
THIRD SUBSTITUTE HOUSE BILL 1499

State of Washington 64th Legislature 2016 Regular Session

By House Public Safety (originally sponsored by Representatives Goodman, Jinkins, Johnson, Orwall, Appleton, Lytton, and Tharinger)

1 AN ACT Relating to vulnerable adults; amending RCW 9A.42.020,
2 9A.42.030, 9A.42.035, 9A.56.020, 9A.56.010, 9.94A.515, 9A.04.080,
3 9A.56.030, and 9A.56.040; reenacting and amending RCW 9.94A.411;
4 adding a new section to chapter 9A.56 RCW; creating a new section;
5 and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that seniors and
8 people with disabilities face a growing threat of financial
9 exploitation and abuse. The legislature intends with this act to hold
10 accountable those perpetrators who commit theft from seniors and
11 people with disabilities by increasing penalties, reducing barriers
12 to prosecution, and expanding the scope of protection for vulnerable
13 adults.

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

16 (1) A parent of a child, the person entrusted with the physical
17 custody of a child or dependent person, a person who has assumed the
18 responsibility to provide to a dependent person the basic necessities
19 of life, or a person employed to provide to the child or dependent
20 person the basic necessities of life is guilty of criminal

1 mistreatment in the first degree if he or she (~~recklessly~~) with
2 criminal negligence, as defined in RCW 9A.08.010, causes great bodily
3 harm to a child or dependent person by withholding any of the basic
4 necessities of life.

5 (2) Criminal mistreatment in the first degree is a class B
6 felony.

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

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

19 (2) Criminal mistreatment in the second degree is a class C
20 felony.

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

23 (1) A person is guilty of the crime of criminal mistreatment in
24 the third degree if the person is the parent of a child, is a person
25 entrusted with the physical custody of a child or other dependent
26 person, is a person who has assumed the responsibility to provide to
27 a dependent person the basic necessities of life, or is a person
28 employed to provide to the child or dependent person the basic
29 necessities of life(~~(-)~~) and (~~either-~~

30 ~~(a)~~), with criminal negligence, creates an imminent and
31 substantial risk of substantial bodily harm to a child or dependent
32 person by withholding any of the basic necessities of life(~~(-or~~

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

36 (2) For purposes of this section, "a person who has assumed the
37 responsibility to provide to a dependent person the basic necessities
38 of life" means a person other than: (a) A government agency that

1 regularly provides assistance or services to dependent persons,
2 including but not limited to the department of social and health
3 services; or (b) a good samaritan as defined in RCW 9A.42.010.

4 (3) Criminal mistreatment in the third degree is a gross
5 misdemeanor.

6 **Sec. 5.** RCW 9.94A.411 and 2006 c 271 s 1 and 2006 c 73 s 13 are
7 each reenacted and amended to read as follows:

8 (1) Decision not to prosecute.

9 STANDARD: A prosecuting attorney may decline to prosecute, even
10 though technically sufficient evidence to prosecute exists, in
11 situations where prosecution would serve no public purpose, would
12 defeat the underlying purpose of the law in question or would result
13 in decreased respect for the law.

14 GUIDELINE/COMMENTARY:

15 Examples

16 The following are examples of reasons not to prosecute which
17 could satisfy the standard.

18 (a) Contrary to Legislative Intent - It may be proper to decline
19 to charge where the application of criminal sanctions would be
20 clearly contrary to the intent of the legislature in enacting the
21 particular statute.

22 (b) Antiquated Statute - It may be proper to decline to charge
23 where the statute in question is antiquated in that:

24 (i) It has not been enforced for many years; and

25 (ii) Most members of society act as if it were no longer in
26 existence; and

27 (iii) It serves no deterrent or protective purpose in today's
28 society; and

29 (iv) The statute has not been recently reconsidered by the
30 legislature.

31 This reason is not to be construed as the basis for declining
32 cases because the law in question is unpopular or because it is
33 difficult to enforce.

34 (c) De Minimis Violation - It may be proper to decline to charge
35 where the violation of law is only technical or insubstantial and
36 where no public interest or deterrent purpose would be served by
37 prosecution.

1 (d) Confinement on Other Charges - It may be proper to decline to
2 charge because the accused has been sentenced on another charge to a
3 lengthy period of confinement; and

4 (i) Conviction of the new offense would not merit any additional
5 direct or collateral punishment;

6 (ii) The new offense is either a misdemeanor or a felony which is
7 not particularly aggravated; and

8 (iii) Conviction of the new offense would not serve any
9 significant deterrent purpose.

10 (e) Pending Conviction on Another Charge - It may be proper to
11 decline to charge because the accused is facing a pending prosecution
12 in the same or another county; and

13 (i) Conviction of the new offense would not merit any additional
14 direct or collateral punishment;

15 (ii) Conviction in the pending prosecution is imminent;

16 (iii) The new offense is either a misdemeanor or a felony which
17 is not particularly aggravated; and

18 (iv) Conviction of the new offense would not serve any
19 significant deterrent purpose.

20 (f) High Disproportionate Cost of Prosecution - It may be proper
21 to decline to charge where the cost of locating or transporting, or
22 the burden on, prosecution witnesses is highly disproportionate to
23 the importance of prosecuting the offense in question. This reason
24 should be limited to minor cases and should not be relied upon in
25 serious cases.

26 (g) Improper Motives of Complainant - It may be proper to decline
27 charges because the motives of the complainant are improper and
28 prosecution would serve no public purpose, would defeat the
29 underlying purpose of the law in question or would result in
30 decreased respect for the law.

31 (h) Immunity - It may be proper to decline to charge where
32 immunity is to be given to an accused in order to prosecute another
33 where the accused's information or testimony will reasonably lead to
34 the conviction of others who are responsible for more serious
35 criminal conduct or who represent a greater danger to the public
36 interest.

37 (i) Victim Request - It may be proper to decline to charge
38 because the victim requests that no criminal charges be filed and the
39 case involves the following crimes or situations:

1 (i) Assault cases where the victim has suffered little or no
2 injury;

3 (ii) Crimes against property, not involving violence, where no
4 major loss was suffered;

5 (iii) Where doing so would not jeopardize the safety of society.

6 Care should be taken to insure that the victim's request is
7 freely made and is not the product of threats or pressure by the
8 accused.

9 The presence of these factors may also justify the decision to
10 dismiss a prosecution which has been commenced.

11 Notification

12 The prosecutor is encouraged to notify the victim, when
13 practical, and the law enforcement personnel, of the decision not to
14 prosecute.

15 (2) Decision to prosecute.

16 (a) STANDARD:

17 Crimes against persons will be filed if sufficient admissible
18 evidence exists, which, when considered with the most plausible,
19 reasonably foreseeable defense that could be raised under the
20 evidence, would justify conviction by a reasonable and objective fact
21 finder. With regard to offenses prohibited by RCW 9A.44.040,
22 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
23 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling
24 agreements or diversions intended to place the accused in a program
25 of treatment or counseling, so that treatment, if determined to be
26 beneficial, can be provided pursuant to RCW 9.94A.670.

27 Crimes against property/other crimes will be filed if the
28 admissible evidence is of such convincing force as to make it
29 probable that a reasonable and objective fact finder would convict
30 after hearing all the admissible evidence and the most plausible
31 defense that could be raised.

32 See table below for the crimes within these categories.

33 CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

34 CRIMES AGAINST PERSONS

35 Aggravated Murder (RCW 10.95.020)

36 1st Degree Murder (RCW 9A.32.030)

37 2nd Degree Murder (RCW 9A.32.050)

38 1st Degree Manslaughter (RCW 9A.32.060)

39 2nd Degree Manslaughter (RCW 9A.32.070)

1 1st Degree Kidnapping (RCW 9A.40.020)
2 2nd Degree Kidnapping (RCW 9A.40.030)
3 1st Degree Assault (RCW 9A.36.011)
4 2nd Degree Assault (RCW 9A.36.021)
5 3rd Degree Assault (RCW 9A.36.031)
6 1st Degree Assault of a Child (RCW 9A.36.120)
7 2nd Degree Assault of a Child (RCW 9A.36.130)
8 3rd Degree Assault of a Child (RCW 9A.36.140)
9 1st Degree Rape (RCW 9A.44.040)
10 2nd Degree Rape (RCW 9A.44.050)
11 3rd Degree Rape (RCW 9A.44.060)
12 1st Degree Rape of a Child (RCW 9A.44.073)
13 2nd Degree Rape of a Child (RCW 9A.44.076)
14 3rd Degree Rape of a Child (RCW 9A.44.079)
15 1st Degree Robbery (RCW 9A.56.200)
16 2nd Degree Robbery (RCW 9A.56.210)
17 1st Degree Arson (RCW 9A.48.020)
18 1st Degree Burglary (RCW 9A.52.020)
19 1st Degree Identity Theft (RCW 9.35.020(2))
20 2nd Degree Identity Theft (RCW 9.35.020(3))
21 1st Degree Extortion (RCW 9A.56.120)
22 2nd Degree Extortion (RCW 9A.56.130)
23 1st Degree Criminal Mistreatment (RCW 9A.42.020)
24 2nd Degree Criminal Mistreatment (RCW 9A.42.030)
25 1st Degree Theft from a Vulnerable Adult (section 7(1) of this
26 act)
27 2nd Degree Theft from a Vulnerable Adult (section 7(2) of this
28 act)
29 Indecent Liberties (RCW 9A.44.100)
30 Incest (RCW 9A.64.020)
31 Vehicular Homicide (RCW 46.61.520)
32 Vehicular Assault (RCW 46.61.522)
33 1st Degree Child Molestation (RCW 9A.44.083)
34 2nd Degree Child Molestation (RCW 9A.44.086)
35 3rd Degree Child Molestation (RCW 9A.44.089)
36 1st Degree Promoting Prostitution (RCW 9A.88.070)
37 Intimidating a Juror (RCW 9A.72.130)
38 Communication with a Minor (RCW 9.68A.090)
39 Intimidating a Witness (RCW 9A.72.110)
40 Intimidating a Public Servant (RCW 9A.76.180)

1 Bomb Threat (if against person) (RCW 9.61.160)
2 Unlawful Imprisonment (RCW 9A.40.040)
3 Promoting a Suicide Attempt (RCW 9A.36.060)
4 (~~Riot~~) Criminal Mischief (if against person) (RCW 9A.84.010)
5 Stalking (RCW 9A.46.110)
6 Custodial Assault (RCW 9A.36.100)
7 Domestic Violence Court Order Violation (RCW 10.99.040,
8 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or
9 74.34.145)
10 Counterfeiting (if a violation of RCW 9.16.035(4))
11 Felony Driving a Motor Vehicle While Under the Influence of
12 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
13 Felony Physical Control of a Motor Vehicle While Under the
14 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
15 CRIMES AGAINST PROPERTY/OTHER CRIMES
16 2nd Degree Arson (RCW 9A.48.030)
17 1st Degree Escape (RCW 9A.76.110)
18 2nd Degree Escape (RCW 9A.76.120)
19 2nd Degree Burglary (RCW 9A.52.030)
20 1st Degree Theft (RCW 9A.56.030)
21 2nd Degree Theft (RCW 9A.56.040)
22 1st Degree Perjury (RCW 9A.72.020)
23 2nd Degree Perjury (RCW 9A.72.030)
24 1st Degree Introducing Contraband (RCW 9A.76.140)
25 2nd Degree Introducing Contraband (RCW 9A.76.150)
26 1st Degree Possession of Stolen Property (RCW 9A.56.150)
27 2nd Degree Possession of Stolen Property (RCW 9A.56.160)
28 Bribery (RCW 9A.68.010)
29 Bribing a Witness (RCW 9A.72.090)
30 Bribe received by a Witness (RCW 9A.72.100)
31 Bomb Threat (if against property) (RCW 9.61.160)
32 1st Degree Malicious Mischief (RCW 9A.48.070)
33 2nd Degree Malicious Mischief (RCW 9A.48.080)
34 1st Degree Reckless Burning (RCW 9A.48.040)
35 Taking a Motor Vehicle without Authorization (RCW 9A.56.070 and
36 9A.56.075)
37 Forgery (RCW 9A.60.020)
38 2nd Degree Promoting Prostitution (RCW 9A.88.080)
39 Tampering with a Witness (RCW 9A.72.120)

1 Trading in Public Office (RCW 9A.68.040)
2 Trading in Special Influence (RCW 9A.68.050)
3 Receiving/Granting Unlawful Compensation (RCW 9A.68.030)
4 Bigamy (RCW 9A.64.010)
5 Eluding a Pursuing Police Vehicle (RCW 46.61.024)
6 Willful Failure to Return from Furlough
7 Escape from Community Custody
8 (~~Riot~~) Criminal Mischief (if against property) (RCW 9A.84.010)
9 1st Degree Theft of Livestock (RCW 9A.56.080)
10 2nd Degree Theft of Livestock (RCW 9A.56.083)
11 ALL OTHER UNCLASSIFIED FELONIES
12 Selection of Charges/Degree of Charge
13 (i) The prosecutor should file charges which adequately describe
14 the nature of defendant's conduct. Other offenses may be charged only
15 if they are necessary to ensure that the charges:
16 (A) Will significantly enhance the strength of the state's case
17 at trial; or
18 (B) Will result in restitution to all victims.
19 (ii) The prosecutor should not overcharge to obtain a guilty
20 plea. Overcharging includes:
21 (A) Charging a higher degree;
22 (B) Charging additional counts.
23 This standard is intended to direct prosecutors to charge those
24 crimes which demonstrate the nature and seriousness of a defendant's
25 criminal conduct, but to decline to charge crimes which are not
26 necessary to such an indication. Crimes which do not merge as a
27 matter of law, but which arise from the same course of conduct, do
28 not all have to be charged.
29 (b) GUIDELINES/COMMENTARY:
30 (i) Police Investigation
31 A prosecuting attorney is dependent upon law enforcement agencies
32 to conduct the necessary factual investigation which must precede the
33 decision to prosecute. The prosecuting attorney shall ensure that a
34 thorough factual investigation has been conducted before a decision
35 to prosecute is made. In ordinary circumstances the investigation
36 should include the following:
37 (A) The interviewing of all material witnesses, together with the
38 obtaining of written statements whenever possible;
39 (B) The completion of necessary laboratory tests; and

1 (C) The obtaining, in accordance with constitutional
2 requirements, of the suspect's version of the events.

3 If the initial investigation is incomplete, a prosecuting
4 attorney should insist upon further investigation before a decision
5 to prosecute is made, and specify what the investigation needs to
6 include.

7 (ii) Exceptions

8 In certain situations, a prosecuting attorney may authorize
9 filing of a criminal complaint before the investigation is complete
10 if:

11 (A) Probable cause exists to believe the suspect is guilty; and

12 (B) The suspect presents a danger to the community or is likely
13 to flee if not apprehended; or

14 (C) The arrest of the suspect is necessary to complete the
15 investigation of the crime.

16 In the event that the exception to the standard is applied, the
17 prosecuting attorney shall obtain a commitment from the law
18 enforcement agency involved to complete the investigation in a timely
19 manner. If the subsequent investigation does not produce sufficient
20 evidence to meet the normal charging standard, the complaint should
21 be dismissed.

22 (iii) Investigation Techniques

23 The prosecutor should be fully advised of the investigatory
24 techniques that were used in the case investigation including:

25 (A) Polygraph testing;

26 (B) Hypnosis;

27 (C) Electronic surveillance;

28 (D) Use of informants.

29 (iv) Prefiling Discussions with Defendant

30 Discussions with the defendant or his/her representative
31 regarding the selection or disposition of charges may occur prior to
32 the filing of charges, and potential agreements can be reached.

33 (v) Prefiling Discussions with Victim(s)

34 Discussions with the victim(s) or victims' representatives
35 regarding the selection or disposition of charges may occur before
36 the filing of charges. The discussions may be considered by the
37 prosecutor in charging and disposition decisions, and should be
38 considered before reaching any agreement with the defendant regarding
39 these decisions.

1 **Sec. 6.** RCW 9A.56.020 and 2004 c 122 s 1 are each amended to
2 read as follows:

3 (1) "Theft" means:

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

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

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

13 (d) To obtain control over the property or services, or the value
14 thereof, of a vulnerable adult using undue influence. "Undue
15 influence" means unfair persuasion that seriously impairs the free
16 exercise of judgment.

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

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

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

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 9A.56
25 RCW to read as follows:

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

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

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

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

1 **Sec. 8.** RCW 9A.56.010 and 2011 c 164 s 2 are each amended to
2 read as follows:

3 The following definitions are applicable in this chapter unless
4 the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (9) "Merchandise pallet" means a wood or plastic carrier designed
37 and manufactured as an item on which products can be placed before or
38 during transport to retail outlets, manufacturers, or contractors,
39 and affixed with language stating "property of . . .," "owned
40 by . . .," or other markings or words identifying ownership;

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

3 (a) In relation to property, to bring about a transfer or
4 purported transfer to the obtainer or another of a legally recognized
5 interest in the property; or

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

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

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

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

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

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

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

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

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

38 (19) "Telecommunication device" means (a) any type of instrument,
39 device, machine, or equipment that is capable of transmitting or
40 receiving telephonic or electronic communications; or (b) any part of

1 such an instrument, device, machine, or equipment, or any computer
2 circuit, computer chip, electronic mechanism, or other component,
3 that is capable of facilitating the transmission or reception of
4 telephonic or electronic communications;

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

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

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

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

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

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

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

38 For purposes of this subsection, "criminal episode" means a
39 series of thefts committed by the same person from one or more

1 mercantile establishments on three or more occasions within a five-
2 day period.

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

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

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

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

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

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

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

37 **Sec. 9.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
38 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) |
| X | Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) |

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run—Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being
19 under the influence of intoxicating
20 liquor or any drug (RCW
21 79A.60.050)
22 Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b))
24 Malicious placement of an explosive 2
25 (RCW 70.74.270(2))
26 Robbery 1 (RCW 9A.56.200)
27 Sexual Exploitation (RCW 9.68A.040)
28 VIII Arson 1 (RCW 9A.48.020)
29 Commercial Sexual Abuse of a Minor
30 (RCW 9.68A.100)
31 Homicide by Watercraft, by the
32 operation of any vessel in a
33 reckless manner (RCW
34 79A.60.050)
35 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Prostitution 1 (RCW
2 9A.88.070)
3 Theft of Ammonia (RCW 69.55.010)
4 Vehicular Homicide, by the operation
5 of any vehicle in a reckless
6 manner (RCW 46.61.520)
7 VII Burglary 1 (RCW 9A.52.020)
8 Child Molestation 2 (RCW 9A.44.086)
9 Civil Disorder Training (RCW
10 9A.48.120)
11 Dealing in depictions of minor engaged
12 in sexually explicit conduct 1
13 (RCW 9.68A.050(1))
14 Drive-by Shooting (RCW 9A.36.045)
15 Homicide by Watercraft, by disregard
16 for the safety of others (RCW
17 79A.60.050)
18 Indecent Liberties (without forcible
19 compulsion) (RCW 9A.44.100(1)
20 (b) and (c))
21 Introducing Contraband 1 (RCW
22 9A.76.140)
23 Malicious placement of an explosive 3
24 (RCW 70.74.270(3))
25 Negligently Causing Death By Use of a
26 Signal Preemption Device (RCW
27 46.37.675)
28 Sending, bringing into state depictions
29 of minor engaged in sexually
30 explicit conduct 1 (RCW
31 9.68A.060(1))
32 Unlawful Possession of a Firearm in
33 the first degree (RCW
34 9.41.040(1))
35 Use of a Machine Gun in Commission
36 of a Felony (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
19 (section 7(1) of this act)
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 Bail Jumping with class A Felony
28 (RCW 9A.76.170(3)(b))
29 Child Molestation 3 (RCW 9A.44.089)
30 Criminal Mistreatment 2 (RCW
31 9A.42.030)
32 Custodial Sexual Misconduct 1 (RCW
33 9A.44.160)

1 Dealing in Depictions of Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.050(2))
4 Domestic Violence Court Order
5 Violation (RCW 10.99.040,
6 10.99.050, 26.09.300, 26.10.220,
7 26.26.138, 26.50.110, 26.52.070,
8 or 74.34.145)
9 Driving While Under the Influence
10 (RCW 46.61.502(6))
11 Extortion 1 (RCW 9A.56.120)
12 Extortionate Extension of Credit (RCW
13 9A.82.020)
14 Extortionate Means to Collect
15 Extensions of Credit (RCW
16 9A.82.040)
17 Incest 2 (RCW 9A.64.020(2))
18 Kidnapping 2 (RCW 9A.40.030)
19 Perjury 1 (RCW 9A.72.020)
20 Persistent prison misbehavior (RCW
21 9.94.070)
22 Physical Control of a Vehicle While
23 Under the Influence (RCW
24 46.61.504(6))
25 Possession of a Stolen Firearm (RCW
26 9A.56.310)
27 Rape 3 (RCW 9A.44.060)
28 Rendering Criminal Assistance 1
29 (RCW 9A.76.070)
30 Sending, Bringing into State
31 Depictions of Minor Engaged in
32 Sexually Explicit Conduct 2
33 (RCW 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault by Watercraft (RCW
12 79A.60.060)
13 Bribing a Witness/Bribe Received by
14 Witness (RCW 9A.72.090,
15 9A.72.100)
16 Cheating 1 (RCW 9.46.1961)
17 Commercial Bribery (RCW
18 9A.68.060)
19 Counterfeiting (RCW 9.16.035(4))
20 Endangerment with a Controlled
21 Substance (RCW 9A.42.100)
22 Escape 1 (RCW 9A.76.110)
23 Hit and Run—Injury (RCW
24 46.52.020(4)(b))
25 Hit and Run with Vessel—Injury
26 Accident (RCW 79A.60.200(3))
27 Identity Theft 1 (RCW 9.35.020(2))
28 Indecent Exposure to Person Under
29 Age Fourteen (subsequent sex
30 offense) (RCW 9A.88.010)
31 Influencing Outcome of Sporting Event
32 (RCW 9A.82.070)
33 Malicious Harassment (RCW
34 9A.36.080)

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

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

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

1 Unlawful possession of firearm in the
2 second degree (RCW 9A.04.040(2))
3 Unlawful Taking of Endangered Fish
4 or Wildlife 1 (RCW
5 77.15.120(3)(b))
6 Unlawful Trafficking in Fish, Shellfish,
7 or Wildlife 1 (RCW
8 77.15.260(3)(b))
9 Unlawful Use of a Nondesignated
10 Vessel (RCW 77.15.530(4))
11 Vehicular Assault, by the operation or
12 driving of a vehicle with disregard
13 for the safety of others (RCW
14 46.61.522)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 II Commercial Fishing Without a License
18 1 (RCW 77.15.500(3)(b))
19 Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Engaging in Fish Dealing Activity
23 Unlicensed 1 (RCW 77.15.620(3))
24 Escape from Community Custody
25 (RCW 72.09.310)
26 Failure to Register as a Sex Offender
27 (second or subsequent offense)
28 (RCW 9A.44.130 prior to June 10,
29 2010, and RCW 9A.44.132)
30 Health Care False Claims (RCW
31 48.80.030)
32 Identity Theft 2 (RCW 9.35.020(3))
33 Improperly Obtaining Financial
34 Information (RCW 9.35.010)
35 Malicious Mischief 1 (RCW
36 9A.48.070)

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

1 Unlawful Trafficking in Fish, Shellfish,
2 or Wildlife 2 (RCW
3 77.15.260(3)(a))
4 Unlicensed Practice of a Profession or
5 Business (RCW 18.130.190(7))
6 Voyeurism (RCW 9A.44.115)
7 I Attempting to Elude a Pursuing Police
8 Vehicle (RCW 46.61.024)
9 False Verification for Welfare (RCW
10 74.08.055)
11 Forgery (RCW 9A.60.020)
12 Fraudulent Creation or Revocation of a
13 Mental Health Advance Directive
14 (RCW 9A.60.060)
15 Malicious Mischief 2 (RCW
16 9A.48.080)
17 Mineral Trespass (RCW 78.44.330)
18 Possession of Stolen Property 2 (RCW
19 9A.56.160)
20 Reckless Burning 1 (RCW 9A.48.040)
21 Spotlighting Big Game 1 (RCW
22 77.15.450(3)(b))
23 Suspension of Department Privileges 1
24 (RCW 77.15.670(3)(b))
25 Taking Motor Vehicle Without
26 Permission 2 (RCW 9A.56.075)
27 Theft 2 (RCW 9A.56.040)
28 Theft from a Vulnerable Adult 2
29 (section 7(2) of this act)
30 Theft of Rental, Leased, ~~((or))~~ Lease-
31 purchased, or Loaned Property
32 (valued at ~~((two))~~ seven hundred
33 fifty dollars or more but less than
34 ~~((one))~~ five thousand ~~((five~~
35 ~~hundred))~~ dollars) (RCW
36 9A.56.096(5)(b))

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063)
4 Unlawful Fish and Shellfish Catch
5 Accounting (RCW
6 77.15.630(3)(b))
7 Unlawful Issuance of Checks or Drafts
8 (RCW 9A.56.060)
9 Unlawful Possession of Fictitious
10 Identification (RCW 9A.56.320)
11 Unlawful Possession of Instruments of
12 Financial Fraud (RCW 9A.56.320)
13 Unlawful Possession of Payment
14 Instruments (RCW 9A.56.320)
15 Unlawful Possession of a Personal
16 Identification Device (RCW
17 9A.56.320)
18 Unlawful Production of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Releasing, Planting,
21 Possessing, or Placing Deleterious
22 Exotic Wildlife (RCW
23 77.15.250(2)(b))
24 Unlawful Trafficking in Food Stamps
25 (RCW 9.91.142)
26 Unlawful Use of Food Stamps (RCW
27 9.91.144)
28 Unlawful Use of Net to Take Fish 1
29 (RCW 77.15.580(3)(b))
30 Unlawful Use of Prohibited Aquatic
31 Animal Species (RCW
32 77.15.253(3))
33 Vehicle Prowl 1 (RCW 9A.52.095)
34 Violating Commercial Fishing Area or
35 Time 1 (RCW 77.15.550(3)(b))

1 **Sec. 10.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to
2 read as follows:

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

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

7 (i) Murder;

8 (ii) Homicide by abuse;

9 (iii) Arson if a death results;

10 (iv) Vehicular homicide;

11 (v) Vehicular assault if a death results;

12 (vi) Hit-and-run injury-accident if a death results (RCW
13 46.52.020(4)).

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

17 (i) Any felony committed by a public officer if the commission is
18 in connection with the duties of his or her office or constitutes a
19 breach of his or her public duty or a violation of the oath of
20 office;

21 (ii) Arson if no death results;

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

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

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

29 (c) Violations of the following statutes, when committed against
30 a victim under the age of eighteen, may be prosecuted up to the
31 victim's thirtieth birthday: RCW 9A.44.040 (rape in the first
32 degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a
33 child in the first degree), 9A.44.076 (rape of a child in the second
34 degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083
35 (child molestation in the first degree), 9A.44.086 (child molestation
36 in the second degree), 9A.44.089 (child molestation in the third
37 degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or
38 9.68A.040 (sexual exploitation of a minor).

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

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

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

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

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

9 (v) Theft from a vulnerable adult under section 7 of this act; or

10 (vi) Trafficking in stolen property in the first or second degree
11 under chapter 9A.82 RCW in which the stolen property is a motor
12 vehicle or major component part of a motor vehicle as defined in RCW
13 46.80.010.

14 (e) The following offenses shall not be prosecuted more than five
15 years after their commission: Any class C felony under chapter 74.09,
16 82.36, or 82.38 RCW.

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

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

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

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

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

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

36 (3) In any prosecution for a sex offense as defined in RCW
37 9.94A.030, the periods of limitation prescribed in subsection (1) of
38 this section run from the date of commission or one year from the
39 date on which the identity of the suspect is conclusively established

1 by deoxyribonucleic acid testing or by photograph as defined in RCW
2 9.68A.011, whichever is later.

3 (4) If, before the end of a period of limitation prescribed in
4 subsection (1) of this section, an indictment has been found or a
5 complaint or an information has been filed, and the indictment,
6 complaint, or information is set aside, then the period of limitation
7 is extended by a period equal to the length of time from the finding
8 or filing to the setting aside.

9 **Sec. 11.** RCW 9A.56.030 and 2013 c 322 s 2 are each amended to
10 read as follows:

11 (1) Except as provided in section 7 of this act, a person is
12 guilty of theft in the first degree if he or she commits theft of:

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

15 (b) Property of any value, other than a firearm as defined in RCW
16 9.41.010 or a motor vehicle, taken from the person of another;

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

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

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

24 **Sec. 12.** RCW 9A.56.040 and 2013 c 322 s 3 are each amended to
25 read as follows:

26 (1) Except as provided in section 7 of this act, a person is
27 guilty of theft in the second degree if he or she commits theft of:

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

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

34 (c) Commercial metal property, nonferrous metal property, or
35 private metal property, as those terms are defined in RCW 19.290.010,
36 and the costs of the damage to the owner's property exceed seven
37 hundred fifty dollars but does not exceed five thousand dollars in
38 value; or

1 (d) An access device.

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

--- END ---