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**ENGROSSED SUBSTITUTE SENATE BILL 5360**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Trudeau, Lovelett, Frame, Hasegawa, Krishnadasan, Nobles, and Valdez)

READ FIRST TIME 02/10/25.

1           AN ACT Relating to environmental crimes; reenacting and amending  
2 RCW 70A.15.1030 and 9.94A.515; adding new sections to chapter 90.48  
3 RCW; adding new sections to chapter 70A.15 RCW; adding new sections  
4 to chapter 70A.300 RCW; repealing RCW 90.48.140, 70A.15.3150,  
5 70A.300.100, and 70A.300.110; and prescribing penalties.

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

7           NEW SECTION.   **Sec. 1.**   A new section is added to chapter 90.48  
8 RCW to read as follows:

9           (1) A person is guilty of a violation of the water pollution  
10 control act in the first degree if the person knowingly violates any  
11 provisions of this chapter or chapter 90.56 RCW, or any permit issued  
12 under this chapter or of Title 33 of the United States Code, and the  
13 person knows at the time that the conduct constituting the violation  
14 places another person in imminent danger of death or substantial  
15 bodily harm.

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

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

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

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

5 (a) "Entity" includes, but is not limited to, a town, city, and  
6 county, and the state.

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

10 (c) "Knows" or "knowingly" have the same meaning as "knowledge"  
11 provided in RCW 9A.08.010.

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

14 (6) Nothing in this section applies to silt and sediment  
15 discharges permitted by a construction stormwater general permit  
16 issued under this chapter.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48  
18 RCW to read as follows:

19 (1) A person is guilty of a violation of the water pollution  
20 control act in the second degree if the person, under circumstances  
21 not amounting to a violation of the water pollution control act in  
22 the first degree, knowingly violates any of the provisions of this  
23 chapter or chapter 90.56 RCW, or any permit issued under this chapter  
24 or of Title 33 of the United States Code.

25 (2) An entity is guilty of the offense if an agent of the entity  
26 commits the offense while acting within the scope of his or her  
27 duties and on behalf of the entity. For the purposes of this  
28 subsection, "entity" includes, but is not limited to, a town, city,  
29 and county, and the state.

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

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

34 (5) For the purposes of this section, "knowingly" has the same  
35 meaning as "knowledge" provided in RCW 9A.08.010.

36 (6) Nothing in this section applies to silt and sediment  
37 discharges permitted by a construction stormwater general permit  
38 issued under this chapter.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 90.48  
2    RCW to read as follows:

3        (1) A person is guilty of a violation of the water pollution  
4    control act in the third degree if the person, under circumstances  
5    not amounting to a violation of the water pollution control act in  
6    the first or second degree, negligently violates any of the  
7    provisions of this chapter or chapter 90.56 RCW, or any permit issued  
8    under this chapter or of Title 33 of the United States Code.

9        (2) An entity is guilty of the offense if an agent of the entity  
10    commits the offense while acting within the scope of his or her  
11    duties and on behalf of the entity. For the purposes of this  
12    subsection, "entity" includes, but is not limited to, a town, city,  
13    and county, and the state.

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

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

21        (5) For the purposes of this section, "negligently" means to act  
22    with "criminal negligence" as provided in RCW 9A.08.010.

23        (6) Nothing in this section applies to silt and sediment  
24    discharges permitted by a construction stormwater general permit  
25    issued under this chapter.

26        **Sec. 4.**    RCW 70A.15.1030 and 2024 c 280 s 2 are each reenacted  
27    and amended to read as follows:

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

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

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

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

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

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

8 (6) "Best available control technology" (BACT) means an emission  
9 limitation based on the maximum degree of reduction for each air  
10 pollutant subject to regulation under this chapter emitted from or  
11 that results from any new or modified stationary source, that the  
12 permitting authority, on a case-by-case basis, taking into account  
13 energy, environmental, and economic impacts and other costs,  
14 determines is achievable for such a source or modification through  
15 application of production processes and available methods, systems,  
16 and techniques, including fuel cleaning, clean fuels, or treatment or  
17 innovative fuel combustion techniques for control of each such a  
18 pollutant. In no event shall application of "best available control  
19 technology" result in emissions of any pollutants that will exceed  
20 the emissions allowed by any applicable standard under 40 C.F.R. Part  
21 60 and Part 61, as they exist on July 25, 1993, or their later  
22 enactments as adopted by reference by the director by rule. Emissions  
23 from any source utilizing clean fuels, or any other means, to comply  
24 with this subsection shall not be allowed to increase above levels  
25 that would have been required under the definition of BACT as it  
26 existed prior to enactment of the federal clean air act amendments of  
27 1990.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (16) "Modification" means any physical change in, or change in  
39 the method of operation of, a stationary source that increases the  
40 amount of any air contaminant emitted by such source or that results

1 in the emission of any air contaminant not previously emitted. The  
2 term modification shall be construed consistent with the definition  
3 of modification in Section 7411, Title 42, United States Code, and  
4 with rules implementing that section.

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

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

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.15  
6 RCW to read as follows:

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

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

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

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

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

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

26 (a) "Entity" includes, but is not limited to, a town, city, and  
27 county, and the state.

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

31 (c) "Knows" or "knowingly" have the same meaning as "knowledge"  
32 provided in RCW 9A.08.010.

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

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

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

1 (7) Nothing in this section shall apply to activities permitted  
2 by the department of natural resources under RCW 70A.15.5120(1) or  
3 70A.15.4530, or to outdoor burning conducted or permitted by a state  
4 or local authority to reduce wildfire risk, improve ecosystem health  
5 and resiliency, or restore native plant communities, on prairie,  
6 grassland, or shrub-steppe landscapes.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 70A.15  
8 RCW to read as follows:

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

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

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

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

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

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

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

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

32 (a) "Entity" includes, but is not limited to, a town, city, and  
33 county, and the state.

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

37 (c) "Knowingly" has the same meaning as "knowledge" provided in  
38 RCW 9A.08.010.

1 (d) "Negligently" means to act with "criminal negligence" as  
2 provided in RCW 9A.08.010.

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

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

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

9 (7) Nothing in this section shall apply to activities permitted  
10 by the department of natural resources under RCW 70A.15.5120(1) or  
11 70A.15.4530, or to outdoor burning conducted or permitted by a state  
12 or local authority to reduce wildfire risk, improve ecosystem health  
13 and resiliency, or restore native plant communities, on prairie,  
14 grassland, or shrub-steppe landscapes.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 70A.15  
16 RCW to read as follows:

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

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

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

25 (2) An entity is guilty of the offense if an agent of the entity  
26 commits the offense while acting within the scope of his or her  
27 duties and on behalf of the entity. For the purposes of this  
28 subsection, "entity" includes, but is not limited to, a town, city,  
29 and county, and the state.

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

32 (4) For the purposes of this section:

33 (a) "Air pollutant" does not include an odorous substance unless  
34 it is listed by the department as hazardous or toxic.

35 (b) "Knowingly" has the same meaning as "knowledge" provided in  
36 RCW 9A.08.010.

37 (c) "Negligently" means to act with "criminal negligence" as  
38 provided in RCW 9A.08.010.

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

6 (6) Nothing in this section shall apply to activities permitted  
7 by the department of natural resources under RCW 70A.15.5120(1) or  
8 70A.15.4530, or to outdoor burning conducted or permitted by a state  
9 or local authority to reduce wildfire risk, improve ecosystem health  
10 and resiliency, or restore native plant communities, on prairie,  
11 grassland, or shrub-steppe landscapes.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 70A.300  
13 RCW to read as follows:

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

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

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

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

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

29 (a) "Entity" includes, but is not limited to, a town, city, and  
30 county, and the state.

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

34 (c) "Knows" or "knowingly" have the same meaning as "knowledge"  
35 provided in RCW 9A.08.010.

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

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

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

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 70A.300  
4 RCW to read as follows:

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

10 (2) An entity is guilty of the offense if an agent of the entity  
11 commits the offense while acting within the scope of his or her  
12 duties and on behalf of the entity. For the purposes of this  
13 subsection, "entity" includes, but is not limited to, a town, city,  
14 and county, and the state.

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

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

19 (5) For the purposes of this section, "knowingly" has the same  
20 meaning as "knowledge" provided in RCW 9A.08.010.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 70A.300  
22 RCW to read as follows:

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

28 (2) An entity is guilty of the offense if an agent of the entity  
29 commits the offense while acting within the scope of his or her  
30 duties and on behalf of the entity. For the purposes of this  
31 subsection, "entity" includes, but is not limited to, a town, city,  
32 and county, and the state.

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

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

1 days, or by both such fine and imprisonment in the discretion of the  
2 court.

3 (5) For the purposes of this section, "negligently" means to act  
4 with "criminal negligence" as provided in RCW 9A.08.010.

5 **Sec. 11.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are  
6 each reenacted and amended to read as follows:

7 TABLE 2

8 CRIMES INCLUDED WITHIN EACH  
9 SERIOUSNESS LEVEL

- 10 XVI Aggravated Murder 1 (RCW 10.95.020)
- 11 XV Homicide by abuse (RCW 9A.32.055)
- 12 Malicious explosion 1 (RCW  
13 70.74.280(1))
- 14 Murder 1 (RCW 9A.32.030)
- 15 XIV Murder 2 (RCW 9A.32.050)
- 16 Trafficking 1 (RCW 9A.40.100(1))
- 17 XIII Malicious explosion 2 (RCW  
18 70.74.280(2))
- 19 Malicious placement of an explosive 1  
20 (RCW 70.74.270(1))
- 21 XII Assault 1 (RCW 9A.36.011)
- 22 Assault of a Child 1 (RCW 9A.36.120)
- 23 Malicious placement of an imitation  
24 device 1 (RCW 70.74.272(1)(a))
- 25 Promoting Commercial Sexual Abuse  
26 of a Minor (RCW 9.68A.101)
- 27 Rape 1 (RCW 9A.44.040)
- 28 Rape of a Child 1 (RCW 9A.44.073)
- 29 Trafficking 2 (RCW 9A.40.100(3))
- 30 XI Manslaughter 1 (RCW 9A.32.060)
- 31 Rape 2 (RCW 9A.44.050)
- 32 Rape of a Child 2 (RCW 9A.44.076)

1 Vehicular Homicide, by being under the  
2 influence of intoxicating liquor or  
3 any drug (RCW 46.61.520)

4 Vehicular Homicide, by the operation of  
5 any vehicle in a reckless manner  
6 (RCW 46.61.520)

7 X Child Molestation 1 (RCW 9A.44.083)

8 Criminal Mistreatment 1 (RCW  
9 9A.42.020)

10 Indecent Liberties (with forcible  
11 compulsion) (RCW  
12 9A.44.100(1)(a))

13 Kidnapping 1 (RCW 9A.40.020)

14 Leading Organized Crime (RCW  
15 9A.82.060(1)(a))

16 Malicious explosion 3 (RCW  
17 70.74.280(3))

18 Sexually Violent Predator Escape (RCW  
19 9A.76.115)

20 IX Abandonment of Dependent Person 1  
21 (RCW 9A.42.060)

22 Assault of a Child 2 (RCW 9A.36.130)

23 Explosive devices prohibited (RCW  
24 70.74.180)

25 Hit and Run—Death (RCW  
26 46.52.020(4)(a))

27 Homicide by Watercraft, by being under  
28 the influence of intoxicating liquor  
29 or any drug (RCW 79A.60.050)

30 Inciting Criminal Profiteering (RCW  
31 9A.82.060(1)(b))

32 Malicious placement of an explosive 2  
33 (RCW 70.74.270(2))

34 Robbery 1 (RCW 9A.56.200)

35 Sexual Exploitation (RCW 9.68A.040)

1 VIII Arson 1 (RCW 9A.48.020)  
2 Commercial Sexual Abuse of a Minor  
3 (RCW 9.68A.100)  
4 Homicide by Watercraft, by the  
5 operation of any vessel in a reckless  
6 manner (RCW 79A.60.050)  
7 Manslaughter 2 (RCW 9A.32.070)  
8 Promoting Prostitution 1 (RCW  
9 9A.88.070)  
10 Theft of Ammonia (RCW 69.55.010)  
11 VII Air bag diagnostic systems (causing  
12 bodily injury or death) (RCW  
13 46.37.660(2)(b))  
14 Air bag replacement requirements  
15 (causing bodily injury or death)  
16 (RCW 46.37.660(1)(b))  
17 Burglary 1 (RCW 9A.52.020)  
18 Child Molestation 2 (RCW 9A.44.086)  
19 Civil Disorder Training (RCW  
20 9A.48.120)  
21 Custodial Sexual Misconduct 1 (RCW  
22 9A.44.160)  
23 Dealing in depictions of minor engaged  
24 in sexually explicit conduct 1  
25 (RCW 9.68A.050(1))  
26 Drive-by Shooting (RCW 9A.36.045)  
27 False Reporting 1 (RCW  
28 9A.84.040(2)(a))  
29 Homicide by Watercraft, by disregard  
30 for the safety of others (RCW  
31 79A.60.050)  
32 Indecent Liberties (without forcible  
33 compulsion) (RCW 9A.44.100(1)  
34 (b) and (c))  
35 Introducing Contraband 1 (RCW  
36 9A.76.140)

1 Malicious placement of an explosive 3  
2 (RCW 70.74.270(3))  
3 Manufacture or import counterfeit,  
4 nonfunctional, damaged, or  
5 previously deployed air bag  
6 (causing bodily injury or death)  
7 (RCW 46.37.650(1)(b))  
8 Negligently Causing Death By Use of a  
9 Signal Preemption Device (RCW  
10 46.37.675)  
11 Sell, install, or reinstall counterfeit,  
12 nonfunctional, damaged, or  
13 previously deployed airbag (RCW  
14 46.37.650(2)(b))  
15 Sending, bringing into state depictions  
16 of minor engaged in sexually  
17 explicit conduct 1 (RCW  
18 9.68A.060(1))  
19 Unlawful Possession of a Firearm in the  
20 first degree (RCW 9.41.040(1))  
21 Use of a Machine Gun or Bump-fire  
22 Stock in Commission of a Felony  
23 (RCW 9.41.225)  
24 Vehicular Homicide, by disregard for  
25 the safety of others (RCW  
26 46.61.520)  
27 VI Bail Jumping with Murder 1 (RCW  
28 9A.76.170(3)(a))  
29 Bribery (RCW 9A.68.010)  
30 Incest 1 (RCW 9A.64.020(1))  
31 Intimidating a Judge (RCW 9A.72.160)  
32 Intimidating a Juror/Witness (RCW  
33 9A.72.110, 9A.72.130)  
34 Malicious placement of an imitation  
35 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor  
2 Engaged in Sexually Explicit  
3 Conduct 1 (RCW 9.68A.070(1))  
4 Rape of a Child 3 (RCW 9A.44.079)  
5 Theft of a Firearm (RCW 9A.56.300)  
6 Theft from a Vulnerable Adult 1 (RCW  
7 9A.56.400(1))  
8 Unlawful Storage of Ammonia (RCW  
9 69.55.020)  
10 V Abandonment of Dependent Person 2  
11 (RCW 9A.42.070)  
12 Advancing money or property for  
13 extortionate extension of credit  
14 (RCW 9A.82.030)  
15 Air bag diagnostic systems (RCW  
16 46.37.660(2)(c))  
17 Air bag replacement requirements  
18 (RCW 46.37.660(1)(c))  
19 Bail Jumping with class A Felony  
20 (RCW 9A.76.170(3)(b))  
21 Child Molestation 3 (RCW 9A.44.089)  
22 Clean Air Act Violation 1 (section 5 of  
23 this act)  
24 Criminal Mistreatment 2 (RCW  
25 9A.42.030)  
26 Custodial Sexual Misconduct 2 (RCW  
27 9A.44.170)  
28 Dealing in Depictions of Minor  
29 Engaged in Sexually Explicit  
30 Conduct 2 (RCW 9.68A.050(2))  
31 Domestic Violence Court Order  
32 Violation (RCW 7.105.450,  
33 10.99.040, 10.99.050, 26.09.300,  
34 26.26B.050, or 26.52.070)  
35 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit (RCW  
2 9A.82.020)  
3 Extortionate Means to Collect  
4 Extensions of Credit (RCW  
5 9A.82.040)  
6 Hazardous Waste Act Violation 1  
7 (section 8 of this act)  
8 Incest 2 (RCW 9A.64.020(2))  
9 Kidnapping 2 (RCW 9A.40.030)  
10 Manufacture or import counterfeit,  
11 nonfunctional, damaged, or  
12 previously deployed air bag (RCW  
13 46.37.650(1)(c))  
14 Perjury 1 (RCW 9A.72.020)  
15 Persistent prison misbehavior (RCW  
16 9.94.070)  
17 Possession of a Stolen Firearm (RCW  
18 9A.56.310)  
19 Rape 3 (RCW 9A.44.060)  
20 Rendering Criminal Assistance 1 (RCW  
21 9A.76.070)  
22 Sell, install, or reinstall counterfeit,  
23 nonfunctional, damaged, or  
24 previously deployed airbag (RCW  
25 46.37.650(2)(c))  
26 Sending, Bringing into State Depictions  
27 of Minor Engaged in Sexually  
28 Explicit Conduct 2 (RCW  
29 9.68A.060(2))  
30 Sexual Misconduct with a Minor 1  
31 (RCW 9A.44.093)  
32 Sexually Violating Human Remains  
33 (RCW 9A.44.105)  
34 Stalking (RCW 9A.46.110)  
35 Taking Motor Vehicle Without  
36 Permission 1 (RCW 9A.56.070)

Water Pollution Control Act Violation 1

(section 1 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)

1 Physical Control of a Vehicle While  
2 Under the Influence (RCW  
3 46.61.504(6))  
4 Possession of Depictions of a Minor  
5 Engaged in Sexually Explicit  
6 Conduct 2 (RCW 9.68A.070(2))  
7 Residential Burglary (RCW 9A.52.025)  
8 Robbery 2 (RCW 9A.56.210)  
9 Theft of Livestock 1 (RCW 9A.56.080)  
10 Threats to Bomb (RCW 9.61.160)  
11 Trafficking in Catalytic Converters 1  
12 (RCW 9A.82.190)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health coverage  
19 as a health care service contractor  
20 (RCW 48.44.016(3))  
21 Unlawful transaction of health coverage  
22 as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(2))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicle Prowling 2 (third or subsequent  
32 offense) (RCW 9A.52.100(3))

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

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

9 III Animal Cruelty 1 (RCW 16.52.205)

10 Assault 3 (Except Assault 3 of a Peace  
11 Officer With a Projectile Stun Gun)  
12 (RCW 9A.36.031 except subsection  
13 (1)(h))

14 Assault of a Child 3 (RCW 9A.36.140)

15 Bail Jumping with class B or C Felony  
16 (RCW 9A.76.170(3)(c))

17 Burglary 2 (RCW 9A.52.030)

18 Communication with a Minor for  
19 Immoral Purposes (RCW  
20 9.68A.090)

21 Clean Air Act Violation 2 (section 6 of  
22 this act)

23 Criminal Gang Intimidation (RCW  
24 9A.46.120)

25 Custodial Assault (RCW 9A.36.100)

26 Cyber Harassment (RCW  
27 9A.90.120(2)(b))

28 Escape 2 (RCW 9A.76.120)

29 Extortion 2 (RCW 9A.56.130)

30 False Reporting 2 (RCW  
31 9A.84.040(2)(b))

32 Harassment (RCW 9A.46.020)

33 Hazardous Waste Act Violation 2  
34 (section 9 of this act)

35 Hazing (RCW 28B.10.901(2)(b))

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

1 Telephone Harassment (subsequent  
2 conviction or threat of death)  
3 (RCW 9A.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 (RCW 9A.82.200)  
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 Water Pollution Control Act Violation 2  
31 (section 2 of this act)  
32 II Commercial Fishing Without a License  
33 1 (RCW 77.15.500(3)(b))  
34 Computer Trespass 1 (RCW 9A.90.040)  
35 Counterfeiting (RCW 9.16.035(3))

1 Electronic Data Service Interference  
2 (RCW 9A.90.060)  
3 Electronic Data Tampering 1 (RCW  
4 9A.90.080)  
5 Electronic Data Theft (RCW  
6 9A.90.100)  
7 Engaging in Fish Dealing Activity  
8 Unlicensed 1 (RCW 77.15.620(3))  
9 Escape from Community Custody  
10 (RCW 72.09.310)  
11 Failure to Register as a Sex Offender  
12 (second or subsequent offense)  
13 (RCW 9A.44.130 prior to June 10,  
14 2010, and RCW 9A.44.132)  
15 Health Care False Claims (RCW  
16 48.80.030)  
17 Identity Theft 2 (RCW 9.35.020(3))  
18 Improperly Obtaining Financial  
19 Information (RCW 9.35.010)  
20 Malicious Mischief 1 (RCW 9A.48.070)  
21 Organized Retail Theft 2 (RCW  
22 9A.56.350(3))  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Possession of a Stolen Vehicle (RCW  
26 9A.56.068)  
27 Possession, sale, or offering for sale of  
28 seven or more unmarked catalytic  
29 converters (RCW 9A.82.180(5))  
30 Retail Theft with Special Circumstances  
31 2 (RCW 9A.56.360(3))  
32 Scrap Processing, Recycling, or  
33 Supplying Without a License  
34 (second or subsequent offense)  
35 (RCW 19.290.100)  
36 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. 12.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 90.48.140 (Penalty) and 2011 c 96 s 61, 2003 c 53 s 419,  
17 1992 c 73 s 26, 1973 c 155 s 8, & 1945 c 216 s 20;

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

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

21 (4) RCW 70A.300.110 (Violations—Gross misdemeanor) and 2020 c 20  
22 s 1282, 2011 c 96 s 51, 1984 c 237 s 1, 1983 c 172 s 3, & 1975-'76  
23 2nd ex.s. c 101 s 9.

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