A.32.070) |  |
|  | Promoting Prostitution 1 (RCW 9A.88.070) |  |
|  | Theft of Ammonia (RCW 69.55.010) |  |
| VII | Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b)) |  |
|  | Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b)) |  |
|  | Burglary 1 (RCW 9A.52.020) |  |
|  | Child Molestation 2 (RCW 9A.44.086) |  |
|  | Civil Disorder Training (RCW 9A.48.120) |  |
|  | Custodial Sexual Misconduct 1 (RCW 9A.44.160) |  |
|  | Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1)) |  |
|  | Drive-by Shooting (RCW 9A.36.045) |  |
|  | False Reporting 1 (RCW 9A.84.040(2)(a)) |  |
|  | Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050) |  |
|  | Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c)) |  |
|  | Introducing Contraband 1 (RCW 9A.76.140) |  |
|  | Malicious placement of an explosive 3 (RCW 70.74.270(3)) |  |
|  | Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b)) |  |
|  | Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675) |  |
|  | Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b)) |  |
|  | Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1)) |  |
|  | Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)) |  |
|  | Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225) |  |
|  | Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520) |  |
| VI | Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a)) |  |
|  | Bribery (RCW 9A.68.010) |  |
|  | Incest 1 (RCW 9A.64.020(1)) |  |
|  | Intimidating a Judge (RCW 9A.72.160) |  |
|  | Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) |  |
|  | Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b)) |  |
|  | Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1)) |  |
|  | Rape of a Child 3 (RCW 9A.44.079) |  |
|  | Theft of a Firearm (RCW 9A.56.300) |  |
|  | Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1)) |  |
|  | Unlawful Storage of Ammonia (RCW 69.55.020) |  |
| V | Abandonment of Dependent Person 2 (RCW 9A.42.070) |  |
|  | Advancing money or property for extortionate extension of credit (RCW 9A.82.030) |  |
|  | Air bag diagnostic systems (RCW 46.37.660(2)(c)) |  |
|  | Air bag replacement requirements (RCW 46.37.660(1)(c)) |  |
|  | Bail Jumping with class A Felony (RCW 9A.76.170(3)(b)) |  |
|  | Child Molestation 3 (RCW 9A.44.089) |  |
|  | Clean Air Act Violation 1 (section 6 of this act) |  |
|  | Criminal Mistreatment 2 (RCW 9A.42.030) |  |
|  | Custodial Sexual Misconduct 2 (RCW 9A.44.170) |  |
|  | Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2)) |  |
|  | Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070) |  |
|  | Extortion 1 (RCW 9A.56.120) |  |
|  | Extortionate Extension of Credit (RCW 9A.82.020) |  |
|  | Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040) |  |
|  | Hazardous Waste Act Violation 1 (section 10 of this act) |  |
|  | Incest 2 (RCW 9A.64.020(2)) |  |
|  | Kidnapping 2 (RCW 9A.40.030) |  |
|  | Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c)) |  |
|  | Perjury 1 (RCW 9A.72.020) |  |
|  | Persistent prison misbehavior (RCW 9.94.070) |  |
|  | Possession of a Stolen Firearm (RCW 9A.56.310) |  |
|  | Rape 3 (RCW 9A.44.060) |  |
|  | Rendering Criminal Assistance 1 (RCW 9A.76.070) |  |
|  | Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c)) |  |
|  | Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2)) |  |
|  | Sexual Misconduct with a Minor 1 (RCW 9A.44.093) |  |
|  | Sexually Violating Human Remains (RCW 9A.44.105) |  |
|  | Stalking (RCW 9A.46.110) |  |
|  | Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070) |  |
|  | Water Pollution Control Act Violation 1 (section 2 of this act) |  |
| IV | Arson 2 (RCW 9A.48.030) |  |
|  | Assault 2 (RCW 9A.36.021) |  |
|  | Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h)) |  |
|  | Assault 4 (third domestic violence offense) (RCW 9A.36.041(3)) |  |
|  | Assault by Watercraft (RCW 79A.60.060) |  |
|  | Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100) |  |
|  | Cheating 1 (RCW 9.46.1961) |  |
|  | Commercial Bribery (RCW 9A.68.060) |  |
|  | Counterfeiting (RCW 9.16.035(4)) |  |
|  | Driving While Under the Influence (RCW 46.61.502(6)) |  |
|  | Endangerment with a Controlled Substance (RCW 9A.42.100) |  |
|  | Escape 1 (RCW 9A.76.110) |  |
|  | Hate Crime (RCW 9A.36.080) |  |
|  | Hit and Run—Injury (RCW 46.52.020(4)(b)) |  |
|  | Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3)) |  |
|  | Identity Theft 1 (RCW 9.35.020(2)) |  |
|  | Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010) |  |
|  | Influencing Outcome of Sporting Event (RCW 9A.82.070) |  |
|  | Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6)) |  |
|  | Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2)) |  |
|  | Residential Burglary (RCW 9A.52.025) |  |
|  | Robbery 2 (RCW 9A.56.210) |  |
|  | Theft of Livestock 1 (RCW 9A.56.080) |  |
|  | Threats to Bomb (RCW 9.61.160) |  |
|  | Trafficking in Catalytic Converters 1 (RCW 9A.82.190) |  |
|  | Trafficking in Stolen Property 1 (RCW 9A.82.050) |  |
|  | Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b)) |  |
|  | Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3)) |  |
|  | Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3)) |  |
|  | Unlawful transaction of insurance business (RCW 48.15.023(3)) |  |
|  | Unlicensed practice as an insurance professional (RCW 48.17.063(2)) |  |
|  | Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2)) |  |
|  | Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3)) |  |
|  | Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522) |  |
|  | Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1)) |  |
| III | Animal Cruelty 1 (RCW 16.52.205) |  |
|  | Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h)) |  |
|  | Assault of a Child 3 (RCW 9A.36.140) |  |
|  | Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c)) |  |
|  | Burglary 2 (RCW 9A.52.030) |  |
|  | Communication with a Minor for Immoral Purposes (RCW 9.68A.090) |  |
|  | Clean Air Act Violation 2 (section 7 of this act) |  |
|  | Criminal Gang Intimidation (RCW 9A.46.120) |  |
|  | Custodial Assault (RCW 9A.36.100) |  |
|  | Cyber Harassment (RCW 9A.90.120(2)(b)) |  |
|  | Escape 2 (RCW 9A.76.120) |  |
|  | Extortion 2 (RCW 9A.56.130) |  |
|  | False Reporting 2 (RCW 9A.84.040(2)(b)) |  |
|  | Harassment (RCW 9A.46.020) |  |
|  | Hazardous Waste Act Violation 2 (section 11 of this act) |  |
|  | Hazing (RCW 28B.10.901(2)(b)) |  |
|  | Intimidating a Public Servant (RCW 9A.76.180) |  |
|  | Introducing Contraband 2 (RCW 9A.76.150) |  |
|  | Malicious Injury to Railroad Property (RCW 81.60.070) |  |
|  | Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190) |  |
|  | Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325) |  |
|  | Mortgage Fraud (RCW 19.144.080) |  |
|  | Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674) |  |
|  | Organized Retail Theft 1 (RCW 9A.56.350(2)) |  |
|  | Perjury 2 (RCW 9A.72.030) |  |
|  | Possession of Incendiary Device (RCW 9.40.120) |  |
|  | Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190) |  |
|  | Promoting Prostitution 2 (RCW 9A.88.080) |  |
|  | Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2)) |  |
|  | Securities Act violation (RCW 21.20.400) |  |
|  | Tampering with a Witness (RCW 9A.72.120) |  |
|  | Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2)) |  |
|  | Theft of Livestock 2 (RCW 9A.56.083) |  |
|  | Theft with the Intent to Resell 1 (RCW 9A.56.340(2)) |  |
|  | Trafficking in Catalytic Converters 2 (RCW 9A.82.200) |  |
|  | Trafficking in Stolen Property 2 (RCW 9A.82.055) |  |
|  | Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b)) |  |
|  | Unlawful Imprisonment (RCW 9A.40.040) |  |
|  | Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3)) |  |
|  | Unlawful possession of firearm in the second degree (RCW 9.41.040(2)) |  |
|  | Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b)) |  |
|  | Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b)) |  |
|  | Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4)) |  |
|  | Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522) |  |
|  | Water Pollution Control Act Violation 2 (section 3 of this act) |  |
| II | Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b)) |  |
|  | Computer Trespass 1 (RCW 9A.90.040) |  |
|  | Counterfeiting (RCW 9.16.035(3)) |  |
|  | Electronic Data Service Interference (RCW 9A.90.060) |  |
|  | Electronic Data Tampering 1 (RCW 9A.90.080) |  |
|  | Electronic Data Theft (RCW 9A.90.100) |  |
|  | Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3)) |  |
|  | Escape from Community Custody (RCW 72.09.310) |  |
|  | Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132) |  |
|  | Health Care False Claims (RCW 48.80.030) |  |
|  | Identity Theft 2 (RCW 9.35.020(3)) |  |
|  | Improperly Obtaining Financial Information (RCW 9.35.010) |  |
|  | Malicious Mischief 1 (RCW 9A.48.070) |  |
|  | Organized Retail Theft 2 (RCW 9A.56.350(3)) |  |
|  | Possession of Stolen Property 1 (RCW 9A.56.150) |  |
|  | Possession of a Stolen Vehicle (RCW 9A.56.068) |  |
|  | Possession, sale, or offering for sale of seven or more unmarked catalytic converters (RCW 9A.82.180(5)) |  |
|  | Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3)) |  |
|  | Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100) |  |
|  | Theft 1 (RCW 9A.56.030) |  |
|  | Theft of a Motor Vehicle (RCW 9A.56.065) |  |
|  | Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at $5,000 or more) (RCW 9A.56.096(5)(a)) |  |
|  | Theft with the Intent to Resell 2 (RCW 9A.56.340(3)) |  |
|  | Trafficking in Insurance Claims (RCW 48.30A.015) |  |
|  | Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a)) |  |
|  | Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2)) |  |
|  | Unlawful Practice of Law (RCW 2.48.180) |  |
|  | Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b)) |  |
|  | Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a)) |  |
|  | Unlicensed Practice of a Profession or Business (RCW 18.130.190(7)) |  |
|  | Voyeurism 1 (RCW 9A.44.115) |  |
| I | Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024) |  |
|  | False Verification for Welfare (RCW 74.08.055) |  |
|  | Forgery (RCW 9A.60.020) |  |
|  | Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060) |  |
|  | Malicious Mischief 2 (RCW 9A.48.080) |  |
|  | Mineral Trespass (RCW 78.44.330) |  |
|  | Possession of Stolen Property 2 (RCW 9A.56.160) |  |
|  | Reckless Burning 1 (RCW 9A.48.040) |  |
|  | Spotlighting Big Game 1 (RCW 77.15.450(3)(b)) |  |
|  | Suspension of Department Privileges 1 (RCW 77.15.670(3)(b)) |  |
|  | Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075) |  |
|  | Theft 2 (RCW 9A.56.040) |  |
|  | Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2)) |  |
|  | Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at $750 or more but less than $5,000) (RCW 9A.56.096(5)(b)) |  |
|  | Transaction of insurance business beyond the scope of licensure (RCW 48.17.063) |  |
|  | Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b)) |  |
|  | Unlawful Issuance of Checks or Drafts (RCW 9A.56.060) |  |
|  | Unlawful Possession of Fictitious Identification (RCW 9A.56.320) |  |
|  | Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320) |  |
|  | Unlawful Possession of Payment Instruments (RCW 9A.56.320) |  |
|  | Unlawful Possession of a Personal Identification Device (RCW 9A.56.320) |  |
|  | Unlawful Production of Payment Instruments (RCW 9A.56.320) |  |
|  | Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b)) |  |
|  | Unlawful Trafficking in Food Stamps (RCW 9.91.142) |  |
|  | Unlawful Use of Food Stamps (RCW 9.91.144) |  |
|  | Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b)) |  |
|  | Vehicle Prowl 1 (RCW 9A.52.095) |  |
|  | Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b)) |  |

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

(1) RCW 90.48.140 (Penalty) and 2011 c 96 s 61, 2003 c 53 s 419, 1992 c 73 s 26, 1973 c 155 s 8, & 1945 c 216 s 20;

(2) RCW 70A.15.3150 (Penalties) and 2023 c 470 s 1017;

(3) RCW 70A.300.100 (Violations—Criminal penalties) and 2003 c 53 s 357 & 1989 c 2 s 15; and

(4) RCW 70A.300.110 (Violations—Gross misdemeanor) and 2020 c 20 s 1282, 2011 c 96 s 51, 1984 c 237 s 1, 1983 c 172 s 3, & 1975-'76 2nd ex.s. c 101 s 9.

**--- END ---**