



# CHARGING MANUAL

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# INTRODUCTION

Preparation of a charging manual is an enormous undertaking. This manual is intended to cover the most common crimes and to provide a jumping off point for individual research. Not every crime that can be found in the Revised Code of Washington is included.

The first portion of this manual contains a basic discussion of charging documents and principles of liability.

The second portion of this manual contains suggested charging language for various crimes. Please be aware that the suggested language is not the only correct language, and that the format may be altered to accommodate local practices or computer programming needs.

Crimes have been placed in general clusters according to type of offense. In addition, a specific crime may be found in the alphabetical list of crimes by name or in the index listing crimes by statute.

This manual could not have been completed without the assistance of Cindy Averill, Tom McBride, Assistant Attorney General Kathryn McLeod, Clark County Deputy Prosecuting Attorneys Rich Melnick and Jim David, Kitsap County Deputy Prosecuting Attorneys Neil Wachter, Randy Sutton and Jeff Jahns, Pierce County Deputy Prosecuting Attorney Barbara Corey-Boulet, Snohomish County Deputy Prosecuting Attorney Seth Aaron Fine, Spokane Deputy Prosecuting Attorney Kevin Korsmo, Thurston County Deputy Prosecuting Attorney John "Jack" Jones, and Yakima County Deputy Prosecuting Attorney Susan Arb.

## I. CHARGING DOCUMENT BASICS

The charging document is the only required pleading in a criminal matter. RCW 10.37.010. A misdemeanor or gross misdemeanor filed in a municipal or district court may be charged by complaint or citation. *See generally* RCW 10.37.015; CrRLJ 2.1. All other crimes must be charged by information or grand jury indictment. *See generally* Const. art. I, §§ 25 and 26; RCW 10.37.015; CrR 2.1; JuCR 7.2.

By statute, a charging document is sufficient if it contains the following minimum information:

1. The court where the charge has been filed.
2. The name of the defendant<sup>1</sup>, or if the defendant's name cannot be discovered, that he is described by a fictitious name or by reference to a unique genetic sequence of deoxyribonucleic acid<sup>2</sup>, with a statement that the defendant's real name is unknown.

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<sup>1</sup>A charging document may charge more than one defendant if the defendants are properly joined for trial. *See generally* CrR 4.3(b) and CrRLJ 4.3(b). Charging documents that name more than one defendant are subject to special processing by the clerk. *See* AR 3. Confusion can be avoided if the caption on the document facilitates the multiple cause numbers:

STATE OF WASHINGTON, v. REALLY BAD,	Plaintiff,  Defendant,	NO.
STATE OF WASHINGTON, v. REALLY REALLY BAD,	Plaintiff,  Defendant,	NO.  INFORMATION

<sup>2</sup>Charging someone with a crime by reference to the defendant's DNA was authorized by the legislature in 2000. The caption will look something like this:

STATE OF WASHINGTON v. JOHN DOE, WHOSE UNIQUE GENETIC SEQUENCE OF DEOXYRIBONUCLEIC ACID IS COMMONLY IDENTIFIED BY WASHINGTON STATE PATROL CRIME LABORATORY NUMBER _____	NO.  INFORMATION
--	------------------------

3. The location of the crime or other information establishing that the court where the charge has been filed is the proper venue for the trial.
4. The time of the offense, sufficient to demonstrate that the crime occurred prior to the filing of the charging document, and within the statute of limitations.
5. The statutory and non-statutory elements of the crime.

RCW 10.37.050.

By court rule, a charging document must contain or have attached to it the following information:

(i) the name, address, date of birth, and sex of the defendant;

(ii) all known personal identification numbers for the defendant, including the Washington driver's operating license (DOL) number, the state criminal identification (SID) number, the state criminal process control number (PCN), the JUVIS control number, and the Washington Department of Corrections (DOC) number.

CrR 2.1(a)(2). *Accord* CrRLJ 2.1(a)(3); CrRLJ 2.1(b)(3).

In addition, pursuant to court rule, a charging document

shall state for each count the official or customary citation of the statute, rule, regulation, or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the indictment or information or for reversal of a conviction if the error or admission did not mislead the defendant to the defendant's prejudice.

CrR 2.1(a)(1). *Accord* CrRLJ 2.1(a)(2).

By local practice, a charging document may contain a statement of the maximum penalty available upon conviction, the Uniform Crime Code (UCR) number, and/or the Judicial Information Services (JIS) code. Inclusion of the maximum penalty on the information can provide notice to a defendant that s/he may be subject to sentencing as a persistent offender, and can assist in resisting later challenges to the adequacy of a waiver of counsel or guilty plea. Inclusion of the UCR number or JIS code can assist an office in compiling statistical information.

The filing of the charging document will toll the statute of limitations for the crime. *See* RCW 9A.04.080(3). The filing of the charging document, however, also triggered the court created duty of due diligence to produce the defendant in court so that trial can occur within 104 days under the prior time for trial rules. *See generally State v. Greenwood*, 120 Wn.2d 585, 845 P.2d 971 (1993); *State v. Striker* 87 Wn.2d 870, 557 P.2d 847 (1977). The new time for trial rules which are effective September 1, 2003, effectively abrogate *Greenwood* and *Striker*.

Some counties, by local court rule or local practice, attach a certificate of probable to the charging document. The certificate of probable cause allows the court to make the threshold finding required to impose bail or other conditions of release upon a defendant, or to issue a warrant for a defendant's arrest. *See, e.g.*, CrR 2.2(a); CrR 3.2.1(b). A prosecutor who signs the certificate of probable cause as a witness will only receive qualified immunity in any subsequent lawsuit brought by a defendant for false arrest. *See Kalina v. Fletcher*, 522 U.S. 118, 118 S. Ct. 502, 139 L. Ed. 2d 471 (1997).

## A. VENUE

A defendant has a constitutional right to have his or her offense tried in the county in which the offense occurred. Const. art. I, § 22. Proper venue, however, is not a matter of jurisdiction. *State v. Miller*, 59 Wn.2d 27, 365 P.2d 612 (1961); *State v. McCorkell*, 63 Wn. App. 798, 800, 822 P.2d 795, *review denied*, 119 Wn.2d 1004 (1992); *State v. Escue*, 6 Wn. App. 607, 607-09, 495 P.2d 351 (1972). Venue is also not an element of the crime.<sup>3</sup> *See State v. Dent*, 123 Wn.2d 467, 869 P.2d 392 (1994). A defendant waives the right to challenge venue by not raising the issue prior to the start of trial. *State v. Pejsa*, 75 Wn. App. 139, 145, 876 P.2d 963 (1994), *review denied*, 125 Wn.2d 1015 (1995); *State v. McCorkell*, 63 Wn. App. 798, 801, 822 P.2d 795, *review denied*, 119 Wn.2d 1004 (1992).

Venue is generally established in the charging document through the following phrase: "in the County of \_\_\_\_\_, State of Washington". Special language must be included in the charging document to establish venue when the offense occurs on a public conveyance, such as a ferry boat:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the ***County of \_\_\_\_\_, State of Washington, or on a train, bus, boat or other public conveyance, whose route traversed \_\_\_\_\_ County, or at any station or depot along the route traversed by the public conveyance or at any depot or station at which the trip or voyage began or terminated, in the State of Washington***, the above-named Defendant did \_\_\_\_\_; contrary to Revised Code of Washington \_\_\_\_\_ and Const. Art. I § 22.

The 2003 Washington Legislature added a special venue provision to a number of crimes which allows such crimes, if related to identity theft, to be prosecuted in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality. *See, e.g.*, Laws of 2003, ch. 119, § 5, amending RCW 9A.60.020. This new venue provision should be used with extreme caution as it may violate Const. art. I, § 22. *Cf. Washington v. Reese*, 112 Wash. 507, 192 P. 934 (1920) (Rem. & Bal. Code, § 2293, making the route traversed by a railway car, train or other public conveyance, and the water traversed by any boat, criminal districts, and providing that the jurisdiction of offenses committed on any such railway car, train or boat, or at any station or depot upon such route, shall be in any county through which such car, train

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<sup>3</sup>The State can accept the responsibility of proving venue to the trier of fact by allowing the county to be included in the "to convict" instruction. *See State v. Hickman*, 135 Wn.2d 97, 99, 954 P.2d 900 (1998).

or boat may pass during the trip or voyage, or in which the trip or voyage may begin or terminate, is void as in violation of Const., art. 1, § 22, guaranteeing to the accused the right to be tried in the county in which the offense is alleged to have been committed); *State v. Carroll*, 55 Wash. 588, 104 P. 814 (1909) (Bal. Code, § 6791, providing that when property taken by burglary, etc., in one county has been brought into another county, the jurisdiction is in either county, violates Const., art. 1, § 22, providing that the accused shall have the right to a trial by a jury of the county in which the offense is alleged to have been committed).

## **B. DATE OF OFFENSE**

The date of offense will determine how a crime is properly defined and the available punishment for the offense. *See generally* Const. art. I, § 23; RCW 10.01.040. Major problems arise when a defendant is charged with violating a statute that was adopted after the date upon which the crime was committed. *See, e.g., State v. Aho*, 137 Wn.2d 736, 975 P.2d 512 (1999) (reversing child molestation convictions because the offenses occurred prior to the effective date of the statute; offenses should have been charged as indecent liberties). Extreme care must be taken when charging offenses with longer statute of limitations to ensure that the charging language utilized and statute cited is the version that was in effect on the date the crime was committed.

The precise time that a crime has been committed need not be stated in the charging document unless the time is a material ingredient, and the information is not thereafter subject to attack for imprecision. *State v. Gottfreedson*, 24 Wash. 398, 64 Pac. 523 (1901); *State v. Myrberg*, 56 Wash. 384, 105 Pac. 622 (1909); *State v. Oberg*, 187 Wash. 429, 60 P.2d 66 (1936); *State v. Pitts*, 62 Wn.2d 294, 382 P.2d 508 (1963).

The charging document must, however, contain sufficient information regarding the time the offense was committed to allow a court to determine that the prosecution was initiated prior to the expiration of the statute of limitations. Generally a bare statement that the offense occurred on or about a particular date will satisfy this requirement as the date alleged can be compared with the filing date of the information.

A charging document may identify a period of time during which the offense occurred, such as "on or about the period beginning with the 1st day of January, 1995, and ending with the 14th day of February, 1996". Defense challenges to lengthy charging periods have generally been unsuccessful. *See, e.g., State v. Jordan*, 6 Wn.2d 719, 108 P.2d 657 (1940) (information alleged that the defendant committed the crime of carnal knowledge between July 15, 1939 and September 15, 1939); *State v. Cozza*, 71 Wn. App. 252, 858 P.2d 270 (1993) (information alleged that defendant committed a sexual offense between June 1, 1984, and March 31, 1987).

When charging a period of time, the prosecutor needs to give careful thought to whether the acts that gave rise to the charge constituted a continuing crime or whether there were multiple discrete acts, each of which could possibly support a separate crime. In the latter case, a *Petrich* instruction must be utilized during trial. *See State v. Petrich*, 101 Wn.2d 566, 683 P.2d 173 (1984).

When the period charged includes the effective date of a statutory amendment that alters the available punishment, the defendant will be entitled to be sentenced under the most lenient version of the statute unless a special interrogatory was answered by the jury as to when the offense actually occurred. *See State v. Parker*, 132 Wn.2d 182, 191-192, 937 P.2d 575 (1997); *State v. Gurrola*, 69 Wn. App. 152, 158-59, 848 P.2d 199, *review denied*, 121 Wn.2d 1032 (1993). The interrogatory should be along the following lines:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR _____ COUNTY	
STATE OF WASHINGTON,  <div style="text-align: right;">Plaintiff,</div> <div style="text-align: center;">-vs-</div> REALLY BAD,  <div style="text-align: right;">Defendant.</div>	<div style="text-align: center;">NO.</div>  SPECIAL VERDICT FORM A

We, the jury, having found the defendant, Really Bad, guilty of rape of a child in the first degree as charged in the information, make the following answer to the question submitted by the court:

Are you able to unanimously agree beyond a reasonable doubt that the defendant, Really Bad, committed rape of a child in the first degree On or After July 1, 1990?

☐ Unanimous "Yes"     
 ☐ Unanimous "No"     
 ☐ No Unanimous Agreement

/s/ PRESIDING JUROR

On occasion the charging document requires additional language in order to establish the timeliness of the prosecution. If the limitations period was tolled by the defendant's absence from the state, the charging document should include sufficient information to establish the tolling. *See State v. Ansell*, 36 Wn. App. 492, 496, 675 P.2d 614, *review denied*, 101 Wn.2d 1006 (1984). Suggested language might be as follows:

On or about the 1st day of January, 1990, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did . . . , ***and furthermore, the Defendant was not usually and publicly resident within this state from the 1st day of February, 1990, through the 22nd day of July, 1998***; contrary to Revised Code of Washington \_\_\_\_\_ and Revised Code of Washington 9A.04.080(2).

## C. ELEMENTS

The Sixth Amendment and Const. art. I, § 22 (amend. 10) require inclusion in the charging document of the essential elements, statutory and otherwise, of the crime charged so as to apprise the defendant of the charges against him and to allow him to prepare his defense. *State v. Kjorsvik*, 117 Wn.2d 93, 97, 812 P.2d 86 (1991); *State v. Hopper*, 118 Wn.2d 151, 155, 822 P.2d 775 (1992). The language used to convey the elements, however, does not need to be identical to the statute or to the cases that established the non-statutory elements. *See generally*, RCW 10.37.160; *State v. Moavenzadeh*, 135 Wn.2d 359, 362, 956 P.2d 1097 (1998).



A defendant may raise a challenge to the sufficiency of the charging document at any time. Challenges made prior to trial are tested under the strict construction rule. This rule requires dismissal of the charge if any statutory or non-statutory element of the crime is omitted from the information or complaint. *See State v. Leach*, 113 Wn.2d 679, 686-90, 782 P.2d 552 (1989); *State v. Holt*, 104 Wn.2d 315, 320, 704 P.2d 1189 (1985).

Challenges brought after the return of the verdict will be tested under the "fair construction" rule. *State v. Tunney*, 129 Wn.2d 336, 339-40, 917 P.2d 95 (1996). That analysis requires the court to determine whether the information is sufficient by asking: (1) do the necessary elements appear in any form, or by fair construction can they be found, in the information; and, if so, (2) can the defendant show he or she was nonetheless actually prejudiced by the inartful language which caused a lack of notice. *Kjorsvik*, 117 Wn.2d at 105-06. The first prong requires at least some language in the information giving notice of the missing element. *Kjorsvik*, 117 Wn.2d at 106.

A dismissal of an information under either the strict construction rule or the fair notice rule is without prejudice to the right of the State to recharge and retry the offense for which the defendant was convicted or for any lesser included offense. *See State v. Vangerpen*, 125 Wn.2d 782, 791-94, 888 P.2d 1177 (1995).

## **1. Alternative Means**

When a statute sets forth alternative means by which a crime can be committed, the charging document may charge none, one, or all of the alternatives, provided the alternatives charged are not repugnant to one another. *State v. Noltie*, 116 Wn.2d 831, 842, 809 P.2d 190 (1991); *State v. Bray*, 52 Wn. App. 30, 34, 756 P.2d 1332 (1988). The inclusion of all alternative means in an information is not error, but the better practice is to delete the inapplicable ones. A failure to do so may result in the court ordering the preparation of a bill of particulars. If, however, the information alleges only one alternative, it is error for the fact finder to consider uncharged alternatives, regardless of the strength of the evidence presented at trial. *State v. Williamson*, 84 Wn. App. 37, 924 P.2d 960 (1996); *State v. Doogan*, 82 Wn. App. 185, 188, 917 P.2d 155 (1996). Also, if an information charges only one alternative, an uncharged alternative may not be added after a mistrial or appeal. *See State v. Russell*, 101 Wn.2d 349, 678 P.2d 332 (1984); *State v. Anderson*, 96 Wn.2d 739, 638 P.2d 1205, *cert. denied*, 459 U.S. 842 (1982).

Case law is inconsistent on whether a statute or common law definition for a term used in defining an element creates additional "means". *Compare State v. Marko*, 107 Wn. App. 215, 27 P.3d 228 (2001) (where statute defined "threat" in the context of defendant's charge of intimidating a witness, the statute was strictly definitional and did not create additional elements or additional means of committing the crime), and *State v. Strohm*, 75 Wn. App. 301, 309, 879 P.2d 962 (1994), *review denied*, 126 Wn.2d 1002 (1995) ("we conclude that definition statutes do not create additional alternative means, 'means within means,' of committing an offense"), *with State v. Rivas*, 97 Wn. App. 349, 984 P.2d 432 (1999), *review denied*, 140 Wn.2d 1013 (2000) (treating common law definition of "assault" as creating three alternative means of committing an assault). Trial counsel may wish to modify definitional statutes and WPICs to eliminate portions that are inconsistent with the theory of the case.

When a charging document contains multiple alternative means for committing the charged crime as a single count, the defendant must plead guilty "as charged". *See, e.g., State v. Bowerman*, 115 Wn.2d 794, 799, 802 P.2d 116 (1990). When a charging document contains multiple alternative means for committing the charged crime broken out into separate counts, the case law is inconsistent whether a plea to the lesser means will prevent further prosecution on the greater means. *Compare Ohio v. Johnson*, 467 U.S. 493, 81 L. Ed. 2d 425, 104 S. Ct. 2536 (1984) (double jeopardy did not bar trial on robbery and murder where defendant already entered guilty pleas to theft and manslaughter arising from same incident and contained in same information); *State v. Thompson*, 60 Wn. App. 662, 806 P.2d 1251 (1991) (guilty plea to felony murder alternative contained in one count did not preclude trial on premeditated murder contained in separate count of same information); *State v. Netling*, 46 Wn. App. 461, 731 P.2d 11, *review denied*, 108 Wn.2d 1011 (1987) (guilty pleas to simple possession charges did not preclude trial on delivery charges arising out of same incident that were contained in same information) *with State v. Padilla*, 84 Wn. App. 523, 928 P.2d 1141, *review denied*, 132 Wn.2d 1002 (1997) (defendant's guilty plea on one alternative (second degree assault) precluded state from seeking conviction on more serious alternative (first degree assault)).

When a charging document contains multiple alternative means for committing the charged crime, the jury may be instructed that it need not be unanimous as to which means was committed. *State v. Fortune*, 128 Wn.2d 464, 467-68, 909 P.2d 930 (1996). The careful practitioner will, however, utilize special interrogatories or special verdict forms designed to ascertain whether the jury unanimously found a particular means. This practice is mandatory when the punishment is different depending upon which means the jury determines was committed. *See, e.g., State v. Tang*, 77 Wn. App. 644, 650-51, 893 P.2d 646, *review denied*, 127 Wn.2d 1017 (1995) (when a criminal defendant is charged with alternative means of committing a crime that have different seriousness levels and the jury returns a general verdict of guilty, a trial court must use the lowest seriousness level in sentencing the defendant absent a special interrogatory indicating jury unanimity that the defendant committed the offense by a means with a higher seriousness level). Use of a special verdict form or interrogatory can eliminate the necessity for a retrial if an appellate court should find that an error was committed as to only one alternative means or that there was insufficient evidence as to one of the alternative means. *See generally, State v. Fortune*, 128 Wn.2d 464, 475, 909 P.2d 930 (1996) ("Requiring the jury to be unanimous as to particular alternative means eliminates the possibility of a conviction being overturned should one of those alternatives not be supported by substantial evidence.").

Relevant jury instruction forms for first degree murder would look something like this:

To convict the defendant, Really Bad, of the crime of murder in the first degree, each of the following elements of the crime must be proved beyond a reasonable doubt:

**A. (Premeditated Murder in the First Degree)**

- (1) That on or about the 28th day of November, 1997, the defendant or an accomplice shot (the victim);
- (2) That the defendant or an accomplice acted with intent to cause the death of (the victim);
- (3) That the intent to cause the death was premeditated;
- (4) That (the victim) died as a result of the acts; and
- (5) That the acts occurred in the State of Washington.

OR

**B. (Felony Murder in the First Degree)**

- (1) That on or about the 28th day of November, 1997, (the victim) was killed;
- (2) That the defendant or an accomplice was committing or attempting to commit robbery;
- (3) That the defendant or an accomplice caused the death of (the victim) in the course of or in furtherance of such robbery or in immediate flight from such robbery;
- (4) That (the victim) was not a participant in the robbery; and
- (5) That the acts occurred in the State of Washington.

If you find from the evidence that each and every element of "A" or "B", or "A" and "B", has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty to the charge of murder in the first degree. The elements in "A" and "B" are alternatives only and only one complete set of elements in either "A" or "B" need be proven beyond a reasonable doubt. However, to return a verdict of guilty, the jury need not be unanimous as to which alternatives "A" or "B" has been proven beyond a reasonable doubt, as long as each juror finds that all of the elements in either "A" or "B" exist beyond a reasonable doubt.

On the other hand if after weighing the evidence, you have a reasonable doubt as to any element in "A" and a reasonable doubt as to any element in "B" then it will be your duty to return a verdict of not guilty to the charge of murder in the first degree.

WPIC 26.02 (2nd ed.)

WPIC 26.04 (2nd ed.)

*State v. Fortune*, 128 Wn.2d 464, 467-68, 909 P.2d 930 (1996)

*State v. Millante*, 80 Wn. App. 237, 245, 908 P.2d 374 (1995), *review denied*, 129 Wn.2d 1012 (1996).

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Instruction No.

Upon retiring to the jury room for your deliberation of this case, your first duty is to select a presiding juror. It is his or her duty to see that discussion is carried on in a sensible and orderly fashion, that the issues submitted for your decision are fully and fairly discussed, and that every juror has an opportunity to be heard and to participate in the deliberations upon each question before the jury.

You will be furnished with all of the exhibits admitted into evidence, these instructions, a Verdict Form, and Special Verdict Form A.

You must first fill in the blank provided in the Verdict Form the words "not guilty" or the word "guilty", according to the decision you reach. If you fill in the blank "guilty" in the Verdict Form, you must then fill in Special Verdict Form A. In Special Verdict Form A, you must answer each question by checking the box "Yes", "No", or "No Unanimous Agreement", according to the decision you reach.

Since this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict form(s) to express your decisions. The presiding juror will sign the verdict form(s) and notify the bailiff, who will conduct you into court to declare your verdict.

WPIC 151.00 (2nd ed.)

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR      COUNTY	
STATE OF WASHINGTON,  <div style="text-align: right; padding-right: 20px;">Plaintiff,</div> - vs -  REALLY BAD,  <div style="text-align: right; padding-right: 20px;">Defendant.</div>	NO.    VERDICT FORM

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We, the jury, find the defendant, Really Bad \_\_\_\_\_ of the crime of murder in the  
(Write in "Not Guilty" or "Guilty")

first degree as charged.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
PRESIDING JUROR

***If this verdict is "Guilty", please complete "Special Verdict Form A"***

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR      COUNTY	
STATE OF WASHINGTON,  <div style="text-align: right; padding-right: 20px;">Plaintiff,</div> - vs -  REALLY BAD,  <div style="text-align: right; padding-right: 20px;">Defendant.</div>	NO.    SPECIAL VERDICT FORM A

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We, the jury, having found the defendant, Really Bad, guilty of murder in the first degree as charged in the information, make the following answers to the questions submitted by the court:

1.      Were you able to unanimously agree beyond a reasonable doubt that the defendant, Really Bad, committed premeditated murder in the first degree? (Alternative A in Instruction No. \_\_\_\_\_ )

☐ Unanimous "Yes"  
☐ Unanimous "No"  
☐ No Unanimous Agreement
  
2.      Were you able to unanimously agree beyond a reasonable doubt that the defendant, Really Bad, committed felony murder in the first degree? (Alternative B in Instruction No. \_\_\_\_\_ )

☐ Unanimous "Yes"  
☐ Unanimous "No"  
☐ No Unanimous Agreement

DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

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## **D. CRIME CLASSES AND MAXIMUM PENALTIES**

### **1. For Crimes Contained in Title 9A RCW**

Crimes defined within Title 9A RCW will generally indicate a "class". The punishment for each class of crime is as follows:

<b>Class A Felony:</b>	Life imprisonment and/or \$50,000 fine. RCW 9A.20.021(1)(a)
<b>Class B Felony:</b>	10 years imprisonment and/or \$20,000 fine. RCW 9A.20.021(1)(b)
<b>Class C Felony:</b>	5 years imprisonment and/or \$10,000 fine. RCW 9A.20.021(1)(c)
<b>Gross Misdemeanor:</b>	1 year imprisonment and/or \$5,000 fine. RCW 9A.20.021(2) and/or 9.92.020
<b>Misdemeanor:</b>	90 days imprisonment and/or \$1,000 fine. RCW 9A.20.021(3) and/or 9.92.030

Notwithstanding the maximum punishment for class B felonies set forth in RCW 9A.20.021(1)(b), an individual who is convicted of a class B felony whose criminal history qualifies him as a "persistent offender" will be sentenced to a term of life imprisonment without the possibility of parole. *See* RCW 9.94A.120(4); RCW 9.94A.570.

### **2. For Crimes Outside of Title 9A RCW Where the Crime Class Is Not Provided**

Crimes defined outside of Title 9A RCW will generally specify a specific maximum punishment, rather than indicate what "class" the felony falls into. The conversion between specified penalty and "class" follows:

20 years or more imprisonment authorized	<b>Class A Felony RCW 9A.20.040(1)</b>
8 years or more, but less than 20 years imprisonment authorized	<b>Class B Felony RCW 9A.20.040(2)</b>
crime identified as a "felony", but no Maximum Penalty specified carries a maximum of 10 years imprisonment and/or \$20,000 fine.	<b>Class B Felony RCW 9.92.010 and RCW 9A.20.040(2)</b>
8 years or less imprisonment authorized	<b>Class C Felony RCW 9A.20.040(3)</b>
1 year imprisonment and/or \$5,000 fine	<b>Gross Misdemeanor RCW 9.92.020</b>
90 days imprisonment and/or \$1,000 fine	<b>Misdemeanor RCW 9.92.030</b>

### 3. Persistent Offender

An individual who qualifies as a persistent offender will be sentenced to life in prison without the possibility of parole ("LWOP") regardless of the Maximum Penalty otherwise available for the current offense. *See* RCW 9.94A.120(4); RCW 9.94A.570.

A "persistent offender" is either (1) someone who currently stands convicted of any felony considered a "most serious offense" under RCW 9.94A.030(32), who was previously convicted, as an adult<sup>4</sup>, of a most serious offense,<sup>5</sup> or (2) someone who currently stands convicted of certain narrow sex offenses listed in RCW 9.94A.030(32)(b), who was previously convicted, as an adult, of certain narrow sex offenses.<sup>6</sup> An individual who qualifies under the first option is generally referred to as a "three striker". An individual who qualifies under the second option is generally referred to as a "two striker".

The two prior "strikes" necessary under the three strike option must be prosecuted separately, with the second strike occurring after a conviction for a first strike. Thus, a defendant who is currently charged with a robbery that occurred on January 1, 2003, who was convicted of two prior robberies in the same cause number at the same time would not be a three striker. Nor would a defendant who is currently charged with a rape that occurred on January 1, 1999, but whose "prior convictions" were for crimes committed after the rape was committed but before the defendant was identified as the perpetrator.

For crimes committed before July 21, 2001, a prior conviction will only count as a strike under the two strike option if the name of the prior crime is identical to the name of the crimes listed in former RCW 9.94A.030(31)(b)(ii) (Laws of 2000, ch. 28, § 2). *See State v. Delgado*, 148 Wn.2d 723, 63 P.3d 792 (2003). For crimes committed on or July 22, 2001, a prior conviction will count as a strike under the two strike option if the elements of the prior crime are comparable to one of the crimes listed in RCW 9.94A.030(32)(b) (Laws of 2001, ch. 7, § 2).

A prosecutor has no discretion regarding whether to have someone classified as a "persistent offender". The only discretion the prosecuting attorney has is whether or not to charge a crime that constitutes a "strike". *See State v. Thorne*, 129 Wn.2d 736, 764-65, 921 P.2d 514 (1996); *State v. Bridges*, 91 Wn. App. 102, 955 P.2d 833, *review denied*, 136 Wn.2d 1028 (1998).

Although no formal charge need be filed in order to sentence defendant as persistent offender under Persistent Offender Accountability Act's "three strikes" provision, the Washington Supreme Court has expressly approved the practice of providing such notice early in a case. *See Thorne*, 129 Wn.2d at 780-81. This notice can either be accomplished by including a persistent offender notice in every information that charges a "strike" or by filing a separate notice in cases where the state

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<sup>4</sup>Juvenile adjudications do not qualify as "strikes". *See State v. J.H.*, 96 Wn. App. 197, 978 P.2d 1121 (1999).

<sup>5</sup>RCW 9.94A.030(32)(a).

<sup>6</sup>RCW 9.94A.030(32)(b).

believes the defendant's past criminal history will mandate a sentence of LWOP. The language for inclusion in all charging documents might be as follows:

**3 Strike Persistent  
Offender Warning**

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030 (32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a), 9.94A.120(4) and 9.94A.570.)

**2 Strike Persistent  
Offender Warning**

(If the defendant has previously been convicted in this state or elsewhere on one separate occasion of rape in the first or second degree, or rape of a child in the first or second degree, or child molestation in the first degree, or indecent liberties by forcible compulsion, or murder in the first or second degree with a finding of sexual motivation, or homicide by abuse with a finding of sexual motivation, or kidnapping in the first or second degree with a finding of sexual motivation, or assault in the first or second degree with a finding of sexual motivation, or burglary in the first degree with a finding of sexual motivation, or an attempt to commit any of the preceding crimes, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) , 9.94A.120(4) and 9.94A.570.)

Prior convictions need not be proven to a jury under either the federal or state constitution. *See generally State v. Smith*, 150 Wn.2d 135, 75 P.3d 934 (2003), *cert. denied*, 124 S. Ct. 1616 (2004); *State v. Wheeler*, 145 Wn.2d 116, 34 P.3d 799 (2001), *cert. denied*, 535 U.S. 996 (2002).



## II. SPECIAL ISSUES

### A. LESSER INCLUDED OFFENSES AND LESSER DEGREE OFFENSES

In Washington, an information charging one count is deemed to include all offenses the commission of which is necessarily included within that charged in the information and all offenses of an inferior degree to the one charged in the information. RCW 10.61.003<sup>7</sup>; RCW 10.61.006<sup>8</sup>.

For the jury to be instructed on a lesser offense, three conditions must be satisfied. First, any proposed lesser included or lesser degree jury instruction must be based upon the same criminal transaction as the one charged in the offense. *State v. Porter*, 150 Wn.2d 732, 82 P.3d 234 (2004). Second, each of the elements of the lesser offense must be a necessary element of the offense. Third, the evidence must support an inference that the lesser crime was committed. *See State v. Workman*, 90 Wn.2d 443, 447-48, 584 P.2d 382 (1978). The latter two requirements are referred to as the "legal" and "factual" prongs of the *Workman* test. *See, e.g., State v. Turner*, 143 Wn.2d 715, 23 P.3d 499 (2001).

The State is entitled to request a lesser included or lesser degree jury instruction provided both elements of the *Workman* test has been met. *See State v. Tamalini*, 134 Wn.2d 725, 728, 953 P.2d 450 (1998).

#### 1. Legal Prong

As to the "legal" prong, a person can only be convicted of a crime charged in the information. Accordingly, a lesser offense will only satisfy the legal prong if every element of the lesser crime is *invariably* inherent in the charged offense. *State v. Aumick*, 126 Wn.2d 422, 426-28, 894 P.2d 1325 (1995); *State v. Harris*, 121 Wn.2d 317, 849 P.2d 1216 (1993). When the charged offense can be committed in more than one manner, the proposed lesser offense need only be included within the offense as charged and prosecuted. *See, e.g., State v. Berlin*, 133 Wn.2d 541, 947 P.2d 700 (1997).

The "legal" prong will also be met by a lesser degree of the charged offense, even if the elements of the lesser degree crime involves entirely different elements. *See, e.g., State v. Foster*,

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<sup>7</sup>RCW 10.61.003 provides that:

Upon an indictment or information for an offense consisting of different degrees, the jury may find the defendant not guilty of the degree charged in the indictment or information, and guilty of any degree inferior thereto, or of an attempt to commit the offense.

<sup>8</sup>RCW 10.61.006 provides that:

In all other cases the defendant may be found guilty of an offense the commission of which is necessarily included within that with which he is charged in the indictment or information.

91 Wn.2d 466, 471-72, 589 P.2d 789 (1979); *State v. Ieremia*, 78 Wn. App. 746, 755 n. 3, 899 P.2d 16 (1995). For instance, third degree rape will satisfy the "legal" prong of both first degree and second degree rape even though third degree rape has a "non-marriage" element that is absent from both first and second degree rape. Compare RCW 9A.44.060 with RCW 9A.44.040 and RCW 9A.44.050. This analysis is strictly limited to crimes that are specifically defined by statute as having more than one degree. *State v. Tamalini*, 134 Wn.2d 725, 733, 953 P.2d 981 (1998); *State v. Pelkey*, 109 Wn.2d 484, 488, 745 P.2d 854 (1987). A careful practitioner will wish to introduce evidence sufficient to support all of the elements of the lesser degree offense if it seems likely that the defendant can otherwise satisfy the factual prong for the lesser degree offense.

A jury cannot receive a civil infraction as a lesser offense even if the infraction satisfies the "legal" prong of the *Workman* test. See *State v. Farr-Lenzini*, 93 Wn. App. 453, 466-67, 970 P.2d 313 (1999) (infraction of second degree negligent driving not a lesser of reckless driving).

The following table identifies cases that discuss the legal prong for various crimes that are consistent with the rule announced in *Berlin* and with the "lesser degree" rule:

CRIME	CASES
Arson	<i>State v. Simmons</i> , 28 Wn. App. 243, 247-48, 622 P.2d 866 (1980) (malicious mischief is not a lesser included offense of first degree arson because malicious mischief requires damage to the property of another and such damage is not an element of first degree arson under any alternative means of committing that offense)
Assault	<p><i>State v. Lucky</i>, 128 Wn.2d 727, 912 P.2d 483 (1996), <i>overruled by State v. Berlin</i>, 133 Wn.2d 541, 947 P.2d 700 (1997) (displaying a weapon not a lesser included offense)</p> <p><i>State v. Southerland</i>, 45 Wn. App. 885, 890-91, 728 P.2d 1079 (1986), <i>reversed in part on other grounds</i>, 109 Wn.2d 389, 745 P.2d 33 (1987) (aiming or discharging a firearm not a lesser included offense)</p> <p><i>State v. Partosa</i>, 41 Wn. App. 266, 703 P.2d 1070 (1985) (aiming or discharging a firearm not a lesser included offense)</p> <p><i>State v. Rivera</i>, 85 Wn. App. 296, 932 P.2d 701 (1997) (drive-by shooting not a lesser included offense)</p> <p><i>State v. Tucker</i>, 46 Wn. App. 642, 731 P.2d 1154 (1987) (reckless endangerment not a lesser included offense)</p> <p><i>State v. Siverson</i>, 40 Wn. App. 518, 698 P.2d 1126 (1985) (negligent driving not a lesser included offense)</p>
Bribery	<p><i>State v. Pelkey</i>, 109 Wn.2d 484, 745 P.2d 854 (1987) (trading in special influence is not a lesser included offense)</p> <p><i>State v. Liewer</i>, 65 Wn. App. 641, 829 P.2d 236 (1992) (official misconduct, misconduct by a police officer, and failure of duty by a police officer are not lesser included offenses)</p>

CRIME	CASES
Burglary	<p><i>State v. Soto</i>, 45 Wn. App. 839, 727 P.2d 999 (1986) (first degree criminal trespass is a lesser offense included within second degree burglary —the rule should also apply to first degree burglary since the 1996 amendment that replaced dwelling with building)</p> <p><i>State v. Galen</i>, 5 Wn. App. 353, 487 P.2d 273 (1971) (forcible entry and detainer, RCW 59.12.230, is not an included offense)</p> <p><i>State v. Johnson</i>, 100 Wn.2d 607, 628, 674 P.2d 145 (1983), <i>overruled in part on other grounds</i>, <i>State v. Bergeron</i>, 105 Wn.2d 1, 711 P.2d 1000 (1985) (possession of stolen property is not a lesser offense)</p> <p><i>State v. Jackson</i>, 112 Wn.2d 867, 877-78, 774 P.2d 1211 (1989) (malicious mischief is not a lesser included offense of attempted burglary)</p> <p><i>State v. Hummell</i>, 68 Wn. App. 538, 843 P.2d 1125 (1993) (fourth degree assault may be a lesser offense of first degree burglary if the charge is based on commission of an assault)</p>
Controlled Substances	<p><i>State v. Rhodes</i>, 18 Wn. App. 191, 193, 567 P.2d 249 (1977) (possession of a controlled substance is a lesser offense included within the crime of delivery)</p> <p><i>State v. Harris</i>, 14 Wn. App. 414, 418, 542 P.2d 122 (1975) (possession of a controlled substance is a lesser offense included within the crime of possession with intent to deliver)</p> <p><i>State v. Cowles</i>, 14 Wn. App. 14, 17-18, 538 P.2d 840 (1975) (felony possession of more than 40 grams of marijuana is not included within either delivery or possession with intent to deliver, but misdemeanor marijuana possession is included within both crimes)</p> <p><i>State v. Gocken</i>, 127 Wn.2d 95, 108, 896 P.2d 1267 (1995) (possession of drug paraphernalia is not a lesser included offense of possession of a controlled substance with intent to deliver)</p> <p><i>State v. Donald</i>, 68 Wn. App. 543, 549-50, 844 P.2d 447 (1993). (criminal impersonation is not a lesser included offense of obtaining a controlled substance by use of a false name)</p> <p><i>State v. Pecheos</i>, No. 49423-6-I (July 21, 2003) (drug possession cannot be a lesser included offense of drug manufacturing)</p>
Driving under the influence	<p><i>McGuire v. Seattle</i>, 31 Wn. App. 438, 642 P.2d 765 (1982), <i>review denied</i>, 98 Wn.2d 1017 (1983) (physical control is a lesser included offense of driving while under the influence)</p> <p><i>Bellevue v. Redlack</i>, 40 Wn. App. 689, 700 P.2d 363, <i>review denied</i>, 104 Wn.2d 1013 (1985) (neither reckless driving nor negligent driving is a lesser included offense as DUI does not require any proof of negligent or dangerous driving)</p>

CRIME	CASES
Eluding a police vehicle	<p><i>State v. Mather</i>, 28 Wn. App. 700, 703, 626 P.2d 44 (1981) (reckless driving is a lesser included offense of former attempting to elude) <b>This case is inapplicable for crimes committed On or After July 27, 2003, as the mens rea of eluding a police vehicle is no longer the same as for reckless driving. See Laws of 2003, ch. 101, § 1.</b></p> <p><i>State v. Gallegos</i>, 73 Wn. App. 644, 652, 871 P.2d 621 (1994) (failure to stop for an officer, RCW 46.61.022, is a lesser included offense of attempting to elude)</p>
Escape	<p><i>State v. Thompson</i>, 35 Wn. App. 766, 772, 669 P.2d 1270 (1983) (second degree escape is a lesser included offense of first degree escape)</p> <p><i>State v. Foster</i>, 91 Wn.2d 466, 471, 589 P.2d 789 (1979) (third degree escape is a lesser degree offense of both first and second degree escape)</p>
Kidnapping	<p><i>State v. Harris</i>, 121 Wn.2d 317, 324-26, 849 P.2d 1216 (1993) (unlawful imprisonment is not a lesser included offense of attempted first degree kidnapping)</p> <p><i>State v. Arnett</i>, 38 Wn. App. 527, 686 P.2d 500 (1984) (indecent liberties is not a lesser included offense of kidnapping)</p>
Murder	<p><i>State v. Berlin</i>, 133 Wn.2d 541, 947 P.2d 700 (1997) (both first and second degree manslaughter are lesser included offenses of intentional second degree murder)</p> <p><i>State v. Tamalini</i>, 134 Wn.2d 725, 953 P.2d 450 (1998) (neither first nor second degree manslaughter are lesser included offenses of second degree felony murder)</p> <p><i>State v. Davis</i>, 121 Wn.2d 1, 6, 846 P.2d 527 (1993) (second degree felony murder has no lesser included offenses)</p> <p><i>State v. Pettus</i>, 89 Wn. App. 688, 700, 951 P.2d 284 (1998) (first degree manslaughter is a lesser included offense of "extreme indifference" first degree murder)</p> <p><i>State v. Pirtle</i>, 127 Wn.2d 628, 658-60, 904 P.2d 245 (1995), <i>cert. denied</i>, 518 U.S. 1026 (1996) (first degree felony murder is not a lesser included offense of aggravated first degree murder, even if the aggravating circumstance is commission of one of the felonies that can form a basis of first degree murder)</p>

CRIME	CASES
Prostitution	<p><i>State v. Kees</i>, 48 Wn. App. 76, 81, 737 P.2d 1038 (1987) (second degree promoting prostitution is a lesser included offense of first degree promoting prostitution)</p> <p><i>State v. Putnam</i>, 31 Wn. App. 156, 163, 639 P.2d 858 (1982) (permitting prostitution is not included within either degree of promoting prostitution)</p> <p><i>State v. Elliott</i>, 114 Wn.2d 6, 18, 785 P.2d 440, <i>cert. denied</i>, 498 U.S. 838 (1990) (complicity to prostitution is not a lesser included offense of promoting prostitution in the second degree)</p>
Robbery	<p><i>State v. Wheeler</i>, 22 Wn. App. 792, 797, 593 P.2d 550 (1979) (second degree robbery is a lesser included offense of first degree robbery)</p> <p><i>State v. Satterlee</i>, 58 Wn.2d 92, 93, 361 P.2d 168 (1961) (third degree theft is an included offense of robbery)</p> <p><i>In re Salter</i>, 50 Wn.2d 603, 605, 313 P.2d 700 (1957) (first degree theft is a lesser included offense of robbery when the charge is based on taking property from the person of another)</p> <p><i>State v. Herrera</i>, 95 Wn. App. 328, 977 P.2d 12 (1999) (third degree assault, under a resisting apprehension theory, is not a lesser included offense of robbery)</p>

CRIME	CASES
Sex Offenses	<p><i>State v. Markle</i>, 118 Wn.2d 424, 433-37, 823 P.2d 1101 (1992) (indecent liberties not a lesser included offense because indecent liberties require the element of intent to gratify sexual desire)</p> <p><i>State v. Jeremia</i>, 78 Wn. App. 746, 899 P.2d 16 (1995), <i>review denied</i>, 128 Wn.2d 1009 (1996) (third degree rape is a lesser degree offense of second degree rape, though it is not a lesser included offense)</p> <p><i>State v. Bright</i>, 129 Wn.2d 257, 269, 916 P.2d 922 (1996) (second degree rape is a lesser included offense of first degree rape)</p> <p><i>State v. Brown</i>, 127 Wn.2d 749, 754, 903 P.2d 459 (1995) (second degree rape is a lesser included offense of first degree rape)</p> <p><i>State v. Walden</i>, 67 Wn. App. 891, 841 P.2d 81 (1992) (fourth degree assault is not a lesser included offense of rape, because assault includes an element of intent which is not an element of rape)</p> <p><i>State v. Aumick</i>, 126 Wn.2d 422, 428, 894 P.2d 1325 (1995) (fourth degree assault is not a lesser included offense of attempted first degree rape, because an attempt can be committed without a touching that amounts to an assault)</p> <p><i>State v. Falco</i>, 59 Wn. App. 354, 796 P.2d 796 (1990) (communicating with a minor is not included in attempted statutory rape)</p> <p><i>State v. Thomas</i>, 98 Wn. App. 422, 989 P.2d 612 (1999), <i>review denied</i>, 140 Wn.2d 1020 (2000) (fourth degree assault is not a lesser included offense of indecent liberties)</p> <p><i>State v. Bohannon</i>, 62 Wn. App. 462, 814 P.2d 694 (1991) (communication with a minor is not a lesser included offense of sexual exploitation of a minor)</p>
Theft	<p><i>State v. Riley</i>, 34 Wn. App. 529, 535, 663 P.2d 145 (1983) (second degree possession of stolen property lesser included offense of first degree possession of stolen property)</p>
Vehicular homicide and vehicular assault	<p><i>State v. Thompson</i>, 90 Wn. App. 41, 48, 950 P.2d 977 (1998) (reckless driving is not a lesser included offense of vehicular assault, even when that charge is based on recklessness as the degree of recklessness required for vehicular assault is less than the "willful or wanton disregard" required for reckless driving)</p> <p><i>State v. Ferguson</i>, 76 Wn. App. 560, 569-70, 886 P.2d 1164 (1995) (vehicular homicide committed by disregard for the safety of others is not a lesser included offense of other forms of vehicular homicide)</p>

## **2. Factual Prong**

In addition to satisfying the legal prong, the "factual prong" must be satisfied before the jury may be instructed on a lesser included or lesser degree offense. The factual prong is satisfied only if there is evidence which affirmatively establishes the defendant's guilt of the lesser offense. *State v. Fernandez-Medina*, 141 Wn.2d 448, 455, 6 P.3d 1150 (2000). The possibility that the jury might disbelieve a portion of the State's evidence is not sufficient. *State v. Speece*, 115 Wn.2d 360, 798 P.2d 294 (1990); *State v. Fowler*, 114 Wn.2d 59, 785 P.2d 808 (1990). In determining whether there is sufficient evidence to support the instruction, the evidence will be viewed in a light most favorable to the party requesting the instruction. *State v. Fernandez-Medina*, 141 Wn.2d 448, 455-56, 6 P.3d 1150 (2000).

A defendant who denies committing any crime may still be entitled to an instruction on a lesser offense, if the State's case includes evidence that only the lesser crime was committed, or if other defense evidence supports an inference that only the lesser crime was committed. *State v. Fernandez-Medina*, 141 Wn.2d 448, 456-57, 6 P.3d 1150 (2000).

## **3. Statute of Limitations**

The statute of limitations for the lesser included offense is frequently shorter than the statute of limitations for the charged offense. The filing of the charging document will toll the running of the statute of limitation for the charged offense and all lesser offenses, but will not revive an already expired statute of limitations for a lesser offense. *State v. N.S.*, 98 Wn. App. 910, 991 P.2d 133 (2000). A defense request for a lesser included offense instruction for a crime that is barred by the statute of limitations will not constitute a waiver of the statute of limitations. *See State v. Kirk*, 64 Wn. App. 788, 828 P.2d 1128 (1992), *review denied*, 119 Wn.2d 1025 (1993). In fact, a valid waiver of the statute of limitations is probably impossible in Washington as parties cannot convey jurisdiction upon a court by consent and the statute of limitations in a criminal case is jurisdictional. *State v. Kirk*, 64 Wn. App. 788, 789 n. 1, 828 P.2d 1128 (1992), *review denied*, 119 Wn.2d 1025 (1993); *State v. Glover*, 25 Wn. App. 58, 61-62, 604 P.2d 1015 (1979); *State v. Eppens*, 30 Wn. App. 119, 124, 633 P.2d 92 (1981). Case law supports refusing lesser offense instructions if the statute of limitations for that offense expired prior to the filing of the charging document. *See Spaziano v. Florida*, 468 U.S. 447, 104 S. Ct. 3154, 82 L. Ed. 2d 340 (1984) (capital defendant's right to have a jury instructed on lesser included offenses does not extend to an instruction where the trial court did not have power to convict him of the lesser included offenses).

## **4. Acquittal on Greater Charge**

If a jury acquits a defendant of the greater charge and cannot reach a verdict on the lesser charge, the defendant may be retried upon the lesser charge without violating constitutional or statutory double jeopardy principles. *See State v. Ahluwalia*, 143 Wn.2d 527, 22 P.3d 1254 (2001). Prior to the retrial, the State should file an amended information that sets out the charges that are properly before the jury. *Id.*, at 540-41.

## B. SPECIFIC vs. GENERAL CRIMES

Where conduct falls within the scope of two criminal statutes, the accused only may be charged under the more specific (or "special") statute and may not be charged under the more general statute. *State v. Shriner*, 101 Wn.2d 576, 580-81, 681 P.2d 237 (1984). This rule applies even if the special statute contains additional elements not contained in the general statute. *Id.* The determining factor is that the statutes are concurrent in the sense that the general statute will be violated in each instance where the special statute has been violated. *Id.* If the specific and general statutes are not concurrent, then the prosecutor has total discretion to select which statute(s) to charge. *State v. Leech*, 114 Wn.2d 700, 711, 790 P.2d 160 (1990).

Case law concerning special statutes is summarized in the following table:

Crime	Cases
Assault	<p><i>State v. Mierz</i>, 127 Wn.2d 460, 478, 901 P.2d 286 (1995) ("RCW 9A.36.031(1)(a) is not a special statute relative to RCW 9A.36.031(1)(g), because subsection (g) is not violated in each instance where subsection (a) is violated.")</p> <p><i>State v. Crider</i>, 72 Wn. App. 815, 866 P.2d 75 (1994) (assaulting a police officer during an attempted arrest may be charged under either RCW 9A.36.031(1)(a) or (g), as the two provisions are not concurrent)</p> <p><i>State v. Belleman</i>, 70 Wn. App. 778, 856 P.2d 403 (1993) (assaulting a police officer during an attempted lawful arrest may be charged under either RCW 9A.36.031(1)(a) or (1)(g))</p> <p><i>State v. Karp</i>, 69 Wn. App. 369, 848 P.2d 1304, <i>review denied</i>, 122 Wn.2d 1005 (1993) (Second degree assault with a deadly weapon (RCW 9A.36.021(1)(c)) and unlawful exhibition of a weapon (RCW 9.41.270(1)) are not concurrent offenses)</p> <p><i>State v. Hupe</i>, 50 Wn. App. 277, 748 P.2d 263, <i>review denied</i>, 110 Wn.2d 1019 (1988) (unlawful display of a firearm under RCW 9.41.270 is not a concurrent offense to second degree assault)</p>
Attempts	<p><i>State v. Austin</i>, 105 Wn.2d 511, 716 P.2d 875 (1986) (the general attempt statute is only applicable when there is no specific statutory provision making an "attempt" an included crime; attempting to obtain a controlled substance under RCW 69.50.403(a)(3) is not chargeable under the general attempt statute)</p>



Crime	Cases
Bribery	<p><i>State v. Liewer</i>, 65 Wn. App. 641, 829 P.2d 236 (1992) (official misconduct, as defined in RCW 9A.80.010; misconduct of a public officer, as defined in RCW 42.20.010; and failure of duty by a public officer pursuant to RCW 42.20.100, are not concurrent with bribery, as defined in RCW 9A.68.010(1)(b) )</p> <p><i>State v. Greco</i>, 57 Wn. App. 196, 787 P.2d 940 (1990), <i>review denied</i>, 123 Wn.2d 1019 (1994) (bribery and official misconduct statutes are not concurrent)</p>
Conspiracy	<p><i>State v. Langworthy</i>, 20 Wn. App. 822, 826, 583 P.2d 1231 (1978), <i>rev'd on other grounds</i>, 92 Wn.2d 148, 594 P.2d 908 (1979) (the specific conspiracy provision of VUCSA, RCW 69.50.407, controls, to the exclusion of the general conspiracy statute)</p>
Escape	<p><i>State v. Dorn</i>, 93 Wn. App. 535, 969 P.2d 129 (1999) (failure to return from furlough, RCW 72.66.060, is concurrent with first degree escape, RCW 9A.76.110)</p> <p><i>State v. Smeltzer</i>, 86 Wn. App. 819, 939 P.2d 1235 (1997) (failure to return from furlough, RCW 72.66.060, is concurrent with first degree escape, RCW 9A.76.110)</p>
Homicide	<p><i>State v. Barstad</i>, 93 Wn. App. 553, 970 P.2d 324 (1999) (the vehicular homicide statute and first degree murder under RCW 9A.32.030(1)(b) (deliberate indifference) are not concurrent statutes)</p> <p><i>State v. Haley</i>, 39 Wn. App. 164, 692 P.2d 858 (1984) (when the facts surrounding a death involving a motor vehicle could support a prosecution for either manslaughter (RCW 9A.32.060, .070) or vehicular homicide (RCW 46.61.520), only vehicular homicide may be charged)</p>
Malicious Mischief	<p><i>State v. Long</i>, 98 Wn. App. 669, 675-76, 991 P.2d 102 (2000) (unlawful killing of a pet, RCW 9.08.070(1)(c), and first degree malicious mischief, RCW 9A.48.070, statutes are not concurrent)</p>
Money Laundering	<p><i>State v. Aitken</i>, 79 Wn. App. 890, 905 P.2d 1235 (1995) (a violation of RCW 9A.56.060 (unlawful issuance of checks or drafts) is not necessarily a violation of RCW 9A.83.020 (money laundering), and the two statutes are not concurrent)</p>
Possession of Stolen Property	<p><i>State v. McCann</i>, 74 Wn. App. 650, 878 P.2d 1218, <i>review denied</i>, 125 Wn.2d 1005 (1994) (the crime of taking a motor vehicle without permission (RCW 9A.56.070) is not concurrent with the crime of first degree possession of stolen property (RCW 9A.56.140, .150))</p>

Crime	Cases
Sex Crimes	<p><i>State v. Datin</i>, 45 Wn. App. 844, 729 P.2d 61 (1986) (first degree incest and first degree statutory rape are not concurrent, as neither statute will necessarily be violated each time the other is violated)</p> <p><i>State v. Hodgson</i>, 44 Wn. App. 592, 597-98, 722 P.2d 1336 (1986), <i>aff'd in part, rev'd in part on other grounds</i>, 108 Wn.2d 662, 740 P.2d 848 (1987) (statutory rape (RCW 9A.44.070-.090) or indecent liberties (RCW 9A.44.100) for conduct which also constitutes incest (RCW 9A.64.020) does not violate the defendant's right to equal protection of the laws as these statutes are not concurrent)</p> <p><i>State v. Farrington</i>, 35 Wn. App. 799, 803, 669 P.2d 1275 (1983), <i>review denied</i>, 100 Wn.2d 1036 (1984) ("incest is not a special statute which supersedes indecent liberties")</p>
Theft	<p><i>State v. Walker</i>, 75 Wn. App. 101, 106, 879 P.2d 957 (1994), <i>review denied</i>, 125 Wn.2d 1015 (1995) (first degree theft and taking a motor vehicle without permission are not concurrent offenses because, "if a person intentionally takes without permission an automobile that is less than \$ 1,500 in value, he or she cannot be charged with first degree theft")</p> <p><i>State v. Pestrin</i>, 43 Wn. App. 705, 719 P.2d 137 (1986) (the crime of selling a vehicle with knowledge that the odometer was turned back (RCW 46.37.550) is not a special crime which must be charged to the exclusion of the crime of theft under RCW 9A.56)</p> <p><i>State v. Darrin</i>, 32 Wn. App. 394, 647 P.2d 549, <i>review denied</i>, 97 Wn.2d 1040 (1982) (specialized forest products statute (RCW 76.48) did not supersede the general theft statute (RCW 9A.56))</p> <p><i>State v. Meyer</i>, 26 Wn. App. 119, 613 P.2d 132 (1980) (the State may charge a person who obtained property from another by means of a bad check with the general crime of theft or with the specific crime of unlawful issuance of a bank check)</p>
Trespass	<p><i>State v. Shelby</i>, 61 Wn. App. 214, 811 P.2d 682 (1991) (RCW 9A.52.080, which defines the crime of second degree criminal trespass, and RCW 28A.87.055, which defines the crime of disobeying a valid order to leave school property, do not address the same conduct and are not concurrent statutes)</p>
Unlawful Imprisonment	<p><i>State v. Thomas</i>, 35 Wn. App. 598, 609, 668 P.2d 1294 (1983) (a defendant may not be charged with unlawful imprisonment (RCW 9A.40.040) for conduct constituting the more specific crime of custodial interference (RCW 9A.40.050))</p>

Crime	Cases
VUCSA (see also conspiracy and attempt)	<p><i>State v. Rainford</i> 86 Wn. App. 431, 936 P.2d 1210 (1997) (the statute specific to inmates' possession of controlled substances, RCW 9.94.041, is not concurrent with the general statute prohibiting possession, RCW 69.50.401)</p> <p><i>State v. Williams</i>, 62 Wn. App. 748, 815 P.2d 825 (1991), <i>review denied</i>, 118 Wn.2d 1019 (1992) (the statute prohibiting the use of drug paraphernalia and the statute prohibiting drug possession are not concurrent )</p>

## C. PRINCIPLES OF LIABILITY: ACCOMPLICE, ATTEMPT, SOLICITATION AND CONSPIRACY

### 1. Accomplice Liability RCW 9A.08.020

There is no separate crime of being an accomplice. *State v. McDonald*, 138 Wn.2d 680, 981 P.2d 443 (1999); *State v. Carothers*, 84 Wn.2d 256, 264, 525 P.2d 731 (1974), *disapproved on other grounds by State v. Harris*, 102 Wn.2d 148, 153-54, 685 P.2d 584 (1984). An information need not include "accomplice" language in order for the jury to be instructed on accomplice liability. *See State v. Lynch*, 93 Wn. App. 716, 722, 970 P.2d 769 (1999); *State v. Rodriguez*, 78 Wn. App. 769, 898 P.2d 871, *review denied*, 911 P.2d 1343 (1995). A jury need not unanimously decide whether the defendant was the principal or an accomplice. *State v. McDonald*, 138 Wn.2d 680, 981 P.2d 443, 448 (1999).

The safest way to charge a defendant as an accomplice in addition to principal liability is to add the bolded language to the standard charging language:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **and/or was an accomplice to said crime pursuant to RCW 9A.08.020.**

### 2. Attempt RCW 9A.28.020 and RCW 69.50.407

While every charged offense also includes an allegation that the defendant only attempted to commit the offense, attempt is generally charged separately. Attempted non-drug crimes generally drop one class, *i.e.*, an attempt to commit a Class A felony is a Class B felony. *See* RCW 9A.28.020(3). Exceptions to this rule include first degree murder, murder in the second degree, first degree arson, and some sex offenses. *Id.* The following chart illustrates this point:

	<b>Classification of Attempted Crime for Offenses Committed Prior to September 1, 2001</b>	<b>Classification of Attempted Crimes for Offenses Committed After September 1, 2001  (Laws of 2001, 2nd. Sp. Sess. , Ch. 12, § 354)</b>
<b>Murder 1</b>	Class A	Class A
<b>Murder 2</b>	Class A	Class A
<b>Arson 1</b>	Class A	Class A
<b>Child Molestation 1</b>	Class B	Class A
<b>Indecent Liberties by Forcible Compulsion</b>	Class C	Class A <sup>1</sup>
<b>Rape 1</b>	Class B	Class A
<b>Rape 2</b>	Class B	Class A
<b>Rape of a Child 1</b>	Class B	Class A
<b>Rape of a Child 2</b>	Class B	Class A
<b>Other Class A Felonies</b>	Class B	Class B
<b>Other Class B Felonies</b>	Class C	Class C
<b>Other Class C Felonies</b>	Gross Misdemeanor	Gross Misdemeanor
<b>Gross Misdemeanors</b>	Misdemeanor	Misdemeanor
<b>Misdemeanors</b>	Misdemeanor	Misdemeanor

1. Indecent Liberties by Forcible Compulsion was changed from a class B felony to a class A felony for offenses committed On or After September 1, 2001. *See* Laws of 2001, 2nd Sp. Sess., ch. 12, § 359.

The standard range for all non-drug felonies is 75 percent of the range for the completed crime. RCW 9.94A.310(2); RCW 9.94A.510(2); RCW 9.94A.595. If the substantive offense is a class A felony, an attempt to commit the offense is classified as a "violent offense". RCW 9.94A.030(45). Similarly, if the substantive offense is a "serious violent offense" or "most serious offense", an attempt to commit the offense is likewise classified as a "serious violent offense" or "most serious offense". RCW 9.94A.030(37) and (32). Finally, an attempt to commit a "sex offense" constitutes a "sex offense". RCW 9.94A.030(38).

All attempts to commit drug offenses must be charged under the specific statute applicable to such crimes, RCW 69.50.407. *See generally, State v. Roby*, 67 Wn. App. 741, 747, 840 P.2d 218 (1992) ("RCW 69.50.407 is the specific statute relating to attempts to commit drug-related crimes, and precludes charging such crimes under RCW 9A.28.040, the general attempt statute."). Attempted offenses charged pursuant to RCW 69.50.407 carry the same maximum punishment as the completed crime. The standard range for all attempted drug felonies is the same as the standard

range for the completed crime. *Id.*

\_\_\_\_\_ When an attempt is charged in the first instance, the language for the substantive crime must be altered as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit (name of crime), to wit: (elements of crime), did do an act which was a substantial step towards the commission of that crime; contrary to Revised Code of Washington 9A.28.020 and (citation for crime).

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit (name of crime), to wit: (elements of crime), did do an act which was a substantial step towards the commission of that crime; contrary to Revised Code of Washington 69.50.407 and (citation for crime).

### 3. Conspiracy RCW 9A.28.040 and RCW 69.50.407

Conspiracy statutes focus on the additional dangers inherent in group activity. *State v. Dent*, 123 Wn.2d 467, 476, 869 P.2d 392 (1994). The basic rationale of the law of conspiracy is that the conspiracy is an evil in itself, independent of any other evil it seeks to accomplish. *Ianelli v. United States*, 420 U.S. 770, 779, 43 L. Ed. 2d 616, 95 S. Ct. 1284 (1975). Conspiracy is a separate substantive crime that must be charged separately and is not a lesser included of any offense.

Non-drug conspiracies will generally reduce the class of crime by one degree. See RCW 9A.28.040(3). An exception to this rule exists for murder in the first degree. The following chart illustrates this point:

	Classification of Conspiracies to Commit a Specific Crime
<b>Murder 1</b>	Class A
<b>Other Class A Felonies</b>	Class B
<b>Other Class B Felonies</b>	Class C
<b>Other Class C Felonies</b>	Gross Misdemeanor
<b>Gross Misdemeanors</b>	Misdemeanor
<b>Misdemeanors</b>	Misdemeanor

The standard range for all non-drug conspiracies is 75 percent of the range for the completed crime. RCW 9.94A.310(2); RCW 9.94A.510(2); RCW 9.94A.595. If the substantive offense is a class A felony, a conspiracy to commit the target offense is classified as a "violent offense". RCW 9.94A.030(45). Similarly, if the substantive offense is a "serious violent offense" or "most serious

offense", a conspiracy to commit the target offense is likewise classified as a "serious violent offense" or "most serious offense". RCW 9.94A.030(37) and (32). Finally, a conspiracy to commit a "sex offense" constitutes a "sex offense". RCW 9.94A.030(38).

Conspiracies charged pursuant to RCW 9A.28.040(3) require the commission of a substantial step.

All conspiracies to commit drug offenses must be charged under the specific statute applicable to such crimes, RCW 69.50.407. *See generally State v. Mendoza*, 63 Wn. App. 373, 819 P.2d 387 (1991) (RCW 69.50.407, as it relates to drug conspiracies, is the specific statute which takes precedence over the general statute relating to conspiracies in RCW 9A.28, and must be used when charging one with a conspiracy to commit a drug related offense). Conspiracies charged pursuant to RCW 69.50.407 do not require the commission of a substantial step. *See State v. Hawthorne*, 48 Wn. App. 23, 737 P.2d 717 (1987). The maximum penalty for a conspiracy to commit a drug offense is the same as for the completed offense. *Id.* A conspiracy to commit a drug offense, however, is an unranked crime. *See In re Hopkins*, 137 Wn.2d 897, 976 P.2d 616, 618 n.3 (1999).

The correct charging language for a conspiracy will depend upon whether the offense is subject to Wharton's rule. Wharton's rule, which is not really a rule, provides that an agreement by two persons to commit a particular crime cannot be prosecuted as a conspiracy when the crime is of such a nature as to necessarily require participation by those two persons for its commission. *See State v. Miller*, 131 Wn.2d 78, 88-89, 929 P.2d 372 (1997). The most often used example of a crime to which Wharton's rule applies is delivery of a controlled substance which necessarily requires a donee/recipient/buyer and a seller/donor/deliverer. In order to have a conspiracy to commit such a crime, a third person must be involved in the agreement. *State v. Halley*, 77 Wn. App. 149, 153, 890 P.2d 511 (1995). The presence of the third person to the agreement should be alleged in the information. *Cf. State v. Miller*, 131 Wn.2d 78, 929 P.2d 372 (1997) (omission of the element of delivery to a third person from jury instruction defining crime of conspiracy to deliver marijuana was not harmless error).

\_\_\_\_\_ When a conspiracy is charged the language for the substantive crime must be altered as follows for non-Wharton's rule offenses:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent that conduct constituting the crime of \_\_\_\_\_, to-wit: (insert elements of the crime) be performed, did agree with one or more persons to engage in or cause the performance of that crime, and any one of such persons did take a substantial step in pursuance of such agreement; contrary to Revised Code of Washington 9A.28.040 and (citation for crime).

When a conspiracy is charged the language for the substantive crime must be altered as follows for Wharton's rule offenses:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent that conduct constituting the crime of \_\_\_\_\_, to-wit: (insert elements of the crime) be performed, did agree with at least one person other than the (intended recipient, etc.) to engage in or cause the performance of that crime, and any one of such persons did take a substantial step in pursuance of such agreement; contrary to Revised Code of Washington 9A.28.040 and (citation for crime).

A RCW 69.50.407 conspiracy for a crime that is subject to Wharton's rule might read as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully conspire with at least one person other than the intended recipient to deliver a controlled substance, to-wit: drug; proscribed by RCW 69.50.407 and RCW 69.50.401(a).

A RCW 69.50.407 conspiracy for a crime that is not subject to Wharton's rule, such as manufacturing of a controlled substance, might read as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully conspire with one or more persons to manufacture a controlled substance, to-wit: drug; proscribed by RCW 69.50.407 and RCW 69.50 . . . .

Although a prosecutor may charge a conspiracy to commit each target crime as a separate offense, judgment may only be entered upon one offense if a single agreement existed between the co-conspirators. *See State v. Bobic*, 140 Wn.2d 250, 262-67, 996 P.2d 610 (2000). In determining whether there were single or multiple conspiracies, the court will consider the offenses charged, overlap of participants, overlap of time, similarity of operation, existence of common overt acts, the geographic scope of the actions, common objectives, and the degree of the interdependence between the actions. *Id.*

#### **4. Solicitation 9A.28.030**

Solicitation is committed when a person, acting with intent to promote or facilitate the commission of a crime, offers or gives anything of value to another to engage in conduct which would constitute or establish complicity in the crime. RCW 9A.28.030(1). Solicitation to commit a crime is not ordinarily a lesser included offense of that crime, even if an accomplice theory is used to establish guilt of the substantive crime. *See State v. Schneider*, 36 Wn. App. 237, 242-43, 673 P.2d 200 (1983).

Solicitation generally lowers the crime class by one level. RCW 9A.28.030(2); RCW 9A.28.020. Exceptions to this rule is solicitation to commit murder in the first degree, murder in the second degree, arson in the first degree, and some sex offenses. *Id.* These exceptions are illustrated in the following chart:

	<b>Classification of Solicitations to Commit a Crime for Offenses Committed Prior to September 1, 2001</b>	<b>Classification of Solicitations to commit a Crime for Offenses Committed After September 1, 2001 (Laws of 2001, 2nd. Sp. Sess. , Ch. 12, § 354)</b>
<b>Murder 1</b>	Class A	Class A
<b>Murder 2</b>	Class A	Class A
<b>Arson 1</b>	Class A	Class A
<b>Child Molestation 1</b>	Class B	Class A
<b>Indecent Liberties by Forcible Compulsion</b>	Class C	Class A <sup>1</sup>
<b>Rape 1</b>	Class B	Class A
<b>Rape 2</b>	Class B	Class A
<b>Rape of a Child 1</b>	Class B	Class A
<b>Rape of a Child 2</b>	Class B	Class A
<b>Other Class A Felonies</b>	Class B	Class B
<b>Other Class B Felonies</b>	Class C	Class C
<b>Other Class C Felonies</b>	Gross Misdemeanor	Gross Misdemeanor
<b>Gross Misdemeanors</b>	Misdemeanor	Misdemeanor
<b>Misdemeanors</b>	Misdemeanor	Misdemeanor

1. Indecent Liberties by Forcible Compulsion was changed from a class B felony to a class A felony for offenses committed On or After September 1, 2001. See Laws of 2001, 2nd Sp. Sess., ch. 12, § 359.

The presumptive range for solicitation is 75 percent of the standard range for the completed offense. RCW 9.94A.310(2); RCW 9.94A.510(2); RCW 9.94A.595. If the substantive offense is a class A felony, solicitation to commit the target offense is classified as a "violent offense". RCW 9.94A.030(45). Similarly, if the substantive offense is a "serious violent offense" or "most serious offense", solicitation to commit the target offense is likewise classified as a "serious violent offense" or "most serious offense". RCW 9.94A.030(37) and (32). Finally, solicitation to commit a "sex offense" constitutes a "sex offense". RCW 9.94A.030(38).



Unlike attempt and conspiracy, solicitation to commit a drug offense is charged the same as any other offense. A conviction for solicitation to commit a drug offense is not classified as an offense under Uniform Controlled Substances Act for purposes of the "doubling statute", RCW 69.50.408. See *In re Hopkins*, 137 Wn.2d 897, 976 P.2d 616 (1999).

When solicitation is charged, the substantive charge should be amended as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to promote or facilitate the commission of (name crime), to-wit: (insert elements of the named crime), he or she offered to give or gave money or other thing of value to another to engage in specific conduct which would constitute such crime and/or would establish complicity of such person in its commission or attempted commission had such crime been attempted or committed; contrary to Revised Code of Washington 9A.28.030 and RCW \_\_\_\_\_

#### **D. ELEMENT OR SENTENCING FACTOR**

Washington has numerous crimes for which a second or subsequent violation of the statute or other criminal history will increase the penalty for a current violation from a misdemeanor to a felony. Such statutes raise numerous issues. Some of the issues stem from the fact that Washington case law does not clearly establish whether these statutes create a separate crime distinct from the misdemeanor or whether the statutes merely describe a sentencing consequence. The answer to this question will mandate either a "plead and prove" practice or a "sentencing" procedure. While the charging language utilized by both schools of thought is identical, each practice presents unique problems.

In "plead and prove", each of the prior convictions are placed before the jury and are proven beyond a reasonable doubt. Defendants, concerned about the potential prejudice from having the jury learn about their prior pattern of misconduct, may ask the Court to require the prosecution to accept a stipulation as to the prior offenses. While forced stipulations have been approved in unlawful possession of a firearm cases,<sup>9</sup> jurisdictions have split upon whether a defendant may impose a stipulation upon the prosecution in repetitive violation cases. Compare *State v. Galati ex rel County of Maricopa*, 195 Ariz. 9, 985 P.2d 494 (Ariz. 1999) (prior convictions not subject to bifurcated trial wherein defendant's stipulation removes existence of prior DUI convictions from jury's consideration), with *State v. Nichols*, 541 S.E.2d 310 (West Virginia 1999) (A defendant charged with third offense DUI may stipulate to the prior convictions. If defendant does not wish to stipulate to his priors, the defendant may request that the trial court conduct a bifurcated trial, in which the jury would learn of the priors only after finding him guilty of DUI. Bifurcation is not mandatory and should only be granted if the trial court determines that the defendant has carried the burden of showing that he has a meritorious challenge to the legitimacy of the priors). Washington

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<sup>9</sup>See generally *Old Chief v. United States*, 519 U.S. 172, 117 S. Ct. 644, 136 L. Ed.2d 574 (1997); *State v. Johnson*, 90 Wn. App. 54, 950 P.2d 981 (1998).

is currently in the "no forced stipulation" group. See *State v. Gladden*, 116 Wn. App. 561, 66 P.3d 1095 (2003)

Another issue that arises in "plead and prove" prosecutions is whether the "beyond a reasonable doubt" applies merely to identity and existence of prior conviction, or to the validity of the prior conviction. The only Washington case to squarely address the issue, *State v. McNallie*, 64 Wn. App. 101, 104-106, 823 P.2d 1122 (1992), *aff'd on other grounds*, 120 Wn.2d 925, 934, 846 P.2d 1358 (1993), rejected a claim that the validity of the prior convictions must be established beyond a reasonable doubt. Instead, the prior conviction would be considered if it is facially valid.

To the extent that a court rejects *McNallie*, a prior conviction is deemed valid until and unless the defendant alleges the constitutional invalidity of a predicate offense. In raising this claim, the defendant bears the initial burden of offering a colorable, fact-specific argument supporting the claim of constitutional error in the prior conviction. See generally, *State v. Summers*, 120 Wn.2d 801, 811, 846 P.2d 490 (1993). Only after the defendant has made this initial showing does the State's burden arise. This burden is only met by proving the constitutional validity of the conviction beyond a reasonable doubt. *Id.*

Aside from the issue of validity of conviction, establishing the mere existence of a prior conviction to a jury generally requires production of a certified copy of the judgment and sentence. Since many courts of limited jurisdiction do not retain records in misdemeanor convictions for a very long period of time, proving a violation that is even three years old can be daunting.

Establishing identification can also be difficult. While a defendant's fingerprints are affixed to all Washington felony convictions,<sup>8</sup> a similar rule does not apply to misdemeanor judgments. Unless an individual who was present when the defendant was convicted can be called as a witness, or the defendant signed the judgment and sentence and the procedure for obtaining the signature can be explained to the jury, the prosecution may not be able to prove its case.

When instructing a jury in a "plead and prove" case, it is preferable to leave the elements in the "to convict" instruction the same as for a first time offender and to utilize a special verdict form on whether the prior conviction(s) have been proven beyond a reasonable doubt. This allows the jury to convict the defendant of the "lesser included" misdemeanor offense even if not convinced about the existence of the prior convictions. The Washington Supreme Court approved of this exact practice in *State v. Oster*, 147 Wn.2d 141, 52 P.3d 26 (2002).

The "sentencing" school treats the existence of the prior convictions as a sentencing issue for the judge. Notice that the prosecutor believes the crime to be a felony is given to the defendant in the charging document. Upon conviction, the existence of the priors is established by a preponderance of the evidence, with the inquiry into the validity of the prior convictions limited to a review of the face of the judgment.

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<sup>8</sup>See RCW 10.64.110.

## E. ENHANCEMENTS AND SPECIAL ALLEGATIONS

### 1. Deadly Weapon Enhancements

Being armed with a deadly weapon while committing any felony other than theft of a firearm, possessing a stolen firearm, unlawful possession of a firearm, drive-by shooting, possessing a machine gun, using a machine gun in a felony, or unlawful possession of a short-barreled shotgun enhances the sentence for that felony. *See* RCW 9.94A.310(3)(f) and (4)(f); RCW 9.94A.510(3)(f) and (4)(f); *State v. Berrier*, 110 Wn. App. 639, 41 P.3d 1198 (2002). The amount of time depends upon whether the weapon was a firearm or a different type of deadly weapon. A firearm is any device, loaded or unloaded, assembled or unassembled, from which a projectile may be fired by an explosive such as gunpowder. RCW 9.41.040(1); *State v. Berrier*, 110 Wn. App. 639, 41 P.3d 1198 (2002). If the weapon is a firearm, the enhancements are 5 years for a class A felony, 3 years for a class B felony, and 18 months for a class C felony. RCW 9.94A.310(3); RCW 9.94A.510(3). If the weapon is not a firearm, the enhancements are 2 years for a class A felony, 1 year for a class B felony, and 6 months for a class C felony. RCW 9.94A.310(4); RCW 9.94A.510(4). These enhancements double if the defendant was previously sentenced for a deadly weapon enhancement committed after July 23, 1995. RCW 9.94A.310(3)(d) and (4)(d); RCW 9.94A.510(3)(d) and (4)(d).

The deadly weapon enhancement is mandatory, and a court may not reduce its length through imposition of an exceptional sentence. *State v. Brown*, 139 Wn.2d 20, 29, 983 P.2d 608 (1999). If a defendant is convicted of multiple crimes, each with a deadly weapon enhancement, each deadly weapon enhancement will be served consecutive to each other. RCW 9.94A.310(3)(e) and (4)(e); RCW 9.94A.510(3)(e) and (4)(e). Finally, any felony with a deadly weapon verdict is classified as a "most serious offense." RCW 9.94A.030(32)(t).

The current pattern jury instructions for deadly weapon enhancement are not in conformity with current case law. The suggested revision to WPIC 2.07 that is mandated by *State v. Schelin*, 147 Wn.2d 562, 55 P.3d 632 (2002), is as follows:

#### WPIC 2.07. DEADLY WEAPON—DEFINITION FOR SPECIAL VERDICT—GENERAL

For purposes of a special verdict the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon at the time of the commission of the crime [in Count \_\_\_\_]. A person is armed with a deadly weapon if, at the time of the commission of the crime, the weapon is easily accessible and readily available for offensive or defensive use. The State must prove beyond a reasonable doubt that there is a connection among the defendant (or an accomplice), the crime, and the deadly weapon.

The suggested revision to WPIC 2.07.01 that is mandated by *State v. Schelin*, 147 Wn.2d 562, 55 P.3d 632 (2002), is as follows:

For purposes of a special verdict the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon at the time of the commission of the crime [in Count \_\_\_\_]. A person is armed with a deadly weapon if, at the time of the commission of the crime, the weapon is easily accessible and readily available for offensive or defensive use. The State must prove beyond a reasonable doubt that there is a connection among the defendant (or an accomplice), the crime, and the deadly weapon.

[A knife having a blade longer than three inches is a deadly weapon.] [A deadly weapon is an implement or instrument that has the capacity to inflict death and, from the manner in which it is used, is likely to produce or may easily produce death. Whether a knife having a blade less than three inches long is a deadly weapon is a question of fact that is for you to decide.]

[If one participant in a crime is armed with a deadly weapon, all accomplices to that participant are deemed to be so armed, even if only one deadly weapon is involved.]

The suggested revision to WPIC 2.07.02 that is mandated by *State v. Schelin*, 147 Wn.2d 562, 55 P.3d 632 (2002), follows. Additional suggested changes appear for those prosecutors who submit the question of whether the deadly weapon is a firearm to the jury.

For purposes of a special verdict the State must prove beyond a reasonable doubt that the defendant was armed with a deadly weapon [firearm] at the time of the commission of the crime [in Count \_\_\_\_]. A person is armed with a deadly weapon [firearm] if, at the time of the commission of the crime, the deadly weapon [firearm] is easily accessible and readily available for offensive or defensive use. The State must prove beyond a reasonable doubt that there is a connection among the defendant (or an accomplice), the crime, and the deadly weapon [firearm].

A pistol, revolver, or any other firearm is a deadly weapon whether loaded or unloaded. [A firearm is a weapon or device from which a projectile may be fired by an explosive such as gunpowder.]

[If one participant in a crime is armed with a deadly weapon [firearm], all accomplices to that participant are deemed to be so armed, even if only one deadly weapon [firearm] is involved.]

The easiest way to file a deadly weapon enhancement is to add the bolded language to the standard charging language:

**a. Firearms**

**i. Class A Felonies**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602.**

(Minimum Penalty—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional sixty (60) months is added to the presumptive range of confinement for a first offense and an additional one-hundred-twenty (120) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(3)(a) and (d)(3)(a) and (d).)

(Maximum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.120(4) or 9.94A.570.)

**ii. Class B Felonies**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602.**

(Minimum Penalty—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional thirty-six (36) months is added to the presumptive range of confinement for a first offense and an additional seventy-two (72) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(3)(b) and (d).)

(Maximum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.120(4) or 9.94A.570.)

### iii. Class C Felonies

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, at the time of the commission of the crime, the Defendant or an accomplice was armed with a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602.**

(Minimum Penalty—If the Defendant is found to have been armed with a firearm at the time of the commission of the crime, an additional eighteen (18) months is added to the presumptive range of confinement for a first offense and an additional thirty-six (36) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(3)(c) and (d).)

(Maximum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.120(4) or 9.94A.570.)

### b. Non-Firearm Deadly Weapons

#### i. Class A Felonies

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602.**

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twenty-four (24) months is added to the presumptive range of confinement for a first offense and an additional forty-eight (48) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(4)(a) and (d).)

(Maximum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.120(4) or 9.94A.570.)

## ii. Class B Felonies

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602.**

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twelve (12) months is added to the presumptive range of confinement for a first offense and an additional twenty-four (24) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(4)(b) and (d).)

(Maximum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.120(4) or 9.94A.570.)

## iii. Class C Felonies

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to Revised Code of Washington 9.94A.125 or 9.94A.602.**

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional six (6) months is added to the presumptive range of confinement for a first offense and an additional twelve (12) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d), and/or RCW 9.94A.510(4)(c) and (d).)

(Maximum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.120(4) or 9.94A.570.)

## 2. Enhancements for Drug Cases

### a. Public Place

A public place enhancement is available for delivery, possession with intent to deliver and manufacture of a controlled substance if the offense occurred:

- \* in a school;
- \* on a school bus;
- \* within 1000 feet of the perimeter of school grounds;
- \* within 1000 feet of a school bus route stop designated by a school district;
- \* in a public park;
- \* in a public housing project designated by a local governing authority as a drug-free zone;
- \* on a public transit vehicle;
- \* in a public transit stop shelter;
- \* at a civic center designated as a drug-free zone by the local governing authority; or
- \* within 1000 feet of the perimeter of a civic center designated as a drug-free zone by the local governing authority

RCW 69.50.435.

The public place enhancement must be alleged in the charging document and must be proven to the jury beyond a reasonable doubt. If the enhancement is proven, an additional 24 months is added to both the bottom and the top of the standard range. *See* RCW 9.94A.310(6); RCW 9.94A.510(6). The enhancement will also double the fine authorized by RCW 69.50.406 and the period of imprisonment authorized by RCW 69.50.406.

The easiest way to file a public place enhancement is to add the bolded language to the standard charging language:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **AND FURTHERMORE, the commission of said crime took place in a school; and/or school bus; and/or within 1000 feet of the perimeter of school grounds; and/or within 1000 feet of a school bus route stop designated by a school district; and/or in a public park; and/or in a public transit vehicle; and/or in a public transit stop shelter; contrary to Revised Code of Washington 69.50.401 and 69.50.435.**

(Minimum penalty — public place enhancement — if the defendant has been convicted under Chapter 69.50.401 and it is determined that the conduct occurred in violation of 69.50.435, an additional 24 months imprisonment shall be added to the presumptive sentence range; pursuant to RCW 9.94A.310(6) and/or 9.94A.510(6).)

(Maximum Penalty — public place enhancement — if the defendant has been convicted under Chapter 69.50.401(a) and it is determined that the conduct occurred in violation of 69.50.435, the penalty shall be punishable by a fine of up to twice the fine otherwise authorized by this chapter (\$50,000) but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter (20 years), but not including twice the



imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment, pursuant to RCW 69.50.435.)

**b. Child on Premises**

In recognition of the toxicity of the chemicals used to manufacture methamphetamine, a special enhancement for committing the crime of manufacture of methamphetamine or possession of ephedrine as defined in RCW 69.50.401(a) or pseudoephedrine with intent to manufacture methamphetamine as defined in RCW 69.50.440, in the presence of minor children. This special allegation must be pleaded and proven beyond a reasonable doubt. RCW 9.94A.128; RCW 9.94A.605. If the enhancement is proven, an additional 24 months is added to both the bottom and the top of the standard range. *See* RCW 9.94A.310(6) and/or 9.94A.510(6). No more than one enhancement is available per count regardless of the number of children who were present when the offense was committed. *See State v. Hepton*, 113 Wn. App. 673, 54 P.3d 233 (2002).

The easiest way to file a child on premises enhancement is to add the bolded language to the standard charging language:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, the commission of said crime took place when a person under the age of eighteen was present in or upon the premises of manufacture; contrary to Revised Code of Washington 9.94A.128 and/or 9.94A.605.**

(Minimum Penalty—If the Defendant has been convicted of (a) manufacture of a controlled substance under RCW 69.50.401(a) relating to manufacture of methamphetamine or (b) possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine as defined in RCW 69.50.440, an additional 24 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(6) and/or 9.94A.510(6).)

**c. County Jail or State Correctional Facility**

A special enhancement is available for certain crimes committed while in a county jail or state correctional facility or upon any of the real property of a county jail or state correctional facility. *See* RCW 9.94A.310(5) and RCW 9.94A.510(5). The enhancement applies to the principle and/or any accomplice, to the completed crime and to any anticipatory offenses. *Id.*

If the enhancement is proven, an additional 18 months is added to the top and the bottom of the standard range for violations of RCW 69.50.401(a)(1)(i) or (ii) or 69.50.410, an additional 15 months is added to the top and the bottom of the standard range for violations of RCW 69.50.401(a)(1)(iii), (iv), or (v), and an additional 12 months is added to the top and the bottom of the standard range for violations of RCW 69.50.401(d).

The easiest way to file a county jail or state correctional facility enhancement is to add the bolded language to the standard charging language:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **And Furthermore, the Defendant or an accomplice committed the crime (1) in a county jail, and/or (2) in a state correctional facility; contrary to Revised Code of Washington 9.94A.310 and/or 9.94A.510.**

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401(a)(1)(i) or (ii) or under RCW 69.50.410 and it is determined that the conduct occurred in violation of RCW 9.94A.310, an additional 18 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(5) and/or RCW 9.94A.510(5).)

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401(a)(1)(iii) or (iv) or (v) and it is determined that the conduct occurred in violation of RCW 9.94A.310, an additional 15 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(5) and/or RCW 9.94A.510(5).)

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401(d) and it is determined that the conduct occurred in violation of RCW 9.94A.310, an additional 12 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(5) and/or RCW 9.94A.510(5).)

### **3. Domestic Violence Allegation: RCW 10.99.020**

Unlike other enhancements or special allegations, no statute mandates that the domestic violence allegation be submitted to the jury or included as a separate allegation in a charging document. Nonetheless, many prosecutors in Washington will add the bolded language to an offense when the victim and defendant are "family or household members" and will submit the question to the jury via a special interrogatory:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **and furthermore, the defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.**

A conviction for certain gross misdemeanors that are committed against family and household members will render it illegal for the defendant to possess a firearm under both federal and state law. *See generally* 18 U.S.C. § 922(g)(9); RCW 9.41.040(1)(b)(i) (second degree unlawful possession of a firearm may be predicated upon a conviction for the following crimes if the victim of the offense was a family or household member: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of various court orders).

A defendant who is convicted of a felony domestic violence crime may be ordered to participate in a domestic violence perpetrator program approved under RCW 26.50.150 if the defendant or the victim of the offense have any minor children. *See* RCW 9.94A.120(24); RCW 9.94A.505(11). Finally, a court can order an exceptional sentence for domestic violence offenses under RCW 9.94A.390(2)(h) and/or RCW 9.94A.535(2)(h) if the offense was (i) part of ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time; (ii) the offense occurred within sight or sound of the victim's or the

offender's minor children under the age of eighteen years; or (iii) the offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

#### **4. Sexual Motivation Allegation**

When a defendant is charged with any crime other than a sex offense,<sup>9</sup> the prosecutor may file an allegation that the crime was sexually motivated. RCW 9.94A.127(1); RCW 9.94A.835. "Sexual motivation" means that one of the purposes for the crime was the defendant's sexual gratification. RCW 9.94A.030(39).

Once the allegation is filed, it may not be withdrawn by the prosecutor without approval of the court through an order of dismissal. The order of dismissal may only be granted if the court finds that such an order is necessary to correct an error in the initial charging decision or if there are evidentiary problems which make proving the special allegation doubtful.

The State has the burden of proving sexual motivation beyond a reasonable doubt. The jury's determination on this issue is generally reflected on a special verdict form. *See* WPIC 190.08.

A finding of sexual motivation has several consequences. The crime becomes, by definition, a "sex offense". RCW 9.94A.030(38)(c). This subjects the offender to registration upon release. A finding of sexual motivation accompanying any of the following offenses will make these offenses a "first strike" for "two strike" persistent offender sentencing under RCW 9.94A.030(32)(b): murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree. A finding of sexual motivation, for crimes committed, after September 1, 2001, will increase the maximum term for second degree assault by changing the offense from a class B felony to a class A felony. *See* Laws of 2001, 2nd sp. sess., ch. 12, § 355. Finally, a finding of sexual motivation is by itself a sufficient basis for a sentence above the standard range. *See* RCW 9.94A.390(2)(f); RCW 9.94A.535(2)(f).

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<sup>9</sup>There is an argument that "any crime" as used RCW 9.94A.127(1) is limited to any felony as the Sentencing Reform Act, itself, only applies to "felonies committed after June 30, 1984". *See* RCW 9.94A.905. To date, no appellate court has determined whether the sexual motivation allegation can apply to non-felonies, such as fourth degree assault.

The easiest way to file a sexual motivation allegation is to add the bolded language to the standard charging language:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (elements of crime); contrary to Revised Code of Washington \_\_\_\_\_; **and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles)**

(Minimum Penalty—If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

# **III. CHARGING LANGUAGE** **ALCOHOL, TOBACCO AND GAMBLING**

## **ALCOHOL**

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### **Allowing a Minor to Remain in Off-limits Area — RCW 66.44.310(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did serve and allow to remain a person under the age of twenty-one years in an area classified by the Washington State Liquor Control Board as off-limits to persons under the age of twenty-one years; contrary to Revised Code of Washington 66.44.310(1)(a).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 66.44.310(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Furnish Keg to Minors — RCW 66.28.230**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant intentionally furnished a keg or other container containing four or more gallons of malt liquor to a person under the age of twenty-one years; contrary to Revised Code of Washington 66.28.230.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.28.250 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Furnish Liquor to Minor — RCW 66.44.270(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell, give, or otherwise supply liquor to any person under the age of twenty-one (21) years and/or did permit any person under that age to consume liquor on his or her premises or on any premises under his or her control; contrary to Revised Code of Washington 66.44.270(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.44.270(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Illegal Possession/Transportation of Alcohol — RCW 66.44.160**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant had or kept or transported alcoholic beverages other than those purchased from the board, a state liquor store, or some person authorized by the board to sell them; contrary to Revised Code of Washington 66.44.160.

(Maximum Penalty—For a first offense up to two months in jail or a \$500 fine, or both pursuant to RCW 66.44.180(1)(a), plus restitution, assessments and court costs. For a second offense up to six months in jail or a \$500 fine, or both pursuant to RCW 66.44.180(1)(b), plus restitution, assessments and court costs. For a third or subsequent offense up to one year in jail or a \$500 fine, or both pursuant to RCW 66.44.180(1)(c), plus restitution, assessments and court costs. Corporate defendants may be fined up to five thousand dollars for a first offense, and up to ten thousand dollars for a second or subsequent offense pursuant to RCW 66.44.180(2).)



### **Improper Container — RCW 66.28.220**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant sold or offered for sale four gallons or more of malt liquor to consumers who are not licensed under Chapter 66.24 RCW in kegs or other containers that were not in compliance with rules adopted by the liquor control board; contrary to Revised Code of Washington 66.28.220.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.28.220(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Keg Registration Violation (Purchaser) — RCW 66.28.210**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant purchased the contents of a keg or other container of 4 or more gallons of malt liquor, or purchased or leased the contents, and (select all applicable options from the following list:

- failed to sign a declaration and receipt for the keg or other container or beverage;
- failed to provide one piece of identification;
- was not of legal age to purchase, possess, or use malt liquor;
- did not prevent all persons under the age of 21 from consuming the beverage;
- did remove, obliterate, or allow to be removed or obliterated the identification on the keg or other container;
- did move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration;
- did not maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, within a distance of five feet, and visible without a physical barrier from the keg, during the time that the keg or other container was in his or her possession or control)

; contrary to Revised Code of Washington 66.28.210.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.28.250 and RCW 9.92.020, plus restitution, assessments and court costs.)



### **Keg Registration Violation (Seller) — RCW 66.28.200**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant sold the contents of a keg or other container of 4 or more gallons of malt liquor, to a consumer who was not licensed under Chapter 66.24 RCW, and (select all applicable options from the following list:

failed to require the purchaser to sign a declaration and receipt for the keg or other container or beverage that was in substantially the form provided in RCW 66.28.220;  
failed to require the purchaser to provide one piece of identification;  
did not require the purchaser to provide a particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located;  
did not require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, within a distance of five feet, and visible without a physical barrier from the keg, during the time that the keg or other container was in the purchaser's possession or control)

; contrary to Revised Code of Washington 66.28.200.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.28.200(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Leaving Child Unattended in Parked Vehicle While in Liquor Establishment — RCW 9.91.060**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while having the care and custody, whether temporary or permanent, of a minor child under the age of twelve (12) years, did leave said child in a parked automobile unattended by an adult while the person enters a tavern or other premises where vinous, spiritous, or malt liquors are dispensed for consumption on the premises; contrary to Revised Code of Washington 9.91.060.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.060 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Lending Identification Card to Another — RCW 66.20.200(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant owned an identification card and transferred it to another person to aid that person to obtain alcoholic beverages from a licensee or store employee; contrary to Revised Code of Washington 66.20.200(1).

(Maximum Penalty-Ninety (90) days in jail or not less than \$250.00 nor more than \$1,000.00 fine, or both, and any sentence requiring community service shall require not fewer than twenty-five (25) hours of such service, pursuant to RCW 66.20.200(1) and 9A.20.021, plus restitution, assessments and court costs.)

### **Liquor in Public Place without Permit — RCW 66.24.481**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an agent, servant or employee of a public place or club, did keep or allow to be kept, either by himself or herself, or your agent, servant or employee, or any other person, any liquor in any place maintained or conducted by that public place or club, or permitted the drinking of any liquor in any such place, without authorization by virtue of a valid and subsisting license issued by the Washington State Liquor Control Board or a special banquet permit; contrary to Revised Code of Washington 66.24.481.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.24.481 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Minor Frequenting Off-Limits Area — RCW 66.44.310(1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being under the age of twenty-one years, did enter or remain in any area classified as off-limits to persons under the age of twenty-one years; contrary to Revised Code of Washington 66.44.310(1)(b).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 66.44.310(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Minor in Possession of or Consuming Alcohol — RCW 66.44.270(2)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess, consume, or otherwise acquire any liquor while being under the age of twenty-one (21) years; contrary to Revised Code of Washington 66.44.270(2).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.44.270(2)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Minor in Public Place Exhibiting Effects of Liquor — RCW 66.44.270(2)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being under the age of twenty-one (21) years and in a public place or in a motor vehicle in a public place, did exhibit the effects of having consumed liquor, to-wit: that the Defendant had the odor of liquor on his or her breath and either (i) was in possession of or close proximity to a container that has or recently had liquor in it or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, did exhibit that he or she was under the influence of liquor; contrary to Revised Code of Washington 66.44.270(2)(b).

(Maximum Penalty for First Conviction-Two (2) months in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(a), plus restitution, assessments and court costs.)

(Maximum Penalty for Second Conviction-Six (6) months in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(b), plus restitution, assessments and court costs.)

(Maximum Penalty for Third or Subsequent Conviction-One (1) year in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(c), plus restitution, assessments and court costs.)

### **Minor Misrepresentation of Age — RCW 66.44.310(1)(c)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being under the age of twenty-one years, did represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the Washington State Liquor Control Board as off-limits to such a person; contrary to Revised Code of Washington 66.44.310(1)(c).  
(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 66.44.310(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Minor Purchasing or Attempting to Purchase Liquor [Age 18, 19 or 20]— RCW 66.44.291**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did purchase or attempt to purchase liquor while being under the age of twenty-one (21) years; contrary to Revised Code of Washington 66.44.290. And Furthermore, the Defendant is between age eighteen (18) and twenty (20) years; contrary to Revised Code of Washington 66.44.291.  
(Maximum Penalty-Ninety (90) days in jail or not less than \$250.00 nor more than \$1,000.00 fine, or both, and any sentence requiring community service shall require not fewer than twenty-five (25) hours of such service, pursuant to RCW 66.44.290(4) and 9.92.030, plus restitution, assessments and court costs.)

### **Minor Purchasing or Attempting to Purchase Liquor [Under Age 18] —RCW 66.44.290**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_ State of Washington, the above-named Defendant did purchase or attempt to purchase liquor while being under the age of twenty-one (21) years; contrary to Revised Code of Washington 66.44.290.  
(Maximum Penalty for First Conviction-Two (2) months in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(a), plus restitution, assessments and court costs.)  
(Maximum Penalty for Second Conviction-Six (6) months in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(b), plus restitution, assessments and court costs.)  
(Maximum Penalty for Third or Subsequent Conviction-One (1) year in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(c), plus restitution, assessments and court costs.)

### **No Valid Alcohol Server Permit — Manager/Bar Tender — RCW 66.20.310(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or mix alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility without possessing a valid alcohol server permit or without presenting the permit upon request to inspection by a representative of the Liquor Control Board or a peace officer; contrary to Revised Code of Washington 66.20.310(2).  
(Maximum Penalty for First Conviction—\$250 fine pursuant to RCW 66.20.340, plus restitution, assessments and court costs.)  
(Maximum Penalty for Second or Subsequent Conviction —Up to ninety (90) days in jail, a \$500 fine, or both pursuant to RCW 66.20.340, plus restitution, assessments, and court costs.)

### **No Valid Alcohol Server Permit — Server — RCW 66.20.310(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did serve, sell or mix alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility without possessing a valid alcohol server permit or without presenting the permit upon request to inspection by a representative of the Liquor Control Board or a peace officer; contrary to Revised Code of Washington 66.20.310(2).

(Maximum Penalty for First Conviction—\$250 fine pursuant to RCW 66.20.340, plus restitution, assessments and court costs.)

(Maximum Penalty for Second or Subsequent Conviction —Up to ninety (90) days in jail, a \$500 fine, or both pursuant to RCW 66.20.340, plus restitution, assessments, and court costs.)

### **Obstruct Liquor Officer —RCW 66.44.370**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly or willfully resisted or opposed a state, county, or municipal peace officer or liquor enforcement officer in the discharge of his or her duties under Title 66 RCW, or aided and abetted such resistance or opposition; contrary to Revised Code of Washington 66.44.370.

(Maximum Penalty—For a first offense up to two months in jail or a \$500 fine, or both pursuant to RCW 66.44.180(1)(a), plus restitution, assessments and court costs. For a second offense up to six months in jail or a \$500 fine, or both pursuant to RCW 66.44.180(1)(b), plus restitution, assessments and court costs. For a third or subsequent offense up to one year in jail or a \$500 fine, or both pursuant to RCW 66.44.180(1)(c), plus restitution, assessments and court costs. Corporate defendants may be fined up to five thousand dollars for a first offense, and up to ten thousand dollars for a second or subsequent offense pursuant to RCW 66.44.180(2), plus restitution, assessments and court costs.)

### **Operate Without a Liquor License —RCW 66.44.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did an act required to be licensed under Title 66 RCW without having in force a license issued to him or her; contrary to Revised Code of Washington 66.44.090.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.44.090 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Possession of Identification Card of Another / Falsely Obtained Card — RCW 66.20.200(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant unlawfully obtained or had issued or transferred to him or her an identification card, or possessed an identification card not issued to him or her; or made any false statement on any certification card required by Revised Code of Washington 66.20.190; contrary to Revised Code of Washington 66.20.200(2).

(Maximum Penalty—Ninety (90) days in jail or not less than \$250.00 nor more than \$1,000.00 fine, or both, and any sentence requiring community service shall require not fewer than twenty-five (25) hours of such service, pursuant to RCW 66.20.200(2) and 9A.20.021, plus restitution, assessments and court costs.)

### **Purchasing Liquor from Unauthorized Vender — RCW 66.44.150**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant bought alcoholic beverages from any person other than the board, a state liquor store, or some person authorized by the Washington State Liquor Control Board to sell them; contrary to Revised Code of Washington 66.44.150.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 66.44.150 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Sale of Liquor to Person Apparently Under the Influence — RCW 66.44.200**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell any liquor to any person apparently under the influence of liquor contrary to Revised Code of Washington 66.44.200.

(Maximum Penalty for First Conviction-Two (2) months in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(a), plus restitution, assessments and court costs.)

(Maximum Penalty for Second Conviction-Six (6) months in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(b), plus restitution, assessments and court costs.)

(Maximum Penalty for Third or Subsequent Conviction-One (1) year in jail or \$500 fine, or both, pursuant to RCW 66.44.180(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Operation of Still or Possession of Mash — RCW 66.44.140**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sell or offer for sale, or transport in any manner, spirituous liquor, without government stamp or seal attached thereto, or knowingly operated without a license a still or other device for the production of spirituous liquor or knowingly had possession of or control of any mash capable of being distilled into spirituous liquor; contrary to Revised Code of Washington 66.44.140.

(Maximum Penalty — First Offense — 180 to 365 days in jail or not less than \$500.00 nor more than \$5,000.00 fine, or both, pursuant to RCW 66.44.140 and 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty — Second and Subsequent Offenses — 365 days in jail or not less than \$1000.00 nor more than \$5,000.00 fine, or both, pursuant to RCW 66.44.140 and 9.92.020, plus restitution, assessments and court costs.)

## **Unlawful Use of Seal — RCW 66.44.120**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not an employee of the Washington State Liquor Control Board, did have in his or her possession any official seal prescribed by Title 66 RCW which was not attached to a package which was purchased from a vendor or store employee, or did have in his or her any design in imitation of any official seal prescribed by Title 66 RCW and said design is calculated to deceive by its resemblance to an official seal, or did have any paper upon which any design in imitation of the official seal that is calculated to deceive by its resemblance to an official seal, is stamped, engraved, lithographed, printed, or otherwise marked; contrary to Revised Code of Washington 66.44.120.

(Maximum Penalty — First Offense — 3 months to 6 months in jail, pursuant to RCW 66.44.120(2)(a), plus restitution, assessments and court costs.)

(Maximum Penalty — Second and Subsequent Offenses — 180 days to 365 days in jail, pursuant to RCW 66.44.120(2)(a), plus restitution, assessments and court costs.)

(Maximum Penalty — Third and Subsequent Offenses — 1 year to 2 years imprisonment in a state correctional facility pursuant to RCW 66.44.120(2)(b), plus restitution, assessments and court costs.)

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### Bribing Public Officials – RCW 9.46.155

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an applicant or licensee, did give or provide, or offer to give or provide, to any public official or employee or agent of this state, or any of its agencies or political subdivisions, any compensation or reward, or share of the money or property paid or received through gambling activities, in consideration for obtaining any license, authorization, permission or privilege to participate in any gaming operations; contrary to Revised Code of Washington 9.46.155(1).

(Maximum Penalty—Five (5) years imprisonment or \$100,000 fine, or both pursuant to RCW 9.46.155(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Causing Person to Violate Washington Gambling Regulations — No Credit, Loans, or Gifts — WAC 230-12-050 and RCW 9.46.185**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause, aid, abet or conspire with another to extend credit, make a loan, or grant a gift to any person playing in an authorized activity which enables the recipient of the credit, loan or gift to play in an authorized activity; contrary to Revised Code of Washington 9.46.185 and Washington Administrative Code 230-12-050.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.185 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Cheating — For Offenses Committed Prior to June 13, 2002 — Former RCW 9.46.196 (Laws of 1991, ch. 261, § 8)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while participating in a gambling activity, directly or indirectly, employed or attempted to employ any device, scheme, or artifice to defraud any other participant or any operator, or engaged in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator, or engaged in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or caused, aided, abetted, or conspired with another person to cause any other person to engage in any of the acts described herein; contrary to former Revised Code of Washington 9.46.196 (Laws of 1991, ch. 261, § 8).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.196 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Cheating in the First Degree — Conspiracy — For Offenses Committed On or After June 13, 2002 — RCW 9.46.1961(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause, aid, abet, or conspire with another to employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator, and/or to engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator, and/or to engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; contrary to Revised Code of Washington 9.46.1961(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$30,000 fine, or both pursuant to RCW 9.46.1961(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Cheating in the First Degree — Licensee or Employee — For Offenses Committed On or After June 13, 2002 — RCW 9.46.1961(1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a license or similar permit issued by the state of Washington to conduct, manage, or act as an employee in an authorized gambling activity, did employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator, and/or did engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator, and/or did engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; contrary to Revise Code of Washington 9.46.1961(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$30,000 fine, or both pursuant to RCW 9.46.1961(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Cheating in the Second Degree — For Offenses Committed On or After June 13, 2002 — RCW 9.46.1962**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator, or did engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator, or did engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; contrary to Revise Code of Washington 9.46.1962.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.1962(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Conducting Gambling Activity Without a License — RCW 9.46.160**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did conduct gambling activities for which a license is required by Chapter 9.46 RCW without a license issued by the Washington State Gambling Commission; contrary to Revised Code of Washington 9.46.160.

(Maximum Penalty—10 years imprisonment or \$20,000 fine, or both pursuant to RCW 9.46.160 and RCW 9A.20.021(1)(b).)

### **False or Misleading Entries or Statements (Gambling) — RCW 9.46.170**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant made a false or misleading statement, or made a false or misleading entry, or wilfully failed to maintain or make an entry required to be maintained by the commission in any book or record required to be maintained by the Washington State Gambling Commission or in any report required to be submitted to the Washington State Gambling Commission; contrary to Revised Code of Washington 9.46.170.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.170 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Fraud or Deceit (Gambling) — RCW 9.46.190**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, directly or indirectly, in the course of operating any gambling activity, employed a device, scheme, or artifice to defraud, or made an untrue statement of a material fact, or omitted to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or engaged in an act, practice or course of operation as would operate as a fraud or deceit upon any person; contrary to Revised Code of Washington 9.46.190.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.190 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Influencing Outcome of Sporting Event — RCW 9A.82.070**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly give, promise, or offer to any professional or amateur baseball, football, hockey, polo, tennis, horse race, or basketball player or boxer or any player or referee or other official who participates or expects to participate in any professional or amateur game or sport, or to any manager, coach, or trainer of any team or participant or prospective participant in any such game, contest, or sport, any benefit with intent to influence the person to lose or try to lose or cause to be lost or to limit the person's or person's team's margin of victory or defeat, or in the case of a referee or other official to affect the decisions or the performance of the official's duties in any way, in a baseball, football, hockey, or basketball game, boxing, tennis, horse race, or polo match, or any professional or amateur sport or game, in which the player or participant or referee or other official is taking part or expects to take part, or has any duty or connection therewith; contrary to Revised Code of Washington 9A.82.070.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.82.070 and 9A.20.021(1)(c), plus restitution and assessments.)

### **Lottery Fraud — RCW 67.70.130**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, (a) did alter or forge a lottery ticket; and/or (b) did claim a lottery prize or share of a lottery prize by means of fraud, deceit, or misrepresentation; and/or (c) did conspire, aid, abet, or agree to aid another person or persons to claim a lottery prize or share of a lottery prize by means of fraud, deceit, or misrepresentation; contrary to Revised Code of Washington 67.70.130.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 67.70.130(2) and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

### **Obstruction of Public Servant (Gambling) — RCW 9.46.195**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally obstructed or attempted to obstruct a public servant in the administration or enforcement of Chapter 9.46 RCW by using or threatening to use physical force or by means of any unlawful act; contrary to Revised Code of Washington 9.46.195.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.46.195 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Possession of Gambling Records — RCW 9.46.217**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, personally or through an agent or employee or otherwise, knowingly printed, made, possessed, stored, or transported a gambling record, or bought, sold, offered or solicited any interest therein; contrary to Revised Code of Washington 9.46.217.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.217 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Professional Gambling in the First Degree — RCW 9.46.220**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in or knowingly caused, aided, abetted or conspired with another to engage in professional gambling acts in concert with or conspired with five or more people, or the defendant personally, or the operation for whom the defendant works or with which the defendant is involved, accepted wagers exceeding five thousand dollars during any thirty-day period on future contingent events, or operates, manages or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries, or other gambling activities that are not authorized by Chapter 9.46 RCW or licensed by the Washington state gambling commission; contrary to Revised Code of Washington 9.46.220.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.46.220(3) and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

### **Professional Gambling in the Second Degree — RCW 9.46.221**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in or knowingly caused, aided, abetted or conspired with another to engage in professional gambling acts in concert with or conspired with less than five people, or the defendant personally, or the operation for whom the defendant works or with which the defendant is involved, accepted wagers exceeding two thousand dollars during any thirty-day period on future contingent events, or maintained a gambling premises; or maintained gambling records; contrary to Revised Code of Washington 9.46.221.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.46.221(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Professional Gambling in the Third Degree — RCW 9.46.222**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in or knowingly caused, aided, abetted or conspired with another to engage in professional gambling acts in concert with and his or her conduct does not constitute first or second degree professional gambling, or he or she operates any of the licensed gambling activities authorized by Chapter 9.46 RCW in a manner other than as prescribed by Chapter 9.46 RCW, or he or she is directly employed in but does not manage or direct any gambling operation; contrary to Revised Code of Washington 9.46.222.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.222(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Purchase of Lottery Ticket by a Minor — RCW 67.70.120**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a person under the age of eighteen years, did purchase a lottery ticket from a licensed agent; contrary to Revised Code of Washington 67.70.120.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 67.70.120(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Refusal to Produce Records — RCW 9.46.170**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant wilfully refused to produce for inspection by the Washington State Gambling Commission, or its designee, any book, record, or document required to be maintained or made by federal or state law; contrary to Revised Code of Washington 9.46.170.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.170 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Sale of Lottery Ticket to a Minor — RCW 67.70.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a person who is licensed to act as a lottery sales agent, did knowingly sell or offer to sell a lottery ticket to any person under the age of eighteen years, to wit: (name of minor), whose date of birth is (date of birth); contrary to Revised Code of Washington 67.70.120.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 67.70.120(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Transmitting or Receiving Gambling Information — RCW 9.46.240**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly transmitted or received gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installed or maintained equipment for the transmission or receipt of gambling information contrary to Revised Code of Washington 9.46.240.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.240 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Unlawful Possession of a Gambling Device — RCW 9.46.215**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly own, manufacture, possess, buy, sell, rent, lease, finance, hold a security interest in, store, repair, or transport a gambling device, when not licensed by the Washington State Gambling Commission respecting such device; contrary to Revised Code of Washington 9.46.215.

(Maximum Penalty—Five (5) years in jail, or \$100,000 fine, or both pursuant to RCW 9.46.215, plus restitution, assessments and court costs.)

### **Working in Gambling Activity Without A License — RCW 9.46.198**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant worked an employee or agent or in a similar capacity for another person in connection with the operation of an activity for which a license is required by Chapter 9.46 RCW or by commission rule without having obtained the applicable license required by the Washington State Gambling Commission; contrary to Revised Code of Washington 9.46.198.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.46.198 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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**Contracting With a Delivery Service That Fails to Verify Age of Receiver — First Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(4)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, in connection with a delivery sale of cigarettes, contract with a private carrier which employees delivery agents who do not verify, upon delivery, that the receiver of the cigarettes is not a minor; contrary to Revised Code of Washington 70.155.105(4)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 70.155.105(6)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Contracting With a Delivery Service That Fails to Verify Age of Receiver — Second or Subsequent Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(4)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, in connection with a delivery sale of cigarettes, contract with a private carrier which employees delivery agents who do not verify, upon delivery, that the receiver of the cigarettes is not a minor; contrary to Revised Code of Washington 70.155.105(4)(b); and furthermore, the Defendant was previously convicted of violating RCW 70.155.105 in (name of case), (court name) cause number (cause number).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.155.105(6)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Verify the Age of the Receiver of a Delivery Sale of Cigarettes — Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a delivery service, did mail, ship, or otherwise deliver cigarettes without verifying the age of the receiver of the cigarettes upon delivery; contrary to Revised Code of Washington 70.155.105(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.155.105(6)(c) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Failure to Verify the Age of the Receiver of a Delivery Sale of Cigarettes — First Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did mail, ship, or otherwise deliver cigarettes without verifying the age of the receiver of the cigarettes upon delivery and/or without obtaining in writing, before the first delivery sale of cigarettes, verification of the receiver's address and that the receiver of the cigarettes is not a minor; contrary to Revised Code of Washington 70.155.105(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 70.155.105(6)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Verify the Age of the Receiver of a Delivery Sale of Cigarettes — Second or Subsequent Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did mail, ship, or otherwise deliver cigarettes without verifying the age of the receiver of the cigarettes upon delivery and/or without obtaining in writing, before the first delivery sale of cigarettes, verification of the receiver's address and that the receiver of the cigarettes is not a minor; contrary to Revised Code of Washington 70.155.105(1); and furthermore, the Defendant was previously convicted of violating RCW 70.155.105 in (name of case), (court name) cause number (cause number).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.155.105(6)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Verify Prospective Consumer's Identity Prior to First Delivery Sale — First Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did mail, ship, or otherwise deliver cigarettes in connection with a delivery sale to a consumer without verifying, prior to the first delivery sale to the consumer, that the information contained in the certification provided by the prospective consumer against a commercially available data base or against a photocopy of an officially issued identification containing the bearer's age, signature, and photograph, and/or without providing, prior to the first delivery sale, to the prospective consumer, through electronic mail or other means, a notice that meets the requirements of RCW 70.155.105(3), and/or without obtaining, prior to the first delivery sale, payment for the delivery sale from the prospective consumer by a credit card or debit card, or by a check that has been issued in the prospective consumer's name; contrary to Revised Code of Washington 70.155.105(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 70.155.105(6)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Failure to Verify Prospective Consumer's Identity Prior to First Delivery Sale — Second or Subsequent Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did mail, ship, or otherwise deliver cigarettes in connection with a delivery sale to a consumer without verifying, prior to the first delivery sale to the consumer, that the information contained in the certification provided by the prospective consumer against a commercially available data base or against a photocopy of an officially issued identification containing the bearer's age, signature, and photograph, and/or without providing, prior to the first delivery sale, to the prospective consumer, through electronic mail or other means, a notice that meets the requirements of RCW 70.155.105(3), and/or without obtaining, prior to the first delivery sale, payment for the delivery sale from the prospective consumer by a credit card or debit card, or by a check that has been issued in the prospective consumer's name; contrary to Revised Code of Washington 70.155.105(2); and furthermore, the Defendant was previously convicted of violating RCW 70.155.105 in (name of case ), (court name) cause number (cause number).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.155.105(6)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Include Necessary Warnings on Bill of Lading — First Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(4)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did mail, ship, or otherwise deliver cigarettes in connection with a delivery sale which did not include the following statement on the bill or lading or other shipping documents: "Cigarettes: Washington Law Prohibits Shipping to Individuals Under 18, and Requires the Payment of all Applicable Taxes"; contrary to Revised Code of Washington 70.155.105(4)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 70.155.105(6)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Include Necessary Warnings on Bill of Lading — Second or Subsequent Offense by a Person Other Than a Delivery Service — For Crimes Committed On or After July 27, 2003 — RCW 70.155.105(4)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did mail, ship, or otherwise deliver cigarettes in connection with a delivery sale which did not include the following statement on the bill or lading or other shipping documents: "Cigarettes: Washington Law Prohibits Shipping to Individuals Under 18, and Requires the Payment of all Applicable Taxes"; contrary to Revised Code of Washington 70.155.105(4)(a); and furthermore, the Defendant was previously convicted of violating RCW 70.155.105 in (name of case ), (court name) cause number (cause number).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.155.105(6)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Manufacture, Sell, or Possess Counterfeit Cigarettes — First Offense — For Crimes Committed On or After July 27, 2003 — RCW 82.24.570(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture, sell, or possess counterfeit cigarettes; contrary to Revised Code of Washington 82.24.570(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 82.24.570(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Manufacture, Sell, or Possess Counterfeit Cigarettes — Second or Subsequent Offense — For Crimes Committed On or After July 27, 2003 — RCW 82.24.570(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture, sell, or possess counterfeit cigarettes; contrary to Revised Code of Washington 82.24.570(1) (Laws of 2003, ch. 114, § 6(1)), and furthermore, the Defendant was previously convicted of the crime of manufacturing, selling, or possessing counterfeit cigarettes in (name of case), (court name) cause number (cause number).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 82.24.570(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession or Transportation of Unstamped Cigarettes (less than 60,000)— RCW 82.24.110(1)(m)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant possessed or transported a quantity of sixty thousand cigarettes or less that did not have the proper stamps required by RCW 82.24 affixed; contrary to Revised Code of Washington 82.24.110(1)(m).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 82.24.110(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Possession or Transportation of Unstamped Cigarettes (more than 60,000)— RCW 82.24.110(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly possessed or transported a quantity of more than sixty thousand cigarettes that did not have the proper stamps required by RCW 82.24 affixed; contrary to Revised Code of Washington 82.24.110(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 82.24.110(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Purchasing, Possessing, or Obtaining Tobacco by Persons Under the Age of Eighteen — RCW 70.155.080(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was under the age of eighteen, did purchase or attempt to purchase, possess, or obtain or attempt to obtain cigarettes or tobacco products; contrary to Revised Code of Washington 70.155.080(1).

(Maximum Penalty—\$95 or participation in up to four hours of community service, or both, pursuant to RCW 70.155.080(1) and Chapter 7.80 RCW. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.)

**Selling Cigarettes Without a License — RCW 82.24.110(1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant sold cigarettes while not in possession of a current cigarette retailer's license, contrary to Revised Code of Washington 82.24.110(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 82.24.110(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Selling or Giving Tobacco to Minor — RCW 26.28.080**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or give, or permit to be sold or given to any person under the age of eighteen (18) years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; contrary to Revised Code of Washington 26.28.080.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 26.28.080 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Selling Tobacco Products of Brand Families Not Included In Directory — For Crimes Committed On or After July 1, 2003 — RCW 70.158.060(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or distribute cigarettes or did acquire, hold, own, possess, transport, import, or caused to be imported cigarettes for distribution or sale in this state, that the Defendant knows are not included in the directory created pursuant to RCW 70.158.060(2); contrary to Revised Code of Washington 70.158.060(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.158.060(3) (Laws of 2003, ch. 25, § 6(3) and RCW 9.92.020, plus restitution, assessments and court costs.)



# ANIMALS

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### **Animal Cruelty in the First Degree — RCW 16.52.205**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant intentionally and unlawfully inflicted substantial pain on or caused physical injury to an animal, or did kill an animal by a means causing undue suffering, or forced a minor to inflict unnecessary pain, injury, and death on an animal; contrary to Revised Code of Washington 16.52.205

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 16.52.205(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Animal Cruelty in the Second Degree —Non-Owner — RCW 16.52.207(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly, recklessly, or with criminal negligence inflict unnecessary suffering or pain upon an animal; contrary to Revised Code of Washington 16.52.207(1).

(Maximum Penalty — Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 16.52.207(3), a mandatory two (2) year probationary period pursuant to RCW 16.52.200(1), forfeiture of animals, liability for costs, a \$1,000.00 civil penalty to \_\_\_\_\_ county, education and/or counseling pursuant to RCW 16.52.200, plus restitution, assessments and court costs.)

### **Animal Cruelty in the Second Degree — Owner — RCW 16.52.207 (1) and (2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly, recklessly, or with criminal negligence inflict unnecessary suffering or pain on an animal and/or failed to provide fail to provide an animal the Defendant owned with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffered unnecessary or unjustifiable physical pain as a result of the failure and/or abandoned an animal the Defendant owned; contrary to Revised Code of Washington 16.52.207(1) and (2).

(Maximum Penalty — Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 16.52.207(3), a mandatory two (2) year probationary period pursuant to RCW 16.52.200(1), forfeiture of animals, liability for costs, a \$1,000.00 civil penalty to \_\_\_\_\_ county, education and/or counseling pursuant to RCW 16.52.200, plus restitution, assessments and court costs.)

## **Unlawful Use of a Hook — For Crimes Committed On or After March 29, 2004 – RCW 16.52.305(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did utilize or did attempt to utilize a hook with the intent to pierce the flesh or mouth of a bird or mammal; contrary to Revised Code of Washington 16.52.305(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 16.52.305(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

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## **Dangerous Dog Attack — For Crimes Committed Prior to June 13, 2002 — Former RCW 16.08.100(3) (Laws of 1987, ch. 94, § 4(3))**

[Note — This language includes the non-statutory elements mandated by *State v. Bash*, 130 Wn.2d 594, 925 P.2d 978 (1996).]

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, owned a dog that had previously been declared potentially dangerous or dangerous, and the Defendant knew or should have known that the dog had previously been declared potentially dangerous or dangerous, and the dog aggressively attacked and caused severe injury or death of any human; contrary to former Revised Code of Washington 16.08.100(3) (Laws of 1987, ch. 94, § 4(3)).

(Maximum Penalty — Five (5) years imprisonment or \$10,000 fine, or both, and the confiscation and destruction of the dog, pursuant to RCW 16.08.100(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Dangerous Dog Attack — For Crimes Committed On or After June 13, 2002 — RCW 16.08.100(3) (Laws of 2002, ch. 244, § 3(3))**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, owned a dog that aggressively attacked and caused severe injury or death of any human, and the Defendant knew or should have known that the dog was potentially dangerous; contrary to Revised Code of Washington 16.08.100(3) (Laws of 2002, ch. 244, § 3(3)).

(Maximum Penalty — Five (5) years imprisonment or \$10,000 fine, or both, and the confiscation and destruction of the dog, pursuant to RCW 16.08.100(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Dangerous Dog Bite — RCW 16.08.100(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having previously been convicted of a violation of Chapter 16.08 RCW, owned a dangerous dog that attacked or bite a person or another domestic animal; contrary to Revised Code of Washington 16.08.100(2).

(Maximum Penalty — Five (5) years imprisonment or \$10,000 fine, or both, pursuant to RCW 16.08.100(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Owner's Failure to Kill Marauding Dog — RCW 16.08.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person owning or keeping any dog, did fail to kill the dog within forty-eight hours after being notified that the dog was found killing any domestic animal; contrary to Revised Code of Washington 16.08.030.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 16.08.030 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Dangerous Dog — RCW 16.08.100(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being the owner of a dangerous dog, (a) did not validly register the dangerous dog under Revised Code of Washington 16.08.080; and/or (b) did not secure the liability insurance coverage required under Revised Code of Washington 16.08.080; and/or (c) did not maintain the dangerous dog in the property enclosure; and/or (d) did not have the dangerous dog under the physical restraint of a responsible person when the dangerous dog was outside of the dwelling of the Defendant or outside the proper enclosure; contrary to Revised Code of Washington 16.08.100(1).

(Maximum Penalty-One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 16.08.100(1) and 9A.20.021, plus restitution, assessments and court costs.)

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### **Animal Fighting - Owner — RCW 16.52.117(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly owned, possessed, kept or trained an animal with the intent that the animal engage in an exhibition of fighting with another animal; contrary to Revised Code of Washington 16.52.117(1)(a).

(Maximum Penalty-One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 16.52.117(1) and 9A.20.021, plus restitution, assessments and court costs.)

### **Animal Fighting - Spectator — RCW 16.52.117(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly were a spectator for an exhibition of the fighting of animals for amusement or gain which caused an animal to fight with another animal or caused animals to injure each other; contrary to Revised Code of Washington 16.52.117(2).

(Maximum Penalty-One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 16.52.117(2) and 9A.20.021, plus restitution, assessments and court costs.)

### **Entering Dog in Dog Fight — RCW 16.08.100(4)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant entered a dog in a dog fight; contrary to Revised Code of Washington 16.08.100(4).

(Maximum Penalty — Five (5) years imprisonment or fine not less than \$1,000 per pet animal nor more than \$10,000, or both, pursuant to RCW 16.08.100(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



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### **Animal at Large — RCW 16.24.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant owned or had in his or her possession, charge, or control horses, mules, donkeys, cattle, goats, sheep or swine, and negligently allowed them to run at large at any time or within any territory; contrary to Revised Code of Washington 16.24.090.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 16.24.090 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Herd Livestock Over Road — RCW 16.24.070**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant herded or moved livestock over, along, or across the right-of-way of a public highway, or portion thereof, within a stock restricted area, without having in attendance a sufficient number of persons to control the movement of the livestock or warn or otherwise protect vehicles traveling upon such public highway from any danger from the livestock; contrary to Revised Code of Washington 16.24.070.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 16.24.070 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Livestock at Large — RCW 16.24.065(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own or was in control of livestock and willfully or negligently allowed such livestock to run at large in any stock restricted area or to wander or stray upon the right-of-way of any public highway lying within a stock restricted area when not in charge of some person; contrary to Revised Code of Washington 16.24.065(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 16.24.040 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Removal of Microchip in Horse — RCW 16.57.405**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to defraud a subsequent purchaser, did remove or caused to be removed a microchip implanted in a horse, and/or did remove or cause to be removed a microchip from one horse and implanted or caused it to be implanted in another horse; contrary to Revised Code of Washington 16.57.405.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 16.57.405 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Theft of Livestock 1— RCW 9A.56.080(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant willfully took, led, transported away, concealed, withheld, slaughtered, or appropriated to the Defendant's own use a (specify type of animal) with intent to sell or exchange and to deprive or defraud (insert the name of the owner), the owner of the animal; contrary to Revised Code of Washington 9A.56.080(1).

(Maximum Penalty — Ten (10) years imprisonment or fine of \$2,000 to \$20,000, or both, pursuant to RCW 9A.56.080(2), RCW 9A.56.085, and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

### **Theft of Livestock 2 — For Crimes Committed Prior to July 1, 2004 — RCW 9A.56.080(2) (Laws of 1986, ch. 257, § 32)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant willfully took, led, transported away, concealed, withheld, slaughtered, or appropriated to the Defendant's own use a (specify type of animal) with intent to deprive or defraud (insert the name of the owner), the owner of the animal; contrary to Revised Code of Washington 9A.56.080(2).

(Maximum Penalty — Five (5) years imprisonment or fine of \$2,000 to \$10,000, or both, pursuant to RCW 9A.56.080(2), RCW 9A.56.085, and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Theft of Livestock 2 — For Crimes Committed On or After July 1, 2004 — RCW 9A.56.083  
(Laws of 2003, ch. 53, § 75)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant willfully took, led, transported away, concealed, withheld, slaughtered, or appropriated to the Defendant's own use a (specify type of animal) with intent to deprive or defraud (insert the name of the owner), the owner of the animal; contrary to Revised Code of Washington 9A.56.083(1).

(Maximum Penalty — Five (5) years imprisonment or fine of \$2,000 to \$10,000, or both, pursuant to RCW 9A.56.083(2), RCW 9A.56.085, and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Trading in Nonambulatory Livestock— For Crimes Committed On or After March 31, 2004  
– RCW 16.52.225(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly transport lie nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock, and/or did knowing accept delivery of any nonambulatory livestock from any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock; contrary to Revised Code of Washington 16.52.225(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 16.52.225(1) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Transporting or Confining Animal in Unsafe Manner — RCW 16.52.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully transport or confine or cause to be transported or confined a domestic animal or animals in a manner, posture or confinement that did jeopardize the safety of the animal or the public; contrary to Revised Code of Washington 16.52.080.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 16.52.080 and RCW 9.92.030, plus restitution, assessments and court costs.)

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## **Harming a Police or Accelerant Detection Dog — RCW 9A.76.200**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant maliciously injured and/or disabled and/or shot and/or killed a police dog or accelerant detection dog when the Defendant knew or had reason to know that the dog was a police dog or accelerant detection dog; contrary to Revised Code of Washington 9A.76.200.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.76.200(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

## **Harming a Police Horse — For Crimes Committed On or After July 27, 2003 — RCW 9A.76.200 (Laws of 2003, ch. 269, § 1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant maliciously injured and/or disabled and/or shot and/or killed a police horse when the Defendant knew or had reason to know that the horse was a police horse; contrary to the Revised Code of Washington 9A.76.200 (Laws of 2003, ch. 269, § 1).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.76.200(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

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### **Acts Against an Animal Facility — RCW 9.08.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without authorization, did knowingly take, release, destroy, contaminate, or damage any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; and/or without authorization, did knowingly destroy or damage any records, equipment, research product, or other thing pertaining to such animal or animals; contrary to Revised Code of Washington 9.08.090.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.08.090 and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Conceal ID of Pet — RCW 9.08.070(1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to deprive or defraud the owner thereof, concealed the identity of any pet animal or its owner by obscuring, altering, or removing from the pet animal any collar, tag, license, tattoo, or other identifying device or mark; contrary to Revised Code of Washington 9.08.070(1)(b).

(Maximum Penalty—One (1) year in jail or fine not less than \$500 per pet animal nor more than \$5,000, or both, pursuant to RCW 9.08.070(1) and 9.92.020, plus restitution, assessments and court costs.)

### **Kill/Injure Pet — RCW 9.08.070(1)(c)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to deprive or defraud the owner thereof, did willfully or recklessly killed or injured any pet animal; contrary to Revised Code of Washington 9.08.070(1)(c).

(Maximum Penalty—One (1) year in jail or fine not less than \$500 per pet animal nor more than \$5,000, or both, pursuant to RCW 9.08.070(1) and 9.92.020, plus restitution, assessments and court costs.)

**Receive Pet for Research — For Crimes Committed On or After July 1, 2004 — RCW 9.08.072(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, received a pet animal that the Defendant knew or had reason to know had been stolen or fraudulently obtained; contrary to Revised Code of Washington 9.08.072(1).

(Maximum Penalty — First Offense — One (1) year in jail or fine not less than \$500 per pet animal nor more than \$5,000, or both, pursuant to RCW 9.08.072(2) and 9A.20.021(2), plus restitution, assessments and court costs.)

(Maximum Penalty — Second or Subsequent Offense — Five (5) years imprisonment or fine not less than \$1,000 per pet animal and not more than \$10,000, or both, pursuant to RCW 9.08.072(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Receive Pet for Research — For Crimes Committed Prior to July 1, 2004 — RCW 9.08.070(2)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to sell to a research institution in the state of Washington, or sell or otherwise directly transfer to a research institution in the state of Washington, received a pet animal that the Defendant knew or had reason to know had been stolen or fraudulently obtained; contrary to Revised Code of Washington 9.08.070(2)(a).

(Maximum Penalty — First Offense — One (1) year in jail or fine not less than \$500 per pet animal nor more than \$5,000, or both, pursuant to RCW 9.08.070(2)(b) and 9A.20.021(2), plus restitution, assessments and court costs.)

(Maximum Penalty — Second or Subsequent Offense — Five (5) years imprisonment or fine not less than \$1,000 per pet animal and not more than \$10,000, or both, pursuant to RCW 9.08.070(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Sell Pet for Research — For Crimes Committed On or After July 1, 2004 — RCW 9.08.074**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowing or having reason to know that a pet animal had been stolen or fraudulently obtained, sold or otherwise transferred the pet animal to another who the Defendant knew or had reason to know had previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington; contrary to Revised Code of Washington 9.08.074(1).

(Maximum Penalty — Five (5) years imprisonment or fine of not less than \$1,000 per pet animal and not more than \$10,000, or both, pursuant to RCW 9.08.074(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Sell Pet for Research — For Crimes Committed Prior to July 1, 2004 — RCW 9.08.070(3)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowing or having reason to know that a pet animal had been stolen or fraudulently obtained, sold or otherwise transferred the pet animal to another who the Defendant knew or had reason to know had previously sold a stolen or fraudulently obtained pet animal to a research institution in the state of Washington; contrary to Revised Code of Washington 9.08.070(3)(a).

(Maximum Penalty — Five (5) years imprisonment or fine of not less than \$1,000 per pet animal and not more than \$10,000, or both, pursuant to RCW 9.08.070(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Taking a Pet — RCW 9.08.070(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to deprive or defraud the owner thereof, took, led away, confined, secreted or converted any pet animal with a value of \$250.00 or less; contrary to Revised Code of Washington 9.08.070(1)(a).

(Maximum Penalty-One (1) year in jail or fine not less than \$500 per pet animal nor more than \$5,000, or both, pursuant to RCW 9.08.070(1) and 9.92.020, plus restitution, assessments and court costs.)

**USDA Dealer-Sold Pet for Research — For Crimes Committed On or After July 1, 2004 — RCW 9.08.076**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant was a U.S.D.A. licensed dealer and received with intent to sell, or sold or transferred directly or through a third party, to a research institution in the state of Washington, a pet animal that the Defendant knew or had reason to know had been stolen or fraudulently obtained; contrary to Revised Code of Washington 9.08.076(1).

(Maximum Penalty — Five (5) years imprisonment or fine not less than \$1,000 per pet animal nor more than \$10,000, or both, pursuant to RCW 9.08.076(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**USDA Dealer-Sold Pet for Research — For Crimes Committed Prior to July 1, 2004 — RCW 9.08.070(4)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant was a U.S.D.A. licensed dealer and received with intent to sell, or sold or transferred directly or through a third party, to a research institution in the state of Washington, a pet animal that the Defendant knew or had reason to know had been stolen or fraudulently obtained; contrary to Revised Code of Washington 9.08.070(4)(a).

(Maximum Penalty — Five (5) years imprisonment or fine not less than \$1,000 per pet animal nor more than \$10,000, or both, pursuant to RCW 9.08.070(4)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Intentional Injury to a Dog Guide or Service Animal — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.170(3) (Laws of 2001, ch. 112, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant intentionally injured, disabled, or caused the death of a dog guide or service animal; contrary to Revised Code of Washington 9.91.170(3).

(Maximum Penalty — Five (5) years imprisonment or fine of \$10,000, or both, pursuant to RCW 9.91.170(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Intentional Injury to a Dog Guide or Service Animal — For Crimes Committed On or After July 1, 2004 – RCW 9.91.170(5) (Laws of 2003, ch. 53, § 52)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant intentionally injured, disabled, or caused the death of a dog guide or service animal; contrary to Revised Code of Washington 9.91.170(5).

(Maximum Penalty — Five (5) years imprisonment or fine of \$10,000, or both, pursuant to RCW 9.91.170(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Interfering With Dog Guide or Service Animal (Animal) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.170(1)(b) (Laws of 2001, ch. 112, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with reckless disregard, allowed his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal; contrary to Revised Code of Washington 9.91.170(1)(b).

(Maximum Penalty — First Offense — Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.91.170(1)(b) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

(Maximum Penalty — Second or Subsequent Offense — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(1)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Interfering With Dog Guide or Service Animal (Animal) — For Crimes Committed On or After July 1, 2004 – RCW 9.91.170(2) (Laws of 2003, ch. 53, § 52)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with reckless disregard, allowed his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal; contrary to Revised Code of Washington 9.91.170(2).

(Maximum Penalty — First Offense — Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.91.170(2)(a) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

(Maximum Penalty — Second or Subsequent Offense — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(2)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Interfering With Dog Guide or Service Animal (Person) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.170(1)(a) (Laws of 2001, ch. 112, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having received notice that his or her behavior is interfering with the use of a dog guide or service animal, continued with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service; contrary to Revised Code of Washington 9.91.170(1)(a).

(Maximum Penalty — First Offense — Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.91.170(1)(a) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

(Maximum Penalty — Second or Subsequent Offense — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(1)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Interfering With Dog Guide or Service Animal (Person) — For Crimes Committed On or After July 1, 2004 – RCW 9.91.170(1)(a) (Laws of 2003, ch. 53, § 52)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having received notice that his or her behavior is interfering with the use of a dog guide or service animal, continued with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service; contrary to Revised Code of Washington 9.91.170(1)(a).

(Maximum Penalty — First Offense — Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.91.170(1)(a) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

(Maximum Penalty — Second or Subsequent Offense — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(1)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Reckless Injury to a Dog Guide or Service Animal (Animal) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.170(2)(b) (Laws of 2001, ch. 112, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with reckless disregard, allowed his or her dog to injure, disable, or cause the death of a dog guide or service animal; contrary to Revised Code of Washington 9.91.170(2)(b).

(Maximum Penalty — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(2)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Reckless Injury to a Dog Guide or Service Animal (Animal) — For Crimes Committed On or After July 1, 2004 – RCW 9.91.170(4) (Laws of 2003, ch. 53, § 52)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with reckless disregard, allowed his or her dog to injure, disable, or cause the death of a dog guide or service animal; contrary to Revised Code of Washington 9.91.170(4).

(Maximum Penalty — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(4) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Reckless Injury to a Dog Guide or Service Animal (Person) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.170(2)(a) (Laws of 2001, ch. 112, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with reckless disregard, injured, disabled, or caused the death of a dog guide or service animal; contrary to Revised Code of Washington 9.91.170(2)(a).

.(Maximum Penalty — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(2)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Reckless Injury to a Dog Guide or Service Animal (Person) — For Crimes Committed On or After July 1, 2004 – RCW 9.91.170(3) (Laws of 2003, ch. 53, § 52)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with reckless disregard, injured, disabled, or caused the death of a dog guide or service animal; contrary to Revised Code of Washington 9.91.170(3).

.(Maximum Penalty — One year in jail or \$5,000 fine, or both, pursuant to RCW 9.91.170(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Theft in the First Degree (Guide Dog) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.170(4) (Laws of 2001, ch. 112, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant wrongfully obtained or exerted unauthorized control

over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal; contrary to Revised Code of Washington 9.91.170(4).

(Maximum Penalty — Ten (10) years or \$20,000 fine, or both, pursuant to RCW 9.91.170(4), RCW 9A.56.030(2), and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

**Theft in the First Degree (Guide Dog) — For Crimes Committed On or After July 1, 2004 – RCW 9.91.170(6) (Laws of 2003, ch. 53, § 52)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant wrongfully obtained or exerted unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal; contrary to Revised Code of Washington 9.91.170(6).

(Maximum Penalty — Ten (10) years or \$20,000 fine, or both, pursuant to RCW 9.91.170(6), RCW 9A.56.030(2), and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

**ARSON, RECKLESS BURNING AND OTHER  
FIRE RELATED OFFENSES**

**ARSON**

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**Arson in the First Degree — RCW 9A.48.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and maliciously cause a fire or explosion which was manifestly dangerous to human life, and/or which damaged a dwelling, and/or in a building in which there was at the time a human being who was not a participant in the crime, and/or on property valued at \$10,000 or more with intent to collect insurance proceeds; contrary to Revised Code of Washington 9A.48.020(1).

(Maximum Penalty — life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.48.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Arson in the Second Degree —RCW 9A.48.030(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and maliciously cause a fire or explosion which damaged a building or any structure or erection appurtenant to or joining any building and/or damaged an automobile or other motor vehicle and/or damaged any property, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9A.48.030(1).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.48.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

## RECKLESS BURNING

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### **Reckless Burning in the First Degree — RCW 9A.48.040(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recklessly damage a building or other structure or any vehicle by knowingly causing a fire or explosion, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9A.48.040(1).

(Maximum Penalty —Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.48.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Reckless Burning in the Second Degree — RCW 9A.48.050(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause a fire or explosion, whether on his or her own property or that of another, and thereby recklessly placed any building or other structure, or vehicle, railway, aircraft, watercraft, hay, grain, crop, or timber, whether cut or standing, in danger of destruction or damage; contrary to Revised Code of Washington 9A.48.050(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.48.050(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **Failure to Extinguish Campfire — RCW 76.04.700**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, upon leaving a camping ground, did fail to extinguish any fires started by the Defendant; contrary to Revised Code of Washington 76.04.700. (Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 76.04.075, RCW 76.04.085, and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Failure to Obtain Burning Permit — RCW 76.04.205**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to obtain a valid written burning permit from the Washington State Department of Natural Resources or its authorized representatives prior to burning (1) any flammable material on any lands under the protection of the Washington State Department of Natural Resources and/or (2) refuse or waste forest material on forest lands protected by the Washington State Department of Natural Resources; contrary to Revised Code of Washington 76.04.205(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 76.04.075, 76.04.085, and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Negligently Allowing Fire to Spread — RCW 76.04.730**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did negligently allow a fire originating on the Defendant's property to spread to the property of another; contrary to Revised Code of Washington 76.04.730.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 76.04.075, RCW 76.04.085, and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Reckless Burning — RCW 76.04.740**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly cause a fire or explosion and did thereby place forest lands in danger of destruction or damage; contrary to Revised Code of Washington 76.04.740(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 76.04.740(4) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Smoking in Forrest During Closed Season — RCW 76.04.455(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, during the closed season, did smoke any flammable material when in forest or brush areas and was not on a road, cleared landing, gravel pit, or any similar area free of flammable material; contrary to Revised Code of Washington 76.04.455(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 76.04.075, RCW 76.04.085, and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Sounding False Fire Alarm — RCW 9.40.100**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully and without having reasonable grounds for believing a fire existed send, give, transmit, or sound any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone; contrary to Revised Code of Washington 9.40.100.

(Maximum Penalty—Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 9.40.100 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Tampering with Fire Alarm or Fire Fighting Equipment — RCW 9.40.100**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully and without cause tamper with, molest, injure or break any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment; contrary to Revised Code of Washington 9.40.100(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 9.40.100(1) and RCW 9.92.030, plus restitution, assessments and court costs.)



**Tampering with Fire Alarm or Fire Fighting Equipment With The Intent To Commit Arson  
— For Crimes Committed On or After July 1, 2004 – RCW 9.40.115**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to commit arson, did willfully and without cause tamper with, molest, injure or break any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment; contrary to Revised Code of Washington 9.40.115.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9.40.115 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Throw Away Lighted Materials — RCW 76.04.455(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, during the closed season, did throw away any lighted tobacco, cigars, cigarettes, matches, fireworks, charcoal, or other lighted material and/or did discharge any tracer or incendiary ammunition in any forest, brush, range, or grain areas; contrary to Revised Code of Washington 76.04.455(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 76.04.075, RCW 76.04.085, and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Unlawful Possession of Incendiary Device — RCW 9.40.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did possess, manufacture or dispose of an incendiary device, knowing the device was an incendiary device; contrary to Revised Code of Washington 9.40.120.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9.40.120 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Wilful setting of fire — RCW 76.04.710**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did wilfully start a fire, on the Defendant's land or the land of another, whereby forest lands or the property of another is endangered, and the Defendant's conduct does not amount to arson in either the first or second degree or reckless burning in either the first or second degree; contrary to Revised Code of Washington 76.04.710.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 76.04.075, RCW 76.04.085, and RCW 9A.20.021(3), plus restitution, assessments and court costs.)



# ASSAULT, DRIVE-BY SHOOTING, AND RECKLESS ENDANGERMENT

## ASSAULT

The word "assault" is not defined in Washington. Courts, therefore, turn to the common law definition. This definition establishes that an assault is an "intentional" act. Case law is inconsistent on whether an information charging assault that does not specifically include the mens rea of "intent" is defective or whether "intent" is conveyed by the word assault. *Compare State v. Robinson*, 58 Wn. App. 599, 606-07, 794 P.2d 1293 (1990), *review denied*, 116 Wn.2d 1003 (1991) (complaint charging fourth degree assault was defective for not specifically mentioning the element of intent), *with State v. Taylor*, 140 Wn.2d 229, 996 P.2d 571 (2000) ("assault" commonly connotes intentional or knowing act; failure to explicitly allege intent not fatal under strict construction standard); *State v. Davis*, 119 Wn.2d 657, 835 P.2d 1039 (1992) (information charging fourth-degree assault conveyed constitutionally required notification of charge), and *State v. Chaten*, 84 Wn. App. 85, 925 P.2d 631 (1996) ( a charging document asserting an "assault" reasonably includes the element of intent). The suggested charging language for fourth degree assault in this manual includes the element of "intent", and "intent" has been added all assault charges whose statute do not specify a different mens rea. This may have been "overkill" in some respects and counties should determine for themselves whether or not to delete the "intent" language. *See, e.g., State v. Allen*, 67 Wn. App. 824, 829, 840 P.2d 905 (1992) (finding charging language for third degree assault of a police officer that does not include the words "intent" or "intentionally" to be constitutionally adequate).

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A mandatory minimum penalty of five (5) years total confinement without availability of furlough, work release, or other leave of absence from confinement is included in RCW 9.94A.120(4) and RCW 9.94A.570 when the defendant used force or means likely to result in death or intended to kill the victim. As the wording of this mandatory minimum provision varies from the definition of the substantive crime, prosecutors who wish to have the mandatory minimum sentence imposed should plead and prove to the jury the "intended to kill the victim" and/or the "used force or means likely to result in death". In such cases, the information should advise the defendant of the following:

Minimum Penalty—Pursuant to RCW 9.94A.540(1)(b), if the defendant used force or means likely to result in the death or intended to kill the victim, this crime is punishable by no less than five (5) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum five (5) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).

### **Assault in the First Degree — Firearm or Deadly Weapon — RCW 9A.36.011(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to inflict great bodily harm, did assault another person, to wit: (name of person assaulted), with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; contrary to Revised Code of Washington 9A.36.011(1)(a).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.011(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Assault in the First Degree — Administers HIV or Other Destructive or Noxious Substance — RCW 9A.36.011(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to inflict great bodily harm, did administer to, expose to, transmit to or cause to be taken by another person, to wit: (name of person), poison, the human immunodeficiency virus as defined in Chapter 70.24 RCW, or any other destructive or noxious substance; contrary to Revised Code of Washington 9A.36.011(1)(b).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.36.011(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Assault in the First Degree — Inflicts Great Bodily Harm — RCW 9A.36.011(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to inflict great bodily harm, did assault another person, to wit: (name of person assaulted), and did inflict great bodily harm; contrary to Revised Code of Washington 9A.36.011(1)(c).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.36.011(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Assault in the First Degree — Firearm or Other Deadly Weapon and Infliction of Great Bodily Harm — RCW 9A.36.011(1)(a) and (c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to inflict great bodily harm, did assault another person, to wit: (name of person assaulted), with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm and/or did inflict great bodily harm; contrary to Revised Code of Washington 9A.36.011(1)(a) and/or (c).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.011(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

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All second degree assaults with sexual motivation committed On or After September 1, 2001, will be a class A felony.

**Assault in the Second Degree — Intentional Assault/Reckless Infliction of Substantial Bodily Harm — RCW 9A.36.021(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to wit: (name of person assaulted), and thereby did recklessly inflict substantial bodily harm; contrary to Revised Code of Washington 9A.36.021(1)(a).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree — Intentional Assault/Reckless Infliction of Substantial Bodily Harm With Sexual Motivation — RCW 9A.36.021(1)(a) and RCW 9.94A.835 or RCW 13.40.135**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to wit: (name of person assaulted), and thereby did recklessly inflict substantial bodily harm; contrary to Revised Code of Washington 9A.36.021(1)(a); and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles)

(Maximum Penalty — For Offenses Committed Prior to September 1, 2001 — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(Maximum Penalty — For Offenses Committed On or After September 1, 2001 — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree — Unborn Quick Child — RCW 9A.36.021(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally cause substantial bodily harm to an unborn quick child, by intentionally and unlawfully inflicting any injury upon the mother of such child, to wit: (name of mother); contrary to Revised Code of Washington 9A.36.021(1)(b).  
(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree — Deadly Weapon — RCW 9A.36.021(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to wit: (name of person assaulted), with a deadly weapon [optional language — ", to wit: (identify weapon)"]; contrary to Revised Code of Washington 9A.36.021(1)(c).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree — Deadly Weapon With Sexual Motivation — RCW 9A.36.021(1)(c) and RCW 9.94A.835 or RCW 13.40.135**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to wit: (name of person assaulted), with a deadly weapon [optional language — ", to wit: (identify weapon)"]; contrary to Revised Code of Washington 9A.36.021(1)(c); and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles)

(Maximum Penalty — For Offenses Committed Prior to September 1, 2001 — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(Maximum Penalty — For Offenses Committed On or After September 1, 2001 — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree — Poison or Other Destructive or Noxious Substance — RCW 9A.36.021(1)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to inflict bodily harm, did administer to or cause to be taken by another person, to wit: (name of assaulted person), a poison or any other destructive or noxious substance; contrary to Revised Code of Washington 9A.36.021(1)(d).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)



### **Assault in the Second Degree — Intent to Commit a Felony — RCW 9A.36.021(1)(e)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit a felony, did assault another person, to wit: (name of person assaulted); contrary to Revised Code of Washington 9A.36.021(1)(e).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Assault in the Second Degree — Intent to Commit a Felony With Sexual Motivation — RCW 9A.36.021(1)(e) and RCW 9.94A.835 or RCW 13.40.135**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit a felony, did assault another person, to wit: (name of person assaulted); contrary to Revised Code of Washington 9A.36.021(1)(e); and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles)

(Maximum Penalty — For Offenses Committed Prior to September 1, 2001 — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(Maximum Penalty — For Offenses Committed On or After September 1, 2001 — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Assault in the Second Degree — Agony or Torture — RCW 9A.36.021(1)(f)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly inflict bodily harm upon another person, to wit: (name of person assaulted), which by design caused such pain or agony as to be the equivalent of that produced by torture; contrary to Revised Code of Washington 9A.36.021(1)(f).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Assault in the Second Degree — Agony or Torture With Sexual Motivation — RCW 9A.36.021(1)(f) and RCW 9.94A.835 or RCW 13.40.135**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly inflict bodily harm upon another person, to wit: (name of person assaulted), which by design caused such pain or agony as to be the equivalent of that produced by torture; contrary to Revised Code of Washington 9A.36.021(1)(f); and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles)

(Maximum Penalty — For Offenses Committed Prior to September 1, 2001 — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(Maximum Penalty — For Offenses Committed On or After September 1, 2001 — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree—Deadly Weapon and Intentional Assault/Reckless Infliction of Substantial Bodily Harm — RCW 9A.36.021(1)(a) and (c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to wit: (name of person assaulted), and thereby recklessly inflict substantial bodily harm, and/or did intentionally assault another person, to wit: (name of person assaulted) with a deadly weapon [optional language — ", to wit: (describe weapon)"]; contrary to Revised Code of Washington 9A.36.021(1)(a) and/or (c). (Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault in the Second Degree — Deadly Weapon and Intentional Assault/Reckless Infliction of Substantial Bodily Harm With Sexual Motivation — RCW 9A.36.021(1)(a) and (c) and RCW 9.94A.835 or RCW 13.40.135**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to wit: (name of person assaulted), and thereby recklessly inflict substantial bodily harm, and/or did intentionally assault another person, to wit: (name of person assaulted) with a deadly weapon [optional language — ", to wit: (describe weapon)"]; contrary to Revised Code of Washington 9A.36.021(1)(a) and/or (c); and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles)

(Maximum Penalty — For Offenses Committed Prior to September 1, 2001 — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(Maximum Penalty — For Offenses Committed On or After September 1, 2001 — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## Assault in the Third Degree

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Certain assaults are elevated from a misdemeanor to a felony because of the identity of the victim. The case law was split regarding whether an element of these third degree assaults is that the defendant "knew" that the victim was a police officer, nurse, etc. *Compare State v. Brown*, 94 Wn. App. 327, 972 P.2d 112 (1999), *aff'd*, 140 Wn.2d 456, 998 P.2d 321 (2000) (State need not prove that defendant knew the victim officer was "performing his or her official duties" at the time of the assault), *with State v. Allen*, 67 Wn. App. 824, 840 P.2d 905 (1992), *overruled by State v. Brown*, 140 Wn.2d 456, 998 P.2d 321 (2000) ("to convict" or formula instruction on third-degree assault which did not require jury to find defendant knew victim was law enforcement officer engaged in his official duties reversible error), and *State v. Filbeck*, 89 Wn. App. 113, 116-17, 952 P.2d 189 (Div. II 1997) (knowledge that assault victim is officer performing official duties is element of crime).

The Washington Supreme Court resolved the conflict, at least as to law enforcement officers, against the existence of a "knowledge" element. *See State v. Brown*, 140 Wn.2d 456, 998 P.2d 321 (2000). The Washington Supreme Court's analysis in *Brown* should be equally applicable to other alternative means of committing assault in the third degree. Accordingly, the "knowledge" element is not included in the charging language.

### Assault in the Third Degree — Lawful Process or Lawful Apprehension — RCW 9A.36.031(1)(a)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or herself or another person, did assault another, to wit: (name of process server, security officer, or other person who was assaulted); contrary to Revised Code of Washington 9A.36.031(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Assault in the Third Degree — Transit Operator or Driver — RCW 9A.36.031(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a person, to-wit: (name of victim), who was employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company, while said person was performing his or her official duties; contrary to Revised Code of Washington 9A.36.031(1)(b). (Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Assault in the Third Degree — School Bus Driver — RCW 9A.36.031(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a person, to wit: (name of person assaulted), who was employed as a school bus driver, the immediate supervisor of a school bus driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while said person was performing his or her official duties; contrary to Revised Code of Washington 9A.36.031(1)(c). (Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Assault in the Third Degree — Criminal Negligence and Weapon — RCW 9A.36.031(1)(d)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with criminal negligence, did cause bodily harm to another person, to wit: (name of person assaulted), by means of a weapon or other instrument or thing likely to produce bodily harm; contrary to Revised Code of Washington 9A.36.031(1)(d). (Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Assault in the Third Degree — Fire Fighter — RCW 9A.36.031(1)(e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a person, to wit: (name of person assaulted), who was employed as a firefighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district, while said person was performing his or her official duties; contrary to Revised Code of Washington 9A.36.031(1)(e). (Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Assault in the Third Degree — Criminal Negligence and Substantial Pain — RCW 9A.36.031(1)(f)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with criminal negligence, did cause bodily harm accompanied by substantial pain that extended for a period sufficient to cause considerable suffering to another person, to-wit: (name of person assaulted); contrary to Revised Code of Washington 9A.36.031(1)(f).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Assault in the Third Degree — Law Enforcement Officer — RCW 9A.36.031(1)(g)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault, to wit: (name of officer who was assaulted); contrary to Revised Code of Washington 9A.36.031(1)(g).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Assault in the Third Degree — Nurse, Physician, or Health Care Worker — RCW 9A.36.031(1)(h)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a physician, nurse or health care provider who was performing his or her nursing or health care duties at the time of the assault, to wit: (name of person assaulted); contrary to Revised Code of Washington 9A.36.031(1)(h).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.031(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Assault in the Fourth Degree**

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An individual who is convicted of a fourth degree assault committed against a household or family member will lose his or her state right to possess a firearm. *See generally* RCW 9A.41.040(2)(a)(i). An individual who is convicted of a fourth degree assault committed against an "intimate partner" as defined in 18 U.S.C. 921(a)(32) will lose his or her federal right to possess a firearm or ammunition. *See generally* 18 U.S.C. § 922(g)(9). To facilitate federal prosecutions, the United States Attorney for the Western District of Washington has asked that the victim's

relationship to the defendant be included in the charging document, in the change of plea form, and in the judgment and sentence. The change of plea form also needs more information than "I assaulted her".

### **Assault in the Fourth Degree — RCW 9A.36.041**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault another person, to-wit: (name of victim); contrary to Revised Code of Washington 9A.36.041(1).

(Maximum Penalty — One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 9A.36.041(2) and 9A.20.021(2), plus restitution, assessments and court costs.)

### **Custodial Assault**

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Custodial Assault — Community Corrections Officer or Volunteer — RCW 9A.36.100(1)(c) and (d) . . . . . 102

### **Custodial Assault — Juvenile Facilities — RCW 9A.36.100(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a person, to wit: (name of person assaulted), who was a full or part-time staff member or volunteer, an educational personnel, a personal service provider, or a vendor or agent thereof, at a juvenile corrections institution or local juvenile facilities, while said person was performing his or her official duties; contrary to Revised Code of Washington 9A.36.100(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.36.100(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Custodial Assault — Adult Corrections Institution or Local Detention Facility — RCW 9A.36.100(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a person, to wit: (name of person assaulted), who was a full or part-time staff member or volunteer, an educational personnel, a personal service provider, or a vendor or agent thereof, at any adult corrections institution or local detention facility, while said person was performing his or her official duties; contrary to Revised Code of Washington 9A.36.100(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.36.100(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Custodial Assault — Community Corrections Officer or Volunteer — RCW 9A.36.100(1)(c) and (d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally assault a full or part-time community corrections officer while said officer was performing official duties and/or did assault any other full or part-time employee who was employed in a community corrections office while said employee was performing official duties and/or did assault any volunteer who was assisting a community corrections officer or employee at the time of the assault, to wit: (name of person assaulted); contrary to Revised Code of Washington 9A.36.100(1)(c)(i) or (ii), or (d).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.36.100(2) and 9A.20.021(1)(c), plus restitution and assessments.)

**Assault of a Child in the First Degree**

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A mandatory minimum penalty of five (5) years total confinement without availability of furlough, work release, or other leave of absence from confinement is included in RCW 9.94A.120(4) and RCW 9.94A.570 when the defendant used force or means likely to result in death or intended to kill the victim. As the wording of this mandatory minimum provision varies from the definition of the substantive crime, prosecutors who wish to have the mandatory minimum sentence imposed should plead and prove to the jury the "intended to kill the victim" and/or the "used force or means likely to result in death". In such cases, the information should advise the defendant of the following:

Minimum Penalty—Pursuant to RCW 9.94A.540(1)(b), if the defendant used force or means likely to result in the death or intended to kill the victim, this crime is punishable by no less than five (5) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum five (5) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).



**Assault of a Child in the First Degree — Firearm or Deadly Weapon — RCW 9A.36.120(1)(a) and RCW 9A.36.011(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person of eighteen years age or older, with intent to inflict great bodily harm, did assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; contrary to Revised Code of Washington RCW 9A.36.120(1)(a) and RCW 9A.36.011(1)(a).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.120(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the First Degree — Administers HIV or Other Destructive or Noxious Substance — RCW 9A.36.120(1)(a) and RCW 9A.36.011(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person of eighteen years age or older, with intent to inflict great bodily harm, did administer to expose to, transmit to or cause to be taken by a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, poison, the human immunodeficiency virus as defined in Chapter 70.24 RCW, or any other destructive or noxious substance; contrary to Revised Code of Washington 9A.36.120(1)(a) and 9A.36.011(1)(b).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.120(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the First Degree — Inflicts Great Bodily Harm — RCW 9A.36.120(1)(a) and RCW 9A.36.011(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least eighteen (18) years of age, with intent to inflict great bodily harm, did assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, and did inflict great bodily harm; contrary to Revised Code of Washington 9A.36.120(1)(a) and RCW 9A.36.011(1)(c).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.120(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the First Degree — Firearm or Other Deadly Weapon and Infliction of Great Bodily Harm — RCW 9A.36.120(1)(a) and RCW 9A.36.011(1)(a) and (c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least eighteen (18) years of age, with intent to inflict great bodily harm, did assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm and/or did inflict great bodily harm; contrary to Revised Code of Washington 9A.36.120(1)(a) and RCW 9A.36.011(1)(a) and/or (c).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.120(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the First Degree — Substantial Bodily Harm and Pattern or Practice of Assault — RCW 9A.36.120(1)(b)(ii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person of eighteen years age or older, did intentionally assault, a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, and did thereby recklessly inflict great bodily harm; contrary to Revised Code of Washington 9A.36.120(1)(b)(ii).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.120(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the First Degree — Intentional Assault and Reckless Infliction of Great Bodily Harm— RCW 9A.36.120(1)(b)(i)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person of eighteen years age or older, did intentionally assault, a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, and did cause substantial bodily harm, the Defendant having previously engaged in a pattern or practice of either assaulting the child which had resulted in bodily harm that was greater than transient physical pain or minor temporary marks, or causing the child physical pain or agony that was equivalent to that produced by torture; contrary to Revised Code of Washington 9A.36.120(1)(b)(i).

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.36.120(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## Assault of a Child in the Second Degree

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### Assault of a Child in the Second Degree — Intentional Assault/Reckless Infliction of Substantial Bodily Harm — RCW 9A.36.130(1)(a) and RCW 9A.36.021(1)(a)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, did intentionally assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, and thereby did recklessly inflict substantial bodily harm; contrary to Revised Code of Washington 9A.36.130(1)(a) and 9A.36.021(1)(a).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### Assault of a Child in the Second Degree — Deadly Weapon — RCW 9A.36.130(1)(a) and RCW 9A.36.021(1)(c)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, did intentionally assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, with a deadly weapon [optional language — ", to wit: (identify weapon)"]; contrary to Revised Code of Washington 9A.36.130(1)(a) and 9A.36.021(1)(c).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the Second Degree — Poison or Other Destructive or Noxious Substance — RCW 9A.36.130(1)(a) and RCW 9A.36.021(1)(d)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, with intent to inflict bodily harm, did administer to or cause to be taken by a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, a poison or any other destructive or noxious substance; contrary to Revised Code of Washington 9A.36.130(1)(a) and 9A.36.021(1)(d).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the Second Degree — Intent to Commit a Felony — RCW 9A.36.130(1)(a) and RCW 9A.36.021(1)(e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, with intent to commit a felony, did assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years; contrary to Revised Code of Washington 9A.36.130(1)(a) and 9A.36.021(1)(e).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the Second Degree — Agony or Torture — RCW 9A.36.130(1)(a) and RCW 9A.36.021(1)(f)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, did knowingly inflict bodily harm upon a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, which by design caused such pain or agony as to be the equivalent of that produced by torture; contrary to Revised Code of Washington 9A.36.130(1)(a) and 9A.36.021(1)(f).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the Second Degree—Deadly Weapon and Intentional Assault/Reckless Infliction of Substantial Bodily Harm — RCW 9A.36.130(1)(a) and RCW 9A.36.021(a) and (c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, did intentionally assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, and thereby recklessly inflict substantial bodily harm, and/or did intentionally assault a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, with a deadly weapon [optional language — ", to wit: (describe weapon)"]; contrary to Revised Code of Washington 9A.36.130(1)(a) and 9A.36.021(1)(a) and/or (c).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Assault of a Child in the Second Degree — Intentional Assault, Harm Greater Than Transient Physical Pain, and Pattern of Abuse — RCW 9A.36.130(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, then being a person eighteen years of age or older, intentionally assault, a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, and did thereby cause bodily harm that was greater than transient physical pain or minor temporary marks, the defendant having previously engaged in a pattern or practice of either assaulting the child which had resulted in bodily harm that was greater than transient pain or minor temporary marks, or causing the child physical pain or agony that was equivalent to that produced by torture; contrary to Revised Code of Washington 9A.36.130(1)(b).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.36.130(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Assault of a Child in the Third Degree**

Assault of a Child in the Third Degree — Criminal Negligence and Weapon — RCW 9A.36.140(1) and RCW 9A.36.031(1)(d) ..... 108

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### **Assault of a Child in the Third Degree — Criminal Negligence and Weapon — RCW 9A.36.140(1) and RCW 9A.36.031(1)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person of eighteen years of age or older, did, with criminal negligence, cause bodily harm to, with criminal negligence, did cause bodily harm to a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years, by means of a weapon or other instrument or thing likely to produce bodily harm; contrary to Revised Code of Washington 9A.36.140(1) and 9A.36.031(1)(d).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.140(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Assault of a Child in the Third Degree — Criminal Negligence and Substantial Pain — RCW 9A.36.140(1) and 9A.36.031(1)(f)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person of eighteen years of age or older, with criminal negligence, did cause bodily harm accompanied by substantial pain that extended for a period sufficient to cause considerable suffering to a child, to wit: (name of child or child's initials), who at the time of the assault was under the age of thirteen years; contrary to Revised Code of Washington 9A.36.140(1) and 9A.36.031(1)(f).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.36.140(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

## **DRIVE-BY SHOOTING**

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### **Drive-by Shooting — RCW 9A.36.045**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recklessly discharge a firearm as defined in RCW 9A.41.010 in a manner which created a substantial risk of death or serious physical injury to another person, and the discharge was either from a motor vehicle, or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge; contrary to Revised Code of Washington 9A.36.045.

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.36.045(2) and 9A.20.021(1)(b), plus restitution, assessments and court costs.)

## RECKLESS ENDANGERMENT

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An individual who is convicted of reckless endangerment committed against a household or family member will lose his or her state right to carry a firearm. *See generally* RCW 9.41.040(2)(a)(i).

### Reckless Endangerment — RCW 9A.36.050

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recklessly engage in conduct which did create a substantial risk of death or serious physical injury to another person, to wit: (name of victim); contrary to Revised Code of Washington 9A.36.050(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.36.050(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)





# **BAIL JUMPING, FUGITIVE FROM JUSTICE, RESISTING ARREST, ESCAPE, AND PRISON CRIMES**

## **BAIL JUMPING**

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The 2001 Legislature rewrote the bail jumping law. The changes were designed to avoid defendant's arguments that the knowledge part of the "knowingly fail to appear" required proof that the defendant remembered the hearing on the date that the defendant failed to appear, rather than proof that the defendant had been informed at a prior date that a hearing would be held. No longer may a defendant assert a defense of "I forgot." See *State v. Carver*, No. 30078-7-II, \_\_\_ Wn. App.

\_\_\_\_, \_\_\_\_ P.3d \_\_\_\_ (July 7, 2004). The Legislature also codified a defense to the charge of bail jumping for "uncontrollable circumstances".

The suggested charging language has been drafted to comply with *State v. Green*, 101 Wn. App. 885, 6 P.3d 53 (2000), *review denied*, 142 Wn.2d 1018 (2001), which held that the underlying offense is an essential element of bail jumping and that the charging document must advise the defendant of the class of crime in the underlying action. This does not mean, however, that the underlying offense must *See State v. Downing*, No. 28995-4-II, \_\_\_\_ Wn. App. \_\_\_\_, \_\_\_\_ P.3d \_\_\_\_ (June 15, 2004)(defendant may be convicted of bail jumping even if the underlying offense has been dismissed due to constitutional invalidity).

Please be aware that the WPICS for bail jumping are to the former statute.

**Bail Jumping — First Degree Murder Charge — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.170 (Laws of 1983, 1st Ex. Sess., ch. 4, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being held for, charged with, or convicted of murder in the first degree, and having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before a court of this state, to-wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did knowingly fail to appear as required; contrary to former Revised Code of Washington 9A.76.170 (Laws of 1983, 1st Ex. Sess. ch. 4, § 3).

(Maximum Penalty (failure to appear in first degree murder case) — life imprisonment and/or a \$50,000 fine pursuant to former RCW 9A.76.170(2)(a) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Bail Jumping — First Degree Murder Court Appearance — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being held for, charged with, or convicted of murder in the first degree, and having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before a court of this state, to wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did fail to appear as required; contrary to Revised Code of Washington 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty (failure to appear in first degree murder case) — life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.76.170(3)(a) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Bail Jumping — First Degree Murder Service of Sentence — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant being convicted of murder in the first degree, and having been released by court order or admitted to bail with knowledge of the requirement to report to a correctional facility for service of sentence, you failed to surrender for service of sentence as required; contrary to Revised Code of Washington RCW 9A.76.170 (Laws of 2001, ch. 264, § 3). (Maximum Penalty (failure to appear in first degree murder case) — life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.76.170(3)(a) and RCW 9A.20.021(1)(a), plus restitution and assessments.) (If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Bail Jumping — Class A Felony Other Than Murder — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.170 (Laws of 1983, 1st Ex. Sess., ch. 4, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant being held for, charged with, or convicted of a crime, other than murder in the first degree, that is classified as a Class A felony, and having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before a court of this state, to-wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did knowingly fail to appear as required; contrary to former Revised Code of Washington 9A.76.170 (Laws of 1983, 1st Ex. Sess. ch. 4, § 3). (Maximum Penalty (failure to appear in Class A felony case) — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to former RCW 9A.76.170(2)(b) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Bail Jumping — Class A Felony Other Than Murder Court Appearance — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being held for, charged with, or convicted of a crime, other than murder in the first degree, that is classified as a Class A felony, and having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before a court of this state, to wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did fail to appear as required; contrary to Revised Code of Washington 9A.76.170 (Laws of 2001, ch. 264, § 3). (Maximum Penalty (failure to appear in Class A felony case) — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.76.170(3)(b) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Bail Jumping — Class A Felony Other Than Murder Service of Sentence — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being convicted of a crime, other than murder in the first degree, that is classified as a Class A felony, and having been released by court order or admitted to bail with knowledge of the requirement to report to a correctional facility for service of sentence, you failed to surrender for service of sentence as required; contrary to Revised Code of Washington RCW 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty (failure to appear in Class A felony case) — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.76.170(3)(b) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Bail Jumping — Class B Felony — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.170 (Laws of 1983, 1st Ex. Sess., ch. 4, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant being held for, charged with, or convicted of a crime that is classified as a Class B felony, and having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before a court of this state, to-wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did knowingly fail to appear as required; contrary to former Revised Code of Washington 9A.76.170 (Laws of 1983, 1st Ex. Sess. ch. 4, § 3).

(Maximum Penalty (failure to appear in Class B felony case) — Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 9A.76.170(2)(c) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Bail Jumping — Class B Felony Court Appearance — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being held for, charged with, or convicted of a crime that is classified as a Class B felony, and having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before a court of this state, to wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did fail to appear as required; contrary to Revised Code of Washington 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty (failure to appear in Class B felony case) — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.76.170(3)(c) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Bail Jumping — Class B Felony Service of Sentence — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being convicted of a crime that is classified as a Class B felony, and having been released by court order or admitted to bail with knowledge of the requirement to report to a correctional facility for service of sentence, you failed to surrender for service of sentence as required; contrary to Revised Code of Washington RCW 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty (failure to appear in Class B felony case) — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.76.170(3)(c) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Bail Jumping — Class C Felony — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.170 (Laws of 1983, 1st Ex. Sess., ch. 4, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant being held for, charged with, or convicted of a crime that is classified as a Class C felony, and having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before a court of this state, to-wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did knowingly fail to appear as required; contrary to former Revised Code of Washington 9A.76.170 (Laws of 1983, 1st Ex. Sess. ch. 4, § 3).

(Maximum Penalty (failure to appear in Class C felony case) — Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 9A.76.170(2)(c) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Bail Jumping — Class C Felony Court Appearance — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being held for, charged with, or convicted of a crime that is classified as a Class C felony, and having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before a court of this state, to wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did fail to appear as required; contrary to Revised Code of Washington 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty (failure to appear in Class C felony case) — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.76.170(3)(c) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Bail Jumping — Class C Felony Service of Sentence — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being convicted of a crime that is classified as a Class C felony, and having been released by court order or admitted to bail with knowledge of the requirement to report to a correctional facility for service of sentence, you failed to surrender for service of sentence as required; contrary to Revised Code of Washington RCW 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty (failure to appear in Class C felony case) — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.76.170(3)(c) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Bail Jumping — Gross Misdemeanor or Misdemeanor — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.170 (Laws of 1983, 1st Ex. Sess., ch. 4, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant being held for, or charged with, or having been convicted of a crime classified as a gross misdemeanor or misdemeanor, and having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before a court, did knowingly fail to appear before a court of this state, to wit: the \_\_\_\_\_ Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ Cause No. cause no. in previous matter; contrary to former Revised Code of Washington 9A.76.170 (Laws of 1983, 1st Ex. Sess. ch. 4, § 3).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to former RCW 9A.76.170(2)(d) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Bail Jumping — Gross Misdemeanor or Misdemeanor Court Appearance — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being held for, charged with, or convicted of a crime that is classified as a gross misdemeanor or misdemeanor, and having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before a court of this state, to wit: the \_\_\_\_\_ County Superior Court in the case of *State of Washington v. name of defendant*, \_\_\_\_\_ County Cause No. cause no. in previous matter, did fail to appear as required; contrary to Revised Code of Washington 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.76.170(3)(d) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Bail Jumping — Gross Misdemeanor or Misdemeanor Service of Sentence — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.170 (Laws of 2001, ch. 264, § 3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being convicted of a crime that is classified as a gross misdemeanor or misdemeanor, and having been released by court order or admitted to bail with knowledge of the requirement to report to a correctional facility for service of sentence, you failed to surrender for service of sentence as required; contrary to Revised Code of Washington RCW 9A.76.170 (Laws of 2001, ch. 264, § 3).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.76.170(3)(d) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**FUGITIVE FROM JUSTICE**

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**Fugitive From Justice In Another State — RCW 10.88.320**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant is a fugitive from justice in another state, to-wit (name of state), the above-named Defendant, having been charged with the commission of a crime in such other state, did flee from justice; or having been convicted of a crime in such other state, did escape from confinement; or having been convicted of a crime in such other state, did break the terms of his or her bail, probation or parole; and a warrant for the arrest of the above-named Defendant has been issued by a judge or magistrate in such other state; and the above-named Defendant is now present in the County of \_\_\_\_\_, State of Washington; contrary to Revised Code of Washington 10.88.320; and accordingly the above-named Defendant, as a fugitive from justice in another state, should be brought before a judge or magistrate of this state for commitment in the county jail under the provisions of Revised Code of Washington 10.88.

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### Resisting Arrest — RCW 9A.76.040

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally prevent or attempt to prevent a peace officer from lawfully arresting her/him; contrary to Revised Code of Washington 9A.76.040.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.76.040(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## ESCAPE

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The 2001 Legislature made comprehensive changes to the crime of escape. These changes, for the most part, apply to all crimes committed on or after July 1, 2001. Laws of 2001, ch. 264, repealed RCW 72.65.070 and RCW 72.66.060 which dealt with failures to return from furloughs or to work releases. These offenses will now be charged under the regular escape statutes. The 2001 law also codified a single mens rea, that of knowledge, for all escapes. Finally, the law creates an affirmative defense to the charge of escape which should supplant the judicially created defenses. Please be aware that the WPICS for escape may not correctly set forth the elements under the new statute.

For crimes committed prior to July 1, 2001, the law of escape is confusing. Two different mens rea—knowledge and willfulness— have been added by case law. While the state need only prove one of the mens reas in a particular prosecution, determining the correct one to allege requires a careful review of the facts.

"Knowledge" has been explicitly added to first degree escape by the Washington Supreme Court. *See generally State v. Descoteaux*, 94 Wn.2d 31, 35, 614 P.2d 179 (1980) ( the prosecution must show the defendant "*knew* that his actions would result in leaving confinement without permission."). While no case has expressly extended this element to second or third degree assault, the logic of the *Descoteaux* seems equally applicable to those crimes. Thus even though both WPIC 120.31 and 120.36 do not include an element of knowledge, the element has been added to the charges in this manual.

"Willfully" has been added by case law to second and third degree escape when the conduct that the defendant is alleged to have committed is similar to the Title 72 RCW statutes applicable to Department of Correction facilities. *See State v. Hall*, 104 Wn.2d 486, 492-93, 706 P.2d 1074 (1985); to 13A Seth A. Fine, *Washington Practice*, Criminal Law § 1004, at 218 (2d ed. 1998). This higher level of culpability applies mainly to those individuals who fail to return from a pre-trial

furlough or from a furlough granted to a convicted misdemeanor, and to misdemeanor's who fail to return to work release. This higher level of culpability will also apply to convicted felons in those situations where a case does not already require the State to apply the Title 72 RCW crime.

Where appropriate, the "for crimes committed prior to July 1, 2001" charging language will be accompanied by a case law citation that supports the recommended language.

**Escape in the First Degree — Custody or Detention Facility — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.110 (Laws of 1982, 1st Ex. Sess., ch. 47, § 23)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant while being detained pursuant to a conviction of a felony or an equivalent juvenile offense, did knowingly escape from custody or a detention facility; contrary to former Revised Code of Washington 9A.76.110(1) (Laws of 1982, 1st Ex. Sess., ch. 47, § 23).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to former RCW 9A.76.110(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Escape in the First Degree — Work Crew — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.110 (Laws of 1982, 1st Ex. Sess., ch. 47, § 23)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant while being detained pursuant to a conviction of a felony or equivalent juvenile offense, knowingly failed to report for work crew; contrary to former Revised Code of Washington 9A.76.110(1) (Laws of 1982, 1st Ex. Sess., ch. 47, § 23).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to former RCW 9A.76.110(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

Case law support: *State v. Ammons*, 136 Wn.2d 453, 963 P.2d 812 (1998)

**Escape in the First Degree — Home Detention — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.110 (Laws of 1982, 1st Ex. Sess., ch. 47, § 23)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant while being detained pursuant to a conviction of a felony or equivalent juvenile offense, did escape from custody by knowingly leaving home detention without permission; contrary to former Revised Code of Washington 9A.76.110(1) (Laws of 1982, 1st Ex. Sess., ch. 47, § 23).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to former RCW 9A.76.110(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

Case law support: *State v. Parker*, 76 Wn. App. 747, 888 P.2d 167 (1995).

**Escape in the First Degree — Work Release Facility — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.110 (Laws of 1982, 1st Ex. Sess., ch. 47, § 23)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant while being detained pursuant to a conviction of a felony or equivalent juvenile offense, did escape from custody by knowingly leaving a work release facility without permission; contrary to former Revised Code of Washington 9A.76.110(1)(Laws of 1982, 1st Ex. Sess., ch. 47, § 23).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to former RCW 9A.76.110(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

Case law support: *State v. Christian*, 44 Wn. App. 764, 771, 723 P.2d 508 (1986).

**Escape in the First Degree — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.110 (Laws of 2001, ch. 264, § 1)**

Please note that this provision will apply to all individuals who are serving felony sentences who fail to return to work release and/or fail to return from furlough.

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant while being detained pursuant to a conviction of a felony or an equivalent juvenile offense, did knowingly escape from custody or a detention facility; contrary to Revised Code of Washington 9A.76.110(1) (Laws of 2001, ch. 264 § 1).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.76.110(3) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Escape in the Second Degree — Failure to Return from Pre-Trial Furlough or Misdemeanant's Failure to Return from Furlough — For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.120(1)(a) (Laws of 1995, ch. 216, § 15)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully fail to return to the designated place of confinement at the time specified in an order of furlough; contrary to former Revised Code of Washington 9A.76.120(1)(a)(Laws of 1995, ch. 216, § 15).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 9A.76.120(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

Case law support: *State v. Hall*, 104 Wn.2d 486, 492-93, 706 P.2d 1074 (1985).

**Escape in the Second Degree —Charged with Felony and/or Detention Facility — For Crimes Committed Prior to July 1, 2001 — Former 9A.76.120(1)(a) and (b) (Laws of 1995, ch. 216, § 15)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly escape from a detention facility and/or having been charged with a felony, did knowingly escape from custody; contrary to former Revised Code of Washington 9A.76.120(1)(a) and/or (b)(Laws of 1995, ch. 216, § 15).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 9A.76.120(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Escape in the Second Degree —Misdemeanant —Electronic Home Monitoring —For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.120(1)(a) (Laws of 1995, ch. 216, § 15)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did escape from a detention facility by knowingly leaving home detention without permission; contrary to former Revised Code of Washington 9A.76.120(1)(a)(Laws of 1995, ch. 216, § 15).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 9A.76.120(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Escape in the Second Degree —Misdemeanant —Failure to Return to Work Release —For Crimes Committed Prior to July 1, 2001 — Former RCW 9A.76.120(1)(a) (Laws of 1995, ch. 216, § 15)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully fail to return to his designated place of confinement at the time specified; contrary to former Revised Code of Washington 9A.76.120(1)(a)(Laws of 1995, ch. 216, § 15).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 9A.76.120(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

Case law support: *State v. Hall*, 104 Wn.2d 486, 492-94, 706 P.2d 1074 (1985) (to avoid equal protection problems, the same mens rea must be applied to failure to return to a county work release facility as to a DOC work release facility).

**Escape in the Second Degree — Sexually Violent Predator — Pre May 14, 2001 — Former RCW 9A.76.120(1)(c) (Laws of 1995, ch. 216, § 15)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant who, having been found to be a sexually violent predator and while under an order of conditional release, did knowingly leave or remain absent from the state of Washington without prior court authorization; contrary to former Revised Code of Washington 9A.76.120(1)(c) (Laws of 1995, ch. 216, § 15)

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to former RCW 9A.76.120(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Escape in the Second Degree — Detention Facility — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.120(1)(a) (Laws of 2001, ch. 264, § 2 and Laws of 2001, ch. 287, § 2)**

Please note that this language would apply to all misdemeanants who fail to return to work release and/or return from furlough, and to misdemeanor electronic home detention.

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly escape from a detention facility; contrary to Revised Code of Washington 9A.76.120(1)(a) (Laws of 2001, ch. 264, § 2 and Laws of 2001, ch. 287, § 2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.76.120(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Escape in the Second Degree — Charged With Felony — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.120(1)(b) (Laws of 2001, ch. 264, § 2 and Laws of 2001, ch. 287, § 2)**

Please note that this language would apply to all pre-trial felony detainee's failure to return from furloughs.

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having been charged with a felony or an equivalent juvenile offense, did knowingly escape; contrary to Revised Code of Washington 9A.76.120(1)(b) (Laws of 2001, ch. 264, § 2 and Laws of 2001, ch. 287, § 2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.76.120(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Escape in the Second Degree — NGI Acquittee — For Crimes Committed On or After July 1, 2001 — RCW 9A.76.120(1)(c) (Laws of 2001, ch. 264, § 2 and Laws of 2001, ch. 287, § 2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant who, having been committed under Chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization; contrary to Revised Code of Washington 9A.76.120(1)(c)(Laws of 2001, ch. 264, § 2 and Laws of 2001, ch. 287, § 2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.76.120(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Escape in the Third Degree — RCW 9A.76.130**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly escape from custody; contrary to Revised Code of Washington 9A.76.130.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.76.130(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Escape from Community Custody — RCW 72.09.310**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, while subject to community custody pursuant to a conviction of a felony, or an equivalent juvenile offense, willfully discontinue making himself or herself available to the Department of Corrections for supervision by making his or her whereabouts unknown or by failing to maintain contact with the department as directed by his or her community corrections officer; contrary to Revised Code of Washington 72.09.310.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 72.09.310 and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Failure to Return to Work Release (Convicted Felon)— For Crimes Committed Prior to July 1, 2001 — RCW 72.65.070**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being approved for placement under a work release plan after having been convicted of a felony, did wilfully fail to return to his designated place of confinement at the time specified; contrary to former Revised Code of Washington 72.65.070.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to former RCW 72.65.070 and RCW 9.92.010, plus restitution and assessments.)

Case law support: *State v. Basford*, 56 Wn. App. 268, 783 P.2d 129 (1989) (statute applies to every convicted felon, even those sentenced to county jails).

**Failure to Return From Furlough (Convicted Felon) — For Crimes Committed Prior to July 1, 2001 — RCW 72.66.060**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while being detained pursuant to a conviction of a felony or equivalent juvenile offense, did wilfully fail to return to the designated place of confinement at the time specified in an order of furlough; contrary to former Revised Code of Washington 72.66.060.

(Maximum Penalty — Ten (10) years imprisonment pursuant to former RCW 72.66.060, plus restitution and assessments.)

Case law support: *State v. Dorn*, 93 Wn. App. 535, 969 P.2d 129, *review denied*, 137 Wn.2d 1035 (1999) (statute governs failure to return from furlough for all convicted felons, even those sentenced to county jails), *contra State v. Kent*, 62 Wn. App. 458, 814 P.2d 1195, *review denied*, 118 Wn.2d 1005 (1991) (RCW 72.66.060 does not apply to felons under control of county). *See also State v. Smeltzer*, 86 Wn. App. 818, 939 P.2d 1235 (1997) (RCW 72.66.060 applies to every felon sentenced to more than one year confinement even if furlough occurs prior to beginning sentence at state institution).

**Sexually Violent Predator Escape From Secure Facility — For Crimes Committed On or After May 14, 2001 — RCW 9A.76.115(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who having been found to be a sexually violent predator and having been confined to the special commitment center or another secure facility under court order, did knowingly escape from the secure facility; contrary to Revised Code of Washington 9A.76.115(1)(a).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.76.115(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(d), this crime is punishable by no less than sixty (60) months mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum sixty (60) month term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Sexually Violent Predator Escape By Leaving the State — For Crimes Committed On or After May 14, 2001 — RCW 9A.76.115(1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who having been found to be a sexually violent predator and while under an order of conditional release, did knowingly leave or remain absent from the state of Washington without prior court authorization; contrary to Revised Code of Washington 9A.76.115(1)(b).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.76.115(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(d), this crime is punishable by no less than sixty (60) months mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum sixty (60) month term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Sexually Violent Predator Escape By Absenting from Residence or Tampering with Electronic Monitoring Device, or Escape from Escort — For Crimes Committed On or After May 14, 2001 — RCW 9A.76.115(1)(c)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who having been found to be a sexually violent predator and while under an order of conditional release, did (i) without authorization, leave or remain absent from his or her residence, place of employment, educational institution or authorized outing; and/or (ii) tamper with his or her electronic monitoring device or remove it without authorization; and/or (iii) knowingly escape from his or her escort; contrary to Revised Code of Washington 9A.76.115(1)(c).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.76.115(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(d), this crime is punishable by no less than sixty (60) months mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum sixty (60) month term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)



## PRISON OFFENSES

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### **Failure to Notify Department of Corrections of Name Change — RCW 4.24.130**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is an offender under the jurisdiction of the department of corrections, did fail to submit a copy of an application for a name change to the department of corrections not fewer than five days before the entry of an order granting the name change, and/or did fail to submit a copy of an order changing his or her name to the department of corrections within five days of the entry of the order; contrary to Revised Code of Washington 4.24.130(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 4.24.130(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Holding Person Hostage — RCW 9.94.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was an inmate in a correctional institution did hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof; contrary to Revised Code of Washington 9.94.030.

(Maximum Penalty — Ten (10) years imprisonment pursuant to RCW 9.94.030, plus restitution, assessments and court costs.)

(Minimum penalty — One (1) year imprisonment pursuant to RCW 9.94.030.)

### **Interference With Correctional Officer's Duties — RCW 9.94.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was an inmate in a correctional institution, did prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, contrary to Revised Code of Washington 9.94.030.

(Maximum Penalty — Ten (10) years imprisonment pursuant to RCW 9.94.030, plus restitution, assessments and court costs.)

(Minimum penalty — One (1) year imprisonment pursuant to RCW 9.94.030.)

### **Introducing Contraband in the First Degree — RCW 9A.76.140**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly provide a deadly weapon to (name of incarcerated person), a person confined in a detention facility; contrary to Revised Code of Washington 9A.76.140(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.76.140(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Introducing Contraband in the Second Degree — RCW 9A.76.150**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully provide contraband, to-wit: (identify contraband), to (name of incarcerated person), a person confined in a detention facility, with intent that such contraband be of assistance in an escape and in the commission of a crime; contrary to Revised Code of Washington 9A.76.150(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.76.150(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Introducing Contraband in the Third Degree — RCW 9A.76.160**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully provide contraband to any person confined in a detention facility; contrary to Revised Code of Washington 9A.76.160.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.76.160(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Persistent Prison Misbehavior — RCW 9.94.070**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was serving a sentence for an offense committed On or After August 1, 1995, and while an inmate of a state correctional institution, did knowingly commit a serious infraction not constituting a Class A or Class B felony, after losing all potential earned early release time credit; contrary to RCW 9.94.070.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.94.070(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possession of a Controlled Substance by a Person Not Serving a Sentence — RCW 9.94.045**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not serving a sentence in a penal institution of this state, without authorization to do so, did knowingly possess or have under his or her control any narcotic drug or controlled substance, on or in the buildings, grounds, or any other real property subject to the care, control, or supervision of a state correctional institution; contrary to Revised Code of Washington 9.94.045.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.94.045 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possession of a Controlled Substance by a Person Serving a Sentence in a State Institution — RCW 9.94.041(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was serving a sentence in a state correctional institution, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, did knowingly possess or carry upon his or her person or have under his or her control any narcotic drug or controlled substance; contrary to Revised Code of Washington 9.94.041(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.94.041(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession of a Controlled Substance by a Person Serving a Sentence in a Local Correctional Institution — RCW 9.94.041(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was confined in a county or local correctional institution, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, did knowingly possess or have under his or her control any narcotic drug or controlled substance; contrary to Revised Code of Washington 9.94.041(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.94.041(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession of a Deadly Weapon by a Person Other than a Prisoner — RCW 9.94.043**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not serving a sentence in a penal institution of this state, without authorization to do so, did knowingly possess or have under his or her control a deadly weapon on or in the buildings or adjacent grounds subject to the care, control, or supervision of a state correctional institution, and such grounds are posted with signs alerting the public that weapons are not allowed; contrary to Revised Code of Washington 9.94.043.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.94.043 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession of a Weapon by a Person Serving a Sentence in a State Institution — RCW 9.94.040(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was serving a sentence in a state correctional institution, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, did knowingly possess or carry upon his or her person or have under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another; contrary to Revised Code of Washington 9.94.040(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.94.040(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution —  
RCW 9.94.040(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was confined in a county or local correctional institution, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, did knowingly possess or have under his or her control a deadly weapon; contrary to Revised Code of Washington 9.94.040(2).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.94.040(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Prison Riot — RCW 9.94.010**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was an inmate in a correctional institution, did assemble with one or more other inmates for any purpose, and by the use of force or violence, or the threat thereof, did act in such a manner as to disturb the good order of the institution and contrary to the commands of the officers of the institution; contrary to Revised Code of Washington 9.94.010.

(Maximum Penalty — Ten (10) years imprisonment pursuant to RCW 9.94.010(2), plus restitution, assessments and court costs.)

(Minimum penalty — One (1) year imprisonment pursuant to RCW 9.94.010(2))



**BOATING AND OTHER RECREATIONAL  
VEHICLES AND ACTIVITIES**

**AIRPLANES**

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**Aircraft Dealer Without a License — First Offense — RCW 14.20.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act as an aircraft dealer without a currently valid aircraft dealer's license issued under Chapter 14.20 RCW; contrary to Revised Code of Washington 14.20.020(1).

(Maximum Penalty for First Offense—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 14.20.020(2)(a), plus restitution, assessments and court costs. In addition the court may prohibit the Defendant from acting as an aircraft dealer for a period of up to one year.)

**Aircraft Dealer Without a License — Second or Subsequent Offense — RCW 14.20.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act as an aircraft dealer without a currently valid aircraft dealer's license issued under Chapter 14.20 RCW, and the Defendant was previously convicted of acting as an aircraft dealer without a currently valid aircraft dealer's license in (name of case ), (court name) cause number. (cause number); contrary to Revised Code of Washington 14.20.020(1).

(Maximum Penalty for Second or Subsequent Offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 14.20.020(2)(b), plus restitution, assessments and court costs. In addition the court may prohibit the Defendant from acting as an aircraft dealer for a period of up to one year.)

## **Careless Operation of an Aircraft — RCW 47.68.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate an aircraft in the air, or on the ground or water, in a careless manner so as to endanger the life or property of another; contrary to Revised Code of Washington 47.68.220.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 47.68.240 and RCW 9A.20.021(2), plus restitution, assessments and court costs. In addition, the court may prohibit the defendant from operating an aircraft within this state for up to one year.)

## **Operating Aircraft While Under the Influence of Intoxicants or Drugs — RCW 47.68.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug; contrary to Revised Code of Washington 47.68.220.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 47.68.240 and RCW 9A.20.021(2), plus restitution, assessments and court costs. In addition, the court may prohibit the defendant from operating an aircraft within this state for up to one year.)

## **Operating an Aircraft Without a License — RCW 47.68.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in aeronautics without possessing an appropriate effective certificate, permit, rating or license issued by the United States authorizing the Defendant to engage in the particular class of aeronautics in the Defendant was engaged; contrary to Revised Code of Washington 47.68.230.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 47.68.240 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## **BOATING**

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### **Eluding a Law Enforcement Vessel — RCW 79A.60.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully fail and refuse to immediately bring his/her vessel to a stop and did operate his/her vessel in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing law enforcement vessel after being given a visual or audible signal to bring the vessel to a stop by a law enforcement officer in uniform, whose vessel was appropriately marked showing it to be an official law enforcement vessel; contrary to Revised Code of Washington 79A.60.090.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 79A.60.090 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Failure to Stop Vessel for Law Enforcement Officer — RCW 79A.60.080**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vessel and wilfully failed to stop when requested and signaled to do so by a person reasonably identifiable as a law enforcement officer; contrary to Revised Code of Washington 79A.60.080.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 79A.60.080 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Insufficient Personal Flotation Devices — RCW 79A.60.160**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or permit the operation of a vessel that was carrying passengers for hire without a serviceable and readily accessible personal flotation device on board for each person on the vessel; contrary to Revised Code of Washington 79A.60.160.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.160(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Negligent Vessel Operation — Repeat Violator — RCW 79A.60.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did operate a vessel in disregard of careful and prudent operation under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters, and during the preceding 365 days the person has committed two infractions for negligent boating; contrary to Revised Code of Washington 79A.60.030.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.030, RCW 79A.60.020(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **No Vessel Registration — RCW 88.02.020**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own or operate a vessel on the waters of this state (1) without having registered the vessel; and/or (2) without having a registration number and a valid decal displayed on the vessel in accordance with Chapter 88.02 RCW; contrary to Revised Code of Washington 88.02.020.

(Maximum Penalty for First Offense in One Year-\$100 per vessel, pursuant to RCW 88.02.110(1), plus restitution, assessments and court costs.)

(Maximum Penalty for Second Offense in One Year-\$250 per vessel, pursuant to RCW 88.02.110(1)(a), plus restitution, assessments and court costs.)

(Maximum Penalty for Third and Subsequent Offenses in One Year-\$400 per vessel, pursuant to RCW 88.02.110(1)(b), plus restitution, assessments and court costs.)

### **Operation of a Vessel Under the Influence of Intoxicating Liquor and/or Drugs — RCW 79A.60.040(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vessel (insert all relevant options from the following list):

- (1) while under the influence of or affected by intoxicating liquor or any drug  
(, and/or)
- (2) while under the combined influence of or affected by intoxicating liquor  
and any drug (, and/or)
- (3) with 0.08 grams or more of alcohol per two hundred ten liters of breath,  
as shown by analysis of his/her breath made under RCW 46.61.506 (, and/or)
- (4) with 0.08 percent or more by weight of alcohol in his/her blood, as shown  
by analysis made under RCW 46.61.506

contrary to Revised Code of Washington 79A.60.040(2).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.040(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Reckless Operation of a Vessel — RCW 79A.60.040(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vessel in a reckless manner; contrary to Revised Code of Washington 79A.60.040(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.040(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Tampering With Vessel Lights or Signals — RCW 79A.60.120**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an operator or owner of a vessel, did endanger the vessel or persons on board the vessel, by showing, masking, extinguishing, altering, or removing any light or signal or by exhibiting any false light or signal; contrary to Revised Code of Washington 79A.60.120.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.120 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Vessel Operator's Failure to Render Assistance — RCW 79A.60.200(3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant was the operator of a vessel involved in a collision that resulted in injury to a person, the Defendant knew or reasonably should have known that a person was injured in the collision, the Defendant could have rendered assistance to the injured person without serious danger to the Defendant's own vessel or to any person aboard the Defendant's own vessel, and the Defendant left the scene of the collision without rendering all practical and necessary assistance to the injured person; contrary to Revised Code of Washington 79A.60.200(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 79A.60.200(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Watercraft Assault — RCW 79A.60.060**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive or operate a vessel and

- (1) in a reckless manner (, and/or)
- (2) while under the influence of or affected by intoxicating liquor or any drug (, and/or)
- (3) while under the combined influence of or affected by intoxicating liquor and any drug (, and/or)
- (4) with 0.08 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his/her breath made under RCW 46.61.506 (, and/or)
- (5) with 0.08 percent or more by weight of alcohol in his/her blood as shown by analysis of his/her blood made under RCW 46.61.506,

and did thereby proximately cause serious bodily injury to another; contrary to Revised Code of Washington 79A.60.060.

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 79A.60.060 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Watercraft Homicide — RCW 79A.60.050**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive or operate a vessel

- (1) while under the influence of or affected by intoxicating liquor or any drug  
(, and/or)
- (2) while under the combined influence of or affected by intoxicating liquor and any drug (, and/or)
- (3) with 0.08 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his/her breath made under RCW 46.61.506 (, and/or)
- (4) with 0.08 percent or more by weight of alcohol in his/her blood, as shown by analysis made under RCW 46.61.506(, and/or)
- (5) with disregard for the safety of others (, and/or)
- (6) in a reckless manner (, and/or),

and did thereby proximately cause the death of another person within three (3) years of such vessel operation; contrary to Revised Code of Washington 79A.60.050.

(Maximum Penalty—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 79A.60.050 and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **NONHIGHWAY VEHICLES**

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### **Hunting from a Nonhighway Vehicle — RCW 46.09.130(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal and/or did hunt from any nonhighway vehicle without a permit allowing same issued by the Director of the Department of Fish and Wildlife under RCW 77.32.237; contrary to Revised Code of Washington 46.09.130(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.09.130 (3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Loaded Weapon on Nonhighway Vehicle — RCW 46.09.130(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did [knowingly] carry, transport, or convey a loaded pistol in a nonhighway vehicle and (a) did not have a license to carry a concealed pistol, and/or (b) did have a license to carry a concealed pistol but did not have the pistol on the licensee's person or the licensee was not within or upon the nonhighway vehicle at all times that the pistol was there or the licensee was away from the nonhighway vehicle and the pistol was not locked within the nonhighway vehicle and concealed from view from outside the nonhighway vehicle; contrary to Revised Code of Washington 46.09.130(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.09.130(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operation of a Nonhighway Vehicle in Manner that Endangers Human Life — RCW 46.09.130(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a nonhighway vehicle in such a way as to endanger human life; contrary to Revised Code of Washington 46.09.130(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.09.130(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operation of a Nonhighway Vehicle While Under the Influence of Intoxicating Liquor or Narcotics or Habit-forming Drugs — RCW 46.09.120**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance; contrary to Revised Code of Washington 46.09.120

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.09.120(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

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### **Furnishing Personal Watercraft to an Underage Person — RCW 79A.60.190(6)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, leased, hired, or rented a personal watercraft to a person under the age of sixteen years; contrary to Revised Code of Washington 79A.60.190(6).  
(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.190(6) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operation of Personal Watercraft By an Underage Person — RCW 79A.60.190(4)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was under the age of fourteen years, operated a personal watercraft on the waters of this state; contrary to Revised Code of Washington 79A.60.190(4).  
(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.190(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operation of Personal Watercraft During Darkness — RCW 79A.60.190(3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a personal watercraft during darkness; contrary to Revised Code of Washington 79A.60.190(3).  
(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.190(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Reckless Operation of a Personal Watercraft — RCW 79A.60.190(5)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a personal watercraft in a reckless manner by recklessly weaving through congested vessel traffic, or recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision, or in some other manner; contrary to Revised Code of Washington 79A.60.190(5).  
(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.190(5) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Removal of Cutoff Switch — RCW 79A.60.190(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant removed or disabled a cutoff switch that was installed by the manufacturer on a personal watercraft; contrary to Revised Code of Washington 79A.60.190(2).  
(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.190(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## SNOWMOBILING

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### Harassing Animals with Snowmobile — RCW 46.10.130(2)

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate any snowmobile in such a way as to run down or harass deer, elk, or any wildlife, or any domestic animal; contrary to Revised Code of Washington 46.10.130(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.10.130(3) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### Loaded Weapon on Snowmobile — RCW 46.10.130(2)

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did carry any loaded weapon upon a snowmobile; contrary to Revised Code of Washington 46.10.130(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.10.130(3) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### Operation of a Snowmobile in a Dangerous Manner — Endanger Human Life — RCW 46.10.130(1)

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate any snowmobile in such a way as to endanger human life; contrary to Revised Code of Washington 46.10.130(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.10.130(3) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Operation of a Snowmobile in a Dangerous Manner — Endanger Person — RCW 46.10.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate any snowmobile so as to endanger the person of another; contrary to Revised Code of Washington 46.10.090.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.10.090 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Operation of a Snowmobile While Under the Influence of Intoxicating Liquor or Narcotics or Habit-forming Drugs — RCW 46.10.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate any snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs; contrary to Revised Code of Washington 46.10.090.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.10.090 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **SNOW SKIING**

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### **Leaving Scene of Skiing Accident — RCW 79A.45.050(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant was involved in a skiing accident and departed from the scene of the accident without leaving personal identification or otherwise clearly identifying himself or herself before notifying the proper authorities or obtaining assistance, knowing that any other person involved in the accident was in need of medical or other assistance; contrary to Revised Code of Washington 79A.45.050(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.45.050(1) and RCW 9.92.030, plus restitution, assessments and court costs.)



## **WATER SKIING**

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### **Water Skiing During Darkness — RCW 79A.60.170(5)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise; contrary to Revised Code of Washington 79A.60.170(5).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.170(5) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Reckless Water Skiing — RCW 79A.60.170(6)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant engaged in water skiing either as operator, observer, or skier, in a reckless manner that willfully or wantonly endangers, or is likely to endanger, any person or property; contrary to Revised Code of Washington 79A.60.170(6).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.170(6) and RCW 9.92.030, plus restitution, assessments and court costs.)

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**Allowing Use of Alcohol on Vessels Carrying Passengers for Hire on Whitewater Rivers — RCW 79A.60.450(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a whitewater river outfitter or guide on a vessel carrying passengers for hire on whitewater rivers of the state, allowed the use of alcohol during the course of a trip on a whitewater river section in this state; contrary to Revised Code of Washington 79A.60.450(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.450(1), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

**Failure to Yield Right of Way on Whitewater Rivers — RCW 79A.60.460**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a vessel carrying passengers for hire on whitewater rivers and, while proceeding upstream, did not yield the right of way to a vessel proceeding downstream and/or while proceeding downstream in a motorized craft, did not yield the right of way to a vessel proceeding downstream not under power; contrary to Revised Code of Washington 79A.60.460.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.460, RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

**Negligent Operation of a Vessel Carrying Passengers for Hire on Whitewater Rivers — RCW 79A.60.440(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a vessel carrying passengers for hire on whitewater rivers at a speed that endangered the life, limb, or property of any person; contrary to Revised Code of Washington 79A.60.440(2).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.440(2), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

**Operation of Vessel Carrying Passengers for Hire on Whitewater Rivers Without Accompanying Vessel — RCW 79A.60.450(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a vessel carrying passengers for hire on any whitewater river section in this state without be accompanied by at least one other vessel being operated by a licensed whitewater river outfitter or a guide under the direction or control of a licensed whitewater river outfitter; contrary to Revised Code of Washington 79A.60.450(2).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.450(2), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Overloaded Vessel Carrying Passengers for Hire on Whitewater Rivers — RCW 79A.60.440(3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a vessel carrying passengers for hire on whitewater rivers at a speed that was loaded with passengers or cargo beyond its safe carrying capacity; contrary to Revised Code of Washington 79A.60.440(3).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.440(3), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlicensed Whitewater River Outfitter — RCW 79A.60.480**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not licensed by the Department of Licensing as a white water river outfitter, advertised or represented himself or herself as a white water river outfitter; contrary to Revised Code of Washington 79A.60.480.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 79A.60.480 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Unqualified Whitewater Guide — RCW 79A.60.430(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant acted as a guide on a vessel carrying passengers for hire on whitewater rivers when the Defendant was less than eighteen years of age and/or when the Defendant had not completed a lifesaving training course that met the standards adopted by the state parks and recreation commission and/or when the Defendant had not completed a fifty-hour program of guide training on whitewater rivers that included the following elements (i) Equipment preparation and boat rigging, (ii) Reading river characteristics including currents, eddies, rapids, and hazards, (iii) Methods of scouting and running rapids, (iv) River rescue techniques, including emergency procedures and equipment recovery, and (v) Communications with clients, including paddling and safety instruction, and/or at a time when the Defendant had not completed at least one trip on the section of whitewater river before carrying passengers for hire in a vessel on such section of whitewater river; contrary to Revised Code of Washington 79A.60.430(2).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.430(2), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Vessel Carrying Passengers for Hire on Whitewater Rivers Interfering With Navigation — RCW 79A.60.440(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a vessel carrying passengers for hire on whitewater rivers in a manner that interferes with other vessels or with the free and proper navigation of the rivers of this state; contrary to Revised Code of Washington 79A.60.440(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.440(1), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Whitewater River Outfitter Safety Violations — RCW 79A.60.430(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a licensed whitewater river outfitter, did carry passengers for hire on whitewater rivers in this state, and did not ensure at the beginning of the trip that (a) any inflatable vessel utilized had three or more separate air chambers, and/or (b) all passengers were wearing a securely fastened United States coast guard-approved type V personal flotation device of the proper size, and that all guides are wearing a securely fastened United States coast guard-approved type III or type V personal flotation device, and/or (c) a spare United States coast guard-approved type III or type V personal flotation device in good repair is accessible to all vessels on each trip, and/or (d) each vessel has on it a bagged throwable line with a floating line and bag, and/or (e) each vessel has accessible an adequate first-aid kit, and/or (f) each vessel has a spare propelling device, and/or (g) a repair kit and air pump are accessible to inflatable vessel, and/or (h) equipment to prevent and treat hypothermia is accessible to all vessels on a trip, and/or (i) each vessel is operated by a guide who has satisfied all of the requirements of RCW 79A.60.430(2); contrary to Revised Code of Washington 79A.60.430(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.60.430(1), RCW 79A.60.420, and RCW 9.92.030, plus restitution, assessments and court costs.)

## **BOMBS, EXPLOSIVES, AND FIREWORKS**

### **BOMBS AND EXPLOSIVES**

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#### **Abandonment of Explosives — RCW 70.74.295**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_,  
State of Washington, the above-named Defendant abandoned explosives or improvised devices;  
contrary to Revised Code of Washington 70.74.295.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.74.295 and RCW 9A.20.021 (2),  
plus restitution, assessments and court costs.)

#### **Failure to Mark Explosive Containers — RCW 70.74.300**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_,  
State of Washington, the above-named Defendant, put up for sale, or delivered to any  
warehouseman, dock, depot, or common carrier any package, cask or can containing any explosive,  
nitroglycerin, dynamite, or powder, that was not properly labeled to indicate its explosive  
classification; contrary to Revised Code of Washington 70.74.300.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.74.300 and RCW 9.92.020, plus  
restitution, assessments and court costs.)

### **Intimidation or Harassment with an Explosive — RCW 70.74.275**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to intimidate or harass a person, did harass a person by exhibiting a device designed, assembled, fabricated, or manufactured, to convey the appearance of an explosive or improvised device; contrary to Revised Code of Washington 70.74.275.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 70.74.275 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Explosion of a Substance in the First Degree — RCW 70.74.280(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to commit a terrorist act, did maliciously destroy or damage any building, car, airplane, vessel, common carrier, railroad track, or public utility transmission system or structure by the explosion of gunpowder or any other explosive substance or material; contrary to Revised Code of Washington 70.74.280(1).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 70.74.280(1) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Malicious Explosion of a Substance in the Second Degree — RCW 70.74.280(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously destroy or damage any building, car, airplane, vessel, common carrier, railroad track, or public utility transmission system or structure by the explosion of gunpowder or any other explosive substance or material and thereby did endanger the life or safety of any human being; contrary to Revised Code of Washington 70.74.280(2).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 70.74.280(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Malicious Explosion of a Substance in the Third Degree — RCW 70.74.280(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously destroy or damage any building, car, airplane, vessel, common carrier, railroad track, or public utility transmission system or structure by the explosion of gunpowder or any other explosive substance or material; contrary to Revised Code of Washington 70.74.280(3).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.74.280(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Placement of an Explosive in the First Degree —RCW 70.74.270(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to commit a terrorist act, did maliciously place an explosive or improvised device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure it if exploded.

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 70.74.270(1) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Malicious Placement of an Explosive in the Second Degree — RCW 70.74.270(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously place an explosive or improvised device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure it if exploded, and the circumstances and surroundings were such that the safety of any person might have been endangered by the explosion.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.74.270(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Placement of an Explosive in the Third Degree— RCW 70.74.270(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously placed an explosive or improvised device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure it if exploded.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.74.270(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Placement of an Imitation Device in the First Degree — RCW 70.74.272(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to commit a terrorist act, did maliciously place any imitation device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, with the intent to give the appearance or impression that the imitation device is an explosive or improvised device; contrary to Revised Code of Washington 70.74.272(1)(a).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 70.74.272(1)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Placement of an Imitation Device in the Second Degree — RCW 70.74.272(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously place any imitation device in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, with the intent to give the appearance or impression that the imitation device is an explosive or improvised device, contrary to Revised Code of Washington 70.74.272(1)(b). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 70.74.272(1)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possession of Bomb or Explosive Device With Intent to Use for Unlawful Purpose —RCW 70.74.180**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have in his or her possession or control a shell, bomb, or similar device, charged or filled with one or more explosives, intending to use it or cause it to be used for an unlawful purpose; contrary to Revised Code of Washington 70.74.180.

(Maximum Penalty— - twenty (20) years imprisonment pursuant to RCW 70.74.180, plus restitution and assessments.)  
(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Possession of Explosives Without a License — RCW 70.74.022**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did manufacture, purchase, sell, offer for sale, use, possess, transport, or store any explosive, improvised device, or components that are intended to be assembled into an explosive or improvised device without having a validly issued license from the Department of Labor and Industries, or while a license issued by the Department of Labor and Industries was revoked or suspended; contrary to Revised Code of Washington 70.74.022(1).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 70.74.022(1) and 9A.20.021(1)(c), plus restitution and assessments.)



### **Possession or Unlawful Use of Gas Bomb, Explosive or Stink Bomb — RCW 70.74.310**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did deposit, leave, place, spray, scatter, spread or throw in any building, or any place, or did counsel, aid, assist, encourage, incite or direct any other person or persons to deposit, leave, place, spray, scatter, spread or throw, in any building or place, or did have in his or her possession for the purpose of, and with the intent of depositing, leaving, placing, spraying, scattering, spreading or throwing, in any building or place, or of counseling, aiding, assisting, encouraging, inciting or directing any other person or persons to deposit, leave, place, spray, scatter, spread or throw, any stink bomb, stink paint, tear bomb, tear shell, explosive or flame-producing device, or any other device, material, chemical or sub-stance, which, when exploded or opened, or without such exploding or opening, by reason of its offensive and pungent odor, does or will annoy, injure, endanger or inconvenience any person or persons; contrary to Revised Code of Washington 70.74.310.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 70.74.310 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Threats to Bomb or Injure Property — RCW 9.61.160**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, threatened to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; and/or communicated or repeated any information concerning such a threatened bombing or injury, knowing that information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated; contrary to Revised Code of Washington 9.61.160.

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9.61.160, 9.61.180, and 9.92.010, plus restitution and assessments.)

### **Unlawful Access to Explosives — RCW 70.74.160**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not at the time the director of labor and industries, an authorized agent of the director of labor and industries, the owner, the owner's agent, or a law enforcement officer acting within his or her official capacity, did enter any explosives manufacturing building, magazine or car, vehicle or other common carrier containing explosives in this state without the owner's permission; contrary to Revised Code of Washington 70.74.160.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.74.160 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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**Discharging Consumer Fireworks at Unauthorized Times — For Crimes Committed On or After June 13, 2002 — RCW 70.77.395(2) (Laws of 2002, ch. 370, § 31)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use or discharge consumer fireworks within this state on June 28th between the hours of twelve o'clock midnight and twelve o'clock noon or eleven o'clock p.m. to twelve o'clock midnight; and/or on June 29, June 30th, July 1st, July 2nd, July 3rd, between the hours of twelve o'clock midnight and nine o'clock a.m. or eleven o'clock p.m. to twelve o'clock midnight and/or on July 4th between the hours of twelve o'clock midnight and nine o'clock a.m., and/or on July 5th between the hours of twelve o'clock midnight and nine o'clock a.m. or eleven o'clock p.m. to twelve o'clock midnight, and/or on December 31st, between the hours of twelve o'clock midnight and six o'clock p.m., and/or on January 1st between the hours of one o'clock a.m. and twelve o'clock midnight, and/or at any time on any other day; contrary to Revised Code of Washington 70.77.395(2) (Laws of 2002, ch. 370, § 31).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.540 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Discharging Fireworks in Forested Areas — RCW 70.77.495**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, between April 15th and December 1st, did set off fireworks, either on his own land or the property of another, in forest, fallows, grass or brush covered land, without first obtaining a written permit from the Washington state department of natural resources or in a manner that did not strictly comply with the written permit issued by the Washington state department of natural resources; contrary to Revised Code of Washington 70.77.495.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.540 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Fireworks Violation — For Crimes Committed Prior to June 13, 2002 — Former RCW 70.77.255 (Laws of 1997, ch. 182, § 6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without having the appropriate state, county and/or city permits, did manufacture, import, possess, or sell any fireworks at wholesale or retail for any use, and/or did make a public display of fireworks, and/or did transport fireworks, except as a public carrier delivering to a licensee, and/or did knowingly manufacture, import, transport, store, sell, or possess with intent to sell, as fireworks, explosives, as defined under RCW 70.74.010, that are not fireworks; contrary to former Revised Code of Washington 70.77.255 (Laws of 1997, ch. 182, § 6).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.540 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Fireworks Violation — For Crimes Committed On or After June 13, 2002 — RCW 70.77.255 (Laws of 2002, ch. 370, § 21)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without having the appropriate state, county and/or city permits, did manufacture, import, possess, or sell any fireworks at wholesale or retail for any use, and/or did make a public display of fireworks, and/or did transport fireworks, except as a licensee or as a public carrier delivering to a licensee, and/or did knowingly manufacture, import, transport, store, sell, or possess with intent to sell, as fireworks, explosives, as defined under RCW 70.74.010, that are not fireworks; contrary to Revised Code of Washington 70.77.255 (Laws of 2002, ch. 370, § 21).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.540 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Permitting Fire Nuisance Where Fireworks Are Kept — For Crimes Committed Prior to June 13, 2002 — Former RCW 70.77.520 (Laws of 1984, ch. 249, § 33)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did allow rubbish to accumulate in premises in which fireworks are stored or sold or did permit a fire nuisance to exist in such premises; contrary to former Revised Code of Washington 70.77.520 (Laws of 1984, ch. 249, § 33).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.520 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Permitting Fire Nuisance Where Fireworks Are Kept — For Crimes Committed On or After June 13, 2002 — RCW 70.77.520 (Laws of 2002, ch. 370, § 43)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did allow combustibles to accumulate in premises in which fireworks are stored or sold or did permit a fire nuisance to exist in such premises; contrary to Revised Code of Washington 70.77.520 (Laws of 2002, ch. 370, § 43).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.520 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Selling Fireworks to Person Under Age of Sixteen — For Crimes Committed On or After June 13, 2002— RCW 70.77.515(2) (Laws of 2002, ch. 370, § 41)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell any fireworks to a person who was under the age of sixteen; contrary to Revised Code of Washington 70.77.515(2) (Laws of 2002, ch. 370, § 41).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.77.515(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Selling or Discharging Common Fireworks at Unauthorized Times — For Crimes Committed Prior to June 13, 2002 — Former RCW 70.77.395 (Laws of 1995, ch. 61, § 22)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell, purchase, use, or discharge common fireworks within this state between the hours of eleven o'clock p.m. and nine o'clock a.m. on June 28th through July 3rd, and/or prior to nine o'clock a.m. or after midnight on July 4th, and/or prior to six o'clock p.m. December 31st or after 1:00 a.m. on January 1st of the subsequent year, and/or at any time on any other day; contrary to former Revised Code of Washington 70.77.395 (Laws of 1995, ch. 61, § 22).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.540 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Selling or Purchasing Consumer Fireworks at Unauthorized Times — For Crimes Committed On or After June 13, 2002 — RCW 70.77.395(1) (Laws of 2002, ch. 370, § 31)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or purchase consumer fireworks within this state on June 28th between the hours of twelve o'clock midnight and twelve o'clock noon or eleven o'clock p.m. to twelve o'clock midnight; and/or on June 29, June 30th, July 1st, July 2nd, July 3rd, or July 4th, between the hours of twelve o'clock midnight and nine o'clock a.m. or eleven o'clock p.m. to twelve o'clock midnight and/or on July 5th between the hours of twelve o'clock midnight and nine o'clock a.m. or nine o'clock p.m. to twelve o'clock midnight, and/or on December 27th, December 28th, December 29th, December 30th, or December 31st, between the hours of twelve o'clock midnight and twelve o'clock noon or eleven o'clock p.m. to twelve o'clock midnight, and/or at any time on any other day; contrary to Revised Code of Washington 70.77.395(1) (Laws of 2002, ch. 370, § 31).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.77.540 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Unlawful Discharge or Use of Fireworks — RCW 70.77.488**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did discharge or use fireworks in a reckless manner which created a substantial risk of death or serious physical injury to another person or damage to the property of another; contrary to Revised Code of Washington 70.77.488.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 70.77.488 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Possession of Fireworks (Less than 1 pound) — RCW 70.77.485(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess, in violation of Chapter 70.77 RCW, any class or kind of fireworks in an amount less than one pound of fireworks, exclusive of external packaging; contrary to Revised Code of Washington 70.77.485(1).

(Maximum Penalty-Ninety (90) year in jail or \$1,000 fine, or both, pursuant to RCW 70.77.485(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Unlawful Possession of Fireworks (More than 1 pound) — RCW 70.77.485(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess, in violation of Chapter 70.77 RCW, any class or kind of fireworks in an amount of one pound or more of fireworks, exclusive of external packaging; contrary to Revised Code of Washington 70.77.485(2).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 70.77.485(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Sales or Transfers of Common Fireworks—For Crimes Committed Prior to June 13, 2002— Former RCW 70.77.515 (Laws of 1984, ch. 249, § 32)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or transfer any common fireworks to a consumer or user other than at a fixed place of business of a retailer for which a license and permit have been issued pursuant to Chapter 70.77 RCW; contrary to former Revised Code of Washington 70.77.515 (Laws of 1984, ch. 249, § 32).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.77.515 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Sales or Transfers of Consumer Fireworks—For Crimes Committed On or After June 13, 2002— RCW 70.77.515(1) (Laws of 2002, ch. 370, § 41)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer for sale, sell or exchange for consideration any consumer fireworks to a consumer or user other than at a fixed place of business of a retailer for which a license and permit have been issued pursuant to Chapter 70.77 RCW; contrary to Revised Code of Washington 70.77.515(1) (Laws of 2002, ch. 370, § 41).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.77.515(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Sales or Transfers of Display Fireworks — For Crimes Committed On or After June 13, 2002 — RCW 70.77.510 (Laws of 2002, ch. 370, § 40)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sell, transfer, or agree to sell or transfer any display fireworks to any person who is not a fireworks licensee as provided for by Chapter 70.77 RCW; contrary to Revised Code of Washington 70.77.510 (Laws of 2002, ch. 370, § 40).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.77.510 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Sales or Transfers of Special Fireworks — For Crimes Committed Prior to June 13, 2002 — Former RCW 70.77.510 (Laws of 1984, ch. 249, § 31)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sell, transfer, or agree to sell or transfer any special fireworks to any person who is not a fireworks licensee as provided for by Chapter 70.77 RCW; contrary to former Revised Code of Washington 70.77.510 (Laws of 1984, ch. 249, § 31).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.77.510 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Transportation of Fireworks — RCW 70.77.517**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did transport fireworks from this state into any other state, or did deliver them for transportation into any other state, or attempt so to do, knowing that such fireworks are to be delivered, possessed, stored, transshipped, distributed, sold, or otherwise dealt with in a manner or for a use prohibited by the laws of such other state specifically prohibiting or regulating the use of fireworks; contrary to Revised Code of Washington 70.77.517.

.(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.77.517 and RCW 9.92.020, plus restitution, assessments and court costs.)





# BURGLARY, COMPUTER TRESPASS, TRESPASS AND VEHICLE PROWL

## BURGLARY

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Recent case law holds that the burglary statute contains two alternative means of committing the crime: (1) entering unlawfully; and (2) remaining unlawfully. *See State v. Klimes*, 117 Wn. App. 758, 73 P.3d 416 (2003). The proposed charging language contains both alternative means. The jury should only be instructed on those means for which there is substantial evidence.

### Burglary in the First Degree — RCW 9A.52.020

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in the building of (owner), located at (address of building), and, in entering or while in the building or in immediate flight therefrom, the defendant or another participant in the crime was armed with a deadly weapon and/or did intentionally assault any person therein; contrary to Revised Code of Washington 9A.52.020.

(Maximum Penalty — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and RCW 9.94A.120(4) or RCW 9.94A.570.)

### Residential Burglary — RCW 9A.52.025(1)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to commit a crime against a person or property therein, entered or remained unlawfully in the dwelling of (owner of dwelling), located at (address of dwelling); contrary to Revised Code of Washington 9A.52.025(1).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.52.025(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

## **Burglary in the Second Degree — RCW 9A.52.030(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to commit a crime against a person or property therein, entered or remained unlawfully in the building of (owner), located at (address of building); contrary to Revised Code of Washington 9A.52.030(1).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.52.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

## **BURGLARY TOOLS**

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### **Making or Having Burglar Tools — RCW 9A.52.060(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make or mend or cause to be made or mended, or did have in his or her possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used; contrary to Revised Code of Washington 9A.52.060(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.52.060(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **CRIMINAL TRESPASS**

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Criminal Trespass in the Second Degree — RCW 9A.52.080(1) ..... 161

### **Criminal Trespass in the First Degree — RCW 9A.52.070(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly enter or remain unlawfully in a building located at (address of building); contrary to Revised Code of Washington 9A.52.070(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.52.070 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **Criminal Trespass in the Second Degree — RCW 9A.52.080(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly enter or remain unlawfully in or upon the premises of another located at   (address of premises)  ; contrary to Revised Code of Washington 9A.52.080(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.52.080(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## **COMPUTER TRESPASS**

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## **Computer Trespass in the First Degree — RCW 9A.52.110(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant without authority, intentionally gained access to a computer system or electronic database of another, to-wit:  (the owner/operator of computer or database) , and the Defendant (1) gained the access with the intent to commit another crime, and/or (2) the violation involved a computer or database maintained by a governmental agency; contrary to Revised Code of Washington 9A.52.110(1)(a) and/or (b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.52.110(2) and 9A.20.021(1)(c), plus restitution and assessments.)

## **Computer Trespass in the Second Degree — RCW 9A.52.120(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, without authorization, intentionally gain access to a computer system or electronic data base of another, to wit:  (The owner/operator of computer or database) ; contrary to Revised Code of Washington 9A.52.120(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.52.120(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## VEHICLE PROWLING

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### Vehicle Prowling in the First Degree — RCW 9A.52.095(1)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with intent to commit a crime against a person or property therein, entered or remained unlawfully in a motor home or vessel equipped for propulsion by mechanical means or by sail, which had a cabin equipped with permanently installed sleeping quarters or cooking facilities, to-wit: property; contrary to Revised Code of Washington 9A.52.095(1).

(Maximum Penalty — Five (5) years imprisonment and/or a fine of \$10,000 pursuant to RCW 9A.52.095(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### Vehicle Prowling in the Second Degree — RCW 9A.52.100(1)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a vehicle other than a motor home or a vessel equipped for propulsion by mechanical means or by sail and which has a cabin equipped with permanently installed sleeping quarters or cooking facilities; contrary to Revised Code of Washington 9A.52.100(1).

(Maximum Penalty — One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.52.100(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **BUSINESS AND PROFESSIONAL LICENSING CRIMES**

The various business and professions chapters of the Revised Code of Washington contain numerous regulations governing advertisement, registration of businesses, and prohibited practices. A violation of virtually any of these requirements can be a crime. This chapter of the charging manual attempts to provide language, at a minimum, for the unlicensed practice of the various professions. This chapter does not provide charging language for every possible crime associated with a particular profession. Users of the manual are strongly encouraged to review the relevant chapters of the Revised Code of Washington to determine whether any additional or different crimes may better fit the facts presented in a particular case.

The legislature rewrote many business and professional licensing chapters during the 2002 session. The amended laws will generally go into effect for crimes committed On or After January 1, 2003. The suggested charging language that appears in this chapter is based upon the version of the statutes that will be in effect On or After January 1, 2003. Users of the manual who have an offense that occurred prior to January 1, 2003, should review the statute that was in effect on the date of offense to determine whether any changes need to be made to the suggested language.

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### **Insolvent Bank Receiving Deposit — RCW 9.24.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an owner, officer, stockholder, agent, or employee of any person, firm, corporation or association engaged in the business of banking or receiving money or negotiable paper or securities on deposit or in trust, did accept or receive a deposit or did attempt to receive a deposit when the Defendant knew or had good reason to know that such person, firm, corporation or association is unsafe or insolvent; contrary to Revised Code of Washington 9.24.030. (Maximum Penalty—Ten (10) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.24.030, plus restitution, assessments and court costs.)

**Practicing Public Accountancy While License or Certificate is Suspended or Revoked — For Crimes Committed On or After July 1, 2004 — RCW 18.04.345(2) and RCW 18.04.370(1)(c) (Laws of 2004, ch. 159, § 5(1)(c))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to deceive the public and after having entered into a stipulated agreement and order of assurance with the board of accountancy, did hold himself or herself out to the public or did assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant, while his or her license or certificate issued under RCW 18.04.215 was suspended or revoked by the Board of Accountancy; contrary to Revised Code of Washington 18.04.345(2) and 18.04.370(1)(c) (Laws of 2004, ch. 159, § 5(1)(c)).. (Maximum Penalty—Two (2) years imprisonment or \$30,000 fine, or both pursuant to RCW 18.04.370(1)(c) (Laws of 2004, ch. 159, § 5(1)(c)) plus restitution, assessments and court costs.)

**Practicing Public Accountancy Without a License — RCW 18.04.345(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did hold himself or herself out to the public or did assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant, while not holding a license under RCW 18.04.215; contrary to Revised Code of Washington 18.04.345(2).

(Maximum Penalty—Six (6) months in jail or \$10,000 fine, or both pursuant to former RCW 18.04.370(1)(a) (Laws of 2001, ch. 294, § 19(1)(a)) plus restitution, assessments and court costs for crimes committed prior to July 27, 2003. Six (6) months in jail or \$30,000 fine, or both pursuant to RCW 18.04.370(1)(a) (Laws of 2003, ch. 290, § 5(1)(a)) plus restitution, assessments and court costs for crimes committed On or After July 27, 2003.)

**Practicing Public Accountancy Without a License Following Stipulated Agreement and Order of Assurance — RCW 18.04.345(2) and RCW 18.04.370(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to deceive the public and after having entered into a stipulated agreement and order of assurance with the board of accountancy, did hold himself or herself out to the public or did assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant, while not holding a license under RCW 18.04.215; contrary to Revised Code of Washington 18.04.345(2) and 18.04.370(1)(b).

(Maximum Penalty—Two (2) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.04.370(1)(b) (Laws of 2001, ch. 294, § 19(1)(b)) plus restitution, assessments and court costs for crimes committed prior to July 27, 2003. Two (2) years imprisonment or \$30,000 fine, or both pursuant to RCW 18.04.370(1)(b) (Laws of 2003, ch. 290, § 5(1)(b)) plus restitution, assessments and court costs for crimes committed On or After July 27, 2003.)

## **Unlicensed Auditor — RCW 18.04.345(8)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did hold himself or herself out to the public as an "auditor" with or without any other description or designation by use or such word on any sign, card, letterhead, or is any advertisement or directory, while not holding a license to practice under RCW 18.04.215; contrary to Revised Code of Washington 18.04.345(8).

(Maximum Penalty—Six (6) months in jail or \$10,000 fine, or both pursuant to RCW 18.04.370(1), plus restitution, assessments and court costs.)

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## **Ask or Allow Student-Athlete to Waive Rights — RCW 19.225.100(2)(g)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally ask or allow a student-athlete to waive or attempt to waive rights under Chapter 19.225 RCW; contrary to Revised Code of Washington 19.225.100(2)(g).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Engaging in the Business of an Athlete Agent Following Conviction or Adverse Civil Judgment  
— RCW 19.225.100(2)(i)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally engage in the business of an athlete agent in this state at any time after conviction for violating RCW 19.225.100 and/or within five years of entry of a civil judgment under RCW 19.225.120; contrary to Revised Code of Washington 19.225.100(2)(i).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Make Required Disclosure — RCW 19.225.100(2)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally fail to disclose the information required by RCW 19.225.100 (Laws of 2002, ch. 131, § 5) to the student-athlete; contrary to Revised Code of Washington 19.225.100(2)(c).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Notify Educational Institute of Existence of Contract — RCW 19.225.100(2)(h)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally fail to provide a copy of the athlete agent disclosure form to the athletic director of the educational institution in which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll at least seventy-two hours prior to entering into an agency contract and/or did intentionally fail to give notice of the existence of an agency contract and to provide a copy of the athlete agent disclosure form to the athletic director of the educational institution in which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll within seventy-two hours of entering into the agency contract or before the next scheduled athletic event in which the student-athlete may participate; contrary to Revised Code of Washington 19.225.100(2)(h).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Failure to Warn Student-Athlete that Signing Contract May Affect Eligibility — RCW 19.225.100(2)(f)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally fail to notify a student-athlete prior to the student athlete's signing an agency contract for a particular sport that the signing of the contract by the student-athlete may make the student-athlete ineligible to participate as a student-athlete in that sport; contrary to Revised Code of Washington 19.225.100(2)(f).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Furnishing Anything of Value to Person Other than Student-Athlete — RCW 19.225.100(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to induce a student-athlete to enter into an agency contract, did furnish anything of value to any individual other than the student-athlete or another registered athlete agent; contrary to Revised Code of Washington 19.225.100(1)(c).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Furnishing Anything of Value to Student Athlete — RCW 19.225.100(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to induce a student-athlete to enter into an agency contract, did furnish anything of value to a student-athlete, to wit: (name of student-athlete), before the student athlete entered into the agency contract; contrary to Revised Code of Washington 19.225.100(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Initiate Contact With a Student-Athlete Without Providing Disclosure Form — RCW 19.225.100(2)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally initiate contact with a student-athlete without providing the student-athlete with the athlete agent disclosure form on the day of initial contact; contrary to Revised Code of Washington 19.225.100(2)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Making Materially False Statement — RCW 19.225.100(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to induce a student-athlete to enter into an agency contract, did give any materially false or misleading information or did make a materially false promise or representation; contrary to Revised Code of Washington 19.225.100(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Predicate or Postdate an Agency Contract — RCW 19.225.100(2)(e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally predate or postdate an agency contract; contrary to Revised Code of Washington 19.225.100(2)(e).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Promotion of No Holds Barred Fighting or Combative Fighting— For Crimes Committed On or After March 26, 2004 – RCW 67.08.015(4) (Laws of 2004, ch. 149, § 2(4))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did promote an amateur or professional no holds barred fight or combative fighting type of contest, exhibition, match or similar type of event or an elimination tournament; contrary to Revised Code of Washington RCW 67.08.015(4) (Laws of 2004, ch. 149, § 2(4)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 67.08.015(4) (Laws of 2004, ch. 149, § 2(4)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Provide Materially False Information in an Athlete Agent Disclosure Form — RCW 19.225.100(2)(d)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally provide materially false or misleading information in an athlete agent disclosure form; contrary to Revised Code of Washington 19.225.100(2)(d).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Refuse or Willfully Fail to Retain Required Records — RCW 19.225.100(2)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an athlete agent, did intentionally refuse or did wilfully fail to retain or produce in response to a subpoena the records required by RCW 19.225.090; contrary to Revised Code of Washington 19.225.100(2)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.225.110 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **AUTOMOBILE AND OTHER VEHICLES**

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### **No Dealer Identification Card — RCW 46.70.090(3)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use motor vehicle dealer license plates on a motor vehicle owned, held for sale, and which was in fact available for sale by a corporation, partnership, or proprietorship, and did not carry in the motor vehicle at all times it was operated by the Defendant a card so identifying the Defendant as an officer, spouse, or employee of the firm; contrary to Revised Code of Washington 46.70.090(3)(b).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.70.170 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **No Demonstration Permit — RCW 46.70.090(3)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a motor vehicle with a motor vehicle dealer license plate to demonstrate the motor vehicle held for sale, and either (a) did not hold a valid operator's license, and/or (b) did not have a dated demonstration permit, valid for no more than seventy—two hours, and/or (c) did not carry a demonstration permit in the motor vehicle at all times the vehicle was operated by the Defendant; contrary to Revised Code of Washington 46.70.090(3)(a).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.70.170 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Vehicle Dealer Without a License — First Offense — RCW 46.70.021**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act as a vehicle dealer or vehicle manufacturer, or did engage in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of motor vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others a sale, purchase, or exchange of interest in 5 or more vehicles in a 12-month period, without first obtaining and holding a vehicle dealer license; contrary to Revised Code of Washington 46.70.021.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.70.021(3)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Vehicle Dealer Without a License — Second or Subsequent Offense — RCW 46.70.021**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act as a vehicle dealer or vehicle manufacturer, or did engage in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of motor vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others a sale, purchase, or exchange of interest in 5 or more vehicles in a 12-month period, without first obtaining and holding a vehicle dealer license, and the Defendant was previously convicted of violating RCW 46.70.021; contrary to Revised Code of Washington 46.70.021.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.70.021(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **For Hire Vehicles and Limousines**

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## **Limousine Carriers' Failure to Maintain Insurance – RCW 46.72A.060**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a limousine carrier, did fail to file and maintain in effect liability and property damage insurance in the amounts required by the Department of Licensing; contrary to Revised Code of Washington 46.72A.060.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.72A.060(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Operating a For Hire Vehicle Without Insurance or a Current Certificate — RCW 46.72.100**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a for hire vehicle without first having filed a bond or insurance policy or having received a for hire permit and a fir hire certificate; contrary to Revised Code of Washington 46.72.100.

(Maximum Penalty—Ninety (90) days in jail or \$500 fine, or both pursuant to RCW 46.72.100(2), plus restitution, assessments and court costs.)

## **Tow Trucks**

Engaging in Activities of a Registered Tow Truck Operator Without a Current Certificate  
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## **Engaging in Activities of a Registered Tow Truck Operator Without a Current Certificate — RCW 46.55.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in or offer to engage in the activities of a registered tow truck operator without a current registration certificate from the department of licensing authorizing the Defendant to engage in such activities; contrary to Revised Code of Washington 46.55.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.55.020(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Wrecking Vehicles**

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## **Failure to First Obtain Vehicle Title — RCW 46.80.110(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an applicant or licensee, did acquire a vehicle or major component part and fail to first obtain title or other documentation as provided by Chapter 4.80 RCW; contrary to Revised Code of Washington 46.80.110(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 46.80.110(2) and 9.92.020, plus restitution, assessments and court costs.)

### **Fraudulently or Dishonestly Procure License — RCW 46.80.110(1)(h)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an applicant or licensee, did procure a license fraudulently or dishonestly; contrary to Revised Code of Washington 46.80.110(1)(h).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 46.80.110(2) and 9.92.020, plus restitution, assessments and court costs.)

### **Misrepresentation of Condition of Vehicle Motor or Part — RCW 46.80.110(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an applicant or licensee, did willfully misrepresent the physical condition of any motor or integral part of a vehicle; contrary to Revised Code of Washington 46.80.110(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 46.80.110(2) and 9.92.020, plus restitution, assessments and court costs.)

### **Wrecking Vehicles Without a License — First Offense – RCW 46.80.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the business of wrecking vehicles without having first applied for and received a license; contrary to Revised Code of Washington 46.80.020.

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 46.80.020(2)(a) and 9.92.020, plus restitution, assessments and court costs.)

### **Wrecking Vehicles Without a License — Second or Subsequent Offense – RCW 46.80.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the business of wrecking vehicles without having first applied for and received a license, and the Defendant was previously convicted of violating RCW 46.80.020 in (name of case), (court name) cause number. (cause number); contrary to Revised Code of Washington 46.80.020.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.80.020(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## BAIL BOND AGENTS

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### **Employment of Unlicensed Bail Bond Agent — RCW 18.185.170(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner or qualified agent of a bail bond agency, did employ (name of employee) to perform the duties of a bail bond agent without (name of employee) having in his or her possession a permanent bail bond agent license issued by the department of licensing; contrary to Revised Code of Washington 18.185.170(3).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 18.185.170(3) and 9.92.020, plus restitution, assessments and court costs.)

### **Improper Planned Forced Entry— For Crimes Committed On or After December 31, 2005 — RCW 18.185.170(4)(a) (Laws of 2004, ch. 186, § 13(4)(b))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did conduct a planned forced entry without previously notifying the appropriate local law enforcement agency of the name of the defendant, the address or the approximate location of the dwelling, building or other structure where the planned forced entry occurred, the name of the bail bond recovery agent, the name of the contracting bail bond agent, and the alleged offense or conduct the defendant committed that resulted in the issuance of a bail bond and/or without wearing a shirt, vest, or other garment with the words "BAIL BOND RECOVERY AGENT" displayed in at least two-inch-high reflective print letters across the front and back of the garment in a contrasting color to that of the garment; contrary to Revised Code of Washington 18.185.170(4)(b) (Laws of 2004, ch. 186, § 13(4)(b)).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 18.185.170(4) and 9.92.020, plus restitution, assessments and court costs.)

**Performing the Functions of a Bail Bond Recovery Agent Without a Contract — For Crimes Committed On or After December 31, 2005 — RCW 18.185.170(4)(a) (Laws of 2004, ch. 186, § 13(4)(a))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform the functions of a bail bond recovery agent without first entering into a contract with a bail bond agent; contrary to Revised Code of Washington 18.185.170(4)(a) (Laws of 2004, ch. 186, § 13(4)(a)).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 18.185.170(4) and 9.92.020, plus restitution, assessments and court costs.)

**Unlicensed Bail Bond Agent — RCW 18.185.170(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform the functions and duties of a bail bond agent without being licensed in accordance with Chapter 18.185 RCW, and/or did attempt to use as the defendant's own the bail bond agent license of another, and/or did give false or forged evidence of any kind to the director of the department of licensing in obtaining a license, and/or did falsely impersonate a licensed bail bond agent, and/or did attempt to use an expired or revoked bail bond agent license; contrary to Revised Code of Washington 18.185.170(1).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 18.185.170(1) and 9.92.020, plus restitution, assessments and court costs.)

**Unlicensed Operation of a Bail Bond Agency — RCW 18.185.170(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own or operate a bail bond agency without first obtaining a bail bond agency license from the department of licensing; contrary to Revised Code of Washington 18.185.170(2).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 18.185.170(2) and 9.92.020, plus restitution, assessments and court costs.)

**Unsupervised Out-of-State Bail Bond Recovery Agent — For Crimes Committed On or After December 31, 2005 — RCW 18.185.170(4)(a) (Laws of 2004, ch. 186, § 13(4)(a))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a bail bond recovery agent from another state, did perform the functions of a bail bond recovery agent while not under the direct supervision of a bail bond agent who is licensed pursuant to chapter 18.185 RCW; contrary to Revised Code of Washington 18.185.170(4)(a) (Laws of 2004, ch. 186, § 13(4)(a)).

(Maximum Penalty—One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 18.185.170(4) and 9.92.020, plus restitution, assessments and court costs.)



## **BUILDING, ARCHITECTURE, LANDSCAPING AND RELATED FIELDS**

### **Architecture**

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#### **Unregistered Practice of Architecture — RCW 18.08.310**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while not registered or authorized to practice architecture under Chapter 18.08 RCW, did practice or offer to practice architecture, and/or did use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect", "architecture", "architectural", or language tending to imply that he or she is an architect; contrary to Revised Code of Washington 18.08.310.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.08.460 and RCW 9.92.030, plus restitution, assessments and court costs.)

#### **Unregistered Landscape Architecture — RCW 18.96.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while not registered under the provisions of Chapter 18.96 RCW, did use, or advertise the title of landscape architect, landscape architecture, or landscape architectural; contrary to Revised Code of Washington 18.96.020.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.96.170 and RCW 9.92.030, plus restitution, assessments and court costs.)

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### **Contracting Without Certificate of Registration — RCW 18.27.020(2)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by Chapter 18.27 RCW; contrary to Revised Code of Washington 18.27.020(2)(a).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.27.020(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Contracting While Certificate of Registration is Suspended or Revoked — RCW 18.27.020(2)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did advertise, offer to do work, submit a bid, or perform any work as a contractor while his or her contractor's registration was suspended or revoked; contrary to Revised Code of Washington 18.27.020(2)(b).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.27.020(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Pay Monetary Penalty — RCW 18.27.270(5) and/or (6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a contractor, did fail to pay the monetary penalty imposed after a final determination of an administrative law judge for a violation of Chapter 18.27 RCW within 30 days of the penalty being imposed or within 30 days after exhausting appellate remedies; contrary to Revised Code of Washington 18.27.270(5) and/or (6).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.27.270(5) and/or (6) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Respond to Notice of Infraction — RCW 18.27.270(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a contractor, who was served with a notice of infraction issued for a violation of Chapter 18.27 RCW, did fail to respond to the infraction within the prescribed response period; contrary to Revised Code of Washington 18.27.270(4).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.27.270(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Transfer of Valid Registration to an Unregistered Contractor — RCW 18.27.020(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did transfer a valid registration to an unregistered contractor or did allow an unregistered contractor to work under a registration issued to another contractor; contrary to Revised Code of Washington 18.27.020(2)(d).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.27.020(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlicensed Fire Sprinkler Contractor — RCW 18.160.100**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did construct, install, or maintain a fire protection sprinkler system in any occupancy, other than an owner-occupied single-family dwelling, without first obtaining a fire sprinkler contractor's license from the state of Washington; contrary to Revised Code of Washington 18.160.100.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.160.100 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Use of False or Expired Registration Number in Advertisement — RCW 18.27.020(2)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; contrary to Revised Code of Washington 18.27.020(2)(c).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.27.020(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Engineers and Land Surveyors**

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### **Falsely Impersonate a Registered Engineer or Land Surveyor — RCW 18.43.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did present or attempt to use as his or her own the certificate of registration or seal of another engineer or land surveyor, and/or did falsely impersonate any other engineer or land surveyor registrant; contrary to Revised Code of Washington 18.43.120.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.43.120 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unregistered Practice of Engineering or Land Surveying — RCW 18.43.120**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice, or offer to practice, engineering or land surveying without being registered in accordance with the provisions of Chapter 18.43 RCW; contrary to Revised Code of Washington 18.43.120.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.43.120 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Use of Expired or Revoked Certificate of Registration — RCW 18.43.120**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did attempt to use an expired or revoked certificate of registration as an engineer or land surveyor; contrary to Revised Code of Washington 18.43.120.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.43.120 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Use of False Information to Obtain a Certificate of Registration — RCW 18.43.120**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in obtaining a certificate of registration as an engineer or land surveyor, did give any false or forged evidence of any kind to the state board of registration for professional engineers and land surveyors or to any member of the board; contrary to Revised Code of Washington 18.43.120.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.43.120 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Plumbers**

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### **Failure to Respond to Notice of Infraction — RCW 18.106.230**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was personally served with a notice of infraction issued for a violation of Chapter 18.106 RCW, did refuse to sign a written promise to respond to the notice and/or did wilfully violate the written promise to respond to the notice of infraction; contrary to Revised Code of Washington 18.106.230.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.106.230 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Water Well Construction**

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### **Constructing Water Well Without Water Right Permit — RCW 18.104.030(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have a water well constructed without first obtaining a water right permit; contrary to Revised Code of Washington 18.104.030(3).

(Maximum Penalty—Thirty (30) days in jail or \$250 fine, or both pursuant to RCW 18.104.160, plus restitution, assessments and court costs.)

### **Unlicensed Construction or Operation of a Well — RCW 18.104.030(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did contract to engage in the construction of a well or to act as a well operator without first obtaining a license under Chapter 18.104 RCW; contrary to Revised Code of Washington 18.104.030(6).

(Maximum Penalty—Thirty (30) days in jail or \$250 fine, or both pursuant to RCW 18.104.160, plus restitution, assessments and court costs.)

## **Wastewater Treatment Systems**

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### **Unlicensed Wastewater Treatment Systems Design Services — RCW 18.210.160(1) and (2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform on-site wastewater treatment systems design services without a license and/or did purport to be qualified to perform on-site wastewater treatment systems design services without having first been issued a license under Chapter 18.210 RCW; contrary to Revised Code of Washington 18.210.160(1) and (2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.210.160 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Use of Fraudulent Credentials — RCW 18.210.160(3) and (5)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did attempt to use the license or seal of another to perform on-site wastewater treatment systems design services and/or did attempt to use false or fraudulent credentials to perform on-site wastewater treatment systems design services; contrary to Revised Code of Washington 18.210.160(3) and (5).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.210.160 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Use of Revoked or Suspended License — RCW 18.210.160(4)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did attempt to use a revoked or suspended license to perform on-site wastewater treatment systems design services; contrary to Revised Code of Washington 18.210.160(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.210.160 and RCW 9.92.020, plus restitution, assessments and court costs.)

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## **Giving False or Incorrect Information — RCW 19.09.275(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make a false statement or gave incorrect information in any statement required to be filed with the secretary of state, the attorney general, or the county prosecutor by Chapter 19.09 RCW; contrary to Revised Code of Washington 19.09.275(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 19.09.275 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## **Knowingly Giving False or Incorrect Information — RCW 19.09.275(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false statement or gave incorrect information in any statement required to be filed with the secretary of state, the attorney general, or the county prosecutor by Chapter 19.09 RCW; contrary to Revised Code of Washington 19.09.275(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.09.275(1) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## **Unregistered Solicitations — RCW 19.09.065**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a charitable organization or commercial fund raiser, did conduct solicitations prior to registering with the secretary of state; contrary to Revised Code of Washington 19.09.065(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 19.09.275 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Unregistered Telephone Solicitation — RCW 19.158.150**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did solicit purchasers on behalf of a commercial telephone solicitor who was not currently registered with the Department of Licensing as required by Chapter 19.58 RCW; contrary to Revised Code of Washington 19.158.150.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 19.158.150 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **CHECK CASHERS, CHECK SELLERS, AND MAKERS OF SMALL LOANS**

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**Accepting Improper Collateral for a Small Loan — For Crimes Committed On or After July 27, 2003 — RCW 31.45.073(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did advance moneys on the security of a postdated check and did accept other property, title property, or other evidence of ownership of property as collateral for the loan or did accept more than one postdated check for a single loan; contrary to Revised Code of Washington 31.45.073(4) (Laws of 2003, ch. 86, § 8(4)) and 31.45. \_\_\_\_ (Laws of 2003, ch. 86, § 10). (Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Advancing Cash or Moneys on a Postdated Check or Draft Without First Obtaining A Small Loan Endorsement to a Check or Cash Seller License — RCW 31.45.073(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did cash or advance any moneys on a postdated check or draft in excess of the amount of goods or services purchased without first obtaining a small loan endorsement to a check casher or check seller licence; contrary to Revised Code of Washington 31.45.073(5). (Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Charging Fee for Rescinding of Loan — For Crimes Committed On or After July 27, 2003 — RCW 31.45.086**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did charge the borrower for rescinding a loan as authorized by RCW 31.45.086, and/or did fail to return to the borrower any postdated check taken as security for a rescinded loan or any electronic equivalent, and/or did fail to conspicuously disclose to the borrower in writing in the small loan agreement or small loan note the right of rescission; contrary to Revised Code of Washington 31.45.086 and 31.45.079. (Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)



**Check Casher or Seller Engaging in the Business of Making Small Loans Without Possessing a Small Loans Endorsement — RCW 31.45.070(1)(d) and/or RCW 31.45.073(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did engage in the business of making small loans without first obtaining a small loan endorsement to the Defendant's license from the director of financial institutions; contrary to Revised Code of Washington 31.45.070(1)(d) and/or 31.45.073(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Check Casher or Check Seller's Agent Engaging in the Business of Making Small Loans Without Possessing a Small Loan Endorsement — For Crimes Committed On or After July 27, 2003 — RCW 31.45.079**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did engage in the business of making small loans without first obtaining a small loan endorsement to the check casher or check seller license from the director of financial institutions; contrary to Revised Code of Washington 31.45.079.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Engaging in the Business of Check Cashing or Selling Without a License — RCW 31.45.030(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did engage in the business of check cashing or selling without first obtaining a license from the director of financial institutions; contrary to Revised Code of Washington 31.45.030(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Failure to Advise Borrower of Access to Payment Plan — For Crimes Committed On or After July 27, 2003 — RCW 31.45.084**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did fail to conspicuously disclose to each borrower in the small loan agreement or small loan note that the borrower has access to a payment plan after four successive loans; contrary to Revised Code of Washington 31.45.084 and 31.45.079.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Knowingly Making a Loan or Loans in Excess of \$700 — For Crimes Committed On or After July 27, 2003 — RCW 31.45.073(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did knowingly loan to a single borrower at any one time, in a single loan or in the aggregate, more than \$700, excluding interest and fees; contrary to Revised Code of Washington 31.45.073(3) and 31.45.079.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Threatening Criminal Prosecution As A Method of Collecting a Delinquent Small Loan— For Crimes Committed On or After July 27, 2003 — RCW 31.45.082**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or a person to whom a dishonored check has been assigned for collection, did threaten criminal prosecution as a method of collecting a delinquent small loan; contrary to Revised Code of Washington 31.45.082 and 31.45.079.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Violation of Payment Plan — For Crimes Committed On or After July 27, 2003 — RCW 31.45.084**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW or an agent for a check casher or seller licensed by the director of financial institutions to engage in business in accordance with chapter 31.45 RCW, did assess a fee, interest charge, or other charge in excess of the fee or interest on the outstanding principal of the loan as a result of converting the small loan into a payment plan, and/or did assess a penalty, fee, or charge to the borrower for prepayment of the loan plan, and/or did charge the borrower a fee for any dishonored postdated check accepted at the initiation of the payment plan for the payments agreed to under the plan; contrary to Revised Code of Washington 31.45.084 and 31.45.079.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 31.46.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **COLLECTION AGENCIES AND DEBT ADJUSTING**

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### **Lending of Money or Extending Credit — RCW 18.28.120(2) and (3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did lend money or credit and/or did receive or charge any fee in the form of a promissory note or other promise to pay or receive or did accept any mortgage or other security for any fee; contrary to Revised Code of Washington 18.28.120(2) and (3).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Misleading Advertisement — RCW 18.28.120(6)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did make, or did allow to be made, any false, misleading or deceptive statement or representation with regard to the services to be performed by him or her or the charges to be made for such services; contrary to Revised Code of Washington 18.28.120(6).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Offering Payment for Referrals — RCW 18.28.120(7)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did offer, pay, or give any cash, fee, gift, bonus, premiums, reward, or other compensation to any person for referring any prospective client to him or her or to another debt adjustor; contrary to Revised Code of Washington 18.28.120(7).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operating a Collection Agency Without a License — RCW 19.16.430**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly operate as a collection agency or as an out-of-state collection agency without being licensed in accordance with Chapter 19.16 RCW; contrary to Revised Code of Washington 19.16.430.

(Maximum Penalty—One (1) year imprisonment or \$500 fine, or both pursuant to RCW 19.16.430(1), plus restitution, assessments and court costs.)

### **Receiving Compensation from Non-Client — RCW 18.28.120(8)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did receive any cash, fee, gift, bonus, premiums, reward, or other compensation from any person other than the debtor or a person in the debtor's behalf in connection with his or her activities as a debt adjustor; contrary to Revised Code of Washington 18.28.120(8).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Taking Confession of Judgment — RCW 18.28.120(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did take any confession of judgment or power of attorney to confess judgment against the debtor and/or did appear as the debtor in any judicial proceedings; contrary to Revised Code of Washington 18.28.120(4).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Taking Partially Filled Out Contract or Instrument — RCW 18.28.120(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did take any contract or any other instrument which had a blank space when signed by the debtor; contrary to Revised Code of Washington 18.28.120(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Taking Release of Obligation to Perform — RCW 18.28.120(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did take, concurrent with the signing of the contract or as a part of the contract or as part of the application for the contract, a release of any obligation to be performed on his or her part; contrary to Revised Code of Washington 18.28.120(5).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Disclosure of Clients — RCW 18.28.120(9)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a debt adjustor, did disclose to anyone the debtors who have contracted with him or her and/or did disclose the creditors of a debtor to someone other than the debtor or another creditor of the debtor; contrary to Revised Code of Washington 18.28.120(9).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.28.190 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **DAY CARE, BOARDING HOMES, NURSING HOMES, AND ADULT FAMILY HOMES**

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### **Operating a Birthing Center Without a License — RCW 18.46.120**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or maintain a birthing center without a license issued under Chapter 18.46 RCW; contrary to Revised Code of Washington 18.46.120.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.46.120 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operating a Boarding Home Without a License — RCW 18.20.140**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or maintain any boarding home without a license issued under Chapter 18.20 RCW; contrary to Revised Code of Washington 18.20.140.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.20.140 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operating a Facility for Children (Day Cares), Expectant Mothers, or Persons With Developmental Disabilities Without a License — RCW 74.15.150**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did receive children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or did place, arrange the placement of, or assist in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption without being licensed to do so; contrary to Revised Code of Washington 74.15.150.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 74.15.150 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operating a Nursing Home Without a License — RCW 18.51.150**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or maintain any nursing home without a license issued under Chapter 18.51 RCW; contrary to Revised Code of Washington 18.51.150.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.51.150 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Serving as a Nursing Home Administrator Without a License — RCW 18.52.140**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act or serve in the capacity of a nursing home administrator without holding a nursing home administrator's license issued under Chapter 18.52 RCW; contrary to Revised Code of Washington 18.52.140.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.52.140 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlicensed Adult Family Home Operation — RCW 70.128.055**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, without a license, operate or maintain an adult family home; contrary to Revised Code of Washington 70.128.055.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 70.128.055 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **EMPLOYMENT AGENCIES**

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### **Conducting an Employment Agency Business Without a License — RCW 19.31.080**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did conduct an employment agency business without being licensed as an employment agency in accordance with Chapter 19.31 RCW; contrary to Revised Code of Washington 19.31.080.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 19.31.080 and RCW 9.92.030, plus restitution, assessments and court costs.)

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### Engaging in Business Without a License — RCW 18.44.171

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in business as an escrow agent without applying for and receiving the license required by Chapter 18.44 RCW; contrary to Revised Code of Washington 18.44.171.

(Maximum Penalty — Ninety (90) days in jail and/or a fine of \$100.00 per day of unlicensed practice pursuant to RCW 18.44.171, plus restitution and assessments.)

### Engaging in Escrow Business After Surrender, Expiration, Suspension or Revocation of License — RCW 18.44.171

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did continue to act as an escrow agent or licensed escrow officer after surrender, expiration, suspension or revocation of the defendant's license to engage in business as an escrow agent that was issued pursuant to Chapter 8.44 RCW; contrary to Revised Code of Washington 18.44.171.

(Maximum Penalty — Ninety (90) days in jail and/or a fine of \$100.00 per day of unlicensed practice pursuant to RCW 18.44.171, plus restitution and assessments.)

## FUNERAL DIRECTORS AND EMBALMERS

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### **Below Market Rates — RCW 18.39.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did sale or offer for sale, any share, certificate, or interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, that promises or purports to give to the purchaser a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; contrary to Revised Code of Washington 18.39.220.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.39.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Conducting a Cremation Without a Permit — RCW 18.39.217**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did conduct a cremation without a permit or endorsement issued by the state board of funeral directors and embalmers or issued under Chapter 68.05 RCW, contrary to Revised Code of Washington 18.39.217.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.39.217(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Embalm or Refrigerate Human Remains — RCW 18.39.215(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is authorized to dispose of human remains, did not refrigerate or embalm a deceased body within twenty-four hours of receipt of the body; contrary to Revised Code of Washington 18.39.215(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.39.215(2) (b) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Payment of Money for Securing Business — RCW 18.39.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is a funeral director or embalmer, did pay, or cause to be paid, directly or indirectly, money or other valuable consideration to another person for the securing of business; contrary to Revised Code of Washington 18.39.220.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.39.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Prohibited Advice or Transactions — RCW 18.39.231**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a funeral director or a person under the supervision of a funeral director, in conjunction with any professional services performed for compensation under Chapter 18.39 RCW, did provide financial or investment advice to any person other than a family member, and/or did represent any person in a real estate transaction, and/or did act as an agent under a power of attorney for any person; contrary to Revised Code of Washington 18.39.231.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.39.231 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Receipt of Money for Securing Business — RCW 18.39.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did accept money or other valuable consideration, directly or indirectly, from a funeral director or embalmer, for the securing of business for the funeral director or embalmer; contrary to Revised Code of Washington 18.39.220.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.39.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Conducting an Overlong Going Out of Business Sale — RCW 19.178.060**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly conduct a going out of business sale for more than sixty days from the beginning date of the sale; contrary to Revised Code of Washington 19.178.060.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.178.120 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Continuing Business After Conducting a Going Out of Business Sale — RCW 19.178.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly continue to conduct a going out of business sale beyond the ending date listed in the notice of the sale and/or within one year of conducting a going out of business did knowingly remain in business under any of the same ownership, or under the same or substantially the same trade name, or did knowingly continue to offer for sale the same type of merchandise; contrary to Revised Code of Washington 19.178.080.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.178.120 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Corporation Doing Business Without License — RCW 9.24.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a corporation, whether domestic or foreign, or a person representing or pretending to represent such corporation as an officer, agent or employee thereof, did transact, solicit or advertise for any business in this state, before such corporation shall have obtained from the officer lawfully authorized to issue the same, a certificate that such corporation is authorized to transact business in this state; contrary to Revised Code of Washington 9.24.040.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.24.040 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Engaging in Business After Revocation of Certificate of Registration — RCW 82.32.290(2)(a)(i)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in business after revocation of a certificate of registration issued pursuant to Chapter 82.32 RCW; contrary to Revised Code of Washington 82.32.290(2)(a)(i).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 82.32.290(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Engaging in Business Without Certificate of Registration — RCW 82.32.290(1)(a)(i)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in business without having obtained a certificate of registration as provided by Revised Code of Washington 82.32; contrary to Revised Code of Washington 82.32.290(1)(a)(i).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 82.32.290(1)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Display Going Out of Business Notice — RCW 19.178.020(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly fail to display in a prominent place the notice of the going out of business sale on the premises where a going out of business sale is being conducted; contrary to Revised Code of Washington 19.178.020(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.178.120 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Failure to Record Notice and Inventory Prior to Going Out of Business Sale —RCW 19.178.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sell, offer for sale, or advertise for sale merchandise at a going out of business sale without first recording a notice of the going out of business sale and executing an affidavit of inventory under Chapter 19.178 RCW; contrary to Revised Code of Washington 19.178.020(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.178.120 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **False Report of Corporation — RCW 9.24.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a director, officer or agent of any corporation or joint stock association, or a person engaged in organizing or promoting any enterprise, did knowingly make or publish or concur in making or publishing any prospectus, report, exhibit or statement of its affairs or pecuniary condition, containing any material statement that is false or exaggerated; contrary to Revised Code of Washington 9.24.050.

(Maximum Penalty—Ten (10) years imprisonment or \$5,000 fine, or both pursuant to RCW 9.24.050, plus restitution, assessments and court costs.)

### **Fraud in Stock Subscription — Signing Fictitious Name — RCW 9.24.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sign the name of any fictitious person to any subscription for or any agreement to take stock in any corporation existing or proposed; contrary to Revised Code of Washington 9.24.010.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.24.010 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Fraud in Stock Subscription — Fictitious Agreement — RCW 9.24.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sign to any subscription for or any agreement to take stock in any corporation existing or proposed the name of a person, to wit: (name of person), knowing that such person did not intend in good faith to comply with the terms thereof, or upon any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced; contrary to Revised Code of Washington 9.24.010.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.24.010 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Fraudulent Issue of Stock or Scrip — Unauthorized Transactions — RCW 9.24.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an officer, agent, or other person in the service of a joint stock company or corporation, did wilfully and knowingly with the intent to defraud sell, pledge, or issue, or cause to be sold, pledged, or issued any certificate or instrument purporting to be a certificate or evidence of ownership of any share or shares of such company or corporation, or any conveyance or encumbrance of real or personal property, contract, bond or evidence of debt of such company or corporation, without being first duly authorized by such company or corporation to do so, and/or the transaction was in excess of the power of such company or corporation, or of the limit imposed by law or otherwise upon the company or corporations power to create or issue stock or evidence of debt; contrary to Revised Code of Washington 9.24.020(1).

(Maximum Penalty—Ten (10) years imprisonment or \$5,000 fine, or both pursuant to RCW 9.24.020, plus restitution, assessments and court costs.)

### **Fraudulent Issue of Stock or Scrip — Reissuing Surrendered or Canceled Certificates — RCW 9.24.020(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an officer, agent, or other person in the service of a joint stock company or corporation, wilfully and knowingly with the intent to defraud, did reissue, sell, pledge, or dispose of, or cause to be reissued, sold, pledged, or disposed of any surrendered or canceled certificate or other evidence of the transfer of ownership of any such share or shares; contrary to Revised Code of Washington 9.24.020(2).

(Maximum Penalty—Ten (10) years imprisonment or \$5,000 fine, or both pursuant to RCW 9.24.020, plus restitution, assessments and court costs.)

### **Going Out of Business Sale Advertising Violations — RCW 19.178.100**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly advertise a going out of business sale more than fourteen days before the beginning date of the sale, and/or did knowingly fail to clearly state the beginning and ending date of the sale, and/or did knowingly include a false, misleading, or deceptive statements regarding the nature, duration, merchandise, or other terms of the going out of business sale; and/or did knowingly make representations regarding price savings or discounts on sale merchandise that were not bona fide and substantiated, and/or did knowingly advertise a moving sale for more than ninety days or more than once within a twenty-four month period; contrary to Revised Code of Washington 19.178.100.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.178.120 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Going Out of Business Inventory Violations — RCW 19.178.070**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sell consigned merchandise or other merchandise not owned by the person signing the notice at a going out of business sale and/or did knowingly transfer merchandise from an affiliated business or business location to the location or locations of the sale and/or after recording the notice of a going out of business sale, did knowingly buy or order merchandise, take merchandise on consignment, or receive a transfer of merchandise from an affiliated business or business location for the purpose of selling it at the sale or sell the merchandise in a going out of business sale; contrary to Revised Code of Washington 19.178.070.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.178.120 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## HEALTH PROFESSIONALS

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#### **Acting as a Massage Practitioner Without a License — RCW 18.108.030(1) and RCW 18.130.040(2)(a)(v)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or represent himself or herself as a massage practitioner without first applying for and receiving from the Department of Health a license to practice; contrary to Revised Code of Washington 18.108.030(1) and RCW 18.130.040(2)(a)(v).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses —Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

#### **Acupuncturist's Failure to Request Consultation From a Physician Regarding a Patient With Potentially Serious Disorder — RCW 18.06.140**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an acupuncturist, did see a patient with a potentially serious disorder, without immediately requesting a consultation or written diagnosis from a physician licensed under Chapter 18.71 or 18.57 RCW and/or did provide treatment for a patient with a potentially serious disorder after the patient refused to authorize such consultation or to provide such recent diagnosis; contrary to Revised Code of Washington 18.06.140.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.06.1540(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Advise Patient of Scope of Acupuncturist's Practice and Qualifications — RCW 18.06.130**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to bring the information contained in WAC 246-802-120 setting forth the acupuncturist's scope of practice and qualifications to the attention of his or her patients; contrary to Revised Code of Washington 18.06.130.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.06.130(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Practice as an Acupuncturist Without a License — RCW 18.06.020(2) and RCW 18.130.040(2)(a)(vii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice acupuncture without first obtaining a license under Chapter 18.06 RCW; contrary to Revised Code of Washington 18.06.020(2) and RCW 18.130.040(2)(a)(vii).

(Maximum Penalty—for first offense — One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Practice as a Chiropractic Without a License — RCW 18.25.011**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice chiropractic in this state without first obtaining a license as provided in Chapter 18.25 RCW; contrary to Revised Code of Washington 18.25.011.

(Maximum Penalty—for first offense — One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Practice of Naturopathy Without a License — RCW 18.36A.030 and RCW 18.130.040(2)(a)(ii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice naturopathy or represent himself or herself as a naturopath without first applying for and receiving a license from the Secretary of Health to practice naturopathy; contrary to Revised Code of Washington 18.36A.030(1) and RCW 18.130.040(2)(a)(ii).

(Maximum Penalty—for first offense — One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## **Unlicensed Practice of Osteopathic Medicine — RCW 18.57.031**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or represent himself or herself as an osteopathic physician or surgeon without first having a valid license to do so; contrary to Revised Code of Washington 18.57.031.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.57.011, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.57.011, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Use of Another's Osteopathic Medicine Certificate — RCW 18.57.160**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did falsely claim to be the person named in a certificate issued to another pursuant to Chapter 18.57 RCW authorizing that other person to practice or to represent himself or herself as an osteopathic physician or surgeon; contrary to Revised Code of Washington 18.57.160.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 18.57.160, RCW 9A.60.020(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

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## **Employing Unlicensed Dentist — RCW 18.32.745**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did contract for, employ or retained any unlicensed person or dentist as an operator of any office, dental parlor, or other place where dental work is performed; contrary to Revised Code of Washington 18.32.745.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.32.745(4)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Improper Delegation — RCW 18.32.735**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a licensed dentist, did permit a dental hygienist operating under the defendant's supervision to perform an operation that Chapter 18.32 RCW requires to be performed by a dentist; contrary to Revised Code of Washington 18.32.735.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.32.735 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Practice as a Dental Hygienist Without a License — RCW 18.29.011 and RCW 18.130.040(2)(a)(vi)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice as a dental hygienist in this state without having a license as such or an unexpired license renewal certificate; contrary to Revised Code of Washington 18.29.011 and RCW 18.130.040(2)(a)(vi).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Practice as a Dentist Without a License — RCW 18.32.091**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice as a dentist in this state without having a license to practice as a dentist; contrary to Revised Code of Washington 18.32.091.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.32.390 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Practice as a Denturist Without a License — RCW 18.30.030 and RCW 18.130.040(2)(a)(xix)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice as a denturist in this state without having a license as such; contrary to Revised Code of Washington 18.30.030 and RCW 18.130.040(2)(a)(xix).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## Eye Care

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### **Practice as a Dispensing Optician Without a License — RCW 18.34.141 and RCW 18.130.040(2)(a)(i)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or represent himself or herself as a dispensing optician without first having a valid license to do so; contrary to Revised Code of Washington 18.34.141 and RCW 18.130.040(2)(a)(i).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Practice Optometry Without a License — RCW 18.53.021**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice optometry in this state without first obtaining a license from the Secretary of Health; contrary to Revised Code of Washington 18.53.021.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Unlicensed Fitting or Dispensing of Hearing Instruments — RCW 18.35.020(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the fitting and dispensing or hearing instruments or did imply or represent that he or she is engaged in the practice of fitting and dispensing hearing instruments without first obtaining a valid license to do so under Chapter 18.35 RCW; contrary to Revised Code of Washington 18.35.020(1).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.35.172, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.35.172, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlicensed Practice of Audiology — RCW 18.35.020(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the practice of audiology or did imply or represent that he or she is engaged in the practice of audiology without first obtaining a valid license to do so under Chapter 18.35 RCW; contrary to Revised Code of Washington 18.35.020(2).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.35.172, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.35.172, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs)

## **Unlicensed Practice of Speech-Language Pathology — RCW 18.34.020(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the practice of speech-language pathology and/or did imply or represent that he or she is engaged in the practice of speech-language pathology without first obtaining a valid license to do so under Chapter 18.35 RCW; contrary to Revised Code of Washington 18.35.020(3).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.35.172, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.35.172, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs)

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## **Practice as an Ocularist Without a License — RCW 18.55.007 and RCW 18.130.040(2)(a)(iv)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or represent himself or herself as an ocularist without first having a valid license to do so; contrary to Revised Code of Washington 18.55.007 and RCW 18.130.040(2)(a)(iv).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlicensed Othotic or Prosthetic Services — RCW 18.200.030 and RCW 18.130.040(2)(a)(xx)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did represent himself or herself as a licensed orthotist or prosthetist or did engage in the practice of orthotics or prosthetics without being licensed by the department of health to do so; contrary to Revised Code of Washington 18.200.030 and RCW 18.130.040(2)(a)(xx).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9A.02.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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## **Unlicensed Ambulance Service or Aid Service — RCW 18.73.130 and RCW 18.130.040(2)(a)(xviii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate an ambulance service or an aid service in this state without holding a license for such operation issued by the secretary of the department of health; contrary to Revised Code of Washington 18.73.130 and RCW 18.130.040(2)(a)(xviii).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9A.02.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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## **Practice of Midwifery Without a License — RCW 18.50.020 and RCW 18.130.040(2)(a)(iii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice midwifery in this state without first obtaining a license to do so from the Secretary of Health; contrary to Revised Code of Washington 18.50.020 and RCW 18.130.040(2)(a)(iii).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9A.02.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### Unlicensed Occupational Therapy Practitioner — RCW 18.59.031

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or did represent himself or herself as an occupational therapy practitioner without first obtaining a valid license to do so under Chapter 18.59 RCW; contrary to Revised Code of Washington 18.59.031.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.59.141, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.59.141, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### Unlicensed Practice of Physical Therapy — RCW 18.74.090

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice physical therapy without first obtaining a valid license to do so under Chapter 18.74 RCW, and/or did represent himself or herself as a physical therapist without first obtaining a valid license to do so under Chapter 18.74 RCW; contrary to Revised Code of Washington 18.74.090.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.74.029, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.74.029, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### Unlicensed Practice as an Advanced Registered Nurse Practitioner or as a Nurse Practitioner — RCW 18.79.030(2)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or did offer to practice as an advanced registered nurse practitioner or as a nurse practitioner without first obtaining a license to do so under Chapter 18.79 RCW; contrary to Revised Code of Washington 18.79.030(2).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.79.120, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.79.120, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlicensed Practice as a Licensed Practical Nurse — RCW 18.79.030(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or did offer to practice as a licensed practical nurse without first obtaining a license to do so under Chapter 18.79 RCW; contrary to Revised Code of Washington 18.79.030(3).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.79.120, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.79.120, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlicensed Practice as a Registered Nurse — RCW 18.79.030(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or did offer to practice as a registered nurse without first obtaining a license to do so under Chapter 18.79 RCW; contrary to Revised Code of Washington 18.79.030(1).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.79.120, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.79.120, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Adulterated or Impure Drugs — RCW 18.64.270**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly, wilfully, or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by an official compendium or used or intended to be used in medical practice, and/or did wilfully, knowingly or fraudulently offer for sale, sell or cause to be sold for medicinal purposes an adulterated drug or medicinal substance or preparation; contrary to Revised Code of Washington 18.64.270.

(Penalty — For a first or second offense, a fine of not less than \$75 nor more than \$15, or by imprisonment in the county jail for not less than one month, nor more than three months pursuant to RCW 18.64.270, plus restitution and assessments. For a third or subsequent offense, a fine of not less than \$75 nor more than \$15, and imprisonment in the county jail for not less than one month, nor more than three months pursuant to RCW 18.64.270, plus restitution and assessments. )

### **Failure to Exhibit Health Care Entity License — RCW 18.64.460(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an owner of a health care entity, did fail to properly exhibit the license of location in said business; contrary to Revised Code of Washington 18.64.460(3).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.460(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Exhibit Manufacturer's License — RCW 18.64.045**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a business which manufactures drugs, did fail to properly exhibit the license of location in said business; contrary to Revised Code of Washington 18.64.045.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.045(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Exhibit Pharmacy License — RCW 18.64.043(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a pharmacy, did fail to properly exhibit the license of location in said pharmacy; contrary to Revised Code of Washington 18.64.043(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.043(3) and RCW 9.92.030, plus restitution, assessments and court costs.)



### **Failure to Exhibit Wholesaler's License — RCW 18.64.046**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a business which sells legend drugs and/or nonprescription drugs at wholesale, did fail to properly exhibit the license of location in said business; contrary to Revised Code of Washington 18.64.046.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.046 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Maintain Prescription Records — RCW 18.64.245**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a proprietor or manager of a pharmacy, did fail to keep readily available a record of every prescription dispensed at such pharmacy for a period of not less than two years, and/or did fail to produce such record for inspection by the Board of Pharmacy or by any officer of the law; contrary to Revised Code of Washington 18.64.245.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.245(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Notify the Department of Health of Change of Location or Ownership — RCW 18.64.043(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a pharmacy, did fail to immediately notify the Department of Health of a change of location or ownership of said pharmacy; contrary to Revised Code of Washington 18.64.043(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.043(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Notify the Department of Health of Change of Location or Ownership — RCW 18.64.046**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a business which sells legend drugs and/or nonprescription drugs at wholesale, did fail to immediately notify the Department of Health of a change of location or ownership of said business; contrary to Revised Code of Washington 18.64.046.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.046 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Failure to Notify the Department of Health of Change of Location or Ownership — RCW 18.64.045**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a business which manufactures drugs, did fail to immediately notify the Department of Health of a change of location or ownership of said business; contrary to Revised Code of Washington 18.64.045.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.045(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Failure to Notify the Department of Health of Change of Location or Ownership — RCW 18.64.460(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner of a health care entity, did fail to immediately notify the Department of Health of a change of location or ownership of said business; contrary to Revised Code of Washington 18.64.460(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.460(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Failure to Properly Label Prescription — RCW 18.64.246**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did dispense a container of a prescription that did not have affixed to it a label bearing the name and address of the dispensing pharmacy, the prescription number, the name of the prescriber, the prescriber's directions, the name of the patient, the date, and the expiration date; contrary to Revised Code of Washington 18.64.246.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.246(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Nonresident Pharmacy Conducting Business Within the State Without a License — RCW 18.64.370(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a nonresident pharmacy, did conduct the business of selling or distributing drugs in this state, without first obtaining a license to do so from the department of health; contrary to Revised Code of Washington 18.64.370(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.64.280 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Unlicensed Practice — RCW 18.64.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice pharmacy or did institute or operate a pharmacy without being a licensed pharmacist or without placing a licensed pharmacist in charge of such pharmacy; contrary to Revised Code of Washington 18.64.020.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.64.163, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.64.163, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unregistered Selling of Nonprescription Drugs By a Shopkeeper— RCW 18.64.044(4)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, not a licensed pharmacist, did vend or sell, or offer to sell to the public nonprescription drugs or preparations without having registered as a shopkeeper as required by RCW 18.64.044; contrary to Revised Code of Washington 18.64.044(4).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.044(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Unregistered Selling of Nonprescription Drugs By an Itinerant Vendor or Peddler— RCW 18.64.047**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an itinerant vendor or peddler, did vend or sell, or offer to sell to the public nonprescription drugs or preparations for the treatment of disease or injury without having registered as an itinerant vendor or peddler as required by RCW 18.64.047; contrary to Revised Code of Washington 18.64.047.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.64.047 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Physicians**

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## **False Personation — RCW 18.71.190**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did file for record or did attempt to file for record the certificate to practice medicine issued to another under Chapter 18.71 RCW, and the defendant did falsely claim to be the person named in such certificate and/or the person entitled to such certificate; contrary to Revised Code of Washington 18.71.190.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 18.71.190, RCW 9A.60.020(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

## **Practice Podiatry Without a License — RCW 18.22.021**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice podiatry in this state without first obtaining a license; contrary to Revised Code of Washington 18.22.021.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.22.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Unlicensed Practice of Medicine — RCW 18.71.021**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or did represent himself or herself as practicing medicine without first obtaining a valid license to do so under Chapter 18.71 RCW; contrary to Revised Code of Washington 18.71.021.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.71.019, RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.71.019, RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Psychology**

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## **Practice of Psychology While License is Suspended or Revoked — RCW 18.83.180(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice as a licensed psychologist during the time his or her license issued under the provisions of Chapter 18.83 RCW was suspended or revoked; contrary to Revised Code of Washington 18.83.180(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.83.180 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Practice of Psychology Without a License — RCW 18.83.020 and RCW 18.83.180(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did represent himself or herself to be a psychologist without first obtaining a license as provided in Chapter 18.83.020 RCW; contrary to Revised Code of Washington 18.83.020 and Revised Code of Washington 18.83.180(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.83.180 and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Unlicensed Practice as a Respiratory Care Practitioner — RCW 18.89.015 and RCW 18.130.040(2)(a)(ix)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice or offer to practice as a respiratory care practitioner in this state or did use a title, sign, or device to indicate that the defendant is practicing as a respiratory care practitioner without first obtaining a license to do so; contrary to Revised Code of Washington 18.89.015 and RCW 18.130.040(2)(a)(ix).

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Engaging in Prohibited Activities — RCW 19.154.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an immigration assistant, did make any statement that the immigration assistant can or will obtain special favors from or has special influence with the United States immigration and naturalization service and/or did retain any compensation for services not performed, and/or did refuse to return documents supplied by, prepared by, or paid for by the customer upon the request of the customer, and/or did represent or advertise, in connection with the provision of immigration assistance, other titles or credentials, including but not limited to "notary public" or "immigration consultant" that could cause a customer to believe that the immigration assistant possesses special professional skills, and/or did communicate in any manner, oral or written, that registration under this chapter is an indicator of special skill or expertise or that it allows the person to provide advice on an immigration matter, and/or did give any legal advice concerning an immigration matter; contrary to Revised Code of Washington 19.154.080.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Failure to Include Required Information in Contract — RCW 19.154.070(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an immigration assistant, did fail to include any of the following information in the written contract for services: (a) an explanation of the services to be performed; (b) identification of all compensation and costs to be charged to the customer for the services to be performed; (c) a statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the assistant for any purpose, including payment of compensation or costs; (d) a statement that the immigration assistant is not an attorney and may not perform legal services; and/or a statement that the customer has seventy-two hours to rescind the contract; contrary to Revised Code of Washington 19.154.070(1). (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Failure to Produce Contract in Both English and in the Language of the Customer — RCW 19.154.070(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to produce the written contract in both English and in the language of the customer; contrary to Revised Code of Washington 19.154.070(2). (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Failure to Provide Change of Address Information — RCW 19.154.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a registered immigration assistant, did fail to inform the secretary of state of any changes in his or her name, addresses, or telephone numbers within thirty days of the change; contrary to Revised Code of Washington 19.154.050. (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Failure to Provide Copy of Contract to Customer — RCW 19.154.070(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an immigration assistant, did fail to provide a copy of the executed contract to the customer; contrary to Revised Code of Washington 19.154.070(3). (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Failure to Register as an Immigration Assistant — RCW 19.154.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the business of an immigration assistant without registering with the secretary of state's office and/or without providing the secretary of state with his or her name, business address, home address, and business and home telephone numbers; contrary to Revised Code of Washington 19.154.040.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **Failure to Return Documents to Customer — RCW 19.154.070(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an immigration assistant, did fail to return upon the demand of a customer documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status; contrary to Revised Code of Washington 19.154.070(5).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.154.100 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **INSURANCE**

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## **Acting as an Insurance Agent, Broker, Solicitor, or Adjustor Without a License — For Crimes Committed Prior to July 27, 2003 — Former RCW 48.17.060(1) (Laws of 1995, ch. 214, § 1(1))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act or hold himself or herself out to be an agent, broker, solicitor, or adjustor when the Defendant did was not then licensed by this state to act as an agent, broker, solicitor, or adjustor; contrary to former Revised Code of Washington 48.17.060(1) (Laws of 1995, ch. 214, § 1(1)).

(Maximum Penalty—Six (6) months in jail or \$500 fine, or both pursuant to former RCW 48.17.060(4), plus restitution, assessments and court costs.)

**Acting as an Insurance Agent, Broker, Solicitor, or Adjustor Without a License — For Crimes Committed On or After July 27, 2003 — RCW 48.17.060(1) (Laws of 2003, ch. 250, § 4(1))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly act or hold himself or herself out to be an agent, broker, solicitor, or adjustor when the Defendant did was not then licensed by this state to act as an agent, broker, solicitor, or adjustor; contrary to Revised Code of Washington 48.17.060(1) (Laws of 2003, ch. 250, § 4(1)).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 48.15.063(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Soliciting or Taking Insurance Applications for Which Not Licensed — For Crimes Committed Prior to July 27, 2003 — Former RCW 48.17.060(2) (Laws of 1995, ch. 214, § 1(2))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an agent, solicitor, or broker, did solicit or take applications for, procure, or place for others any kind of insurance for which the Defendant was not then licensed; contrary to former Revised Code of Washington 48.17.060(2) (Laws of 1995, ch. 214, § 1(2)).

(Maximum Penalty—Six (6) months in jail or \$500 fine, or both pursuant to former RCW 48.17.060(4), plus restitution, assessments and court costs.)

**Soliciting or Taking Insurance Applications for Which Not Licensed — For Crimes Committed On or After July 27, 2003 — RCW 48.17.060(2) (Laws of 2003, ch. 250, § 4(2))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an agent, solicitor, or broker, did knowingly solicit or take applications for, procure, or place for others any kind of insurance for which the Defendant was not then licensed; contrary to Revised Code of Washington 48.17.060(2) (Laws of 2003, ch. 250, § 4(2)).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 48.15.063(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Soliciting or Transacting Insurance Business Without Authorization — RCW 48.15.020(1)**

For crimes committed On or After July 27, 2003.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly solicit insurance business or did transact insurance business without being authorized to do so by the insurance commissioner; contrary to Revised Code of Washington 48.15.020(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 48.15.023(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## INVESTMENTS AND SECURITIES

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### **Destruction of Records Needed for Use in a Chapter 21.20 RCW (Securities Act) Proceeding — For Crimes Committed On or After July 27, 2003 — RCW 21.20.400(2) (Laws of 2003, ch. 288, § 3(2))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to impair the object's integrity or availability for use in an official proceeding under Chapter 21.20 RCW, the Washington Securities Act, did knowingly alter, destroy, shred, mutilate, or conceal a record, document, or other object or did attempt to alter, destroy, shred, mutilate, or conceal a record, document, or other object; contrary to Revised Code of Washington 21.20.400(2) (Laws of 2003, ch. 288, § 3(2)).

(Maximum Penalty—Ten (10) years imprisonment or \$500,000 fine, or both pursuant to RCW 21.20.400(2) (Laws of 2003, ch. 288, § 3(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Employment of Unregistered Salesperson — RCW 21.20.040(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a broker dealer or issuer, did wilfully employ a salesperson who was not registered as required by Chapter 21.20 RCW or was not exempt from registration by Chapter 21.20 RCW; contrary to Revised Code of Washington 21.20.040(2).

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

### **Employment of Unregistered Investment Advisor — RCW 21.20.040(5)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a person registered as an investment adviser under Chapter 21.20 or a person required to be registered as an investment adviser under Chapter 21.20 RCW, did wilfully employ, supervise, or associate with an investment adviser representative who was not registered as required by Chapter 21.20 RCW or was not exempt from registration by Chapter 21.20 RCW; contrary to Revised Code of Washington 21.20.040(5)(a).

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

### **False or Misleading Statements in Filed Documents — RCW 21.20.350**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully make or cause to be made, in any document filed with the Director of Financial Institutions or in any proceeding under Chapter 21.20 RCW, a statement which the Defendant knows is false or misleading in any material respect; contrary to Revised Code of Washington 21.20.350.

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

### **Transacting Business as a Broker-Dealer or Salesperson Without a License — RCW 21.20.040(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully transact business in this state as a broker-dealer or salesperson at a time when the Defendant (a) was not registered as required by Chapter 21.20 RCW and/or (b) effected transactions in this state of a type not described by section 15(h)(3) of the Securities Exchange Act of 1934 while satisfying the requirements of section 15(h)(2) of the Securities Exchange Act of 1934; contrary to Revised Code of Washington 21.20.040(1).

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

### **Unlawful Offer, Sale or Purchase of Securities — RCW 21.20.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in connection with the offer, sale or purchase of any security, to wit: \_\_\_\_\_, directly or indirectly, (1) did wilfully employ any device, scheme, or artifice to defraud; and/or (2) did wilfully make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and/or (3) did wilfully engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; contrary to Revised Code of Washington 21.20.010 and 21.20.400.

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

## **Unlawful Offer or Sale of Unregistered Securities — RCW 21.20.140**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully offer or sell (1) any security that was not registered by coordination or qualification under Chapter 21.20 RCW; and/or (2) a security or transaction that was not exempt under RCW 21.20.310 or 21.20.320; and/or (3) a security that was a federal covered security and the required filing was not made and/or a fee not paid in accordance with RCW 21.20.327; contrary to Revised Code of Washington 21.20.140 and 21.20.400.

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

## **Unregistered Investment Adviser — RCW 21.20.040(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully transact business in this state as an investment adviser or investment adviser representative when (a) the Defendant was not registered as required by Chapter 21.20 RCW or exempted from registration by Chapter 21.20 RCW; contrary to Revised Code of Washington 21.20.040(3).

(Maximum Penalty—Ten (10) years in jail or \$5,000 fine, or both, pursuant to RCW 21.20.400, plus restitution, assessments and court costs.)

## **LAW**

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## **Unlawful Practice of Law — Legal Provider — First Offense — RCW 2.48.180(2)(b) and/or (d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a legal provider, did hold an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business and/or did work for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; contrary to Revised Code of Washington 2.48.180(2)(b) and/or (d).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 2.48.180(3)(a), and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Practice of Law — Legal Provider — Second or Subsequent Offense — RCW 2.48.180(2)(b) and/or (d)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a legal provider, after having previously committed the unlawful practice of law in violation of RCW 2.48.180, did hold an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business and/or did work for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; contrary to Revised Code of Washington 2.48.180(2)(b) and/or (d); and furthermore the Defendant was previously convicted or charged with unlawful practice of law in (name of case), (court name) cause number. (cause number).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 2.48.180(3)(b), and 9A.20.021(1)(c), plus restitution and assessments.)

**Unlawful Practice of Law — Nonlawyer — First Offense — RCW 2.48.180(2)(a), (c), and/or (e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a nonlawyer, did practice law or hold himself or herself out as entitled to practice law, and/or did knowingly hold an investment or ownership interest in a business primarily engaged in the practice of law, and/or did share legal fees with a legal provider; contrary to Revised Code of Washington 2.48.180(2)(a), (c), and/or (e).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 2.48.180(3)(a), and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Practice of Law — Nonlawyer — Second or Subsequent Offense — RCW 2.48.180(2)(a), (c), and/or (e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a non-lawyer, after having previously committed the unlawful practice of law in violation of RCW 2.48.180, did practice law or hold himself or herself out as entitled to practice law, and/or did knowingly hold an investment or ownership interest in a business primarily engaged in the practice of law, and/or did share legal fees with a legal provider; contrary to Revised Code of Washington 2.48.180(2)(a), (c), and/or (e); and furthermore, the Defendant was previously convicted or charged with unlawful practice of law in (name of case), (court name) cause number. (cause number).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 2.48.180(3)(b), and 9A.20.021(1)(c), plus restitution and assessments.)

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### **False Representation or Material Omission in Record Required by Chapter 19.230 RCW —For Crimes Committed On or After October 1, 2003 — RCW 19.230.300(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally make a false statement, misrepresentation, or false certification in a record filed or required to be maintained under Chapter 19.230 RCW, and/or did intentionally make a false entry or did intentionally omit a material entry in a record filed or required to be maintained under Chapter 19.230 RCW; contrary to Revised Code of Washington 19.230.300(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.230.300(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Engaging in the Business of Currency Exchange Without a License — Less Than \$500 Compensation —For Crimes Committed On or After October 1, 2003 — RCW 19.230.080**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly engage in the business of currency exchange, and/or did knowingly advertise, solicit, or hold himself or herself out as able to engage in currency exchange, when the Defendant was not licensed as a currency exchange under Chapter 19.230 RCW and/or was not licensed as a money transmitter under Chapter 19.230 RCW, and/or was not an authorized delegate of a person licensed under Chapter 19.230 RCW, and the Defendant received revenue equal to or greater than five percent of total revenues; contrary to Revised Code of Washington 19.230.080.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 19.230.300(3) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Engaging in the Business of Currency Exchange Without a License — More Than \$500 Compensation —For Crimes Committed On or After October 1, 2003 — RCW 19.230.080**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly engage in the business of currency exchange, and/or did knowingly advertise, solicit, or hold himself or herself out as able to engage in currency exchange, when the Defendant was not licensed as a currency exchange under Chapter 19.230 RCW and/or was not licensed as a money transmitter under Chapter 19.230 RCW, and/or was not an authorized delegate of a person licensed under Chapter 19.230 RCW, and the Defendant received revenue equal to or greater than five percent of total revenues, and the revenue received during a thirty-day period was greater than five hundred dollars; contrary to Revised Code of Washington 19.230.080.

(Maximum Penalty— One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.230.300(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Engaging in the Business of Money Transmission Without a License — Less Than \$500 Compensation —For Crimes Committed On or After October 1, 2003 — RCW 19.230.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly engage in the business of money transmission, and/or did knowingly advertise, solicit, or hold himself or herself out as providing money transmission when the Defendant was not licensed as a money transmitter under Chapter 19.230 RCW, and/or was not an authorized delegate of a person licensed as a money transmitter under Chapter 19.230 RCW; contrary to Revised Code of Washington 19.230.030.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 19.230.300(3) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Engaging in the Business of Money Transmission Without a License — More Than \$500 Compensation —For Crimes Committed On or After October 1, 2003 — RCW 19.230.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly engage in the business of money transmission, and/or did knowingly advertise, solicit, or hold himself or herself out as providing money transmission when the Defendant was not licensed as a money transmitter under Chapter 19.230 RCW, and/or was not an authorized delegate of a person licensed as a money transmitter under Chapter 19.230 RCW, and the Defendant received more than five hundred dollars in compensation within a thirty—day period from this activity; contrary to Revised Code of Washington 19.230.030.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.230.030 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

# MORTGAGE BROKERS, APPRAISERS, AND REALTORS

## Mortgage Brokers

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### Engaging in the Business of a Mortgage Broker Without A License — RCW 19.146.200

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the business of a mortgage broker without first obtaining and maintaining a license under Chapter 19.146 RCW or as an employee of a person licensed or exempt from licensing under Chapter 19.146 RCW; contrary to Revised Code of Washington 19.146.200.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to 19.146.110 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### Failure to Maintain a Trust Account — RCW 19.146.050

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a mortgage broker, did fail to deposit all moneys received from borrowers for third-party provider services in a trust account of a federally insured financial institution located in the state or did encumber the corpus of the trust account or did co-mingle operating funds with trust account funds; contrary to Revised Code of Washington 19.146.050.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 19.146.050(c) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### Unauthorized Fee — RCW 19.146. 070(1)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a mortgage broker, did receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan without the borrower actually obtaining a loan from a lender on the terms and conditions agreed upon by the borrower and mortgage broker; contrary to Revised Code of Washington 19.146.070(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to 19.146.110 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Appraisers**

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### **Unlicensed Real Estate Appraisal — RCW 18.140.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act as a state-certified or state-licensed real estate appraiser without possessing a valid certificate or license issued under Chapter 18.140 RCW; contrary to Revised Code of Washington 18.140.220.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 18.140.220 and RCW 9.92.030, plus restitution, assessments and court costs.)

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### **Unlicensed Real Estate Broker or Salesperson — RCW 18.85.340**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act as a real estate broker, associate real estate broker, or real estate salesperson, without first obtaining a license under Chapter 18.85 RCW; contrary to Revised Code of Washington 18.85.340.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.85.340 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **NOTARY PUBLIC**

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### **Impersonating a Notary Public — RCW 42.44.160(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not appointed as a notary public, did act as or otherwise impersonate a notary public; contrary to Revised Code of Washington 42.44.160(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 42.44.160(3) and RCW 9.92.020, plus restitution, assessments and court costs.)



## **Official Misconduct by a Notary Public — RCW 42.44.160(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is a notary public, did sign a certificate evidencing a notarial act, knowing that the contents of the certificate are false; contrary to Revised Code of Washington 42.44.160(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 42.44.160(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **PAWN BROKERS AND SECOND HAND DEALERS**

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### **Cashing or Selling Checks Without a License — RCW 19.60.066(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a pawnbroker, did engage in the business of cashing or selling checks, drafts, money orders, or other commercial paper without possessing a license issued pursuant to Chapter 31.45 RCW by the Director of Financial Institutions; contrary to Revised Code of Washington 19.60.066(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.60.066 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **False Entry or Misstatement in Records Maintained by Pawnbrokers or Second-Hand Dealers — RCW 19.60.066(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under Chapter 19.60 RCW; contrary to Revised Code of Washington 19.60.066(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.60.066 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **Receipt of Property from Unauthorized Person — RCW 19.60.066(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a pawnbroker or second-hand dealer, did receive any property from any person under the age of eighteen years, or any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or secondhand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another; contrary to Revised Code of Washington 19.60.066(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.60.066 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Removal of Manufacturer's Markings or Identifying Marks — RCW 19.60.066(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge by a pawnbroker or second hand dealer and/or did accept for pledge or a second-hand purchase an item of personal property from which the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the item have been removed, altered, or obliterated; contrary to Revised Code of Washington 19.60.066(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.60.066 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

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### **Employing Unlicensed Armed Private Investigator — RCW 18.165.150(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is licensed under Chapter 18.165 RCW as a private detective agency and who is engaged in the business of detecting, discovering, or revealing (a) crime, criminals, or related information; or (b) the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person or thing; or (c) the location, disposition, or recovery of lost or stolen property; or (d) the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or (e) evidence to be used before a court, board, officer, or investigative committee; or (f) detecting the presence of electronic eavesdropping devices; or (g) the truth or falsity of a statement or representation, did hire, contract with, or otherwise engage the services of an unlicensed armed private investigator knowing that he or she does not have a valid armed private investigator license issued by the Director of the Department of Licensing; contrary to Revised Code of Washington 18.165.150(5).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.165.150(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Employing Unlicensed Person as a Private Investigator — RCW 18.165.150(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner or qualifying agent of a private investigator agency, did employ an unlicensed person to perform the duties of a private investigator without the employee having in his or her possession a permanent private investigator license issued by the Department of Licensing; contrary to Revised Code of Washington 18.165.150(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.165.150(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operation of Private Investigator Agency Without A Private Investigator Agency License — RCW 18.165.150(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own or operate a private investigator agency company in this state without first obtaining a private investigator agency license; contrary to Revised Code of Washington 18.165.150(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.165.150(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Private Investigator Licensing Violations — RCW 18.165.150(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did present or attempt to use as his or her own the private investigator license of another, and/or did give false or forged evidence of any kind to the Director of the Department of Licensing in obtaining a private investigator license, and/or did falsely impersonate any other licensee, and/or did attempt to use an expired or revoked license; contrary to Revised Code of Washington 18.165.150(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.165.150(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession or Use of Public Law Enforcement Insignia on Vehicle or Equipment — RCW 18.165.150(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency; contrary to Revised Code of Washington 18.165.150(6).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.165.150(6) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlicensed Armed Private Investigator — RCW 18.165.150(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform the functions and duties of an armed private investigator without holding a valid armed private investigator license issued by the Department of Licensing; contrary to Revised Code of Washington 18.165.150(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.165.150(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlicensed Private Investigator — RCW 18.165.150(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform the functions and duties of a private investigator without being licensed as a private investigator; contrary to Revised Code of Washington 18.165.150(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 18.165.150(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

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### Armed Private Security Guard Without a License — RCW 18.170.160(4)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform the functions and duties of an armed private security guard without holding a valid armed private security guard license issued by the Department of licensing; contrary to Revised Code of Washington 18.170.160(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

### Employment of Unlicensed Armed Private Security Guard — RCW 18.170.160(5)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is licensed under Chapter 18.170 RCW and who engages in the business of providing the services of private security guards on a contractual basis, did hire, contract with, or otherwise engage the services of an unlicensed armed private security guard knowing that he or she does not have a valid armed private security guard license issued by the Director of the Department of Licensing; contrary to Revised Code of Washington 18.170.160(5).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### Employing an Unlicensed Person as a Private Security Guard — RCW 18.170.160(3)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, the owner or qualifying agent of a private security company, did employ an unlicensed person to perform the duties of a private security guard without issuing the employee a valid temporary registration card; contrary to Revised Code of Washington 18.170.160(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operation of Private Security Company Without A Private Security Company License — RCW 18.170.160(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own or operate a private security company in this state without first obtaining a private security company license; contrary to Revised Code of Washington 18.170.160(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Private Security Guard Licensing Violations — RCW 18.170.160(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did present or attempt to use as his or her own the private security guard license of another, and/or did give false or forged evidence of any kind to the Director of the Department of Licensing in obtaining a security guard license, and/or did falsely impersonate any other licensee, and/or did attempt to use an expired or revoked license; contrary to Revised Code of Washington 18.170.160(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Private Security Guard Without a License — RCW 18.170.160(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform the functions and duties of a private security guard without holding a valid private security guard license issued by the Department of licensing; contrary to Revised Code of Washington 18.170.160(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession or Use of Public Law Enforcement Insignia on Vehicle or Equipment — RCW 18.170.160(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency; contrary to Revised Code of Washington 18.170.160(6).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(6) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Unlawful Use of the Word "Police" or the Phrase "Law Enforcement" — RCW 18.170.160(7)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who performs the functions and duties of a private security guard, did use a name that includes the word "police" or "law enforcement" and/or did portray himself or herself or his or her business as a public law enforcement agency; contrary to Revised Code of Washington 18.170.160(7).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.170.160(7) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **VETERINARY MEDICINE**

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### **Practicing Veterinary Medicine Without a License — RCW 18.92.051**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did practice the profession of veterinary medicine, surgery, or dentistry without first obtaining a license under Chapter 18.92 RCW; contrary to Revised Code of Washington 18.92.051.

(Maximum Penalty—for first offense —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 18.130.190(7)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Maximum Penalty—for second or subsequent offenses — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.130.190(7)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Use of Another's Veterinary Medicine License or Diploma — RCW 18.92.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did file or did attempt to file, as the defendant's own, the diploma or license of another; contrary to Revised Code of Washington 18.92.230.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 18.92.230, RCW 9A.60.020(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)





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#### **Barratry — RCW 9.12.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (1) bring on his or her own behalf, or instigate, incite, or encourage another to bring, any false suit at law or in equity in any court of this state, with intent thereby to distress or harass a defendant in the suit; and/or (2) serve or send any paper or document purporting to be or resembling a judicial process, that is not in fact a judicial process; contrary to Revised Code of Washington 9.12.010.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.12.010 and RCW 9.92.030, plus restitution, assessments and court costs.)

#### **Malicious Prosecution — Misdemeanor or Gross Misdemeanor Offense — RCW 9.62.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, maliciously and without probable cause, did cause or attempt to cause another to be arrested or proceeded against for any misdemeanor or gross misdemeanor crime of which he or she is innocent; contrary to Revised Code of Washington 9.62.010.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.62.010(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

#### **Malicious Prosecution — Felony — RCW 9.62.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, maliciously and without probable cause, did cause or attempt to cause another to be arrested or proceeded against for any felony crime of which he or she is innocent; contrary to Revised Code of Washington 9.62.010.

(Maximum Penalty—Five (5) years imprisonment pursuant to RCW 9.62.010(1), plus restitution, assessments and court costs.)

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### **Contempt of Court (Punitive Sanction) — Disrupt Proceedings or Insolent Behavior— RCW 7.21.010(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally engage in disorderly, contemptuous, or insolent behavior toward the judge while the judge was holding court tending to impair the judge's authority, or did intentionally interrupt the due course of a trial or other judicial proceedings; contrary to Revised Code of Washington 7.21.010(1)(a).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 7.21.040(5), plus restitution, assessments and court costs.)

### **Contempt of Court (Punitive Sanction) — Disobey Court Order — RCW 7.21.010(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally disobey any lawful judgment, decree, order, or process of the court, to wit: \_(identify judgment, decree, order or process)\_; contrary to Revised Code of Washington 7.21.010(1)(b).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 7.21.040(5), plus restitution, assessments and court costs.)

### **Contempt of Court (Punitive Sanction) — Witness Refusal to Answer Questions, Be Sworn, or to Appear — RCW 7.21.010(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally refuse as a witness to appear, be sworn, or, without lawful authority, to answer a question; contrary to Revised Code of Washington 7.21.010(1)(c).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 7.21.040(5), plus restitution, assessments and court costs.)

## **Contempt of Court (Punitive Sanction) — Refusal to Produce Document or Other Object — RCW 7.21.010(1)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally and without lawful authority refuse to produce a record, document, or other object, to wit: (identify object); contrary to Revised Code of Washington 7.21.010(1)(d).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 7.21.040(5), plus restitution, assessments and court costs.)

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### **Interference or Obstruction of Any Court — RCW 9.27.015**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did interfere with, obstruct, or impede the administration of justice by picketing or parading, by use of a sound-truck or any other method of demonstration in or near a building housing a court of the state of Washington or any political subdivision thereof, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer; contrary to Revised Code of Washington 9.27.015.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.27.015 and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Intimidating a Judge — RCW 9A.72.160**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did direct a threat to an individual that the Defendant knew was a judge, to-wit: (Name of judge) because of a ruling or decision made by said judge in an official proceeding or in an attempt to influence a ruling or decision of the said judge in any official proceeding; contrary to Revised Code of Washington 9A.72.160 and 9A.04.110(25).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.72.160(3) and 9A.20.021(1)(b), plus restitution and assessments.)

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### **Employer's Denial of Leave of Absence or Promotion Due to Jury Duty — RCW 2.36.165**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an employer, did refuse to provide an employee, to wit: (name of employee), with a sufficient leave of absence from employment to serve as a juror after the employee was summoned for jury duty pursuant to Chapter 2.36 RCW and/or did deprive said employee of employment or threaten, coerce, or harass said employee, or deny said employee promotional opportunities because the employee received a summons, responded to the summons, serves as a juror, or attended court for prospective jury service; contrary to Revised Code of Washington 2.36.165(1) and (2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 2.36.165(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Respond to Jury Summons — RCW 2.36.170**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who had been summoned for jury service, did intentionally fail to appear as directed; contrary to Revised Code of Washington 2.36.170.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 2.36.170 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Intimidating a Juror — Former Juror — RCW 9A.72.130**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did direct a threat to an individual that the Defendant knew was a former juror, to wit: (Name of person threatened), because of the former juror's vote, opinion, decision, or other official action as a juror; contrary to Revised Code of Washington 9A.72.130(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.130(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Intimidating a Juror — Currently Serving Juror — RCW 9A.72.130**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, by use of a threat, did attempt to influence the vote, opinion, decision, and other official action of an individual that the Defendant knew was a juror, to wit: (Name of person threatened); contrary to Revised Code of Washington 9A.72.130(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.130(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Jury Tampering — RCW 9A.72.140**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, with intent to influence a juror's vote, opinion, decision, or other official action in a case, attempt to communicate directly or indirectly with an individual the Defendant knew was a juror, to wit: (Name of juror) other than as part of the proceedings in the trial of the case; contrary to Revised Code of Washington 9A.72.140(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.72.140(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Misconduct of Officer in Charge of Jury — RCW 9.51.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, into whose care a jury was committed by a court or magistrate, did knowingly, without leave of such court or magistrate, permit the jury or any single juror to receive any communication from any person, to make any communication to any person, to obtain or receive any book, paper or refreshment, or to leave the jury room; contrary to Revised Code of Washington 9.51.030.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.51.030 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Misconduct of Officer in Drawing Jury — RCW 9.51.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is charged by law with the preparation of any jury list or list of names from which any jury is to be drawn or who is authorized by law to assist at the drawing of a grand or petit jury to attend a court or to try a cause or issue, did (1) place in any such list any name at the request or solicitation, direct or indirect, of any person; and/or (2) designedly put upon the list of jurors, as having been drawn, any name which was not lawfully drawn for that purpose; and/or (3) designedly omit to place upon such list any name which was lawfully drawn; and/or (4) designedly sign or certify a list of such jurors as having been drawn which were not lawfully drawn; and/or (5) designedly and wrongfully withdraw from the box or other receptacle for the ballots containing the names of such jurors any paper or ballot lawfully placed or belonging there and containing the name of a juror, or omit to place therein any name lawfully drawn or designated, or place therein a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; and/or (6) in drawing or empaneling such jury, do any act which is unfair, partial or improper in any respect; contrary to Revised Code of Washington 9.51.010.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.51.010 and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Soliciting Jury Duty — RCW 9.51.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, directly or indirectly, solicit or request any person charged with the duty of preparing any jury list to put his or her name, or the name of any other person, on any such list; contrary to Revised Code of Washington 9.51.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.51.020 and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Tampering With Physical Evidence — RCW 9A.72.150**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, did (a) destroy, mutilate, conceal, remove, or alter physical evidence, to wit: (identify evidence), with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; and/or (b) did knowingly present or offer any false physical evidence, to wit: (identify evidence); contrary to Revised Code of Washington 9A.72.150(1) and (2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.72.150(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **Bribing a Witness — RCW 9A.72.090**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer, confer, or agree to confer a benefit upon a witness in or a person he or she has reason to believe is about to be called as a witness in any official proceeding or upon a person whom he or she has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child, to wit: (name of person bribed) with intent to (1) influence the testimony of such person; and/or (2) induce such person to avoid legal process summoning such person to testify; and/or (3) induce such person to absent himself/herself from an official proceeding to which he/she had been legally summoned; and/or (4) induce such person to refrain from reporting information relevant to a criminal investigation; and/or (5) induce such person to refrain from reporting information relevant to the abuse and neglect of a minor child; contrary to Revised Code of Washington 9A.72.090(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.090(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Bribe Receiving by a Witness — RCW 9A.72.100**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having reason to believe he/she was about to be called as a witness in an official proceeding or that he/she may have had information relevant to a criminal investigation or that he/she may have had information relevant to the abuse and neglect of a minor child, did request, accept, and agree to accept a benefit pursuant to an agreement and understanding that (1) the Defendant's testimony would be influenced; and/or (2) the Defendant would attempt to avoid legal process summoning him/her to testify; and/or (3) the Defendant would attempt to absent himself/herself from an official proceeding to which he/she had been legally summoned; and/or (4) the Defendant would not report information he/she had relevant to a criminal investigation; and/or (5) the Defendant would not report information he/she had relevant to the abuse and neglect of a minor child; contrary to Revised Code of Washington 9A.72.100(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.100(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Intimidating a Witness — Current or Prospective Witness — RCW 9A.72.110(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, by using a threat against an individual who the defendant knew was a current or prospective witness, to wit: (Name of person threatened), did attempt to: (1) influence the testimony of that person; and/or (2) induce that person to elude legal process summoning him or her to testify; and/or (3) induce that person to absent himself or herself from such proceeding; and/or (4) induce that person not to report information relevant to a criminal investigation; and/or (5) induce that person not to report information relevant to the abuse and neglect of a minor child; and/or (6) induce that person not to have a crime prosecuted; and/or (7) induce that person not to have the abuse and neglect of a minor child prosecuted; and/or (8) induce that person not to give truthful and complete information relevant to a criminal investigation; and/or (9) induce that person not to give truthful and complete information relevant to the abuse and neglect of a minor child; contrary to Revised Code of Washington 9A.72.110(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.110(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Intimidating a Witness — Former Witness — RCW 9A.72.110(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did direct a threat to an individual who the defendant knew was a former witness, to wit: (Name of person threatened), because of the former witness's role in an official proceeding; contrary to Revised Code of Washington 9A.72.110(2).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.110(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Tampering with a Witness — RCW 9A.72.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did attempt to induce (name of person), a person who the Defendant knew was a witness, or a person whom the Defendant had reason to believe was about to be called as a witness in an official proceeding, or a person whom the Defendant had reason to believe may have had information relevant to a criminal investigation, or a person whom the Defendant had reason to believe may have had information relevant to the abuse and neglect of a minor child, to testify falsely, and/or to unlawfully withhold testimony, and/or to absent himself/herself from such proceedings, and/or to withhold from a law enforcement agency information which he/she has relevant to a criminal investigation and/or to withhold from a law enforcement agency information which he/she has relevant to the abuse and neglect of a minor child; contrary to Revised Code of Washington 9A.72.120(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.72.120(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



# DOMESTIC VIOLENCE, FAMILY OFFENSES, AND CRIMES RELATED TO MARRIAGE

## DOMESTIC VIOLENCE

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The felony violations of court orders raise some special issues. When the violation of the order is elevated to a felony by two or more prior offenses, the question becomes whether the existence of the priors are elements that the jury must find beyond a reasonable doubt or whether they are merely sentencing factors that may be found by the judge. Which ever route is chosen will not change the recommended charging language. If the prior offenses are submitted to the jury, it is permissible to use bifurcated jury instructions—a "to convict" instruction that contains all the elements for a misdemeanor violation of the order and a special verdict form that records the jury's decision as to whether or not defendant committed two or more prior violations. *See State v. Oster*, 147 Wn.2d 141, 52 P.3d 26 (2002).

**Assault in Violation of Foreign Protection Order — Offenses Committed On or After June 8, 2000 — RCW 26.52.070(1) and RCW 26.50.110**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court, i.e. Oregon Superior) Court had previously issued a foreign protection order pursuant to (state or tribal, i.e. Oregon State) law in Cause No. \_\_\_\_\_, did violate said order by knowingly violating the restraint provisions therein, and/or by knowingly violating a provision excluding him or her from a residence, a workplace, a school or a daycare, and/or by knowingly coming within, or knowingly remaining within, a specified distance of a location, and/or by knowingly violating a provision of the order for which a violation is specifically indicated to be a crime; and furthermore did intentionally assault another in a manner that does not amount to assault in the first or second degree and/or engaged in conduct that was reckless and created a substantial risk of death or serious physical injury to another, to wit: (name of victim); contrary to the contrary to Revised Code of Washington 26.52.070(1) and RCW 26.50.110.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 26.50.110(4) and 9A.20.021(1)(c), plus restitution and assessments.)

**Assault in Violation of Protection Order, Restraining Order, or No Contact Order — Offenses Committed On or After June 8, 2000 — RCW 26.50.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court that issued the order), had previously issued a protection order, restraining order, or no contact order pursuant to Chapter 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW in (name of case in which order was issued), Cause No. (cause number of case in which order was entered), did violate the order while the order was in effect by knowingly violating the restraint provisions therein, and/or by knowingly violating a provision excluding him or her from a residence, a workplace, a school or a daycare, and/or by knowingly coming within, or knowingly remaining within, a specified distance of a location, and furthermore did intentionally assault another in a manner that does not amount to assault in the first or second degree and/or engaged in conduct that was reckless and created a substantial risk of death or serious physical injury to another, to wit: (name of victim); contrary to the contrary to Revised Code of Washington RCW 26.50.110.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 26.50.110(4) and 9A.20.021(1)(c), plus restitution and assessments.)

### **Interfering With Reporting Domestic Violence —RCW 9A.36.150(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit a crime of domestic violence as defined in RCW 10.99.020 and did prevent or attempt to prevent the victim of or a witness to that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official; contrary to Revised Code of Washington 9A.36.150(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.36.150(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Violation of Foreign Protection Order — First or Second Offense — Offenses Committed On or After June 8, 2000 — RCW 26.52.070(1) and RCW 26.50.110(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court, i.e. Oregon Superior) Court had previously issued a foreign protection order pursuant to (state or tribal, i.e. Oregon State) law in Cause No. \_\_\_\_\_, did violate said order by knowingly violating the restraint provisions therein, and/or by knowingly violating a provision excluding him or her from a residence, a workplace, a school or a daycare, and/or by knowingly coming within, or knowingly remaining within, a specified distance of a location, and/or by knowingly violating a provision of the order for which a violation is specifically indicated to be a crime; contrary to Revised Code of Washington 26.52.070(1) and RCW 26.50.110(1).

(Maximum Penalty For First or Second Offense — One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 26.50.110(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Violation of Foreign Protection Order — Third or Subsequent Violation of Any Similar Order — Offenses Committed On or After June 8, 2000 — RCW 26.52.070(1) and RCW 26.50.110**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court, i.e. Oregon Superior) Court had previously issued a foreign protection order pursuant to (state or tribal, i.e. Oregon State) in Cause No. \_\_\_\_\_, did knowingly violate said order by violating the restraint provisions therein, and/or did violate said order by knowingly violating the restraint provisions therein, and/or by knowingly violating a provision excluding him or her from a residence, a workplace, a school or a daycare, and/or by knowingly coming within, or knowingly remaining within, a specified distance of a location, and/or by knowingly violating a provision of the order for which a violation is specifically indicated to be a crime; and furthermore, the defendant has at least two prior convictions for violating the provisions of a protection order, restraining order, or no-contact order issued under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020; contrary to Revised Code of Washington 26.52.070(1) and RCW 26.50.110.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 26.50.110(5) and 9A.20.021(1)(c), plus restitution and assessments.)

**Violation of No Contact, Protection, or Restraining Order — First or Second Offense — Offense Committed On or After June 8, 2000 — RCW 26.50.110(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court that issued the order), had previously issued a protection order, restraining order, or no contact order pursuant to Chapter 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW in (name of case in which order was issued), Cause No. (cause number of case in which order was entered), did violate the order while the order was in effect by knowingly violating the restraint provisions therein, and/or by knowingly violating a provision excluding him or her from a residence, a workplace, a school or a daycare, and/or by knowingly coming within, or knowingly remaining within, a specified distance of a location; contrary to Revised Code of Washington 26.50.110(1).

(Maximum Penalty For First or Second Offense—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 26.50.110(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Violation of No Contact, Protection, or Restraining Order — Third or Subsequent Violation of Any Similar Order — Offense Committed On or After June 8, 2000 — RCW 26.50.110(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court that issued the order), had previously issued a protection order, restraining order, or no contact order pursuant to Chapter 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW in (name of case in which order was issued), Cause No. (cause number of case in which order was entered), did violate the order while the order was in effect by knowingly violating the restraint provisions therein, and/or by knowingly violating a provision excluding him or her from a residence, a workplace, a school or a daycare, and/or by knowingly coming within, or knowingly remaining within, a specified distance of a location, and furthermore, the defendant has at least two prior convictions for violating the provisions of a protection order, restraining order, or no-contact order issued under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020; contrary to Revised Code of Washington 26.50.110.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 26.50.110(5) and 9A.20.021(1)(c), plus restitution and assessments.)

## MARRIAGE OFFENSES

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### Bigamy — RCW 9A.64.010

Note: In *State v. Seek*, 109 Wn. App. 876, 37 P.3d 339 (2002), the court of appeals held that the statutory "defenses" to bigamy negate the intent element and must be proven by the State beyond a reasonable doubt. Whether *Seek* requires that the statutory "defenses" be included in the charging language is an open question. Each prosecutor must decide for himself or herself whether to include the bracketed language.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally marry and purport to marry \_\_\_\_\_, when either person had a living spouse [and the Defendant did not reasonably believe the prior spouse was dead and/or the Defendant did not reasonably know that any court judgment purporting to terminate or annul any prior disqualifying marriage was invalid and/or the Defendant did not reasonably believe that he or she was eligible to marry]; contrary to Revised Code of Washington 9A.64.010(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.64.010(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### Failure to Complete Financial Statement — RCW 74.20.260

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, whose absence is the basis upon which an application was filed for public assistance on behalf of a child, did fail to complete a financial statement, under oath, of the Defendant's current monthly income, his or her total income over the past twelve months, the number of dependents for whom the Defendant is providing support, the amount the Defendant is contributing regularly toward the support of all children for whom application for public assistance is made, the Defendant's current monthly living expenses, and such other information as is pertinent to determining the Defendant's ability to support the Defendant's children; contrary to Revised Code of Washington 74.20.260

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 74.20.260 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Cooperate in the Collection of Child Support — RCW 74.20.060**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have the care, custody, or control of any dependent child or children and the Defendant did refuse to cooperate with the department of social and health services, or with any prosecuting attorney, or with the attorney general in their attempts to administer Chapter 74.20 RCW; contrary to Revised Code of Washington 74.20.060

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 74.20.060 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Family Abandonment — RCW 26.20.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who had a child dependent upon him or her for care, education or support, with intent to abandon did desert such child; contrary to Revised Code of Washington 26.20.030.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 26.20.030(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Family Nonsupport — Dependent Child — RCW 26.20.035(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is able to provide support or who has the means to provide support, did wilfully omit to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon the defendant, to wit: (name child); contrary to Revised Code of Washington 26.20.035(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 26.20.035(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Family Nonsupport — Spouse — RCW 26.20.035(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is able to provide support or who has the means to provide support, did wilfully omit to provide necessary food, clothing, shelter, or medical attendance to the Defendant's spouse, to wit: (name spouse); contrary to Revised Code of Washington 26.20.035(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 26.20.035(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

# DRUGS

## AMMONIA

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### **Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia With Intent to Manufacture Methamphetamine — For Offenses Committed Prior to March 26, 2002 — Former RCW 69.50.440 (Laws of 2000, ch. 225, § 4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess ephedrine, pseudoephedrine, or anhydrous ammonia with intent to manufacture methamphetamine; contrary to former Revised Code of Washington 69.50.440 (Laws of 2000, ch. 225, § 4).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000.00 nor more than \$25,000 pursuant to RCW 69.50.440, plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of \$50,000 pursuant to RCW 69.50.440, RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

**Possession of Ephedrine, Pseudoephedrine, or Pressurized Ammonia Gas With Intent to Manufacture Methamphetamine — For Offenses Committed Between March 26, 2002 and June 30, 2004 — RCW 69.50.440 (Laws of 2002, ch. 134, § 1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or pressurized ammonia gas, or pressurized ammonia gas solution, with intent to manufacture methamphetamine; contrary to Revised Code of Washington 69.50.440 (Laws of 2002, ch. 134, § 1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000.00 nor more than \$25,000 pursuant to RCW 69.50.440, plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of \$50,000 pursuant to RCW 69.50.440, RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

**Possession of Ephedrine, Pseudoephedrine, or Pressurized Ammonia Gas With Intent to Manufacture Methamphetamine — For Offenses Committed On or After July 1, 2004 — RCW 69.50.440(1) (Laws of 2003, ch. 53, § 347)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or pressurized ammonia gas, or pressurized ammonia gas solution, with intent to manufacture methamphetamine; contrary to Revised Code of Washington 69.50.440(1) (Laws of 2003, ch. 53, § 347(1)).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000.00 nor more than \$25,000 pursuant to RCW 69.50.440(2), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of \$50,000 pursuant to RCW 69.50.440(2), RCW 69.50.408 and RCW 69.50.430, plus restitution and assessments.)

**Theft of Anhydrous Ammonia — For Offenses Committed Prior to March 26, 2002 — Former RCW 69.55.010 (Laws of 2000, ch. 225, § 1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to deprive the owner or owner's agent, did wrongfully obtain anhydrous ammonia; contrary to former Revised Code of Washington 69.55.010(1) (Laws of 2000, ch. 25, § 1).

contrary to (Maximum Penalty—Five (5) years imprisonment and/or \$10,000 fine pursuant to former RCW 69.55.010(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)



**Theft of Ammonia — For Offenses Committed After March 26, 2002 — RCW 69.55.010 (Laws of 2002, ch. 133, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to deprive the owner or owner's agent, did wrongfully obtain pressurized ammonia gas or pressurized ammonia gas solution; contrary to Revised Code of Washington 69.55.010(1) (Laws of 2002, ch. 133, § 1).

(Maximum Penalty—Five (5) years imprisonment and/or \$10,000 fine pursuant to RCW 69.55.010(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Unlawful Storage of Anhydrous Ammonia — For Offenses Committed Prior to March 26, 2002 — Former RCW 69.55.020 (Laws of 2000, ch. 225, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess anhydrous ammonia in a container that was not approved by the United States Department of Transportation to hold anhydrous ammonia or was not constructed to meet state and federal industrial health and safety standards for holding anhydrous ammonia; contrary to former Revised Code of Washington 69.55.020 (Laws of 2000, ch. 225, § 2).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to former RCW 69.55.020 and 9A.20.021(1)(c), plus restitution and assessments.)

**Unlawful Storage of Ammonia — For Offenses Committed After March 26, 2002 — RCW 69.55.020 (Laws of 2002, ch. 133, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess, transport, or deliver pressurized ammonia gas or pressurized ammonia gas solution in a container that was not approved by the United States Department of Transportation to hold ammonia or was not constructed to meet state and federal industrial health and safety standards for holding ammonia; contrary to Revised Code of Washington 69.55.020 (Laws of 2002, ch. 133, § 2).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 69.55.020 and 9A.20.021(1)(c), plus restitution and assessments.)

## ATTEMPTS, CONSPIRACIES, AND SOLICITATION

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### Attempted Drug Crimes — RCW 69.50.407

All attempts to commit drug offenses contained in Chapter 69.50 RCW must be charged under the specific statute applicable to such crimes, RCW 69.50.407. *See generally, State v. Roby*, 67 Wn. App. 741, 747, 840 P.2d 218 (1992) ("RCW 69.50.407 is the specific statute relating to attempts to commit drug-related crimes, and precludes charging such crimes under RCW 9A.28.040, the general attempt statute."). Attempted offenses charged pursuant to RCW 69.50.407 carry the same maximum punishment as the completed crime. The standard range for all attempted drug felonies is the same as the standard range for the completed crime.

When an attempt is charged in the first instance, the language for the substantive crime must be altered as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit (name of crime), to wit: (elements of crime), did do an act which was a substantial step towards the commission of that crime; contrary to Revised Code of Washington 69.50.407 and (citation for crime).

### Conspiracy — RCW 69.50.407

All conspiracies to commit drug offenses contained in Chapter 69.50 RCW must be charged under the specific statute applicable to such crimes, RCW 69.50.407. *See generally State v. Mendoza*, 63 Wn. App. 373, 819 P.2d 387 (1991) (RCW 69.50.407, as it relates to drug conspiracies, is the specific statute which takes precedence over the general statute relating to conspiracies in RCW 9A.28, and must be used when charging one with a conspiracy to commit a drug related offense). Conspiracies charged pursuant to RCW 69.50.407 do not require the commission of a substantial step. *See State v. Hawthorne*, 48 Wn. App. 23, 737 P.2d 717 (1987). The Maximum Penalty for a conspiracy to commit a drug offense is the same as for the completed offense. *Id.* A conspiracy to commit a drug offense, however, is an unranked crime. *See In re Hopkins*, 137 Wn.2d 897, 976 P.2d 616, 618 n.3 (1999).

The correct charging language for a conspiracy will depend upon whether the offense is subject to Wharton's rule. Wharton's rule, which is not really a rule, provides that an agreement by two persons to commit a particular crime cannot be prosecuted as a conspiracy when the crime is of such a nature as to necessarily require participation by those two persons for its commission. *See State v. Miller*, 131 Wn.2d 78, 88-89, 929 P.2d 372 (1997). The most often used example of a crime

to which Wharton's rule applies is delivery of a controlled substance which necessarily requires a donee/recipient/buyer and a seller/donor/deliverer. In order to have a conspiracy to commit such a crime, a third person must be involved in the agreement. *State v. Halley*, 77 Wn. App. 149, 153, 890 P.2d 511 (1995). The presence of the third person to the agreement should be alleged in the information. *Cf. State v. Miller*, 131 Wn.2d 78, 929 P.2d 372 (1997) (omission of the element of delivery to a third person from jury instruction defining crime of conspiracy to deliver marijuana was not harmless error).

A RCW 69.50.407 conspiracy for a crime that is subject to Wharton's rule might read as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully conspire with at least one person other than the intended recipient to deliver a controlled substance, to-wit: drug; proscribed by RCW 69.50.407 and RCW 69.50.401(a).

A RCW 69.50.407 conspiracy for a crime that is not subject to Wharton's rule, such as manufacturing of a controlled substance, might read as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully conspire with one or more persons to manufacture a controlled substance, to-wit: drug; proscribed by RCW 69.50.407 and RCW 69.50.. . .

### **Solicitation — RCW 9A.28.030**

Unlike attempt and conspiracy, solicitation to commit a drug offense is charged the same as any other offense. A conviction for solicitation to commit a drug offense is not classified as an offense under Uniform Controlled Substances Act for purposes of the "doubling statute", RCW 69.50.408. See *In re Hopkins*, 137 Wn.2d 897, 976 P.2d 616 (1999).

When solicitation is charged, the substantive charge should be amended as follows:

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to promote or facilitate the commission of (name crime), to-wit: (insert elements of the named crime), he or she offered to give or gave money or other thing of value to another to engage in specific conduct which would constitute such crime and/or would establish complicity of such person in its commission or attempted commission had such crime been attempted or committed; contrary to Revised Code of Washington 9A.28.030 and RCW \_\_\_\_\_

(Maximum Penalty — Solicitation generally lowers the crime class by one level. RCW 9A.28.030(2); RCW 9A.28.020. . . .)

## BUILDINGS AND VEHICLES

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### **Maintaining a Vehicle or Premises for Drug Trafficking — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.402(a)(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did keep or maintain any store, ship, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place knowing that such structure or place is resorted to by persons using controlled substances in violation of Chapter 69.50 RCW for the purpose of using these substances and/or knowing that such place is used for keeping or selling controlled substances in violation of Chapter 69.50 RCW; contrary to Revised Code of Washington 69.50.402(a)(6).

Maximum Penalty—Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.402(b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be four (4) years imprisonment and/or a fine of not less than \$4,000 pursuant to RCW 69.50.402(b), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

### **Maintaining a Vehicle or Premises for Drug Trafficking — For Crimes Committed On or After July 1, 2004 — RCW 69.50.402(1)(f)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did keep or maintain any store, ship, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place knowing that such structure or place is resorted to by persons using controlled substances in violation of Chapter 69.50 RCW for the purpose of using these substances and/or knowing that such place is used for keeping or selling controlled substances in violation of Chapter 69.50 RCW; contrary to Revised Code of Washington 69.50.402(1)(f).

Maximum Penalty—Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.402(2) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be four (4) years imprisonment and/or a fine of not less than \$4,000 pursuant to RCW 69.50.402(2), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

### **Unlawful Fortification of Building for Drug Purposes — RCW 69.53.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly allow a building, room, space, or enclosure under his or her management or control either as an owner, lessee, agent, employee, or mortgagee to be fortified to suppress law enforcement entry in order to further the unlawful manufacture, delivery, sale, storage, or gift of any controlled substance under RCW 69.50, legend drug under RCW 69.41, or imitation controlled substance under RCW 69.52, to-wit: (name substance); contrary to Revised Code of Washington 69.53.020(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 69.53.020(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Use of Building for Drug Purposes — RCW 69.53.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly rent, lease, and make available for use a building, room, space, and enclosure under his or her management and control either as an owner, lessee, agent, employee, or mortgagee, for the purpose of unlawfully manufacturing, delivering, selling, storing, and giving away any controlled substance under RCW 69.50, legend drug under RCW 69.41, or imitation controlled substance under RCW 69.52, to-wit: (identify substance); contrary to Revised Code of Washington 69.53.010(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 69.53.010(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Use of Fortified Building — RCW 69.53.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to unlawfully manufacture, deliver, sell, store, or give away any controlled substance under RCW 69.50, legend drug under RCW 69.41, or imitation controlled substance under RCW 69.52, to-wit: (name substance); contrary to Revised Code of Washington 69.53.030(1)

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 69.53.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **DRUG TRAFFICKING OFF-LIMITS ORDERS**

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### **Violation of a Drug Trafficker Off-Limits Order — First Offense — RCW 10.66.090(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully disobey an off-limits order issued under Chapter 10.66 RCW that restricts the Defendant from entering or remaining in a designated protected against drug trafficking area; contrary to Revised Code of Washington 10.66.090(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 10.66.090(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Violation of a Drug Trafficker Off-Limits Order — Second or Subsequent Offense — RCW 10.66.090(2)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully disobey an off-limits order issued under Chapter 10.66 RCW that restricts the Defendant from entering or remaining in a designated protected against drug trafficking area, and the Defendant was previously convicted of violating Chapter 10.66 RCW in (name of case), (court name) cause number. (cause number); contrary to Revised Code of Washington 10.66.090(2)(b).

((Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 10.66.090(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Violation of a Drug Trafficker Off-Limits Order — School — RCW 10.66.090(2)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully disobey an off-limits order issued under Chapter 10.66 RCW that restricts the Defendant from entering or remaining in a designated protected against drug trafficking area, and the protected against drug trafficking area that the Defendant entered or remained in is within one thousand feet of any school; contrary to Revised Code of Washington 10.66.090(2)(a)

((Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 10.66.090(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **IMITATION CONTROLLED SUBSTANCES**

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## **Manufacture, Distribute, or Possess with Intent to Distribute an Imitation Controlled Substance — RCW 69.52.030(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully manufacture, distribute, or possess with intent to distribute an imitation controlled substance; contrary to Revised Code of Washington 69.52.030(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 69.52.030(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Distribution of an Imitation Controlled Substance to a Person under Eighteen — RCW 69.52.030(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being eighteen years of age or over, did knowingly and unlawfully distribute an imitation controlled substance to a person under the age of eighteen years, to wit: (name or initials of recipient), whose date of birth is \_\_\_\_\_; contrary to Revised Code of Washington 69.52.030(2).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 69.52.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Dispensing Legend Drugs to Drug Abuser — RCW 69.41.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, not in the course of professional treatment, did issue or fill an order or prescription for a legend drug to a person who the defendant knows or should know is a drug abuser or habitual user of legend drugs; contrary to Revised Code of Washington 69.41.040. (Maximum Penalty-Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.040(2) and RCW 9.92.010, plus restitution, assessments and court costs.)

### **Failure to Maintain Required Records — RCW 69.41.020(7)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a pharmaceutical manufacturer, wholesaler, pharmacy, or practitioner did willfully fail to maintain invoices or such other records as are necessary to account for the receipt and disposition of legend drugs for two years as required by RCW 69.41.042 and 69.41.270; contrary to Revised Code of Washington 69.41.020(7). (Maximum Penalty-Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.020(8) and RCW 9.92.010, plus restitution, assessments and court costs.)

### **False Labeling of Legend Drugs — RCW 69.41.020(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did affix any false or forged label to a package or receptacle containing legend drugs; contrary to Revised Code of Washington 69.41.020(6). (Maximum Penalty-Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.020(8) and RCW 9.92.010, plus restitution, assessments and court costs.)

### **Impersonating a Drug Manufacturer, Wholesaler, or Practitioner — RCW 69.41.020(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, for the purpose of obtaining a legend drug, did falsely assume the title of, or did represent himself or herself to be, a manufacturer, wholesaler, or medical practitioner; contrary to Revised Code of Washington 69.41.020(4). (Maximum Penalty-Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.020(8) and RCW 9.92.010, plus restitution, assessments and court costs.)



### **Improper Administration of Steroids — RCW 69.41.320(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a practitioner, without a medical necessity to do so, did prescribe, administer, or dispense steroids or any form of autotransfusion for the purpose of manipulating muscle mass, strength or weight, or for the purpose of enhancing athletic ability; contrary to Revised Code of Washington 69.41.320(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.41.0320(1)(b) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the defendant shall be subject to disciplinary action under RCW 18.130.180.)

### **Making a False Statement in a Prescription, Order, Report or Other Record — RCW 69.41.020(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully make a false statement in a prescription, order, report, or record required by Chapter 69.41 RCW; contrary to Revised Code of Washington 69.41.020(3).

(Maximum Penalty—Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.020(8) and RCW 9.92.010, plus restitution, assessments and court costs.)

### **Obtain Legend Drug by Fraud — RCW 69.41.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain or attempt to obtain a legend drug or did procure or attempt to procure the administration of a legend drug, to wit: (identify drug), by fraud, deceit, misrepresentation, or subterfuge and/or by forgery or alteration of a prescription or any written order and/or by the concealment of a material fact and/or by the use of a false name or the giving of a false address; contrary to Revised Code of Washington 69.41.020(1).

(Maximum Penalty—Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.020(8) and RCW 9.92.010, plus restitution, assessments and court costs.)

### **Sale, Delivery, or Possession With Intent to Sell or Deliver a Legend Drug — RCW 69.41.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not himself or herself a duly licensed physician or other licensed healthcare professional, did sell, deliver, or possess with intent to sell or deliver a legend drug, to wit: (identify drug); contrary to Revised Code of Washington 69.41.030.

(Maximum Penalty—Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.030(2)(a) and RCW 9.92.010, plus restitution, assessments and court costs.)

### **Unlawful Possession of a Legend Drug — RCW 69.41.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess a legend drug, to wit: (identify drug), without an order or prescription of a person licensed to practice medicine or osteopathy; contrary to Revised Code of Washington 69.41.030.

(Maximum Penalty— Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 69.41.030(2)(b) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Possession of a Legend Drug — Less than 200 Hundred Tablets or Eight 2 cc Bottles of a Steroid — RCW 69.41.350(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess less than 200 hundred tablets or eight 2 cc bottles of a steroid, to wit: (identify drug), without an order or prescription of a person licensed to practice medicine or osteopathy; contrary to Revised Code of Washington 69.41.350(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.41.350(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession of a Legend Drug — Over 200 Hundred Tablets or Eight 2 cc Bottles of a Steroid — RCW 69.41.350(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess over 200 hundred tablets or eight 2 cc bottles of a steroid, to wit: (identify drug), without an order or prescription of a person licensed to practice medicine or osteopathy; contrary to Revised Code of Washington 69.41.350(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 69.41.350(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Utter a False or Forged Prescription — RCW 69.41.020(5)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make or utter a false or forged prescription or other written order for a legend drug; contrary to Revised Code of Washington 69.41.020(5).

(Maximum Penalty-Ten (10) years in jail or \$20,000 fine, or both, pursuant to RCW 69.41.020(8) and RCW 9.92.010, plus restitution, assessments and court costs.)

## **Violation of Labeling Requirements — RCW 69.41.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a practitioner authorized to prescribe legend drugs, did dispense a legend drug in a box, bottle, jar, tube, or other container to which was not affixed a label which bears the name of the prescriber, complete directions for use, the name of the drug, the name of the patient, and the date; contrary to Revised Code of Washington 69.41.050.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.41.050(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **MEDICAL MARIJUANA**

Use or Display of Medical Marijuana in Public — RCW 69.51A.060(1) ..... 257

### **Use or Display of Medical Marijuana in Public — RCW 69.51A.060(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use or display medical marijuana in a manner or place which is open to the view of the general public; contrary to Revised Code of Washington 69.51A.060(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.51A.060(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **MURDER AND ENDANGERMENT**

Controlled Substances Homicide — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.415 ..... 258

Controlled Substances Homicide — For Crimes On or After July 1, 2004 — RCW 69.50.415 ..... 258

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**Controlled Substances Homicide — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.415**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly and unlawfully deliver a controlled substance in violation of RCW 69.50.401(a)(1)(i) or (ii), to wit: (name of drug), and said controlled substance was subsequently used by the person to whom it was delivered, to-wit: (name of victim), resulting in the death of said person; contrary to Revised Code of Washington 69.50.415.

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$20,000.00 fine pursuant to RCW 69.50.415, 69.50.430(1) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$40,000; pursuant to RCW 69.50.415, 69.50.408, 69.50.430(1) and 9A.20.021(1)(b) plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Controlled Substances Homicide — For Crimes Committed On or After July 1, 2004 — RCW 69.50.415**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly and unlawfully deliver a controlled substance in violation of RCW 69.50.401(2)(a), (b) or (c), to wit: (name of drug), and said controlled substance was subsequently used by the person to whom it was delivered, to-wit: (name of victim), resulting in the death of said person; contrary to Revised Code of Washington 69.50.415.

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$20,000.00 fine pursuant to RCW 69.50.415, 69.50.430(1) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$40,000; pursuant to RCW 69.50.415, 69.50.408, 69.50.430(1) and 9A.20.021(1)(b) plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## Endangerment With a Controlled Substance — RCW 9A.42.100

For crimes committed On or After March 28, 2002.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly or intentionally, permitted a dependent child or a dependent adult, to wit: (name of victim or victim's initials), to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, that are being used in the manufacture of methamphetamine; contrary to Revised Code of Washington 9A.42.100.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.42.100 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## PRECURSOR DRUGS

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### **Failure to Maintain Record of Sale or Transfer — RCW 69.43.043**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a manufacturer or wholesaler did fail to maintain a record of each sale or transfer of a substance listed in RCW 69.43.010, to wit: (identify substance), for two years; contrary to Revised Code of Washington 69.43.043.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.043(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Obtain Proper Identification From Purchaser — RCW 69.43.010(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to obtain proper identification from a purchaser prior to selling, transferring, or otherwise furnishing the purchaser with a substance listed in RCW 69.43.010, to wit: (identify substance); contrary to Revised Code of Washington 69.43.010(3).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.43.010(3)(c) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Report Receipt of Substance from Outside State — RCW 69.43.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did receive from a source outside of the state of Washington a substance listed in RCW 69.43.010, to wit: (identify substance), and did fail to submit a report of such transaction to the state board of pharmacy within fourteen days of receipt of substance; contrary to Revised Code of Washington 69.43.020(1) and WAC 246-889-030.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.020(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Report Suspicious Transactions — RCW 69.43.035**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a manufacturer or wholesaler, did sell, transfer, or otherwise furnish a substance listed in RCW 69.43.010, to wit: (identify substance), to a person in a suspicious transaction and did fail to report such transaction in writing to the state board of pharmacy; contrary to Revised Code of Washington 69.43.035.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.035(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Report Transaction to the State Board of Pharmacy — RCW 69.43.010(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to submit a report of sell, transfer or the furnishing of a substance listed in RCW 69.43.010, to wit: (identify substance), to the state board of pharmacy not less than twenty-one days before delivery of the substance; contrary to Revised Code of Washington 69.43.010(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.010(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Statement in Report or Record — RCW 69.43.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false statement in connection with any report or record required under Chapter 69.43 RCW; contrary to Revised Code of Washington 69.43.080.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 69.43.080 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Receipt of Precursor Substance with Intent to Manufacture a Controlled Substance — RCW 69.43.070(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did receive any substance listed in RCW 69.43.010, to wit: (identify substance), with the intent to use the substance unlawfully to manufacture a controlled substance under Chapter 69.50 RCW; contrary to Revised Code of Washington 69.43.070(2).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 69.43.070(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Sale of Excessive Quantities of Ephedrine, Pseudoephedrine, or Phenylpropanolamine — For Crimes Committed Prior to July 1, 2004 – Former RCW 69.43.110(1) (Laws of 2001, ch. 96, § 9(1))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a pharmacy licensed by, or shopkeeper or itinerant vendor registered with the department of health under Chapter 18.64 RCW, or an employee thereof, did knowingly sell, transfer, or other furnish, in a single transaction, more than three packages of one or more products that the defendant knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances and/or a single package of any product that the defendant knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances; contrary to former Revised Code of Washington 69.43.110(1) (Laws of 2001, ch. 96, § 9).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.110(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Sale of Excessive Quantities of Ephedrine, Pseudoephedrine, or Phenylpropanolamine — For Crimes Committed On or After July 1, 2004 – RCW 69.43.110(1) (Laws of 2004, ch. 52, § 5(1))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a pharmacy licensed by, or shopkeeper or itinerant vendor registered with the department of health under Chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, did knowingly sell, transfer, or otherwise furnish, in a single transaction, more than three packages of one or more products that the defendant knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances and/or a single package of any product that the defendant knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances; contrary to Revised Code of Washington 69.43.110(1) (Laws of 2004, ch. 52, § 5(1)).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.110(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Sale or Distribution of Ephedrine, Pseudoephedrine, or Phenylpropanolamine By an Unlicensed Individual — For Crimes Committed On or After July 1, 2004 – RCW 69.43.110(3) (Laws of 2004, ch. 52, § 5(3))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not licensed by or registered with the department of health under chapter 18.64 RCW and who is not a practitioner as defined in RCW 18.64.011, did sell or distribute more than three packages of one or more products that the defendant knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances and/or a single package of any product that the defendant knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances; contrary to Revised Code of Washington 69.43.110(3) (Laws of 2004, ch. 52, § 5(3)).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.110(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Sale of Ephedrine, Pseudoephedrine, or Phenylpropanolamine By a Wholesaler to Any Unauthorized Person— For Crimes Committed On or After July 1, 2004 – RCW 18.64.046(7) (Laws of 2004, ch. 52, § 3(7))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a wholesaler as defined in RCW 18.64.011(19), did sell any quantity of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, to a person who was not licensed as a pharmacy under chapter 18.64 RCW, and who was not licensed as a shopkeeper or itinerant vendor registered under chapter 18.64 RCW, and who was not a practitioner as defined in RCW 18.64.011; contrary to Revised Code of Washington 18.64.046(7) (Laws of 2004, ch. 52, § 3(7)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 18.64.046(7) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Sale, Transfer or Furnishing of Precursor Substance for Unlawful Purpose — RCW 69.43.070(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell, transfer, or otherwise furnish any substance listed in RCW 69.43.010, to wit: (identify substance), knowing or intending that the recipient will unlawfully use the substance to manufacture a controlled substance under Chapter 69.50 RCW; contrary to Revised Code of Washington 69.43.070(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 69.43.070(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Sell, Transfer or Receive Precursor Substance Without a Permit — RCW 69.43.090(7)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell, transfer, or otherwise furnish or receive any substance listed in RCW 69.43.010, to wit: (identify substance), without possessing the required permit from the state board of pharmacy; contrary to Revised Code of Washington 69.43.090(7).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.090(7) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Possession of More Than Fifteen Grams of Ephedrine, Pseudoephedrine, or Phenylpropanolamine — RCW 69.43.120(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess more than fifteen grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances; contrary to Revised Code of Washington 69.43.120(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.120(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Purchase of Excessive Quantities of Ephedrine, Pseudoephedrine, or Phenylpropanolamine — RCW 69.43.110(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not a pharmacy licensed by, or shopkeeper or itinerant vendor registered with the department of health under Chapter 18.64 RCW, or an employee thereof, did purchase or acquire, in a twenty-four hour period, more than three packages of one or more products that contains ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances and/or a single package of any product that contains more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers or salts of isomers, or a combination of any of these substances; contrary to Revised Code of Washington 69.43.110(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 69.43.110(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

## SENTENCING ENHANCEMENTS

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Additional sentencing enhancements that may be relevant to drug prosecutions, specifically the deadly weapon enhancements, may be found in the first chapter of this manual.

### **County Jail or State Correctional Facility Enhancement — RCW 9.94A.310 and/or RCW 9.94A.510**

The following language should be added to the standard charging language when appropriate:

And Furthermore, the Defendant or an accomplice committed the crime (1) in a county jail, and/or (2) in a state correctional facility; contrary to Revised Code of Washington 9.94A.310 and/or 9.94A.510.

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401(a)(1)(i) or (ii) or under RCW 69.50.410 and it is determined that the conduct occurred in violation of RCW 9.94A.310, an additional 18 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(5) and/or RCW 9.94A.510(5).)

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401(a)(1)(iii) or (iv) or (v) and it is determined that the conduct occurred in violation of RCW 9.94A.310, an additional 15 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(5) and/or RCW 9.94A.510(5).)

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401(d) and it is determined that the conduct occurred in violation of RCW 9.94A.310, an additional 12 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(5) and/or RCW 9.94A.510(5).)

### **Person Under Eighteen Present In Or Upon Premises of Methamphetamine Manufacture — RCW 9.94A.128 and/or RCW 9.94A.605**

The following language should be added to the standard charging language when appropriate:

And Furthermore, the Defendant or an accomplice committed the crime when a person under the age of eighteen was present in or upon the premises of methamphetamine manufacture; contrary to Revised Code of Washington 9.94A.128 and 9.94A.310.

(Minimum Penalty—If the Defendant has been convicted of (a) manufacture of a controlled substance under RCW 69.50.401(a) relating to manufacture of methamphetamine or (b) possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine as defined in RCW 69.50.440, an additional 24 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(6).)

**School, Bus Stop, or Other Protected Zone Enhancements for Violations of RCW 69.50.401 and/or RCW 69.50.410 — RCW 69.50.435**

And Furthermore, the commission of said crime took place (1) in a school; and/or (2) on a school bus; and/or (3) within one thousand feet of a school bus route stop designated by the school district; and/or (4) within one thousand feet of the perimeter of the school grounds; and/or (5) in a public park; and/or (6) in a public housing project designated by a local governing authority as a drug-free zone; and/or (7) on a public transit vehicle; and/or (8) in a public transit stop shelter; and/or (9) at a civic center designated as a drug-free zone by the local governing authority; and/or (10) within one thousand feet of the perimeter of a facility designated under RCW 69.50.435(a)(9) if the local governing authority specifically designates the one thousand foot perimeter; contrary to Revised Code of Washington \_\_\_\_\_ and 69.50.435.

(Minimum Penalty—If the Defendant has been convicted under RCW 69.50.401 or RCW 69.50.410 and it is determined that the conduct occurred in violation of RCW 69.50.435, an additional 24 months imprisonment shall be added to the presumptive sentence range pursuant to RCW 9.94A.310(6) and/or 9.94A.510(6).)

(Maximum Penalty—If the Defendant has been convicted under RCW 69.50.401 or RCW 69.50.410 and it is determined that the conduct occurred in violation of RCW 69.50.435, the penalty shall be punishable by a fine of up to twice the fine otherwise authorized by Chapter 69.50 RCW but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by Chapter 69.50 RCW (20 years), but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment pursuant to RCW 69.50.435)

**TOXIC FUMES A/K/A GLUE SNIFFING**

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**Possession of Substance Containing Solvent For Purpose of Inhalation — RCW 9.47A.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess any substance containing a solvent having the property of releasing toxic vapors or fumes for the purpose of smelling or inhaling the fumes or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; contrary to Revised Code of Washington 9.47A.030.

(Maximum Penalty — Thirty (30) days in jail or \$100 fine, or both, pursuant to RCW 9.47A.050, plus restitution, assessments and court costs.)

## **Sale of Substance Containing Solvent of Purpose of Inhalation — RCW 9.47A.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did deliver, give, sell, or offer for sale any substance containing a solvent having the property of releasing toxic vapors or fumes knowing that the product will be used for the purpose of smelling or inhaling the fumes or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; contrary to Revised Code of Washington 9.47A.040.

(Maximum Penalty — Thirty (30) days in jail or \$100 fine, or both, pursuant to RCW 9.47A.050, plus restitution, assessments and court costs.)

## **Unlawful Inhalation of Fumes — RCW 9.47A.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally smell or inhale the fumes of any type of substance as defined in RCW 9.47A.010 or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; contrary to Revised Code of Washington 9.47A.020.

(Maximum Penalty — Thirty (30) days in jail or \$100 fine, or both, pursuant to RCW 9.47A.050, plus restitution, assessments and court costs.)

## **UNIFORM CONTROLLED SUBSTANCES ACT**

Create, Deliver or Possess a Counterfeit Substance — Schedule I or II Narcotic Drug, Flunitrazepam, or Methamphetamine — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(b)(1)(i) or (ii) ..... 270

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**Create, Deliver or Possess a Counterfeit Substance — Schedule I or II Narcotic Drug, Flunitrazepam, or Methamphetamine — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(b)(1)(i) or (ii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly create, deliver or possess a counterfeit substance, to wit: (identify substance); contrary to Revised Code of Washington 69.50.401(b)(1)(i) or (ii).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00 pursuant to RCW 69.50.401(b)(1)(i) or (ii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00 pursuant to RCW 69.50.401(b)(1)(i) or (ii), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Create, Deliver or Possess a Counterfeit Substance — Schedule I or II Narcotic Drug, Flunitrazepam, or Methamphetamine — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly create, deliver or possess a counterfeit substance, to wit: (identify substance); contrary to Revised Code of Washington 69.50.401(1) or (ii).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00 pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00 pursuant to RCW 69.50.401(2)(a), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Create, Deliver or Possess a Counterfeit Substance — Non-Narcotic Schedule I or II Drug Other Than Methamphetamine, Schedule III Drug, Schedule IV Drug Other Than Flunitrazepam, or Schedule V Drug — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(b)(1)(iii), (iv) or (v)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly create, deliver or possess a counterfeit substance, to wit: (identify substance); contrary to Revised Code of Washington 69.50.401(b)(1)(iii), (iv) or (v).

(Maximum Penalty— Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000.00 pursuant to RCW 69.50.401(b)(1)(iii), (iv), or (v) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000.00 pursuant to RCW 69.50.401(b)(1)(iii), (iv) or (v), 69.50.408 and 69.50.430(2), plus restitution and assessments.)



**Create, Deliver or Possess a Counterfeit Substance — Non-Narcotic Schedule I or II Drug Other Than Methamphetamine, Schedule III Drug, Schedule IV Drug Other Than Flunitrazepam, or Schedule V Drug — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly create, deliver or possess a counterfeit substance, to wit: (identify substance); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty— Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000.00 pursuant to RCW 69.50.401(2)(b), (c), (d), or (e), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000.00 pursuant to RCW 69.50.401(2)(b), (c), (d), or (e), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Delivery of a Controlled Substance — Schedule I or II Narcotic Drug or Flunitrazepam — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(i)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(i).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(i) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(i), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Delivery of a Controlled Substance — Schedule I or II Narcotic Drug or Flunitrazepam — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Delivery of a Controlled Substance — Amphetamine or Methamphetamine— For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(ii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(a)(1)(ii).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(ii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(ii), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Delivery of a Controlled Substance — Amphetamine or Methamphetamine— For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(b), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Delivery of Marijuana or Any Non-Narcotic Schedule I, II, or III Controlled Substance Other Than Amphetamine or Methamphetamine — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(iii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(a)(1)(iii).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(iii), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(iii) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery of Marijuana or Any Non-Narcotic Schedule I, II, or III Controlled Substance Other Than Amphetamine or Methamphetamine — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery of Any Schedule IV Controlled Substance Other Than Flunitrazepam— For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(iv)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(iv).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(iv) and RCW 69.50.430(1)(iv), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(iv) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery of Any Schedule IV Controlled Substance Other Than Flunitrazepam— For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(d), RCW 9A.20.021(1)(c), and RCW 69.50.430(1)(iv), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(d) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery of Any Schedule V Controlled Substance — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(v)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(a)(1)(v).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(v) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(v) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery of Any Schedule V Controlled Substance — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(e), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(e) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery in Lieu of Controlled Substance — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person, and did then knowingly sell, give, deliver, dispense, distribute or administer to that person any other liquid, substance, or material in lieu of such controlled substance; contrary to Revised Code of Washington 69.50.401(c).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000.00 pursuant to RCW 69.50.401(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 fine, pursuant to RCW 69.50.401(c) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Delivery in Lieu of Controlled Substance — For Crimes Committed On or After July 1, 2004  
— RCW 69.50.4012**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person, and did then knowingly sell, give, deliver, dispense, distribute or administer to that person any other liquid, substance, or material in lieu of such controlled substance; contrary to Revised Code of Washington 69.50.4012.

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000.00 pursuant to RCW 69.50.4012(2), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 fine, pursuant to RCW 69.50.402(2) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Distribution of a Controlled Substance Other than a Schedule I or II Narcotic Drug, Methamphetamine, or Flunitrazepam to a Person under Age 18 Who Is at Least Three Years Younger than the Defendant — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.406 and RCW 69.50.401(a)(1)(iii), (iv) or (v)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being 18 years of age or over, did knowingly and unlawfully distribute a controlled substance, to-wit: (identify drug), to a person under 18 years of age, to-wit: (name of recipient), who was born on (recipient's date of birth), and who is at least three years junior to the defendant; contrary to Revised Code of Washington 69.50.406(b) and RCW 69.50.401(a)(1)(iii), (iv), or (v).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000.00 pursuant to RCW 69.50.406(b) and RCW 69.50.401(a)(1)(iii), (iv), or (v) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000.00 pursuant to RCW 69.50.401(a)(1)(iii), (iv), or (v) and RCW 69.50.430(2), plus restitution and assessments.)

**Distribution of a Controlled Substance Other than a Schedule I or II Narcotic Drug, Methamphetamine, or Flunitrazepam to a Person under Age 18 Who Is at Least Three Years Younger than the Defendant — For Crimes Committed On or After July 1, 2004 — RCW 69.50.406(2) and RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being 18 years of age or over, did knowingly and unlawfully distribute a controlled substance, to-wit: (identify drug), to a person under 18 years of age, to-wit: (name of recipient), who was born on (recipient's date of birth), and who is at least three years junior to the defendant; contrary to Revised Code of Washington 69.50.406(2) and RCW 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000.00 pursuant to RCW 69.50.406(2) and RCW 69.50.401(2)(c), (d), or (e) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000.00 pursuant to RCW 69.50.406(2), RCW 69.50.401(2)(c), (d), or (e) and RCW 69.50.430(2), plus restitution and assessments.)

**Distribution of Methamphetamine, Flunitrazepam, or Schedule I or II Narcotic Drug to Person Under Age Eighteen — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.406(a) and RCW 69.50.401(a)(1)(i) or (ii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person eighteen (18) years of age or over, did violate RCW 69.50.401(a)(1)(i) or (ii) by knowingly distributing a Schedule I or II narcotic drug, methamphetamine, and/or flunitrazepam to a person under eighteen (18) years of age, to wit: (name of recipient), who was born on (recipient's date of birth); contrary to Revised Code of Washington 69.50.406(a) and 69.50.401(a)(1)(i) or (ii).

(Maximum Penalty—Twenty (20) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00 pursuant to RCW 69.50.406(a) and RCW 69.50.401(a)(1)(i) or (ii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be forty (40) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00 pursuant to RCW 69.50.401(a)(1)(i) or (ii), RCW 69.50.406(a), RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Distribution of Methamphetamine, Flunitrazepam, or Schedule I or II Narcotic Drug to Person Under Age Eighteen — For Crimes Committed On or After July 1, 2004 — RCW 69.50.406(1) and RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a person eighteen (18) years of age or over, did violate RCW 69.50.401(a)(1) by knowingly distributing a Schedule I or II narcotic drug, methamphetamine, and/or flunitrazepam to a person under eighteen (18) years of age, to wit: (name of recipient), who was born on (recipient's date of birth); contrary to Revised Code of Washington 69.50.406(1) and 69.50.401(1).

(Maximum Penalty—Twenty (20) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00 pursuant to RCW 69.50.406(1) and RCW 69.50.401(2)(a) or (b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be forty (40) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00 pursuant to RCW 69.50.401(2)(a) or (b), RCW 69.50.406(1), RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Involve Minor in Drug Dealing — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(f)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years, to-wit: (name or initials of minor), who was born on (minor's date of birth), in a transaction unlawfully to manufacture, sell, or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(f).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000, or both pursuant to RCW 69.50.401(f), RCW 69.50.430(1), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(f) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)



**Involve Minor in Drug Dealing — For Crimes Committed On or After July 1, 2004 — RCW 69.50.4015**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years, to-wit: (name or initials of minor), who was born on (minor's date of birth), in a transaction unlawfully to manufacture, sell, or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.4015(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000, or both pursuant to RCW 69.50.4015(2), RCW 9A.20.021(1)(c), RCW 69.50.430(1), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.4015(2) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Make or Utter a Forged Prescription — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.403(a)(5)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally make or utter any false or forged prescription or false or forged written order for a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.403(a)(5).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403, RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Make or Utter a Forged Prescription — For Crimes Committed On or After July 1, 2004 — RCW 69.50.403(1)(e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally make or utter any false or forged prescription or false or forged written order for a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.403(1)(e).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(3) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403(3), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Manufacture of a Controlled Substance — Schedule I or II Narcotic Drug or Flunitrazepam —  
For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(i)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(i).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(i) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(i), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Manufacture of a Controlled Substance — Schedule I or II Narcotic Drug or Flunitrazepam —  
For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Manufacture of a Controlled Substance — Amphetamine or Methamphetamine— For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(ii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(a)(1)(ii).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(ii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$3,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$3,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(ii), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Manufacture of a Controlled Substance — Amphetamine or Methamphetamine— For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$3,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$3,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(b), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Manufacture of Marijuana or Any Non-Narcotic Schedule I, II, or III Controlled Substance Other Than Amphetamine or Methamphetamine — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(iii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(iii).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(iii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(iii) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Manufacture of Marijuana or Any Non-Narcotic Schedule I, II, or III Controlled Substance Other Than Amphetamine or Methamphetamine — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Manufacture of Any Schedule IV Controlled Substance Other Than Flunitrazepam—For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(iv)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(iv).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(iv) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(iv) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Manufacture of Any Schedule IV Controlled Substance Other Than Flunitrazepam— For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(d) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(d), RCW 9A.20.021(1)(c), and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Manufacture of Any Schedule V Controlled Substance — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(v)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(a)(1)(v).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(v) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(v) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Manufacture of Any Schedule V Controlled Substance — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly manufacture a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(e), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(e) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance By Fraud — For Crimes Committed Prior to July 1, 2004  
— RCW 69.50.403(a)(3)(i)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by fraud, deceit, misrepresentation, or subterfuge; contrary to Revised Code of Washington 69.50.403(a)(3)(i).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403, RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance By Fraud — For Crimes Committed On or After July 1, 2004 — RCW 69.50.403(1)(c)(i)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by fraud, deceit, misrepresentation, or subterfuge; contrary to Revised Code of Washington 69.50.403(1)(c)(i).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(3) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403(3), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance by Forged or Altered Prescription — For Crimes Committed Prior to July 1, 2004— RCW 69.50.403(a)(3)(ii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by forgery or alteration of a prescription or any written order; contrary to Revised Code of Washington 69.50.403(a)(3)(ii).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403, RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance by Forged or Altered Prescription — For Crimes Committed On or After July 1, 2004 — RCW 69.50.403(1)(c)(ii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by forgery or alteration of a prescription or any written order; contrary to Revised Code of Washington 69.50.403(1)(c)(ii).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(3) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403(3), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance by Concealment of Material Fact — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.403(a)(3)(iii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by concealment of a material fact; contrary to Revised Code of Washington 69.50.403(a)(3)(iii).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403, RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance by Concealment of Material Fact — For Crimes Committed On or After July 1, 2004 — RCW 69.50.403(1)(c)(iii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by concealment of a material fact; contrary to Revised Code of Washington 69.50.403(1)(c)(iii).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(3) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403(3), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance by Use of a False Name or Address — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.403(a)(3)(iv)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by the use of a false name or the giving of a false address; contrary to Revised Code of Washington 69.50.403(a)(3)(iv).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(c) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403, RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Obtaining a Controlled Substance by Use of a False Name or Address — For Crimes Committed On or After July 1, 2004 — RCW 69.50.403(1)(c)(iv)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally obtain or attempt to obtain a controlled substance, to-wit: (identify drug), by the use of a false name or the giving of a false address; contrary to Revised Code of Washington 69.50.403(1)(c)(iv).

(Maximum Penalty — Two (2) years imprisonment and/or a fine of not less than \$1,000 nor more than \$2,000.00 pursuant to RCW 69.50.403(3) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$4,000, pursuant to RCW 69.50.403(3), RCW 69.50.408, and RCW 69.50.430(2), plus restitution and assessments.)

**Possession of a Controlled Substance Other Than Marijuana — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully possess a controlled substance, to-wit: (identify drug) contrary to Revised Code of Washington 69.50.401(d).

(Maximum Penalty — Five (5) years imprisonment and/or a fine of not less than \$1,000.00 nor more than \$10,000 pursuant to RCW 69.50.401(d) and (e) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be five (5) years imprisonment and/or a fine of \$2,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1) and RCW 69.50.430, plus restitution and assessments.)



**Possession of a Controlled Substance Other Than Marijuana — For Crimes Committed On or After July 1, 2004 — RCW 69.50.4013**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully possess a controlled substance, to-wit: (identify drug) contrary to Revised Code of Washington 69.50.4013(1).

(Maximum Penalty — Five (5) years imprisonment and/or a fine of not less than \$1,000.00 nor more than \$10,000 pursuant to RCW 69.50.4013(2), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be five (5) years imprisonment and/or a fine of \$2,000 nor more than \$10,000 pursuant to RCW 69.50.4013(2), RCW 9A.20.021(1)(c), and RCW 69.50.430, plus restitution and assessments.)

**Possession of More than 40 Grams of Marijuana — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(d)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully possess a controlled substance, to-wit: marijuana, in a quantity of more than 40 grams; contrary to Revised Code of Washington 69.50.401(d).

(Maximum Penalty — Five (5) years imprisonment and/or a fine of not less than \$1,000.00 nor more than \$10,000 pursuant to RCW 69.50.401(d) and (e) and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be five (5) years imprisonment and/or a fine of \$2,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1) and RCW 69.50.430, plus restitution and assessments.)

**Possession of More than 40 Grams of Marijuana — For Crimes Committed On or After July 1, 2004 — RCW 69.50.4013**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully possess a controlled substance, to-wit: marijuana, in a quantity of more than 40 grams; contrary to Revised Code of Washington 69.50.4013(1).

(Maximum Penalty — Five (5) years imprisonment and/or a fine of not less than \$1,000.00 nor more than \$10,000 pursuant to RCW 69.50.4013(2), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be five (5) years imprisonment and/or a fine of \$2,000 nor more than \$10,000 pursuant to RCW 69.50.4013(2), RCW 9A.20.021(1)(c), and RCW 69.50.430, plus restitution and assessments.)

**Possession of 40 Grams or Less of Marijuana — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(e)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully possess a controlled substance, to-wit: marijuana, in a quantity of 40 grams or less; contrary to Revised Code of Washington 69.50.401(e).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.50.401(e) and RCW 9.92.030, plus restitution, assessments and court costs.)

(Minimum Penalty for First Offense—Not less than 24 consecutive hours in jail, and a fine of not less than \$250.00 pursuant to RCW 69.50.425.)

(Minimum Penalty for Second or Subsequent Offense—Not less than 24 consecutive hours in jail, and a fine of not less than \$500.00 pursuant to RCW 69.50.425.)

**Possession of 40 Grams or Less of Marijuana — For Crimes Committed On or After July 1, 2004 — RCW 69.50.4013**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully possess a controlled substance, to-wit: marijuana, in a quantity of 40 grams or less; contrary to Revised Code of Washington 69.50.4013(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.50.4014 and RCW 9.92.030, plus restitution, assessments and court costs.)

(Minimum Penalty for First Offense—Not less than 24 consecutive hours in jail, and a fine of not less than \$250.00 pursuant to RCW 69.50.425.)

(Minimum Penalty for Second or Subsequent Offense—Not less than 24 consecutive hours in jail, and a fine of not less than \$500.00 pursuant to RCW 69.50.425.)

**Possession With Intent to Manufacture or Deliver a Controlled Substance — Schedule I or II Narcotic Drug or Flunitrazepam — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(i)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(i).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(i) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(i), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver a Controlled Substance — Schedule I or II Narcotic Drug or Flunitrazepam — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(a), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver a Controlled Substance — Amphetamine or Methamphetamine— For Crimes Committed Prior to July 1, 2004 —RCW 69.50.401(a)(1)(ii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(ii).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(ii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(a)(1)(ii), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver a Controlled Substance — Amphetamine or Methamphetamine— For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Ten (10) years imprisonment and/or a fine of not less than \$3,000 nor more than \$25,000.00; or if the crime involves two (2) or more kilograms of the drug, Ten (10) years imprisonment and/or a fine of not less than \$1,000 nor more than \$100,000 for the first two (2) kilograms and not more than \$50.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(b) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$50,000.00; or if the crime involves two (2) or more kilograms of the drug, twenty (20) years imprisonment and/or a fine of not less than \$2,000 nor more than \$200,000 for the first two (2) kilograms and not more than \$100.00 for each gram in excess of two (2) kilograms pursuant to RCW 69.50.401(2)(b), 69.50.408 and 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver Marijuana or Other Non-Narcotic Schedule I, II, or III Controlled Substance Other Than Amphetamine or Methamphetamine — For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(iii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug) ; contrary to Revised Code of Washington 69.50.401(a)(1)(iii).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(iii) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(iii) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver Marijuana or Other Non-Narcotic Schedule I, II, or III Controlled Substance Other Than Amphetamine or Methamphetamine — For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(c), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(c) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver Any Schedule IV Controlled Substance Other Than Flunitrazepam— For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(iv)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(iv).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(iv) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(iv) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver Any Schedule IV Controlled Substance Other Than Flunitrazepam— For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(d), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(d) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver Any Schedule V Controlled Substance —  
For Crimes Committed Prior to July 1, 2004 — RCW 69.50.401(a)(1)(v)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(a)(1)(v).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(a)(1)(v) and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(a)(1)(v) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

**Possession With Intent to Manufacture or Deliver Any Schedule V Controlled Substance —  
For Crimes Committed On or After July 1, 2004 — RCW 69.50.401(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and unlawfully possess, with intent to manufacture or deliver a controlled substance, to-wit: (identify drug); contrary to Revised Code of Washington 69.50.401(1).

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$10,000 pursuant to RCW 69.50.401(2)(e), RCW 9A.20.021(1)(c), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.401(2)(e) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

## **Sale of a Controlled or Counterfeit Substance for Profit — RCW 69.50.410**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly and unlawfully sell for profit a controlled substance or counterfeit substance classified in Schedule I that was not marijuana, to-wit: (identify item sold) ; contrary to Revised Code of Washington 69.50.410.

(Maximum Penalty—Five (5) years imprisonment and/or a fine of not less than \$1,000 nor more than \$500,000 pursuant to RCW 69.50.410(2)(a) and (5), and RCW 69.50.430(1), plus restitution and assessments.)

(If the Defendant has previously been convicted under Chapter 69.50 RCW or any statute of the United States or any other state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the maximum punishment shall be Ten (10) years imprisonment and/or a fine of not less than \$2,000 nor more than \$20,000 pursuant to RCW 69.50.410(2) and RCW 69.50.408 and RCW 69.50.430(2), plus restitution and assessments.)

(Mandatory Minimum Term of Incarceration for First Offense — Two (2) years imprisonment pursuant to RCW 69.50.410(3) which shall not be suspended or deferred if the substance sold is heroin.

(Mandatory Minimum Term of Incarceration for Second or Subsequent Violation of 69.50.410—Five (5) years imprisonment pursuant to RCW 69.50.410(2) which shall not be deferred or suspended if the substance sold was not heroin or, if the current violation involved heroin, the prior violation(s) of RCW 69.50.410 did not involve heroin. Ten (10) years imprisonment pursuant to RCW 69.50.410(3) which shall not be deferred or suspended if the substance sold in the current offense was heroin and one or more prior violations of RCW 69.50.410 involved heroin.)

## **Use of Drug Paraphernalia — RCW 69.50.412(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; contrary to Revised Code of Washington 69.50.412(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.50.412(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

(Minimum Penalty for First Offense—Not less than 24 consecutive hours in jail, and a fine of not less than \$250.00 pursuant to RCW 69.50.425.)

(Minimum Penalty for Second or Subsequent Offense—Not less than 24 consecutive hours in jail, and a fine of not less than \$500.00 pursuant to RCW 69.50.425.)





# FIREARMS AND OTHER WEAPONS

## FIREARMS AND OTHER DEADLY WEAPONS

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In *State v. Anderson*, 141 Wn.2d 357, 5 P.3d 1247 (2000), the Washington Supreme Court held that the offense of second degree unlawful possession of a firearm is not a strict liability crime. To date, no case has extended the reasoning of *Anderson* to any misdemeanor or gross misdemeanor offenses and the inclusion of a knowledge element to such crimes is not certain as *Anderson* dealt with a felony not a gross misdemeanor. See *Anderson*, 141 Wn.2d at 364-65. To the contrary, a very recent Division One opinion expressly held that *Anderson* did not mandate the addition of a knowledge element to the crime of carrying a concealed weapon without a license. See *City of Seattle v. Briggs*, 109 Wn. App. 484, 38 P.3d 349 (2001), review denied, 146 Wn.2d 1018 (2002). Each office must decide for itself whether to include a knowledge element in the misdemeanor/gross misdemeanor crimes that appear in this section.

In considering whether to file any of the charges listed in this section, it is important to use the "serious offense" definition contained at RCW 9.41.010(12). This definition currently provides:

- (12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:
- (a) Any crime of violence;
  - (b) Any felony violation of the uniform controlled substances act, Chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
  - (c) Child molestation in the second degree;

- (d) Incest when committed against a child under age fourteen;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault;
- (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;
- (n) Any other felony with a deadly weapon verdict under [RCW 9.94A.125 or ]RCW 9.94A.602; or
- (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

RCW 9.41.010(12).

A "crime of violence" means:

- (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;
- (b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and
- (c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

RCW 9.41.010(11).

Case law is not totally clear on whether the firearm must be operable in order to support a charge of unlawful possession of a firearm. The statute merely indicates that a "Firearm" means a weapon or device from which a projectile or projectiles *may* be fired by an explosive such as gunpowder." RCW 9.41.010(1) [Emphasis added.]. The use of the word "may" supports an argument that the State need not prove beyond a reasonable doubt that the weapon is operable. *See, e.g., State v. Padilla*, 95 Wn. App. 531, 532, 535, 978 P.2d 1113, *review denied*, 139 Wn.2d 1003

(1999) ("a disassembled firearm that can be rendered operational with reasonable effort and within a reasonable time period is a firearm within the meaning of RCW 9.41.010(1)", but "'may be fired' indicates legislative intent that a gun rendered permanently inoperable is not a firearm under the statutory definition here at issue because it is not ever capable of being fired"). It is, therefore, a good idea to have a weapon test fired prior to trial.

A defendant who is charged with the offense of unlawful possession of a firearm is entitled to have the prior offense proven by stipulation. *See generally Old Chief v. United States*, 519 U.S. 172, 117 S. Ct. 644, 136 L. Ed.2d 574 (1997); *State v. Rivera*, 95 Wn. App. 132, 974 P.2d 882, *petition for review granted on other grounds*, 139 Wn.2d 1008 (1999); *State v. Johnson*, 90 Wn. App. 54, 950 P.2d 981 (1998). One possible stipulation form is as follows:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR ____ COUNTY	
STATE OF WASHINGTON,  <div style="text-align: right; padding-right: 20px;">Plaintiff,</div>	NO.
-vs-	
REALLY BAD  <div style="text-align: right; padding-right: 20px;">Defendant.</div>	STIPULATED FACT(S)

IT IS HEREBY mutually understood, agreed and stipulated between and among the undersigned parties, that the following information shall be submitted to the jury as an agreed fact and may be used by the jury in determining the guilt of the defendant:

I.

The person before the court, who has been identified as the defendant in the information, was convicted of a serious offense in State of Washington v. Really Bad, \_\_\_\_ County Cause No. \_\_\_\_, on date.

#### CERTIFICATE OF DEFENDANT

I am the defendant in this case. I wish to submit the case on the above stipulated fact. I understand that the jury will receive a copy of the first page of this stipulation and will be considered by the jury in determining whether I am guilty of the crime of First Degree Unlawful Possession of a Firearm. I understand that this stipulation is being entered in lieu of the State submitting a certified copy of the judgment and sentence that was entered in State of Washington v. Really Bad, \_\_\_\_ County Cause No. \_\_\_\_, to the jury. I understand that the certified copy of the judgment and sentence that was entered in State of Washington v. Really Bad, \_\_\_\_ County Cause No. \_\_\_\_, has been marked as exhibit \_\_\_\_ and that this exhibit will become part of the record but that the exhibit will not go to the jury.

I understand by this process, I am giving up the right to dispute whether the judgment and sentence that was entered in State of Washington v. Really Bad, \_\_\_\_ County Cause No. \_\_\_\_, involved a serious offense and whether I was the individual convicted in State of Washington v. Really Bad, \_\_\_\_ County Cause No. \_\_\_\_.

I am making this stipulation freely and voluntarily. No one has threatened me with harm of any kind to me or to any other person to cause me to make this stipulation.

My lawyer has explained to me, and we have fully discussed the above paragraphs. I understand them all. I have been given a copy of this form. I have no further questions to ask the judge.

\_\_\_\_\_  
Really Bad, Defendant

I have read and discussed this document with the defendant and believe that the defendant is competent and fully understands the Stipulated Fact(s).

\_\_\_\_\_  
WSBA NO.  
Deputy Prosecuting Attorney

\_\_\_\_\_  
CLARENCE DARROW,  
WSBA NO.  
Attorney for Defendant

The foregoing certificate was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that he had previously read the certificate. I find that the defendant's decision to submit the fact of prior conviction by stipulation to be knowingly, intelligently, and voluntarily made. The defendant understands the charge and the consequences of submitting the case on stipulated fact(s).

DATED THIS \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
JUDGE

### **Aiming a Firearm at a Human Being — RCW 9.41.230(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did aim a firearm, whether loaded or not, at or towards a human being; contrary to Revised Code of Washington 9.41.230(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.230(1)(c) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Alien in Possession of a Firearm — RCW 9.41.170**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while not a citizen of the United States, did knowingly carry or possess a firearm, to wit: \_\_\_\_\_, without first having obtained an alien license from the Department of Licensing; contrary to Revised Code of Washington 9.41.170.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.170(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Alteration of Identification Marks — RCW 9.41.140**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did change, alter, remove, and/or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm; contrary to Revised Code of Washington 9.41.140.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.41.810 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Carrying a Concealed Weapon — RCW 9.41.050(1)**

On December 17, 2001, Division One held that knowledge is not an element of this crime. *City of Seattle v. Briggs*, 109 Wn. App. 484, 38 P.3d 349 (2001), review denied, 146 Wn.2d 1018 (2002).

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not in his or her place of abode or fixed place of business, did [knowingly] carry a pistol concealed on his or her person without a license to carry a concealed pistol; contrary to Revised Code of Washington 9.41.050(1).

(Maximum Penalty — Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 9.41.810 and 9.92.030, plus restitution, assessments and court costs.)

### **Delivery of Firearm to Ineligible Person — RCW 9.41.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did deliver a firearm to \_\_\_\_\_, a person to whom the Defendant had reasonable cause to believe is ineligible to possess pursuant to RCW 9.41.040 because the person who received the weapon was \_\_\_\_\_; contrary to Revised Code of Washington 9.41.080.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.080 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Discharge of a Firearm in a Public Place — RCW 9.41.230(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully discharge a firearm, air gun, or other weapon, or throw a deadly missile in a public place, or in any place where any person might be endangered thereby; contrary to Revised Code of Washington 9.41.230(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.230(1)(c) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Firearms and/or Weapons in State Park — WAC 352-32-120 and RCW 79A.05.070(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess a firearm with a cartridge in any portion of the mechanism within any upland state park area, and/or did discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a firearm, bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property; contrary to the Washington Administrative Code 352-32-120 and RCW 79A.05.070(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 79A.05.165(7) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Juvenile in Possession of a Firearm — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.41.040(1)(b)(iii) (Laws of 1997, ch. 338, § 47)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly own or possess or control a firearm, to-wit: \_\_\_\_\_, and the defendant was at that time under eighteen years of age; contrary to RCW 9.41.040(1)(b)(iii).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Juvenile in Possession of a Firearm — For Crimes Committed On or After July 1, 2004 – RCW 9.41.040(2)(a)(iii) (Laws of 2003, ch. 53, § 26)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly own or possess or control a firearm, to-wit: \_\_\_\_\_, and the defendant was at that time under eighteen years of age; contrary to RCW 9.41.040(2)(a)(iii).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession of Firearm at Outdoor Music Festival — RCW 70.108.150**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while on the site of an outdoor music festival, did have in his or her possession or under his or her control a firearm; contrary to Revised Code of Washington 70.108.150.

(Maximum Penalty—Not less than Ten (10) days and not more than ninety (90) days in jail or not less than \$100 nor more than \$200 fine, or both pursuant to RCW 70.108.150, plus restitution, assessments and court costs.)

**Possession of Firearm, Weapon, or Explosive in State Institution for Care and Treatment of Mental Illness — RCW 72.23.300**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did bring a firearm, weapon, or explosive into any state institution for the care and treatment of mental illness or within the grounds thereof; contrary to Revised Code of Washington 72.23.300.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 72.23.300 and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

**Possession of Pistol by 18-21 Year Old — RCW 9.41.240**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was at least 18 years old but less than 21 years old, did knowingly possess a pistol when not in his or her place of abode, at his or her fixed place of business, or on real property under his or her control; contrary to RCW 9.41.240.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.41.810 and RCW 9.92.030, plus restitution, assessments and court costs.)



### **Setting a Trap — RCW 9.41.230(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did set a so-called trap, spring pistol, rifle, or other dangerous weapon, although no injury results; contrary to Revised Code of Washington 9.41.230(1)(c).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.230(1)(c) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Assembly or Repair of a Firearm — RCW 9.41.190(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle; contrary to Revised Code of Washington 9.41.190(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.190(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Carrying a Loaded Pistol in a Vehicle — RCW 9.41.050(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did [knowingly] carry or place a loaded pistol in a vehicle and (a) did not have a license to carry a concealed pistol, and/or (b) did have a license to carry a concealed pistol but did not have the pistol on the licensee's person or the licensee was not within the vehicle at all times that the pistol was there or the licensee was away from the vehicle and the pistol was not locked within the vehicle and concealed from view from outside the vehicle; contrary to Revised Code of Washington 9.41.050(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.41.050(2)(b) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Display of a Weapon — RCW 9.41.270(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons; contrary to Revised Code of Washington 9.41.270(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.270(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession of a Dangerous Weapon — RCW 9.41.250**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) manufacture, sell, dispose of, or have in his or her possession an instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; and/or (b) furtively carry, with intent to conceal, any dagger, dirk, pistol or other dangerous weapon; and/or (c) use any contrivance or device for suppressing the noise of any firearm; contrary to Revised Code of Washington 9.41.250.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.250 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession of a Firearm in the First Degree — RCW 9.41.040(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having previously been convicted in this state or elsewhere of a serious offense as defined in RCW 9.41.010(12)(a), to-wit: \_\_\_\_\_, did knowingly own or have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(1)(a).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.41.040(1)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Possession of a Firearm in the Second Degree — Conviction of non-Serious Felony Offense or DV Crime — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.41.040(1)(b)(i) (Laws of 1997, ch. 338, § 47)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having previously been convicted in this state or elsewhere of a felony that does not qualify as a serious offense as defined in RCW 9.41.010(12)(a) or having previously been convicted in this state or elsewhere after July 1, 1993, of any of the following crimes committed against one family or household member: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence, to-wit: \_\_\_\_\_, did knowingly own or have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(1)(b)(i).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of a Firearm in the Second Degree —Conviction of non-Serious Felony Offense or DV Crime — For Crimes Committed On or After July 1, 2004 – RCW 9.41.040(2)(a)(i) (Laws of 2003, ch. 53, § 26)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having previously been convicted in this state or elsewhere of a felony that does not qualify as a serious offense as defined in RCW 9.41.010(12)(a) or having previously been convicted in this state or elsewhere after July 1, 1993, of any of the following crimes committed against one family or household member: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence, to-wit: \_\_\_\_\_, did knowingly own or have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(2)(a)(i). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of a Firearm in the Second Degree —Mental Health Commitment — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.41.040(1)(b)(ii) (Laws of 1997, ch. 338, § 47)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, Chapter 10.77 RCW, or equivalent statutes of another jurisdiction, did knowingly own or have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(1)(b)(ii). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of a Firearm in the Second Degree —Mental Health Commitment — For Crimes Committed On or After July 1, 2004 – RCW 9.41.040(2)(a)(ii) (Laws of 2003, ch. 53, § 26)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, Chapter 10.77 RCW, or equivalent statutes of another jurisdiction, did knowingly own or have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(2)(a)(ii). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of a Firearm in the Second Degree — Pre-Trial Release — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.41.040(1)(b)(iv) (Laws of 1997, ch. 338, § 47)**

As modified by *State v. Spiers*, 119 Wn. App. 85, 79 P.3d 30 (2003).

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense, to wit: \_\_\_\_\_, did knowingly have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(1)(b)(iv).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of a Firearm in the Second Degree — Pre-Trial Release — For Crimes Committed On or After July 1, 2004 – RCW 9.41.040(2)(a)(iv) (Laws of 2003, ch. 53, § 26)**

As modified by *State v. Spiers*, 119 Wn. App. 85, 79 P.3d 30 (2003).

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense, to wit: \_\_\_\_\_, did knowingly have in his possession or under his control a firearm, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.41.040(2)(a)(iv).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.040(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of Firearm Parts — RCW 9.41.190(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess, control, manufacture, own, buy, sell, loan, furnish, or transport a part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; contrary to Revised Code of Washington 9.41.190(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.190(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Possession of a Loaded Rifle or Shotgun in a Motor Vehicle — RCW 77.15.460(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did [knowingly] carry, transport, convey, possess, or control a rifle or shotgun in a motor vehicle and the rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed; contrary to Revised Code of Washington 77.15.460(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 77.15.460(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Possession of a Machine Gun — RCW 9.41.190(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess, control, manufacture, own, buy, sell, loan, furnish, or transport a machine gun; contrary to Revised Code of Washington 9.41.190(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.190(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Possession of Short-Barreled Shotgun or Rifle — RCW 9.41.190(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess, control, manufacture, own, buy, sell, loan, furnish, or transport a short-barreled shotgun or rifle; contrary to Revised Code of Washington 9.41.190(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.41.190(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Possession of an Unloaded Pistol in a Vehicle — RCW 9.41.050(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least eighteen (18) years of age, did [knowingly] possess an unloaded pistol in a vehicle and the unloaded pistol (a) was not locked within the vehicle, and/or (b) was not concealed from view from outside the vehicle; contrary to Revised Code of Washington 9.41.050(3).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.41.050(3)(b) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Unlawful Possession of Weapon in Commercial Service Airport — For Crimes Committed On or After June 10, 2004 – RCW 9.41.300(1)(e) (Laws of 2004, ch. 116, § 1(1)(e))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who knowingly possessed or knowingly had under his or her control a weapon, did enter the restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration; contrary to Revised Code of Washington 9.41.300(1)(e) (Laws of 2004, ch. 116, § 1(1)(e)).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.300(10) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Possession of Weapon in Court Areas — General Citizen — RCW 9.41.300(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who [knowingly] possessed or [knowingly] had under his or her control a weapon, did enter those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings; contrary to Revised Code of Washington 9.41.300(1)(b).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.300(10) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Unlawful Possession of Weapon in Court Areas — Law Enforcement Officer — For Crimes Committed On or After June 10, 2004 — RCW 9.41.300(1)(b) and RCW 9.41.300(6)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a law enforcement officer, who did [knowingly] possess or [knowingly] had under his or her control a weapon, did enter those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings, for the purpose of participating as a party in an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; contrary to Revised Code of Washington 9.41.300(1)(b) and 9.41.300(6)(b).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.300(10) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession of Weapon in Jail or Law Enforcement Facility — RCW 9.41.300(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who [knowingly] possessed or [knowingly] had under his or her control a weapon, did enter those areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under Chapter 13.32A or 13.34 RCW; contrary to Revised Code of Washington 9.41.300(1)(a).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.300(10) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession of Weapon in Public Mental Health Facility— RCW 9.41.300(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who [knowingly] possessed or [knowingly] had under his or her control a weapon, did enter the restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill that is not used solely for evaluation or treatment; contrary to Revised Code of Washington 9.41.300(1)(c).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.300(10) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession of Weapon in Taverns — RCW 9.41.300(1)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who [knowingly] possessed or [knowingly] had under his or her control a weapon, did enter that portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age; contrary to Revised Code of Washington 9.41.300(1)(d).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.300(10) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Use of a Loaded Firearm — RCW 77.15.460(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did negligently shoot a firearm from, across, or along the maintained portion of a public highway; contrary to Revised Code of Washington 77.150.460(2).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 77.15.460(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

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### **Unlawful Discharge of a Laser in the First Degree — Law Enforcement Officer— RCW 9A.49.020(1)(a) and (b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and maliciously, did discharge a laser at a law enforcement officer or other employee of a law enforcement agency who is performing his or her official duties and (a) the law enforcement officer or employee is in uniform or exhibiting evidence of his or her authority and the manner in which the laser was discharged would support that officer's or employee's reasonable belief that he or she is targeted with a laser sighting device or system; and/or (b) did cause an impairment of the safety or operation of a law enforcement vehicle or did cause an interruption or impairment of service rendered to the public by negatively affecting the officer or employee; contrary to Revised Code of Washington 9A.49.020(1)(a) and (b).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.49.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)



### **Unlawful Discharge of a Laser in the First Degree — Pilot— RCW 9A.49.020(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and maliciously, did discharge a laser at a pilot, causing an impairment of the safety or operation of an aircraft or causing an interruption or impairment of service rendered to the public by negatively affecting the pilot; contrary to Revised Code of Washington 9A.49.020(1)(c).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.49.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

### **Unlawful Discharge of a Laser in the First Degree — Firefighter— RCW 9A.49.020(1)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and maliciously, did discharge a laser at a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties, causing an impairment of the safety or operation of an emergency vehicle or causing an interruption or impairment of service rendered to the public by negatively affecting the fire fighter or employee; contrary to Revised Code of Washington 9A.49.020(1)(d).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.49.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

### **Unlawful Discharge of a Laser in the First Degree — Transit Operator— RCW 9A.49.020(1)(e)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and maliciously, did discharge a laser at a transit operator or driver of a public or private transit company while that person was performing his or her official duties, causing an impairment of the safety or operation of a transit vehicle or causing an interruption or impairment of service rendered to the public by negatively affecting the operator or driver; contrary to Revised Code of Washington 9A.49.020(1)(e).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.49.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

**Unlawful Discharge of a Laser in the First Degree — School Bus Driver— RCW 9A.49.020(1)(f)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and maliciously, did discharge a laser at a school bus driver employed by a school district or private company while the driver was performing his or her official duties, causing an impairment of the safety or operation of a school bus or causing an interruption or impairment of service by negatively affecting the bus driver; contrary to Revised Code of Washington 9A.49.020(1)(f).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.49.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

**Unlawful Discharge of a Laser in the Second Degree — Vehicle Operator — RCW 9A.49.030(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly and maliciously, did discharge a laser at a person, other than a law enforcement officer, firefighter, transit operator, pilot, or school bus driver, who was operating a motor vehicle at the time, causing an impairment of the safety or operation of a motor vehicle by negatively affecting the driver; contrary to Revised Code of Washington 9A.49.030(1)(a).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.49.030(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

**Unlawful Discharge of a Laser in the Second Degree — Risk of Impairment or Operation — RCW 9A.49.030(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly and maliciously, did discharge a laser at a law enforcement officer, firefighter, transit operator, pilot, or school bus driver, causing a substantial risk of an impairment or interruption to services rendered to the public; contrary to Revised Code of Washington 9A.49.030(1)(b).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.49.030(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

**Unlawful Discharge of a Laser in the Second Degree — Intimidate or Threaten — RCW 9A.49.030(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly and maliciously, did discharge a laser at a person in order to intimidate or threaten that person; contrary to Revised Code of Washington 9A.49.030(1)(c).

(Maximum Penalty—For adults and juveniles who have previously violated RCW 9A.49.020 or RCW 9A.49.030—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.49.030(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs. For juveniles who have not previously violated RCW 9A.49.020 or RCW 9A.49.030 a civil infraction fine not to exceed \$100 pursuant to RCW 9A.49.040.)

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**Personal Protection Device — RCW 9.91.160**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while under the age of 14 years old, or while under the age of 18 years old and without parental permission, did possess a personal protection spray device, to wit: \_\_\_\_\_; contrary to Revised Code of Washington 9.91.160(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.91.160(1) and RCW 9.92.030, plus restitution, assessments and court costs.)



# **FISHING, HUNTING, AND FORESTRY**

## **FISHING AND HUNTING**

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### **Commercial Fish Guiding or Chartering Without a License — RCW 77.15.510**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did operate a charter boat without holding the charter boat license required for the food fish taken; and/or (b) did act as a professional salmon guide without holding a professional salmon guide license; and/or (c) did act as a game fish guide without holding a game fish guide license; contrary to Revised Code of Washington 77.15.510(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.510(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Commercial Fishing Without a License in the First Degree — RCW 77.15.500(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fish for, take, or deliver food fish, shellfish, or game fish while acting for commercial purposes and (a) did not hold a fishery license or delivery license under Chapter 77.65 RCW for the food fish or shellfish; and/or (b) was not a licensed operator designated as an alternative operator on a fishery or delivery license under Chapter 77.65 RCW for the food fish or shellfish; and (a) did take, deliver, or possess food fish or shellfish with a value of two hundred fifty dollars (\$250.00) or more; and/or (b) did take, deliver, or possess food fish or shellfish from an area that was closed to the taking of such food fish or shellfish by any statute or rule; contrary to Revised Code of Washington 77.15.500(2).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 77.15.500(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments, and court costs.)

### **Commercial Fishing Without a License in the Second Degree — RCW 77.15.500(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fish for, take, or deliver food fish, shellfish, or game fish while acting for commercial purposes and (a) did not hold a fishery license or delivery license under Chapter 77.65 RCW for the food fish or shellfish; and/or (b) was not a licensed operator designated as an alternative operator on a fishery or delivery license under Chapter 77.65 RCW for the food fish or shellfish; contrary to Revised Code of Washington 77.15.500(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.500(3)(a) and 9.92.020, plus restitution, assessments and court costs.)

### **Engaging in Commercial Wildlife Activity Without A License — Fur Dealing — RCW 77.15.600(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did deal in raw furs for commercial purposes without holding a fur dealer license required by Chapter 77.65 RCW; contrary to Revised Code of Washington 77.15.600(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.600(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Engaging in Commercial Wildlife Activity Without A License — Taxidermy — RCW 77.15.600(1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did practice taxidermy for commercial purposes without holding a taxidermy license required by Chapter 77.65 RCW; contrary to Revised Code of Washington 77.15.600(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.600(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Engaging in Fish Dealing Activity Without a License in the First Degree — RCW 77.15.620(3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did engage in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish, without holding a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish or a direct retail endorsement under RCW 77.65.510; and/or (b) did engage in the wholesale selling, buying, or brokering of food fish or shellfish and without holding a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish; and/or (c) is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state without holding a direct retail endorsement required by RCW 77.65.510; and/or (d) did engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish without holding a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish; and the violation involved fish or shellfish worth two hundred fifty dollars or more; contrary to Revised Code of Washington 77.15.620(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.620(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Engaging in Fish Dealing Activity Without a License in the Second Degree — RCW 77.15.620(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did engage in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish, without holding a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish or a direct retail endorsement under RCW 77.65.510; and/or (b) did engage in the wholesale selling, buying, or brokering of food fish or shellfish and without holding a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish; and/or (c) is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state without holding a or a direct retail endorsement required by RCW 77.65.510; and/or (d) did engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish without holding a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish; and the violation involved fish or shellfish worth less than two hundred fifty dollars; contrary to Revised Code of Washington 77.15.620(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.620(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failing to Report Commercial Fish or Shellfish Harvest or Delivery — RCW 77.15.560(1)**

[Note – RCW 77.15.640 governs violations of rules pertaining to wholesale fish buying and dealing.]

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did act for commercial purposes and did take or deliver any fish or shellfish, and (a) did fail to sign a fish-receiving ticket that documents the delivery of fish or shellfish or otherwise documents the taking or delivery; and/or (b) did fail to report or document the taking, landing, or delivery as required by any rule of the Department of Fish and Wildlife, to wit: (identify rule violated); contrary to Revised Code of Washington 77.15.560(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.560(2) and 9.92.020, plus restitution, assessments and court costs.)



**Retail Fish Seller's Failure to Account for Commercial Harvest —For Crimes Committed On or After July 27, 2003 — RCW 77.15.568(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a retail fish seller, did sell fish or shellfish at retail and the Defendant failed to maintain sufficient records at the location where the fish or shellfish are being sold to determine (a) the name of the wholesale fish dealer or fisher selling under a direct retail sale endorsement from whom the fish were purchased, and (b) the wholesale fish dealer's license number or the number of the fisher's sale under a direct retail sale endorsement, and (c) the fish receiving ticket number documenting original receipt, if known, and (d) the date of purchase, and (e) the amount of fish or shellfish originally purchased from the wholesale dealer or fisher selling under a direct retail sale endorsement; contrary to Revised Code of Washington RCW 77.15.568(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.568(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Selling Marine Species in Violation of Department of Health Order — RCW 43.70.185(4)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell any marine species taken in violation of an order issued by the Department of Health prohibiting or restricting such harvest; contrary to Revised Code of Washington 43.70.185(4)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 43.70.185(4)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Shellfish Grower's Failure to Display Certificate — RCW 69.30.110**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a shellfish grower, did fail to immediately display a certificate of approval issued under RCW 69.30.050 to an authorized representative of the department, a fish and wildlife officer, or an ex officio fish and wildlife officer; contrary to Revised Code of Washington 69.30.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 69.30.140 and 9.92.020, plus restitution, assessments and court costs.)

### **Shellfish Processor's Failure to Display Certificate —RCW 69.30.110**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a shellfish processor, did fail to immediately display a certificate of approval issued under RCW 69.30.050 to an authorized representative of the department, a fish and wildlife officer, or an ex officio fish and wildlife officer; contrary to Revised Code of Washington 69.30.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 69.30.140 and 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Commercial Fishing Gear or Commercial Fishing Methods — RCW 77.15.520**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, acting for commercial purposes, did take or fish for any fish or shellfish using any gear or method in violation of a rule of the Department of Fish and Wildlife specifying, regulating, or limiting the gear or method for taking, fishing, or harvesting of such fish or shellfish; contrary to Revised Code of Washington 77.15.520(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.520(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Operation of a Game Farm — RCW 77.15.340**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did operate a game farm without the license required by RCW 77.65.480, and/or (b) did violate any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife applicable to game farms under RCW 77.12.570, 77.12.580, and 77.12.590; contrary to Revised Code of Washington 77.15.340(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.340(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Possession or Sale of Shellfish — RCW 69.30.110**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess a commercial quantity of shellfish and/or did sell or offer to sell shellfish which have not been grown, shucked, packed, or shipped in accordance with the provisions of RCW 69.30; contrary to Revised Code of Washington 69.30.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 69.30.140 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Sale or Offer to Sell Shellfish — RCW 69.30.110**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or offer to sell shellfish which had not been grown, shucked, packed, or shipped in accordance with the provisions of Chapter 69.30 RCW; contrary to Revised Code of Washington 69.30.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 69.30.140 and 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Use of Commercial Fishing Vessel for Recreational or Charter Fishing — RCW 77.15.590**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use, operate, or control a vessel on the same day for both charter or recreational fishing and commercial fishing or shellfish harvesting; contrary to Revised Code of Washington 77.15.590(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.590(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Violating Commercial Fishing Area or Time in the First Degree — RCW 77.15.550(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, acting for a commercial purpose and with knowledge that the area or time was not open to the taking or fishing of fish or shellfish for commercial purposes, did take, fish for, possess, deliver, or receive fish or shellfish (a) at a time not authorized by statute or rule, and/or (b) from an area that was closed to the taking of such fish or shellfish for commercial purposes by statute or rule, and/or (c) that do not conform to the special restrictions or physical descriptions established by rule of the Department of Fish and Wildlife, and the violation involved two hundred fifty dollars or more worth of fish or shellfish; contrary to Revised Code of Washington 77.15.550(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.550(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Violating Commercial Fishing Area or Time in the Second Degree — RCW 77.15.550(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, acting for a commercial purpose, did take, fish for, possess, deliver, or receive fish or shellfish (a) at a time not authorized by statute or rule, and/or (b) from an area that was closed to the taking of such fish or shellfish for commercial purposes by statute or rule, and/or (c) that do not conform to the special restrictions or physical descriptions established by rule of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.550(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.550(3)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Violating Rules Governing Wholesale Fish Buying and Dealing — RCW 77.15.640**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a wholesale fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340 or a direct retail endorsement under RCW 77.65.510, (a) did fail to possess or display his or her license when engaged in any act requiring the license, and/or (b) did fail to display or used the license in violation of any rule of the Department of Fish and Wildlife, and/or (c) did file a signed fish-receiving ticket but fails to provide all information required by rule of the Department of Fish and Wildlife; and/or (d) did violate any other rule of the Department of Fish and Wildlife regarding wholesale fish buying and dealing; contrary to Revised Code of Washington 77.15.640(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.640(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Unlawful Failure to Provide, Maintain, or Operate Fishway for Dam or Other Obstruction — RCW 77.15.320**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own, operate, or control a dam or other obstruction to fish passage on a river or stream and (a) the dam or obstruction did not have a durable and efficient fishway approved by the Director of the Department of Fish and Wildlife, and/or (b) the Defendant did fail to maintain a fishway in efficient operating condition, and/or (c) the Defendant did fail to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish; contrary to Revised Code of Washington 77.15.320(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.320(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Failure to Use or Maintain Approved Fish Guard on Water Diversion Device — RCW 77.15.310**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did own, control, or operate a device used for diverting or conducting water from a lake, river, or stream and (a) the device was not equipped with a fish guard, screen or bypass approved by the Director of the Department of Fish and Wildlife, and/or (b) the Defendant did knowingly fail to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake; contrary to Revised Code of Washington 77.15.310(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.310(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Hydraulic Project Activities — RCW 77.15.300**

[Note – WAC 220-110-020(42) defines "hydraulic project".]

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did construct any form of hydraulic project or perform other work on a hydraulic project and (a) did fail to have a hydraulic project approval required under Chapter 77.55 RCW for such construction or work, and/or (b) did violate any requirement or condition of the hydraulic project approval for such construction or work; contrary to Revised Code of Washington 77.15.300(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.300(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Release of Deleterious Exotic Wildlife — RCW 77.15.250(2)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly release, plant, or place live fish, shellfish, or wildlife within the state and such fish, shellfish, or wildlife has been classified as deleterious exotic wildlife by rule of the Fish and Wildlife Commission; contrary to Revised Code of Washington 77.15.250(2)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.250(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Release of Fish, Shellfish, or Wildlife — RCW 77.15.250(1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly release plants, or did knowingly place live fish, shellfish, wildlife, or aquatic plants within the state, and the fish, shellfish, or wildlife have not been classified as deleterious wildlife; contrary to Revised Code of Washington 77.15.250(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.250(1)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Taking of Endangered Fish or Wildlife in the First Degree — RCW 77.15.120(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant hunted, fished, possessed, maliciously harassed or killed fish or wildlife, or maliciously destroyed the nests or eggs of fish or wildlife, and the fish or wildlife is designated by the Fish and Wildlife Commission as endangered, and the taking was not authorized by a rule of the Fish and Wildlife Commission, and the defendant was convicted within the last five years of the crime of unlawful taking of endangered fish or wildlife in the second degree or of any crime under Title 77 RCW that involved the killing, possessing, harassing, or harming of endangered fish or wildlife

; contrary to Revised Code of Washington 77.15.120(2)

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.120(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife will revoke any licenses or tags used in connection with the crime and will suspend the defendant's privileges to hunt, fish, trap, or obtain licenses under Title 77 RCW to be suspended for two years.)

### **Unlawful Taking of Endangered Fish or Wildlife in the Second Degree — RCW 77.15.120(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) hunted, fished, possessed, maliciously harassed or killed fish or wildlife; and/or (b) maliciously destroyed the nests or eggs of fish or wildlife and the fish or wildlife is designated by the Fish and Wildlife Commission as endangered, and the taking was not authorized by a rule of the Fish and Wildlife Commission; contrary to Revised Code of Washington 77.15.120(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.120(3)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Taking of Protected Fish or Wildlife — RCW 77.15.130**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) hunted, fished, possessed, or maliciously killed protected fish or wildlife and/or possessed or maliciously destroyed the eggs or nests of protected fish or wildlife, and the taking was not authorized by a rule of the Fish and Wildlife Commission; and/or (b) violated any rule of the Fish and Wildlife Commission regarding the taking, harming, harassment, possession, or transport of protected fish or wildlife; contrary to Revised Code of Washington 77.15.130(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.130(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Unlawful Taking of Seaweed — RCW 77.15.390**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did take, possess, or harvest seaweed and (a) did not have and possess the license required by Chapter 77.32 RCW for taking seaweed; and/or (b) the action violated any rule of the Department of Fish and Wildlife or the Department of Natural Resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed; contrary to Revised Code of Washington 77.15.390(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.390(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Unlawful Taking of Unclassified Fish or Wildlife — RCW 77.15.140**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant killed, hunted, took, held, fished, possessed, transported, or maliciously injured or harmed fish or wildlife that is not classified as big game, game fish, game animals, game birds, food fish, shellfish, protected wildlife, or endangered wildlife, and the act violated any rule of the Fish and Wildlife Commission or the Director of the Fish and Wildlife Commission; contrary to Revised Code of Washington 77.15.140(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to 77.15.140(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **GENERAL OFFENSES**

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## **Unlawful Hunting of Big Game in the First Degree —RCW 77.15.410(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, have previously been convicted of any crime under Title 77 RCW involving hunting, killing, possessing, or taking big game within the five years before committed this offense, did (a) hunt big game and did not have and possess all licenses, tags, or permits required under Title 77 RCW; and/or (b) violate any rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game; and/or (c) possess big game taken during a closed season for that big game or taken from a closed area for that big game; contrary to Revised Code of Washington 77.15.410(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.410(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife will revoke all licenses or tags involved in the crime and the Department of Fish and Wildlife will suspend the defendant's hunting privileges for a period of two years.)

(Mandatory Criminal Wildlife Penalty Assessment if Death of Wildlife Occurred-Pursuant to RCW 77.15.420, the following penalty shall be imposed regardless of and in addition to any sentence, fines, or costs for each animal killed or possessed whose death was a result of a violation of RCW 77.15.410—

\$2,000 [elk, deer, black bear, cougar];

\$6,000 [trophy animal elk or deer];

\$12,000 [mountain caribou, grizzly bear, trophy animal mountain sheep];

\$4,000 [moose, mountain sheep, mountain goat, and all wildlife species classified as endangered by the Fish and Wildlife Commission])

## **Unlawful Hunting of Big Game in the Second Degree —RCW 77.15.410(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) hunt big game and did not have and possess all licenses, tags, or permits required under Title 77 RCW; and/or (b) violate any rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game; and/or (c) possess big game taken during a closed season for that big game or taken from a closed area for that big game; contrary to Revised Code of Washington 77.15.410(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.410(3)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Mandatory Criminal Wildlife Penalty Assessment if Death of Wildlife Occurred-Pursuant to RCW 77.15.420, the following penalty shall be imposed regardless of and in addition to any sentence, fines, or costs for each animal killed or possessed whose death was a result of a violation of RCW 77.15.410—

\$2,000 [elk, deer, black bear, cougar];

\$6,000 [trophy animal elk or deer];

\$12,000 [mountain caribou, grizzly bear, trophy animal mountain sheep];

\$4,000 [moose, mountain sheep, mountain goat, and all wildlife species classified as endangered by the Fish and Wildlife Commission])

### **Unlawful Hunting of Wild Animals in the First Degree — RCW 77.15.430(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did take or possess two times or more than the possession or bag limit for wild animals that are not classified as big game animals as allowed by rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.430(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.430(3)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Hunting of Wild Animals in the Second Degree — RCW 77.15.430(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did hunt for, take, or possess a wild animal that was not classified as big game, and did not have and possess all licenses, tags, or permits required by Title 77 RCW; and/or (b) did violate any rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or other rule addressing the manner or method of hunting or possession of wild animals not classified as big game; and/or (c) did possess a wild animal that was not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal; contrary to Revised Code of Washington 77.15.430(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 77.15.430(3)(a) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Hunting of Wild Birds in the First Degree — RCW 77.15.400(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did take or possess wild birds in a quantity two times or more than the possession or bag limit for wild birds allowed by rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.400(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.400(3)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Hunting of Wild Birds in the Second Degree — RCW 77.15.400(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did hunt for, take, or possess a wild bird when the Defendant did not have and possess all licenses, tags, stamps, and permits required under Title 77 RCW; and/or (b) did maliciously destroy, take, or harm the eggs or nests of a wild bird without a permit; and/or (c) did violate any rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife regarding seasons, bag or possession limits in an amount less than two times the bag or possession limit, closed areas, closed times, or other rule addressing the manner or method of hunting or possession of wild birds; and/or (d) did possess a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird; contrary to Revised Code of Washington 77.15.400(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.400(3)(a) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Hunting or Fishing Contest — RCW 77.15.330**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did conduct, hold, or sponsor a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife without the permit required by RCW 77.65.480; and/or (b) did violate any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife applicable to a hunting contest, fishing contest involving game fish, or a competitive field trial using live wildlife; contrary to Revised Code of Washington 77.15.330(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.330(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## IMPROPER HUNTING AND FISHING METHODS

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### **Hunting Black Bear, Cougar, Bobcat, or Lynx With Aid of Dogs — RCW 77.15.245(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant hunted or pursued black bear, cougar, bobcat, or lynx with the aid of a dog or dogs; contrary to Revised Code of Washington 77.15.245(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.245(4) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the Department shall revoke the hunting license of a defendant who is convicted of this offense and order the suspension of wildlife hunting privileges for a period of five years following the revocation. A second or subsequent conviction of RCW 77.15.245 will prevent the issuance of a hunting license to the defendant at any time.).

### **Hunting Black Bear With Bait — RCW 77.15.245(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant took, hunted, or attracted black bear with the aid of bait, a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them; contrary to Revised Code of Washington 77.15.245(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.245(4) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the Department shall revoke the hunting license of a defendant who is convicted of this offense and order the suspension of wildlife hunting privileges for a period of five years following the revocation. A second or subsequent conviction of RCW 77.15.245 will prevent the issuance of a hunting license to the defendant at any time.)

### **Hunting From Snowmobile — RCW 46.10.130**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did hunt from a snowmobile without a permit issued by the Director of the Department of Fish and Wildlife under RCW 77.32.237; contrary to Revised Code of Washington 46.10.130.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.10.130 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Hunting While Intoxicated — RCW 77.15.675(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant hunted wild animals or wild birds while under the influence of intoxicating liquor or drugs; contrary to Revised Code of Washington 77.15.675(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.675(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Spotlighting Big Game in the First Degree — RCW 77.15.450(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while in possession or control of a firearm, bow and arrow, or cross bow, hunted big game with the aid of a spotlight or other artificial light; and the defendant was convicted within the previous ten years of a gross misdemeanor or felony for a crime under Title 77 RCW involving big game; contrary to Revised Code of Washington 77.15.450(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.450(3)(b) and RCW 9A.20.021 (1)(c), plus restitution, assessments and court costs. In addition, the Department will order suspension of all privileges to hunt wildlife for a period of two years.)

### **Spotlighting Big Game in the Second Degree — RCW 77.15.450(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while in possession or control of a firearm, bow and arrow, or cross bow, hunted big game with the aid of a spotlight or other artificial light; contrary to Revised Code of Washington 77.15.450(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.450(3)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unauthorized Use of Vehicles on Department Lands — WAC 232-12-177 and RCW 77.15.230**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant operated a motor driven vehicle on lands owned, controlled or managed by the Department of Fish and Wildlife where such operation was not authorized by the director of the Department of Fish and Wildlife, or in a manner or for a purpose contrary to posted signs or notices; contrary to Revised Code of Washington 77.15.230 and WAC 232-12-177.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.230 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Trapping — RCW 77.15.190**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did set out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under Title 77 RCW; and/or (b) did violate any rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals; and/or (c) did fail to identify the owner of the trap or device by neither (i) attaching a metal tag with the owner's Department of Fish and Wildlife-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address; contrary to Revised Code of Washington 77.15.190(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.190(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Use of Dog — RCW 77.15.240(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did negligently fail to prevent a dog under the Defendant's control from pursuing or injuring deer, elk, or an animal classified as endangered under Title 77 RCW; and/or (b) did use a dog to hunt deer or elk; and/or (c) negligently failed to prevent the dog from pursuing a species of game animal or game bird or destroying the nest of a game bird during the closed season for that species of game animal or game bird; contrary to Revised Code of Washington 77.15.240(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 77.15.240(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Use of Explosive to Harm Fish, Shellfish or Wildlife — RCW 77.15.150 (1)(b)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did lay out, set out, or use an explosive that kills, injures, harms, or endangers fish, shellfish, or wildlife, and the use of explosives was not authorized by law or by a permit of the Director of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.150(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.150(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Use of Net to Take Fish in the First Degree — RCW 77.15.580(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did lay, set, use, or control a net or other device or equipment capable of taking fish from the waters of this state; and/or (b) did fail to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license; and the conduct occurred within five years of entry of a prior conviction for a gross misdemeanor or felony under Title 77 RCW involving fish, other than a recreational fishing violation, or involving unlawful use of nets; contrary to Revised Code of Washington 77.15.580(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.580(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall order a one-year suspension of all commercial fishing privileges requiring a license under Title 77 RCW.)

### **Unlawful Use of Net to Take Fish in the Second Degree — RCW 77.15.580(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did lay, set, use, or control a net or other device or equipment capable of taking fish from the waters of this state; and/or (b) did fail to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license; contrary to Revised Code of Washington 77.15.580(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.580(3)(a) and 9.92.020, plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall revoke any license held under Title 77 RCW allowing commercial net fishing used in connection with this crime pursuant to RCW 77.15.380(3)(a).)

### **Unlawful Use of Poison — RCW 77.15.196**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did poison or attempt to poison any animal using sodium fluoroacetate (also known as compound 1080), or sodium cyanide; contrary to Revised Code of Washington 77.15.196.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.196(2) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the Director of the Department of Fish and Wildlife will revoke any trapping licenses possessed by the Defendant and will not issue a new trapping license to the Defendant for a period of five years. Pursuant to RCW 77.15.198, if the Defendant has previously been convicted of violating RCW 77.15.194 or RCW 77.15.196, the Director of the Department of Fish and Wildlife shall forever be barred from issuing a trapping license to the Defendant.)

### **Unlawful Use of Poison to Harm Fish, Shellfish or Wildlife — RCW 77.15.150 (1)(a)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did lay out, set out, or use a drug, poison, or other deleterious substance that kills, injures, harms, or endangers fish, shellfish, or wildlife, and the use of such substance was not in compliance with federal and state laws and label instructions; contrary to Revised Code of Washington 77.15.150(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.150(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Use of Weapons, Traps or Dogs on Game Reserves — RCW 77.15.440**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did use a firearm, other hunting weapon, or a trap on a game reserve; and/or (b) did negligently allow a dog upon a game reserve; contrary to Revised Code of Washington 77.15.440(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.440(4) and RCW 9.92.030, plus restitution, assessments and court costs.)



## Use of Unlawful Traps — RCW 77.15.194

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (1) did use or authorize the use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur; and/or (2) did knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit; and/or (3) did use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal; contrary to Revised Code of Washington 77.15.194.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.194(6) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the Director of the Department of Fish and Wildlife will revoke any trapping licenses possessed by the Defendant and will not issue a new trapping license to the Defendant for a period of five years. Pursuant to RCW 77.15.198, if the Defendant has previously been convicted of violating RCW 77.15.194 or RCW 77.15.196, the Director of the Department of Fish and Wildlife shall forever be barred from issuing a trapping license to the Defendant.)

## INDIAN FISHERY OFFENSES

Participation of Non-Indian in Indian Fishery — RCW 77.15.570(1) . . . . . 335

Participation of Non-Indian in Indian Fishery for Commercial Purpose — RCW 77.15.570(2) . . . . . 335

### Participation of Non-Indian in Indian Fishery — RCW 77.15.570(1)

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not a treaty Indian fisherman, did participate in the taking of fish or shellfish in a treaty Indian fishery, and/or was on board a vessel, or associated equipment, operating in a treaty Indian fishery; contrary to Revised Code of Washington 77.15.570(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.570(1) and RCW 9.92.020, plus restitution, assessments and court costs. The defendant will also be subject to the suspensions provided for commercial fishing violations.)

### Participation of Non-Indian in Indian Fishery for Commercial Purpose— RCW 77.15.570(2)

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who is not a treaty Indian fisherman, with the intent of acting for commercial purposes, did participate in the taking of fish or shellfish in a treaty Indian fishery, and/or was on board a vessel, or associated equipment, operating in a treaty Indian fishery; contrary to Revised Code of Washington 77.15.570(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.570(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs, the revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under Chapter 77.65 or 77.70 RCW. )

## **INTERFERENCE WITH FISHING OR HUNTING**

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### **Obstructing the Taking of Fish, Shellfish or Wildlife — RCW 77.15.210**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent of disrupting the lawful pursuit or taking thereof, (a), did harass, drive, or disturb fish, shellfish, or wildlife; and/or (b) did harass, intimidate, or interfere with an individual engaged in the lawful taking of fish, shellfish, or wildlife or in lawful predator control; contrary to Revised Code of Washington 77.15.210(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.210(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Interference with Fishing or Hunting Gear in the First Degree — RCW 77.15.180(3)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did take or release fish or shellfish from commercial fishing gear without the owner's permission and/or (b) did intentionally destroy or interfere with commercial fishing gear; contrary to Revised Code of Washington 77.15.180(3)

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.180(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Interference with Fishing or Hunting Gear in the Second Degree — RCW 77.15.180(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did take or release a wild animal from another person's trap without permission and/or (b) did spring, pull up, damage, possess, or destroy another person's trap without the owner's permission; and/or (c) did interfere with recreational gear used to take fish or shellfish; contrary to Revised Code of Washington 77.15.180(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.180(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Unlawful Posting — RCW 77.15.220**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did post signs preventing hunting or fishing on any land not owned or leased by the Defendant or without the permission of the person who owns, leases, or controls the land posted; contrary to Revised Code of Washington 77.15.220(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.220(2) and RCW 9A.02.030, plus restitution, assessments and court costs.)

## **LICENSING VIOLATIONS**

Unlawful Purchase or Use of a License in the First Degree — RCW 77.15.650(2) . . . 337

Unlawful Purchase or Use of a License in the Second Degree — RCW 77.15.650(1) 338

Unlawful Use of a Commercial Fishery License — RCW 77.15.540 . . . . . 338

Unlawful Use of a Commercial Wildlife License — RCW 77.15.610 . . . . . 338

Unlawful Use of Fish Buying and Dealing Licenses in the First Degree — RCW 77.15.630(2) . . . . . 339

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Violating a Suspension of Department of Fish and Wildlife Privileges in the First Degree — RCW 77.15.670(2) . . . . . 339

Violating a Suspension of Department of Fish and Wildlife Privileges in the Second Degree — RCW 77.15.670(1) . . . . . 340

## **Unlawful Purchase or Use of a License in the First Degree — RCW 77.15.650(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent that the license, permit, tag, or approval be used for any commercial purpose, did buy, hold, use, display, transfer, or obtain any license, tag, permit, or approval required by Title 77 RCW and (a) used false information to buy, hold, use, display, or obtain a license, permit, tag, or approval; and/or (b) acquired, held, or bought in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year; and/or (c) used or displayed a license, permit, tag, or approval that was issued to another person; and/or (d) permitted or allowed a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval; and/or (e) acquired or held a license while privileges for the license are revoked or suspended; contrary to Revised Code of Washington 77.15.650(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.650(3)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in the activities for which the defendant unlawfully obtained, held, or used a license.)

### **Unlawful Purchase or Use of a License in the Second Degree — RCW 77.15.650(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did buy, hold, use, display, transfer, or obtain any license, tag, permit, or approval required by Title 77 RCW and (a) used false information to buy, hold, use, display, or obtain a license, permit, tag, or approval; and/or (b) acquired, held, or bought in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year; and/or (c) used or displayed a license, permit, tag, or approval that was issued to another person; and/or (d) permitted or allowed a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval; and/or (e) acquired or held a license while privileges for the license are revoked or suspended; contrary to Revised Code of Washington 77.15.650(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.650(3)(a) and 9.92.020, plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the defendant unlawfully obtained, held, or used a license.)

### **Unlawful Use of a Commercial Fishery License — RCW 77.15.540**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a fishery license required by Chapter 77.65 RCW, or who holds an operator's license and is designated as an alternate operator on a fishery license required by Chapter 77.65 RCW, (a) did not have the commercial fishery license or operator's license in possession during fishing or delivery; and/or (b) did violate any rule of the Department of Fish and Wildlife regarding the use, possession, display, or presentation of the Defendant's license, decals, or vessel numbers; contrary to Revised Code of Washington 77.15.540(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.540(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Use of a Commercial Wildlife License — RCW 77.15.610**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a fur buyer's license or taxidermy license, (a) did fail to have the license in possession while engaged in fur buying or practicing taxidermy for commercial purposes; and/or (b) did violate any rule of the Department of Fish and Wildlife regarding the use, possession, display, or presentation of the taxidermy or fur buyer's license; contrary to Revised Code of Washington 77.15.610(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.610(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Use of Fish Buying and Dealing Licenses in the First Degree — RCW 77.15.630(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340, (a) did possess or receive fish or shellfish for commercial purposes worth two hundred fifty dollars or more; and/or (b) did act with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; and/or (c) did act with knowledge that the fish or shellfish were taken in violation of any tribal law; contrary to Revised Code of Washington 77.15.630(2).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 77.15.630(3)(b) and RCW 9A.20.021(1)(c), plus restitution assessments, and court costs. In addition, upon conviction the Department of Fish and Wildlife shall suspend all privileges to engage in fish buying or dealing for two years pursuant to RCW 77.15.630(3)(b).)

### **Unlawful Use of Fish Buying and Dealing Licenses in the Second Degree — RCW 77.15.630(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, or a fish buyer's license required by RCW 77.65.340, did possess or receive fish or shellfish for commercial purposes worth less than two hundred fifty dollars and failed to document such fish or shellfish with a fish-receiving ticket required by statute or rule of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.630(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.630(3)(a) and 9.92.020, plus restitution, assessments and court costs.)

### **Violating a Suspension of Department of Fish and Wildlife Privileges in the First Degree — RCW 77.15.670(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in any activity that is licensed by the Department of Fish and Wildlife when the Defendant's privileges to engage in that activity were revoked or suspended by any court or the Department of Fish and Wildlife, and (a) the suspension of privileges that was violated was a permanent suspension, and/or (b) the Defendant did take or possess more than two hundred fifty dollars' worth of unlawfully taken food fish, wildlife, game fish, seaweed, or shellfish, and/or (c) the violation did involve the hunting, trapping, taking, or possession of fish or wildlife classified as endangered or threatened or big game; contrary to Revised Code of Washington 77.15.670(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.670(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall permanently suspend all privileges to hunt, fish, trap, or take wildlife, food fish, or shellfish.)

**Violating a Suspension of Department of Fish and Wildlife Privileges in the Second Degree — RCW 77.15.670(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in any activity that is licensed by the Department of Fish and Wildlife when the Defendant's privileges to engage in that activity were revoked or suspended by any court or the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.670(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.670(3)(a) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall permanently suspend all privileges to hunt, and fish.)

**MISCELLANEOUS OFFENSES**

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Unlawful Use of Nondesignated Vessel (gross misdemeanor) — RCW 77.15.530 ..	340
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**Unlawful Use of Department of Fish and Wildlife Lands or Facilities — RCW 77.15.230**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant entered upon, used, or remained upon Department of Fish and Wildlife-owned or Department of Fish and Wildlife-controlled lands or facilities in violation of any rule of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.230(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.230(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Unlawful Use of Nondesignated Vessel (gross misdemeanor) — RCW 77.15.530**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a fishery license required by Chapter 77.65 RCW or who holds an operator's license and is designated as an alternate operator on a fishery license required by Chapter 77.65 RCW, did take, fish for, or deliver from that fishery using a vessel not designated on the Defendant's license, when the vessel designation is required by Chapter 77.65 RCW; contrary to Revised Code of Washington 77.15.530(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.530(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Use of Nondesignated Vessel (felony) — RCW 77.15.530**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a fishery license required by Chapter 77.65 RCW or who holds an operator's license and is designated as an alternate operator on a fishery license required by Chapter 77.65 RCW, did take, fish for, or deliver from that fishery using a vessel not designated on the Defendant's license, when the vessel designation is required by Chapter 77.65 RCW, and the vessel designated on the person's fishery license was used by any person in the fishery on the same day; contrary to Revised Code of Washington 77.15.530(1) and (4).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 77.15.530(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall revoke and suspend all commercial fishing privileges under Chapter 77.65 RCW for a period of one year.)

### **Unlawful Use of a Scientific Permit — RCW 77.15.660**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did violate any terms or conditions of a scientific permit issued by the Director of the Department of Fish and Wildlife; and/or (b) did buy or sell fish or wildlife taken with a scientific permit; and/or (c) did violate any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife applicable to the issuance or use of scientific permits; contrary to Revised Code of Washington 77.15.660(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.660(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Waste of Fish and Wildlife in the First Degree — RCW 77.15.170(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did kill, take, or possess fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is two hundred and fifty dollars or more or the wildlife is classified as big game, and the Defendant recklessly allowed such fish, shellfish or wildlife to be wasted; contrary to Revised Code of Washington 77.15.170(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.170(3)(b) and RCW 9.92.020, plus restitution, assessments and court costs. In addition, the Department of Fish and Wildlife shall revoke any license or tag used in the crime and shall order suspension of the defendant's privileges to engage in the activity in which the defendant committed waste of fish and wildlife in the first degree for a period of one year.)

## **Waste of Fish and Wildlife in the Second Degree — RCW 77.15.170(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did kill, take, or possess fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred and fifty dollars, and the Defendant recklessly allowed such fish, shellfish or wildlife to be wasted; contrary to Revised Code of Washington 77.15.170(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.170(3)(a) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **OBSTRUCTING ENFORCEMENT OF HUNTING AND FISHING LAWS**

Providing False Information Regarding Fish or Wildlife — RCW 77.15.270 . . . . . 342

Unlawfully Avoiding Wildlife Check Stations or Field Inspections — RCW 77.15.470(1)  
. . . . . 343

Violation of a Rule Regarding Inspection and Disease Control of Aquatic Farms— RCW  
77.15.350 . . . . . 343

Violation of Rules Requiring the Reporting of Fish or Wildlife Harvest — RCW 77.15.280  
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## **Providing False Information Regarding Fish or Wildlife — RCW 77.15.270**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly provided false or misleading information required by any statute or rule to be provided to the department of fish and wildlife regarding the taking, delivery, possession, transportation, sale, transfer, or any other use of fish, shellfish or wildlife; contrary to Revised Code of Washington 77.15.270 (1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.270(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Unlawful Interference in Department of Fish and Wildlife Operations — RCW 77.15.360**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did prevent Department of Fish and Wildlife employees from carrying out duties authorized by Title 77 RCW, including but not limited to interfering in the operation of Department of Fish and Wildlife vehicles, vessels, or aircraft; contrary to Revised Code of Washington 77.15.360(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 77.15.360(2) and RCW 9.92.020, plus restitution, assessments and court costs.)



### **Unlawfully Avoiding Wildlife Check Stations or Field Inspections — RCW 77.15.470(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) fail to obey check station signs; and/or (b) fail to stop and report at a check station if directed to do so by a uniformed fish and wildlife officer; and/or (c) fail to produce for inspection upon request by a fish and wildlife officer (i) hunting or fishing equipment, (ii) seaweed, fish, shellfish, or wildlife, or (iii) licenses, permits, tags, stamps, or catch record cards required by Title 77 RCW; contrary to Revised Code of Washington 77.15.470(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.470(2) and 9.92.020, plus restitution, assessments and court costs.)

### **Violation of a Rule Regarding Inspection and Disease Control of Aquatic Farms— RCW 77.15.350**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did violate any rule adopted under Chapter 77.115 RCW regarding the inspection and disease control program for an aquatic farm, and/or did fail to register or report production from an aquatic farm as required by Chapter 77.115 RCW; contrary to Revised Code of Washington 77.15.350(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.350(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Violation of Rules Requiring the Reporting of Fish or Wildlife Harvest — RCW 77.15.280**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did fail to make a harvest log report of a commercial fish or shellfish catch in violation of any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife; and/or (b) did fail to maintain a trapper's report or taxidermist ledger in violation of any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife; and/or (c) did fail to submit any portion or a big game animal for an inspection required by rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife; and/or (d) did fail to return a catch record card or wildlife harvest report to the Department of Fish and Wildlife as required by rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.280(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.280(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## RECREATIONAL VIOLATIONS

Unlawful Recreational Fishing in the First Degree — RCW 77.15.370(1) . . . . . 344

Unlawful Recreational Fishing in the Second Degree — RCW 77.15.380(1) . . . . . 344

### **Unlawful Recreational Fishing in the First Degree — RCW 77.15.370(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did take, possess, or retain two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the Director of the Department of Fish and Wildlife or Fish and Wildlife Commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use; and/or (b) did fish in a fishway; and/or (c) did shoot, gaff, snag, snare, spear, dipnet, or stone fish or shellfish in state waters, or possess fish or shellfish taken by such means; contrary to Revised Code of Washington 77.15.370(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15 .370(2) and 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Recreational Fishing in the Second Degree — RCW 77.15.380(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fish for, take, possess, or harvest fish or shellfish and (a) did not have and possess the license or the catch record card required by Chapter 77.32 RCW for such activity and/or (b) did violate any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish; contrary to Revised Code of Washington 77.15.380(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 77.15.380(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## TRAFFICKING OR TRANSPORTING

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### **Unlawful Trafficking in Fish, Shellfish, or Wildlife in the First Degree — RCW 77.15.260(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did traffic in fish, shellfish, or wildlife and (1)(a) the fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or rule of the Department of Fish and Wildlife; and/or (1)(b) the fish, shellfish, or wildlife is unclassified and the trafficking violates any rule of the Department of Fish and Wildlife; and (2)(a) the fish, shellfish, or wildlife has a value of two hundred fifty dollars or more; and/or (2)(b) the fish, shellfish, or wildlife is designated as endangered or deleterious exotic wildlife and such trafficking is not authorized by any statute or rule of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.260(2).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 77.15.260(3)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments, and court costs.)

### **Unlawful Trafficking in Fish, Shellfish, or Wildlife in the Second Degree — RCW 77.15.260(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did traffic in fish, shellfish, or wildlife with a wholesale value of less than two hundred fifty dollars and (a) the fish or wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or rule of the Department of Fish and Wildlife; and/or (b) the fish, shellfish, or wildlife is unclassified and the trafficking violates any rule of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.260(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.260(3)(a) and 9.92.020, plus restitution, assessments and court costs.)

## **Unlawful Transportation of Fish or Wildlife in the First Degree — RCW 77.15.290(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) knowingly import, move within the state, or export fish, shellfish, or wildlife in violation of any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife governing the transportation or movement of fish, shellfish, or wildlife and the transportation involved big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish or wildlife with a value of two hundred fifty dollars or more; and/or (b) knowingly transport shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of Title 77 RCW; contrary to Revised Code of Washington 77.15.290(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 77.15.290(3)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Unlawful Transportation of Fish or Wildlife in the Second Degree — RCW 77.15.290(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) knowingly imported, moved within the state, or exported fish, shellfish, or wildlife in violation of any rule of the Fish and Wildlife Commission or the Director of the Department of Fish and Wildlife governing the transportation or movement of fish, shellfish, or wildlife and the transportation did not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; and/or (b) possessed but failed to affix or notch a big game transport tag as required by rule of the Fish and Wildlife Commission or Director of the Department of Fish and Wildlife; contrary to Revised Code of Washington 77.15.290(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 77.15.290(3)(a) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **FORESTRY PRODUCTS**

False Statement on Application for Firewood Removal License — RCW 79.15.440	347
Firewood License Violations — RCW 79.15.420	347
Possession of Tree Spiking Instruments — RCW 9.91.150(2)	347
Tree Spiking — RCW 9.91.150(1)	347
Unlawful Harvest of Specialized Forest Products — RCW 76.48.030	348
Unlawful Transport of Specialized Forest Products — RCW 76.48.070	348

### **False Statement on Application for Firewood Removal License — RCW 79.15.440**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make a false statement in an application for removal of firewood from lands under the administration or jurisdiction of the Department of Natural Resources; contrary to Revised Code of Washington 79.15.440.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 79.15.440 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Firewood License Violations — RCW 79.15.420**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did remove firewood from lands under the jurisdiction of the Department of Natural Resources without a license issued by the Department of Natural Resources; and/or (b) did remove firewood from lands under the jurisdiction of the Department of Natural Resources after the license issued by the Department of Natural Resources had expired; and/or (c) did remove more than six cords of wood from the premises described in the license; contrary to Revised Code of Washington 79.15.420.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 79.15.440 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Possession of Tree Spiking Instruments — RCW 9.91.150(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to use it for the purpose of hindering logging or timber harvesting activities, did possess any iron, steel, ceramic, or other substance sufficiently hard to injure saws or wood processing or manufacturing equipment; contrary to Revised Code of Washington 9.91.150(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.91.150(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Tree Spiking — RCW 9.91.150(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, for the purpose of hindering logging or timber harvesting activities, maliciously drove or placed in any tree, forest material, forest debris, or other wood material any iron, steel, ceramic, or other substance sufficiently hard to injure saws or wood processing or manufacturing equipment; contrary to Revised Code of Washington 9.91.150(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.91.150(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlawful Harvest of Specialized Forest Products — RCW 76.48.030**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (1) did harvest specialized forest products as described in Revised Code of Washington 76.48.020, in the quantities specified in Revised Code of Washington 76.48.060, without first obtaining a validated specialized forest products permit; and/or (2) did engage in activities or phases of harvesting specialized forest products not authorized by the permit; and/or (3) did harvest specialized forest products in any lesser quantities than those specified in Revised Code of Washington 76.48.060 without first obtaining permission from the landowner or his or her duly authorized agent or representative; contrary to Revised Code of Washington 76.48.030.

(Maximum Penalty-One (1) year in jail or \$1,000 fine, or both, pursuant to RCW 76.48.130, plus restitution, assessments and court costs.)

## **Unlawful Transport of Specialized Forest Products — RCW 76.48.070**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (1) did possess, transport, or possess and transport within the State of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported; and/or (2) did possess, transport, or possess and transport within the State of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported; contrary to Revised Code of Washington 76.48.070.

(Maximum Penalty-One (1) year in jail or \$1,000 fine, or both, pursuant to RCW 76.48.130, plus restitution, assessments and court costs.)

## **MINERALS**

Mineral Trespass — For Crimes Committed On or After July 27, 2003 — RCW  
78.44.330(1) ..... 349

## **Mineral Trespass — For Crimes Committed On or After July 27, 2003 — RCW 78.44.330(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally and without the permission of the claim holder or the person conducting the mining operation, did (a) interfere with, stop, or caused to be stopped, a lawful mining operation, and/or (b) disturb, remove, or attempt to remove any mineral from a mining claim that was posted as required in chapter 78.08 RCW, and/or (c) tamper with or disturb a flume, rocker box, bedrock sluice, sluice box, dredge, quartz mill, or other mining equipment at a posted mining claim, and/or (d) deface a location stake, side post, corner post, landmark, monument, or posted written notice within a posted mining claim; contrary to Revised Code of Washington 78.44.330(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 78.44.330(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.).

## **NATURAL RESOURCE INFRACTIONS**

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Failure to Pay Monetary Penalty Imposed for Committing a Natural Resource Infraction — RCW 7.84.130(1) . . . . .	350
Failure to Perform Community Service Imposed for Committing a Natural Resource Infraction — RCW 7.84.130(2) . . . . .	350

Natural Resource Infractions include offenses, which by the terms of Title 75, 76, 77, 79, or 79A RCW or Chapter 43.30 RCW and rules adopted under those titles and chapters, are declared not to be a criminal offense.

### **Failure to Sign Natural Resource Notice of Infraction — RCW 7.84.030(6)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to sign a notice of natural resource infraction; contrary to Revised Code of Washington 7.84.030(6).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 7.84.030(6) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Failure to Respond to a Natural Resource Notice of Infraction — RCW 7.84.060(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to respond to a notice of natural resource infraction and/or did fail to appear at a hearing the defendant requested to explain mitigating circumstances surrounding the infraction or to contest the determination that the infraction was committed; contrary to Revised Code of Washington 7.84.060(5).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 7.84.060(5) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Failure to Pay Monetary Penalty Imposed for Committing a Natural Resource Infraction — RCW 7.84.130(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to pay a monetary penalty assessed by a court under the provisions of Chapter 7.84 RCW; contrary to Revised Code of Washington 7.84.130(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 7.84.130(1) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Failure to Perform Community Service Imposed for Committing a Natural Resource Infraction — RCW 7.84.130(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to complete community service ordered by a court under the provisions of Chapter 7.84 RCW; contrary to Revised Code of Washington 7.84.130(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 7.84.130(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)



# FORGERY, UNLAWFUL ISSUANCE OF BANK CHECKS, FRAUD AND IDENTITY CRIMES

## CREDIT CARD

Unlawful Factoring of Credit Card Transactions — For Crimes Committed Prior to July 27, 2003 — RCW 9A.56.290 (Laws of 1993, ch. 484, § 2) . . . . .	351
Unlawful Factoring of Credit Card or Payment Card Transactions — First Offense — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.290 (Laws of 2003, ch. 52, § 2) . . . . .	352
Unlawful Factoring of Credit Card or Payment Card Transactions — Second or Subsequent Offense — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.290 (Laws of 2003, ch. 52, § 2) . . . . .	353

### **Unlawful Factoring of Credit Card Transactions — For Crimes Committed Prior to July 27, 2003 — RCW 9A.56.290 (Laws of 1993, ch. 484, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit fraud or theft against a cardholder, credit card issuer, or financial institution, causes any such party or parties to suffer actual monetary damages that in the aggregate exceed one thousand dollars, by: (a) presenting to or depositing with, or causing another to present to or deposit with, a financial institution for payment a credit card transaction record that is not the result of a credit card transaction between the cardholder and the person; and/or (b) employing, soliciting, or otherwise causing a merchant or an employee, representative, or agent of a merchant to present to or deposit with a financial institution for payment a credit card transaction record that is not the result of a credit card transaction between the cardholder and the merchant; and/or (c) employing, soliciting, or otherwise causing another to become a merchant for purposes of presenting to or depositing with a financial institution for payment a credit card transaction record that is not the result of a credit card transaction between the cardholder and the merchant; contrary to Revised Code of Washington 9A.56.290(1) (Laws of 1993, ch. 484, § 2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.290(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Factoring of Credit Card or Payment Card Transactions — First Offense — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.290 (Laws of 2003, ch. 52, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did (a) use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on a payment card without the permission of the authorized user of the payment card or with the intent to defraud the authorized user, another person, or a financial institution; and/or (b) use a reencoder to place information encoded on a payment card onto a different card without the permission of the authorized issuer of the card from which the information is being encoded or with the intent to defraud the authorized user, another person, or a financial institution; and/or (c) present to or deposit with or cause another to present to or deposit with, a financial institution for payment a credit card or payment card transaction record that is not the result of a credit card or payment card transaction between the cardholder and the Defendant; and/or (d) employ, solicit, or otherwise cause a merchant or an employee, representative, or agent of a merchant to present to or deposit with a financial institution for payment a credit card or payment card transaction record that is not the result of a credit card or payment card transaction between the cardholder and the merchant; and/or (e) employ, solicit, or otherwise cause another to become a merchant for purposes of engaging in the conduct described in (a), (b), (c), or (d); contrary to Revised Code of Washington 9A.56.290(1) (Laws of 2003, ch. 52, § 3(1)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.290(4)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Factoring of Credit Card or Payment Card Transactions — Second or Subsequent Offense — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.290 (Laws of 2003, ch. 52, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did (a) use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on a payment card without the permission of the authorized user of the payment card or with the intent to defraud the authorized user, another person, or a financial institution; and/or (b) use a reencoder to place information encoded on a payment card onto a different card without the permission of the authorized issuer of the card from which the information is being encoded or with the intent to defraud the authorized user, another person, or a financial institution; and/or (c) present to or deposit with or cause another to present to or deposit with, a financial institution for payment a credit card or payment card transaction record that is not the result of a credit card or payment card transaction between the cardholder and the Defendant; and/or (d) employ, solicit, or otherwise cause a merchant or an employee, representative, or agent of a merchant to present to or deposit with a financial institution for payment a credit card or payment card transaction record that is not the result of a credit card or payment card transaction between the cardholder and the merchant; and/or (e) employ, solicit, or otherwise cause another to become a merchant for purposes of engaging in the conduct described in (a), (b), (c), or (d); contrary to Revised Code of Washington 9A.56.290(1) (Laws of 2003, ch. 52, § 3(1)); and furthermore, the Defendant was previously convicted of the crime of unlawful factoring of a credit card or payment card in (name of case), (court name) cause number: (cause number) (Maximum penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.56.290(4)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**FORGERY**

Forgery — RCW 9A.60.020 ..... 353

**Forgery — RCW 9A.60.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to injure or defraud, did falsely make, complete or alter a written instrument, and/or did possess, utter, offer, dispose of, or put off as true a written instrument which s/he knew to be forged, said instrument being (describe instrument); contrary to Revised Code of Washington 9A.60.020(1).  
(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.60.020(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

## FRAUD

### CONSUMER GOODS

Counterfeit Mark — First Offense and/or Fewer than 100 Items — RCW 9.16.030 .	354
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Counterfeit Mark — Third or Subsequent Offense and/or 1000 or More Items and/or Value in Excess of \$10,000 — RCW 9.16.030 and RCW 9.16.035(3) .....	355
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Obscuring the Identity of a Machine — RCW 9A.56.180 .....	355

#### **Counterfeit Mark — First Offense and/or Fewer than 100 Items — RCW 9.16.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, willfully and knowingly, and for financial gain, did manufacture, use, display, advertise, distribute, offer for sale, sell or possess with intent to sell or distribute any item, or offer any service, bearing or identified by a counterfeit mark; contrary to Revised Code of Washington 9.16.030.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine or a fine equal to three times the retail value of the items bearing, or services identified by the counterfeit mark, or both pursuant to RCW 9.16.035(1) and (6) and RCW 9.92.030, plus restitution, assessments and court costs.)

#### **Counterfeit Mark — Second Offense and/or 100 to 1000 Items and/or Value Between \$1,000 and \$10,000 — RCW 9.16.030 and 9.16.035(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, willfully and knowingly, and for financial gain, did manufacture, use, display, advertise, distribute, offer for sale, sell or possess with intent to sell or distribute any item, or offer any service, bearing or identified by a counterfeit mark and the Defendant has previously been convicted of a violation of RCW 9.16.030 and/or the instant violation involves more than 100 but fewer than 1000 items and/or the total retail value of all items bearing or services identified by a counterfeit mark is more than \$1,000 but less than \$10,000; contrary to Revised Code of Washington 9.16.030 and 9.16.035(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine or a fine equal to three times the retail value of the items bearing, or services identified by the counterfeit mark, or both pursuant to RCW 9.16.035(2) and (6) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Counterfeit Mark — Third or Subsequent Offense and/or 1000 or More Items and/or Value in Excess of \$10,000 — RCW 9.16.030 and RCW 9.16.035(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, willfully and knowingly, and for financial gain, did manufacture, use, display, advertise, distribute, offer for sale, sell or possess with intent to sell or distribute any item, or offer any service, bearing or identified by a counterfeit mark and the Defendant has previously been convicted of two or more violation of RCW 9.16.030 and/or the instant violation involves more than 1000 items and/or the total retail value of all items bearing or services identified by a counterfeit mark is \$10,000 or more; contrary to Revised Code of Washington 9.16.030 and 9.16.035(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or a fine equal to three times the retail value of the items bearing, or services identified by the counterfeit mark, or both pursuant to RCW 9.16.053(3) and (6), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Counterfeit Mark — Endanger Safety — RCW 9.16.030 and RCW 9.16.035(4)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, willfully and knowingly, and for financial gain, did manufacture, use, display, advertise, distribute, offer for sale, sell or possess with intent to sell or distribute any item, or offer any service, bearing or identified by a counterfeit mark and the Defendant knew or should have known that the counterfeit items, by their intended use, endangered the health or safety of others; contrary to Revised Code of Washington 9.16.030 and 9.16.035(4).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or a fine equal to three times the retail value of the items bearing, or services identified by the counterfeit mark, or both pursuant to RCW 9.16.053(4) and (6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Obscuring the Identity of a Machine — RCW 9A.56.180**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly obscure the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; and/or did knowingly possess a vehicle, machine, engine, apparatus, appliance, or other device held for sale knowing that the serial number or other identification number or mark has been obscured; contrary to Revised Code of Washington 9A.56.180.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to and RCW 9A.20.021 (3), plus restitution, assessments and court costs.)

## FOOD OR LODGING

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### **Obtaining Hotel, Restaurant, Lodging House, Ski Area, Etc., Accommodations by Fraud in an Amount Exceeding \$75.00 — RCW 19.48.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully obtain food, money, credit, use of ski area facilities, lodging or accommodation at a hotel, inn, restaurant, commercial ski area, boarding house or lodging house, without paying for it, with intent to defraud the proprietor, owner, operator or keeper thereof; and/or did obtain food, money, credit, use of ski area facilities, lodging or accommodation at a hotel, inn, restaurant, commercial ski area, boarding house or lodging house, by the use of any false pretense; and/or, after obtaining food, money, credit, use of ski area facilities, lodging, or accommodation at a hotel, inn, restaurant, commercial ski area, boarding house, or lodging house, did remove or cause to be removed from the hotel, inn, restaurant, commercial ski area, boarding house or lodging house his or her baggage, without the permission or consent of the proprietor, manager or authorized employee thereof, before paying for such food, money, credit, use of ski area facilities, lodging or accommodation, and the aggregate amount of food, money, use of ski area facilities, lodging or accommodation, or credit so obtained is seventy-Five dollars or more; contrary to Revised Code of Washington 19.48.110.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 19.48.110(1)(b) RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

### **Obtaining Hotel, Restaurant, Lodging House, Ski Area, Etc., Accommodations by Fraud in an Amount Less Than \$75.00—RCW 19.48.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully obtain food, money, credit, use of ski area facilities, lodging or accommodation at a hotel, inn, restaurant, commercial ski area, boarding house or lodging house, without paying for it, with intent to defraud the proprietor, owner, operator or keeper thereof; and/or did obtain food, money, credit, use of ski area facilities, lodging or accommodation at a hotel, inn, restaurant, commercial ski area, boarding house or lodging house, by the use of any false pretense; and/or, after obtaining food, money, credit, use of ski area facilities, lodging, or accommodation at a hotel, inn, restaurant, commercial ski area, boarding house, or lodging house, did remove or cause to be removed from the hotel, inn, restaurant, commercial ski area, boarding house or lodging house his or her baggage, without the permission or consent of the proprietor, manager or authorized employee thereof, before paying for such food, money, credit, use of ski area facilities, lodging or accommodation; contrary to Revised Code of Washington 19.48.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.48.110 (a) and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Conceal Facts to Obtain Health Care Payment — RCW 48.80.030(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to obtain a health care payment to which the defendant or any other person is not entitled, or to obtain a health care payment in an amount greater than that which the defendant or any other person is entitled, did conceal or fail to disclose any information; contrary to Revised Code of Washington 48.80.030(4).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.80.030(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Conceal Facts Regarding Initial or Continued Right to Health Care Insurance — RCW 48.80.030(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did conceal the occurrence of any event affecting his or her initial or continued right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service; contrary to Revised Code of Washington 48.80.030(4).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.80.030(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Demand of Payment by Health Care Provider — RCW 48.80.030(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully collect or attempt to collect an amount from an insured knowing that to be in violation of an agreement or contract with a health care payor to which the provider is a party; contrary to Revised Code of Washington 48.80.030(5).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.80.030(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Destruction, Injury or Secretion of Property — RCW 48.30.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to defraud or prejudice the insurer thereof, did burn or in any manner injure, destroy, secrete, abandon, or dispose of any property which is insured at the time against loss or damage by fire, theft, embezzlement, or any other casualty, whether the same be the property of or in the possession of the Defendant or any other person, under circumstances not making the offense arson in the first degree; contrary to Revised Code of Washington 48.30.220.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.30.220 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **False Claims or Proof in Excess of \$1,500 — RCW 48.30.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly (1) present or cause to be presented a false or fraudulent claim or proof in support of such claim, for the payment of a loss under contract of insurance, such claim being in excess of \$1,500; and/or (2) prepare, make, or subscribe a false or fraudulent account, certificate, affidavit, or proof of loss or other document or writing, to-wit: (describe document), with intent that said document or writing be presented to support such a claim, and the claim exceeded \$1,500; contrary to Revised Code of Washington 48.30.230.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.30.230(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **False Claims or Proof Less Than \$1,500 — RCW 48.30.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly (1) present or cause to be presented a false or fraudulent claim or proof in support of such claim, for the payment of a loss under contract of insurance; and/or (2) prepare, make, or subscribe a false or fraudulent account, certificate, affidavit, or proof of loss or other document or writing, to-wit: (describe document), with intent that said document or writing be presented to support such a claim; contrary to Revised Code of Washington 48.30.230.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 48.30.230(2)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)



### **Making False Claim for Health Care Payment — RCW 48.80.030(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make or present or cause to be made or presented to a health care payer a claim for a health care payment that the defendant knew to be false; contrary to Revised Code of Washington 48.80.030(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.80.030(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Making False Claim of Medical Necessity — RCW 48.80.030(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly present to a health care payer, to wit: (identify health care payer), a claim for a health care payment that falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards; contrary to Revised Code of Washington 48.80.030(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.80.030(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Making False Statement of Material Fact to a Health Care Payer — RCW 48.80.030(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false statement or false representation of a material fact, to wit: (identify statement or fact), to a health care payer for use in determining rights to a health care payment; contrary to Revised Code of Washington 48.80.030(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 48.80.030(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Misrepresentation in Application for Insurance — RCW 48.30.210**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false or misleading statement or impersonation, or did willfully fail to reveal a material fact, in or relative to an application for insurance to an insurer; contrary to Revised Code of Washington 48.30.210.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 48.30.210 and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **False Certification — RCW 9A.60.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an officer authorized to take a proof of an acknowledgment of an instrument which by law may be recorded, did knowingly certify falsely that the execution of an instrument described as follows: (describe instrument), was acknowledged by a party thereto and that the execution of such instrument was proved; contrary to Revised Code of Washington 9A.60.050(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.60.050 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **False Representation Concerning Credit — RCW 9.38.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to obtain credit or financial rating, did wilfully make any false statement in writing of the Defendant's assets or liabilities to any person with whom the Defendant may be either actually or prospectively engaged in any business transaction or to any commercial agency or other person engaged in the business of collecting or disseminating information concerning financial or commercial ratings; contrary to Revised Code of Washington 9.38.010.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.38.010 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Representation Concerning Title — RCW 9.38.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, maliciously or fraudulently, did execute or file for record any instrument, or put forward any claim, by which the right or title of another to any real or personal property, to wit: *(identify encumbered property)*, is, or purports to be transferred, encumbered or clouded; contrary to Revised Code of Washington 9.38.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.38.020 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Statement by Deposit Account Applicant First, Second or Third Offense — RCW 9.38.015**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make any false statement to a financial institution regarding: (a) the Defendant's identity; (b) past convictions for crimes involving fraud or deception; and/or (c) outstanding judgments on checks or drafts issued by the applicant; contrary to Revised Code of Washington 9.38.015(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.38.015(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Statement by Deposit Account Applicant Fourth or Subsequent Offenses — RCW 9.38.015**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, after having been previously convicted of three separate violations of RCW 9.38.015, did knowingly make any false statement to a financial institution regarding: (a) the Defendant's identity; (b) past convictions for crimes involving fraud or deception; and/or (c) outstanding judgments on checks or drafts issued by the applicant; contrary to Revised Code of Washington 9.38.015(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.38.015(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Fraudulent Removal of Property — RCW 9.45.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to defraud a prior or subsequent purchaser thereof, or prevent any of his or her property being made liable for the payment of any of his or her debts, or levied upon by an execution or warrant of attachment, did remove any of his or her property, or secrete, assign, convey or otherwise dispose of the same; and/or with intent to defraud a creditor did remove, secrete, assign, convey or otherwise dispose of any of his or her books or accounts, vouchers or writings in any way relating to his or her business affairs, or destroy, obliterate, alter or erase any of such books of account, accounts, vouchers or writing or any entry, memorandum or minute therein contained; contrary to Revised Code of Washington 9.45.080.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.45.080 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Obtaining a Signature by Deception or Duress — RCW 9A.60.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to defraud or deprive, did cause another person to sign or execute a written instrument by deception or duress; contrary to Revised Code of Washington 9A.60.030(1).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.60.030(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Unauthorized Use of Facsimile Signature or Facsimile Seal — RCW 39.62.040(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to defraud, did use on a public security or an instrument of payment (a) a facsimile signature, or any reproduction of it, of any authorized officer; and/or (b) any facsimile seal, or any reproduction of it, of this state or any of its departments, agencies, counties, cities, towns, municipal corporations, junior taxing districts, school districts, or other instrumentalities or of any of its political subdivisions; contrary to Revised Code of Washington 39.62.040(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

## **MONEY**

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### **Use of Slugs or Other Counterfeited Coins — RCW 9.26A.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and wilfully operate, or cause to be operated, or attempted to operate, or attempted to cause to be operated, any coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of such machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle; contrary to Revised Code of Washington 9.26A.120.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.26A.120 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Manufacture or Sale of Slugs to Be Used for Coin — RCW 9.26A.130**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did manufacture for sale or did give away any slug, device, or substance whatsoever intended or calculated to be placed or deposited in any coin-box telephone or other such receptacle, depository or contrivance, and the Defendant either intended to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any coin-box telephone or other receptacle, depository or contrivance, designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service and/or knew or had reason to know that the item manufactured was intended for unlawful use; contrary to Revised Code of Washington 9.26A.130.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.26A.130 and RCW 9.92.030, plus restitution, assessments and court costs.)

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### **Alteration or Forgery of Certificate of Ownership — RCW 46.12.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did alter or forge or cause to be altered or forged any certificate of ownership issued by the Director of the Department of Licensing pursuant to Chapter 46.12 RCW, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, and/or did hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged; contrary to Revised Code of Washington 46.12.220.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 46.12.220 and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

### **Disconnecting, Resetting, or Turning Back Odometer — RCW 46.37.540 and RCW 46.70.180(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did disconnect, turn back, or reset the odometer of a motor vehicle, to wit: (describer motor vehicle), with the intent to reduce the number of miles indicated on the odometer gauge; contrary to Revised Code of Washington 46.37.540 and 46.70.180(5).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.70.180(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **False Statements on Certificate of Ownership — RCW 46.12.210**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false statement of a material fact, to wit: (describe false statement), either in his/her application for the certificate of ownership or in any assignment thereof; contrary to Revised Code of Washington 46.12.210.

(Maximum Penalty—Ten (10) years imprisonment or \$5,000 fine, or both pursuant to RCW 46.12.210, plus restitution, assessments and court costs.)

### **Illegal Transfer of Certificate of Ownership — RCW 46.12.210**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to procure or pass ownership to a vehicle, to wit: (describe vehicle), which the defendant knows or has reason to believe has been stolen, did receive or transfer possession of the same from or to another and/or did have in his/her possession a vehicle, to wit: (describe vehicle), which the defendant knows or has reason to believe has been stolen; contrary to Revised Code of Washington 46.12.210.

(Maximum Penalty—Ten (10) years imprisonment or \$5,000 fine, or both pursuant to RCW 46.12.210, plus restitution, assessments and court costs.)

### **Installation of Previously Deployed Air Bag—For Crimes Committed On or After July 27, 2003 — RCW 46.37.650**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly install or reinstall in a vehicle for compensation a previously deployed air bag that is part of an inflatable restraint system and/or did knowingly distribute as an auto part a previously deployed air bag; contrary to Revised Code of Washington 46.37.650(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.37.650(2) (Laws of 2003, ch. 33, § 2(2), plus restitution, assessments and court costs.)

### **Removal or Alteration of Manufacturer's Serial Number — RCW 46.12.300**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly buy, sell, receive, dispose of, conceal, or possess, any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof; contrary to Revised Code of Washington 46.12.300.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.12.300 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Selling, Advertising, Using, or Installing Device Registering False Mileage — RCW 46.37.570 and RCW 46.70.180(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did advertise for sale, sell, use, or install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven; contrary to Revised Code of Washington 46.37.570 and 46.70.180(5).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.70.180(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Selling Motor Vehicle With a Replaced Odometer — RCW 46.37.560 and RCW 46.70.180(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell a motor vehicle, to wit: (describe motor vehicle), with knowledge that the odometer on such motor vehicle has been replaced with another odometer and the defendant did fail to notify the buyer, prior to the time of sale, that the odometer has been replaced or that the defendant believes the odometer to have been replaced; contrary to Revised Code of Washington 46.37.560 and 46.70.180(5).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.70.180(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Selling Motor Vehicle With Turned Back Odometer — RCW 46.37.550 and RCW 46.70.180(5)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing that the odometer on a motor vehicle, to wit: (describe motor vehicle), had been turned back or having reason to believe that the odometer has been turned back, did sell such motor vehicle to another without notifying the buyer, prior to the time of sale, that the odometer has been turned back; contrary to Revised Code of Washington 46.37.550 and 46.70.180(5).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.70.180(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## WELFARE AND OTHER GOVERNMENT PROGRAMS

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**False Information by Person Claiming Industrial Insurance Benefits in the First Degree —  
RCW 51.48.020(2) and RCW 9A.56.030(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, as a person claiming benefits under Title 51 RCW, did knowingly give false information required in any claim or application under Title 51 RCW and thereby did obtain benefits to which the defendant was not entitled or greater benefits than that to which the defendant was justly entitled, in an amount exceeding \$1,500 in value; contrary to Revised Code of Washington 51.48.020(2) and 9A.56.030(1)(a).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 51.48.020(2), RCW 9A.56.030(2), RCW 9A.20.021(1)(b), plus restitution and assessments.)

**False Information by Person Claiming Industrial Insurance Benefits in the Second Degree —  
RCW 51.48.020(2) and RCW 9A.56.040(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, as a person claiming benefits under Title 51 RCW, did knowingly give false information required in any claim or application under Title 51 RCW and thereby did obtain benefits to which the defendant was not entitled or greater benefits than that to which the defendant was justly entitled, in an amount exceeding \$250 in value; contrary to Revised Code of Washington 51.48.020(2) and 9A.56.040(1)(a).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 51.48.020(2), RCW 9A.56.040(2), RCW 9A.20.021(1)(c), plus restitution and assessments.)

**False Information by Person Claiming Industrial Insurance Benefits in the Third Degree —  
RCW 51.48.020(2) and RCW 9A.56.050(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, as a person claiming benefits under Title 51 RCW, did knowingly give false information required in any claim or application under Title 51 RCW and thereby did obtain benefits to which the defendant was not entitled or greater benefits than that to which the defendant was justly entitled, in an amount that does not exceed \$250 in value; contrary to Revised Code of Washington 51.48.020(2) and 9A.56.050(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 51.48.020(2), RCW 9A.56.050(2), RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **False Information By Employer — RCW 51.48.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an employer, with intent to evade determination and payment of the correct amount of the premiums, did knowingly make misrepresentations regarding payroll or employee hours; and/or did engage in employment covered under Title 51 RCW and, with intent to evade determination and payment of the correct amount of the premiums, did knowingly fail to secure payment of compensation under Title 51 RCW or knowingly fail to report the payroll or employee hours related to that employment; contrary to Revised Code of Washington 51.48.020(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 51.48.020(1)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs. In addition, pursuant to RCW 51.48.020(1)(c), the defendant will be required to pay one hundred percent of the premium due and owing and interest on the premium and penalty from the time the premium was due until the date of payment.)

### **False Verification of Welfare Form — RCW 74.08.055**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an applicant for or recipient of public assistance, did wilfully make and subscribe any application, statement or other paper which contained or was verified by a written declaration made under the penalties of perjury and which s/he did not believe to be true and correct as to every material; contrary to Revised Code of Washington 74.08.055.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 74.08.055 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

### **Purchasing Food Stamps — Under \$100 — For Offenses Committed Prior to July 1, 2004 — Former RCW 9.91.140(2) (Laws of 1998, ch. 79, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did purchase, or did otherwise acquire and sell, or did traffic in, food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, and the value of the stamps or benefits was less than \$100.00; contrary to Revised Code of Washington 9.91.140(2)

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.91.140(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Purchasing Food Stamps — Under \$100 — For Offenses Committed On or After July 1, 2004  
– RCW 9.91.142(2) (Laws of 2003, ch. 53, § 50)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did purchase, or did otherwise acquire and sell, or did traffic in, food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, and the value of the stamps or benefits was less than \$100.00; contrary to Revised Code of Washington 9.91.142(2)

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.91.142(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

**Purchasing Food Stamps — More than \$100 — For Offenses Committed Prior to July 1, 2004  
– Former RCW 9.91.140(2) (Laws of 1998, ch. 79, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did purchase, or did otherwise acquire and sell, or did traffic in, food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, and the value of the stamps or benefits exceeds \$100.00; contrary to Revised Code of Washington 9.91.140(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.91.140(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Purchasing Food Stamps — More than \$100 — For Offenses Committed On or After July 1, 2004 – RCW 9.91.142(1) (Laws of 2003, ch. 53, § 50)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did purchase, or did otherwise acquire and sell, or did traffic in, food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, and the value of the stamps or benefits exceeds \$100.00; contrary to Revised Code of Washington 9.91.142(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.91.140(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Reselling Food Stamps — Under \$100 — For Crimes Committed Prior to July 1, 2004 –  
Former RCW 9.91.140(1) (Laws of 1998, ch. 79, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell food stamps obtained through the program established under RCW 74.04.500 or food stamp benefits transferred electronically, or food purchased therewith; contrary to Revised Code of Washington 9.91.140(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.91.140(1) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Reselling Food Stamps — Under \$100 — For Crimes Committed On or After July 1, 2004 —  
RCW 9.91.140(2) (Laws of 2003, ch. 53, § 49)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell food stamps obtained through the program established under RCW 74.04.500 or food stamp benefits transferred electronically, or food purchased therewith; contrary to Revised Code of Washington 9.91.140(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.91.140(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Reselling Food Stamps — More than \$100 — For Crimes Committed Prior to July 1, 2004 —  
Former RCW 9.91.140(1) (Laws of 1998, ch. 79, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell food stamps obtained through the program established under RCW 74.04.500 or food stamp benefits transferred electronically, or food purchased therewith and the value of the stamps, benefits, or food transferred exceeds \$100.00; contrary to Revised Code of Washington 9.91.140(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.91.140(1) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

**Reselling Food Stamps — More than \$100 — For Crimes Committed On or After July 1, 2004  
— RCW 9.91.140(2) (Laws of 2003, ch. 53, § 59)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell food stamps obtained through the program established under RCW 74.04.500 or food stamp benefits transferred electronically, or food purchased therewith and the value of the stamps, benefits, or food transferred exceeds \$100.00; contrary to Revised Code of Washington 9.91.140(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.91.140(1) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

**Unauthorized Use of Food Stamps — For Crimes Committed Prior to July 1, 2004 – Former RCW 9.91.140(3) (Laws of 1998, ch. 79, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in violation of 7 U.S.C. Sec. 2024(c), did obtain and present food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, for redemption or did cause such stamps or benefits to be presented for redemption through the program established under RCW 74.04.500; contrary to Revised Code of Washington 9.91.140(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.91.140(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unauthorized Use of Food Stamps — For Crimes Committed On or After July 1, 2004 – RCW 9.91.144 (Laws of 2003, ch. 53, § 51)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in violation of 7 U.S.C. Sec. 2024(c), did obtain and present food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, for redemption or did cause such stamps or benefits to be presented for redemption through the program established under RCW 74.04.500; contrary to Revised Code of Washington 9.91.144.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.91.144 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Welfare Fraud— For Crimes Committed On or After July 1, 2004 — RCW 74.08.331(1) (Laws of 2003, ch. 53, § 368)**

[Note: The careful practitioner may wish to still split welfare fraud cases into degrees based upon the value of the money wrongfully collected as under the pre-July 1, 2004, law. The Legislature's stated intent in Laws of 2003, ch. 53, was to not make any substantive changes to the law. An argument may be made by a defendant that this section is beyond the scope of the bill's title.]

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain public assistance to which the Defendant was not entitled or greater public assistance than that to which the defendant was justly entitled by means of a wilfully false statement or representation or impersonation, or a wilful failure to reveal any material fact, condition, or circumstance affecting eligibility or need for assistance, or a wilful failure to promptly notify the county office of public assistance in writing of a change in status or circumstance affecting eligibility or need for public assistance, or other fraudulent device; contrary to Revised Code of Washington 74.08.331(1).

(Maximum Penalty—Fifteen (15) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 74.08.331(1), plus restitution and assessments. In addition, pursuant to RCW 74.08.290, the defendant's benefits will be suspended for a period of at least six months upon a first conviction of violating RCW 74.08.331, and at least twelve months for a second or subsequent conviction of violating RCW 74.08.331.)

**Welfare Fraud in the First Degree — For Crimes Committed Prior to July 1, 2004 — RCW 74.08.331 and RCW 9A.56.030(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain public assistance to which the Defendant was not entitled or greater public assistance than that to which the defendant was justly entitled, in an amount exceeding \$1,500 in value, by means of a wilfully false statement or representation or impersonation, or a wilful failure to reveal any material fact, condition, or circumstance affecting eligibility or need for assistance, or a wilful failure to promptly notify the county office of public assistance in writing of a change in status or circumstance affecting eligibility or need for public assistance, or other fraudulent device; contrary to Revised Code of Washington 74.08.331 and 9A.56.030(1)(a).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2), RCW 9A.20.021(1)(b), *State v. Sass*, 94 Wn.2d 721, 620 P.2d 79 (1980), and *State v. Delcambre*, 116 Wn.2d 444, 805 P.2d 233 (1991), plus restitution and assessments. In addition, pursuant to RCW 74.08.290, the defendant's benefits will be suspended for a period of at least six months upon a first conviction of violating RCW 74.08.331, and at least twelve months for a second or subsequent conviction of violating RCW 74.08.331.)

**Welfare Fraud in the Second Degree — For Crimes Committed Prior to July 1, 2004 — RCW 74.08.331 and RCW 9A.56.040(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain public assistance to which the defendant was not entitled or greater public assistance than that to which the defendant was justly entitled, in an amount exceeding \$250 in value, by means of a wilfully false statement or representation or impersonation, or a wilful failure to reveal any material fact, condition, or circumstance affecting eligibility or need for assistance, or a wilful failure to promptly notify the county office of public assistance in writing of a change in status or circumstance affecting eligibility or need for public assistance, or other fraudulent device; contrary to Revised Code of Washington 74.08.331 and 9A.56.040(1)(a).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2), RCW 9A.20.021(1)(c), *State v. Sass*, 94 Wn.2d 721, 620 P.2d 79 (1980), and *State v. Delcambre*, 116 Wn.2d 444, 805 P.2d 233 (1991), plus restitution and assessments. In addition, pursuant to RCW 74.08.290, the defendant's benefits will be suspended for a period of at least six months upon a first conviction of violating RCW 74.08.331, and at least twelve months for a second or subsequent conviction of violating RCW 74.08.331.)

**Welfare Fraud in the Third Degree — For Crimes Committed Prior to July 1, 2004 — RCW 74.08.331 and RCW 9A.56.050(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain public assistance to which the defendant was not entitled or greater public assistance than that to which the defendant was justly entitled, in an amount that does not exceed \$250 in value, by means of a wilfully false statement or representation or impersonation, or a wilful failure to reveal any material fact, condition, or circumstance affecting eligibility or need for assistance, or a wilful failure to promptly notify the county office of public assistance in writing of a change in status or circumstance affecting eligibility or need for public assistance, or other fraudulent device; contrary to Revised Code of Washington 74.08.331 and 9A.56.050(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.56.050(2), RCW 9A.20.021(2), *State v. Sass*, 94 Wn.2d 721, 620 P.2d 79 (1980), and *State v. Delcambre*, 116 Wn.2d 444, 805 P.2d 233 (1991), plus restitution, assessments and court costs. In addition, pursuant to RCW 74.08.290, the defendant's benefits will be suspended for a period of at least six months upon a first conviction of violating RCW 74.08.331, and at least twelve months for a second or subsequent conviction of violating RCW 74.08.331.)

## **IDENTITY CRIMES**

### **CREDIT REPORTS**

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#### **Obtaining Credit Report Information Under False Pretenses — RCW 19.182.130**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and willfully obtain information on a consumer from a consumer reporting agency under false pretenses; contrary to Revised Code of Washington 19.182.130.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.182.130, plus restitution, assessments and court costs.)

#### **Providing Credit Report Information to Unauthorized Person — RCW 19.182.140**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an officer or employee of a consumer reporting agency, did knowingly and willfully provide information concerning an individual from the agency's files to a person not authorized to receive that information; contrary to Revised Code of Washington 19.182.140.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.182.140, plus restitution, assessments and court costs.)



## CRIMINAL IMPERSONATION

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### **Criminal Impersonation in the First Degree — For Crimes Committed Prior to July 1, 2004 — Former RCW 9A.60.040(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did assume a false identity, to-wit: (identity assumed), and did an act in such assumed character with the intent to defraud another or for any other unlawful purpose; contrary to former Revised Code of Washington RCW 9A.60.040(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.60.040(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Criminal Impersonation in the First Degree — For Crimes On or After July 1, 2004 — RCW 9A.60.040(1)(a) (Laws of 2004, ch. 11, § 1(1)(a))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did assume a false identity, to-wit: (identity assumed), and did an act in such assumed character with the intent to defraud another or for any other unlawful purpose; contrary to Revised Code of Washington RCW 9A.60.040(1)(a) (Laws of 2004, ch. 11, § 1(1)(a)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.60.040(2) (Laws of 2004, ch. 11, § 1(2)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Criminal Impersonation in the First Degree — For Crimes Committed Prior to July 1, 2004  
— Former RCW 9A.60.040(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did pretend to be a representative of some person or organization or a public servant, to-wit: (identity assumed), and did an act in such pretended capacity with intent to defraud another of for any other unlawful purpose; contrary to former Revised Code of Washington RCW 9A.60.040(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.60.040(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

**Criminal Impersonation in the First Degree — For Crimes On or After July 1, 2004 — RCW 9A.60.040(1)(b) (Laws of 2004, ch. 11, § 1(1)(b))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did pretend to be a representative of some person or organization or a public servant, to-wit: (identity assumed), and did an act in such pretended capacity with intent to defraud another of for any other unlawful purpose; contrary to Revised Code of Washington RCW 9A.60.040(1)(b) (Laws of 2004, ch. 11, § 1(1)(b)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.60.040(2) (Laws of 2004, ch. 11, §1(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Criminal Impersonation in the Second Degree — For Crimes Committed Prior to July 1, 2004  
— Former RCW 9A.60.040(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did claim to be a law enforcement officer or did create an impression that the Defendant is a law enforcement officer and did an act with the intent to convey the impression that the Defendant is acting in an official capacity and a reasonable person would believe that the Defendant is a law enforcement officer; contrary to former Revised Code of Washington 9A.60.040(3).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.60.040(4) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**Criminal Impersonation in the Second Degree — For Crimes Committed On or After July 1, 2004 — RCW 9A.60.045(1) (Laws of 2004, ch. 11, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did claim to be a law enforcement officer or did create an impression that the Defendant is a law enforcement officer and did an act with the intent to convey the impression that the Defendant is acting in an official capacity and a reasonable person would believe that the Defendant is a law enforcement officer; contrary to Revised Code of Washington 9A.60.045(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.60.045(2) (Laws of 2004, ch. 11, § 2(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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**Digital Signature Forgery — RCW 9.38.060(2)**

**Available for crimes committed On or After July 22, 2001**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly forge a digital signature as defined in RCW 19.34.020(16); contrary to Revised Code of Washington 9.38.060(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.38.060(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Misrepresentation of Identity for Creation of a Digital Signature — RCW 9.38.060(1)**

**Available for crimes committed On or After July 22, 2001**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly misrepresent his or her identity or authorization to obtain a public key certificate used to reference a private key for creating a digital signature; contrary to Revised Code of Washington 9.38.060(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.38.060(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Misrepresentation of Identity for Suspension of Certificate — RCW 19.34.250(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly or intentionally misrepresent his or her identity or authorization in requesting suspension of a certificate; contrary to Revised Code of Washington 19.34.250(6).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.34.260(6) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Use of Another's Public Key Certificate — RCW 9.38.060(3)**

### **Available for crimes committed On or After July 22, 2001**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly present a public key certificate for which the Defendant is not the owner of the corresponding private key in order to obtain unauthorized access to information or engage in an unauthorized transaction; contrary to Revised Code of Washington 9.38.060(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.38.060(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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**Identity Theft — (January 1, 2000 to July 21, 2001) — Former RCW 9.35.020 (Laws of 1999, Ch. 368, § 3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use or transfer a means of identification of another person, to-wit: (name of victim), with the intent to commit or to aid the commission of an unlawful activity intending to harm and harming such person and/or a felony; contrary to former Revised Code of Washington 9.35.020(1) (Laws of 1999, Ch. 368, § 3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to former RCW 9.35.020(3), Laws of 1999, Ch. 368, § 3(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Identity Theft in the First Degree — (July 22, 2001 to June 30, 2004) — Former RCW 9.35.020 (Laws of 2001, Ch. 217, § 9)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use or transfer a means of identification of another person, to-wit: (name of victim), with the intent to commit or to aid the commission of any crime and the Defendant or an accomplice uses said person's means of identification or financial information to obtain an aggregate total of credit, money, goods, services, or anything else of value in excess of \$1,500 in value; contrary to Revised Code of Washington 9.35.020 (Laws of 2001, Ch. 217, § 9).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.35.020(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Identity Theft in the First Degree — (Post July 1, 2004) — RCW 9.35.020(2) (Laws of 2003, Ch. 53, § 22)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use or transfer a means of identification of another person, to-wit: (name of victim), with the intent to commit or to aid the commission of any crime and the Defendant or an accomplice uses said person's means of identification or financial information to obtain an aggregate total of credit, money, goods, services, or anything else of value in excess of \$1,500 in value; contrary to Revised Code of Washington 9.35.020(1) and (2) (Laws of 2003, Ch. 53, § 22).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.35.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Identity Theft in the Second Degree — (July 22, 2001 to June 30, 2004) — Former RCW 9.35.020 (Laws of 2001, Ch. 217, § 9)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use or transfer a means of identification of another person, to-wit: (name of victim), with the intent to commit or to aid the commission of any crime; contrary to Revised Code of Washington 9.35.020 (Laws of 2001, Ch. 217, § 9).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.35.020(2)(b)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Identity Theft in the Second Degree — (Post July 1, 2004) — RCW 9.35.020(3) (Laws of 2003, Ch. 53, § 22)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use or transfer a means of identification of another person, to-wit: (name of victim), with the intent to commit or to aid the commission of any crime; contrary to Revised Code of Washington 9.35.020(1) and (3) (Laws of 2003, Ch. 53, § 22).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.35.020(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Possession of Another's Identification – For Crimes Committed On or After July 27, 2003 – RCW 9A.56.330 (Laws of 2003, ch. 119, § 119(1))**

Note: This statute may not be used if the defendant's sole purpose was to misrepresent his or her age. *See* RCW 9A.56.330(2)(a). In these cases use Possession of Identification Card of Another / Falsely Obtained Card — RCW 66.20.200(2)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without the permission of the person whose identity appears on the personal identification, did knowingly possess personal identification bearing another person's identity; contrary to Revised Code of Washington 9A.56.330(1) (Laws of 2003, ch. 119, § 2(1)).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.56.330(4) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **Unlawful Production of Payment Instruments — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(1) (Laws of 2003, ch. 119, § 1(1))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did print or produce a check or other payment instrument in the name of a person or entity, or with the routing number or account number of a person or entity, without the permission of the person or entity to manufacture or reproduce such payment instrument with such name, routing number, or account number; contrary to Revised Code of Washington 9A.56.320(1) (Laws of 2003, ch. 119, § 1(2)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of Payment Instruments — Fictitious Person, Account or Routing Number —For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(2)(a)(ii) (Laws of 2003, ch. 119, § 1(2)(a)(ii))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to use the payment instruments to commit theft, forgery, or identity theft, did possess two or more checks or other payment instruments in the name of a fictitious person or entity, or with a fictitious routing number or account number of a person or entity; contrary to Revised Code of Washington 9A.56.320(2)(a)(ii) (Laws of 2003, ch. 119, § 1(2)(a)(ii)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of Payment Instruments — Real Person, Account or Routing Number —For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(2)(a)(i) (Laws of 2003, ch. 119, § 1(2)(a)(i))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent either to deprive the person of possession of such payment instrument or to commit theft, forgery, or identity theft, did possess two or more checks or other payment instruments in the name of a person or entity, or with the routing number or account number of a person or entity, without the permission of the person or entity to possess such payment instrument; contrary to Revised Code of Washington 9A.56.320(2)(a)(i) (Laws of 2003, ch. 119, § 1(2)(a)(i)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of Payment Instruments — Combination of Fictitious Person, Account or Routing Number and Real Person, Account or Routing Number —For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(2)(a) (Laws of 2003, ch. 119, § 1(2)(a))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent either to deprive the person of possession of such payment instrument or to commit theft, forgery, or identity theft, did possess one or more checks or other payment instruments in the name of a person or entity, or with the routing number or account number of a person or entity, without the permission of the person or entity to possess such payment instrument, and the Defendant, with the intent to use the payment instruments to commit theft, forgery, or identity theft, did possess one or more checks or other payment instruments in the name of a fictitious person or entity, or with a fictitious routing number or account number of a person or entity; contrary to Revised Code of Washington 9A.56.320(2)(a) (Laws of 2003, ch. 119, § 1(2)(a)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Unlawful Possession of Personal Identification Device — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(3) (Laws of 2003, ch. 119, § 1(3))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did possess a personal identification device with the intent to use such device to commit theft, forgery, or identity theft; contrary to Revised Code of Washington 9A.56.320(3) (Laws of 2003, ch. 119, § 1(3)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of Fictitious Identification — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(4) (Laws of 2003, ch. 119, § 1(4))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to use such identification card to commit theft, forgery, or identity theft, did possess a personal identification card with a fictitious person's identification; contrary to Revised Code of Washington 9A.56.320(4) (Laws of 2003, ch. 119, § 1(4)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Unlawful Possession of Instruments of Financial Fraud — For Crimes Committed On or After July 27, 2003 — RCW 9A.56.320(5) (Laws of 2003, ch. 119, § 1(5))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to use or distribute checks for purposes of defrauding an account holder, business, financial institution, or any other person or organization, did possess a check-making machine, equipment, or software; contrary to Revised Code of Washington 9A.56.320(5) (Laws of 2003, ch. 119, § 1(5)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.320(8) (Laws of 2003, ch. 119, § 1(8)) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **SOLICITING UNDESIRE**

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### **Soliciting Undesired Mail — (June 8, 2000, to July 21, 2001) — Former RCW 9.35.030 (Laws of 2000, Ch. 77, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use a means of identification of another person, to wit: (identity of victim), to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person; contrary to former Revised Code of Washington 9.35.030(1), Laws of 2000, Ch. 77, § 1(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to former RCW 9.35.030(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Soliciting Undesired Mail — (Post July 22, 2001) — RCW 9.35.030 (Laws of 2001, Ch. 217, § 10)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly use a means of identification or financial information of another person, to wit: (identity of victim), to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person; contrary to Revised Code of Washington 9.35.030(1), Laws of 2001, Ch. 217, § 10(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.35.030(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **UNLAWFUL ATTEMPT TO OBTAIN FINANCIAL INFORMATION**

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**Unlawful Attempt to Obtain Financial Information — For Crimes Committed Between January 1, 2000, and July 21, 2001 — Former RCW 9.35.010 ( Laws of 1999, Ch. 368, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did **\*\* insert alternative 1, 2, or 3 here \*\*** by knowingly **\*\* insert alternative a, b, or c here \*\***; contrary to former Revised Code of Washington 9.35.010, Laws of 1999, Ch. 368, § 2.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to former RCW 9.35.010(6), Laws of 1999, Ch. 368, § 2(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

- (1) obtain or attempt to obtain financial information from a financial information repository
- (2) cause to be disclosed or attempt to cause to be disclosed to a person, to-wit: (identity of person), financial information from a financial information repository
- (3) request another person, to-wit: (identity of person), to obtain financial information from a financial information repository, when the Defendant knew or should have known that such person would obtain or attempt to obtain the information from the financial institution repository
  
- (a) making a false, fictitious, or fraudulent statement or representation to (identity of person), an officer, employee, or agent of a financial information repository, with the intent to deceive that person into relying on that statement or representation for purposes of releasing the financial information
- (b) making a false, fictitious, or fraudulent statement or representation to (identity of person), a customer of a financial information repository, with the intent to deceive that customer into releasing financial information and authorizing the release of such information
- (c) providing a document to (identity of person), an officer, employee, or agent of a financial information repository, knowing that the document was forged, counterfeit, lost, stolen, fraudulently obtained, or containing a false statement or representation, and with the intent to cause by such deception that person to release the financial information

**Unlawful Attempt to Obtain Financial Information — For Crimes Committed On or After July 22, 2001 — RCW 9.35.010 (Laws of 2001, Ch. 217, § 8)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did **\*\* insert alternative 1, 2, or 3 here \*\*** by knowingly **\*\* insert alternative a, b, or c here \*\***; contrary to Revised Code of Washington 9.35.010, Laws of 2001, Ch. 217, § 8.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to former RCW 9.35.010(5), Laws of 2001, Ch. 217, § 8(5) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

- (1) obtain or attempt to obtain financial information from a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association
  - (2) cause to be disclosed or attempt to cause to be disclosed to a person, to-wit: (identity of person), financial information from a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association
  - (3) request another person, to-wit: (identity of person), to obtain financial information from a financial information repository, when the Defendant knew or should have known that such person would obtain or attempt to obtain the information from the financial institution repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association
- 
- (a) making a false, fictitious, or fraudulent statement or representation to (identity of person), an officer, employee, or agent of a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association, with the intent to deceive that person into relying on that statement or representation for purposes of releasing the financial information
  - (b) making a false, fictitious, or fraudulent statement or representation to (identity of person), a customer of a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association, with the intent to deceive that customer into releasing financial information or authorizing the release of such information
  - (c) providing a document to (identity of person), an officer, employee, or agent of a financial information repository, financial services provider, merchant, corporation, trust, partnership, or unincorporated association, knowing that the document was forged, counterfeit, lost, stolen, fraudulently obtained, or containing a false statement or representation, and with the intent to cause by such deception that person to release the financial information

## UNLAWFUL ISSUANCE OF BANK CHECKS

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### **Unlawful Issuance of Bank Check — Single Check Over \$250 — RCW 9A.56.060(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to defraud, did make, draw, utter, or deliver to another person a check or draft, to-wit: check no. (check no.), in an amount greater than two hundred and fifty dollars (\$250.00), on a bank or other depository for the payment of money, knowing at the time of such drawing or delivery that s/he did not have sufficient funds in or credit with said bank or other depository to meet said check or draft in full upon its presentation; contrary to Revised Code of Washington 9A.56.060(1).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.56.060(4) and RCW 9A.20.021, plus restitution and assessments.)

### **Unlawful Issuance of Bank Check — Stop Payment Order on a Check Over \$250 — RCW 9A.56.060(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to defraud, did make, draw, utter, or deliver to another person a check or draft, to-wit: check no. (check no.), in an amount greater than two hundred and fifty dollars (\$250.00), on a bank or other depository for the payment of money, then did issue a stop payment order directing the bank or depository on which the check or draft is drawn not to honor said check or draft, and did fail, within twenty (20) days of issuing said check or draft, to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check or draft; contrary to Revised Code of Washington 9A.56.060(2).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000.00 fine pursuant to RCW 9A.56.060(4) and RCW 9A.20.021, plus restitution and assessments.)

**Unlawful Issuance of Bank Check — Aggregation of Lesser Check for Total Over \$250 — RCW 9A.56.060(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to defraud, did make, draw, utter, or deliver to another a series of checks or drafts as part of a common scheme or plan, to-wit: check numbers (check numbers), in an aggregate amount greater than two hundred and fifty dollars (\$250.00), on a bank or other depository for the payment of money, knowing at the time of such drawing or delivery that s/he did not have sufficient funds in or credit with said bank or other depository to meet said checks or drafts in full upon their presentation; contrary to Revised Code of Washington 9A.56.060(3).

(Maximum Penalty — Five (5) years imprisonment and/or a fine of \$10,000 pursuant to RCW 9A.56.060(4) and RCW 9A.20.021, plus restitution and assessments.)

**Unlawful Issuance of Bank Check — Single Check, No Value Requirement — RCW 9A.56.060(1) and/or (2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to defraud, did make, draw, utter, or deliver to another person any check or draft, to-wit: check no. (check no.), on a bank or other depository for the payment of money, knowing at the time of such drawing or delivery that s/he did not have sufficient funds in or credit with said bank or other depository to meet said check or draft in full upon its presentation; and/or did issue a stop payment order directing the bank or depository on which the check is drawn not to honor said check, and fail to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty (20) days of issuing the check or draft; contrary to Revised Code of Washington 9A.56.060(1), and/or (2).

(Maximum Penalty for First Offense — One (1) year in jail or at least \$50.00 nor more than \$5,000.00 fine, or both, pursuant to RCW 9A.56.060(5) and 9.92.020, plus restitution and assessments.)

(Maximum Penalty for Subsequent Offense Within One Year — One (1) year in jail or at least \$500.00 nor more than \$5,000.00 fine, or both, pursuant to RCW 9A.56.060(5) and 9.92.020, plus restitution, assessments and court costs.)

# HARASSMENT AND STALKING

## CRIMINAL GANG INTIMIDATION

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### Criminal Gang Intimidation — RCW 9A.46.120

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did threaten another with bodily injury because such other person refuses to join or has attempted to withdraw from a gang, as defined in RCW 28A.600.455, and the defendant or the person threatened attends or is registered in a public or alternative school; contrary to Revised Code of Washington 9A.46.120.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.120 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## HARASSMENT

### GENERAL HARASSMENT

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### Harassment — First Offense — RCW 9A.46.020

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and without lawful authority, did threaten to cause bodily injury immediately or in the future to the person threatened, to-wit: (victim's name), or to any other person, and/or to cause physical damage to the property of a person other than the actor, and/or to subject the person threatened or any other person to physical confinement or restraint, and/or to maliciously do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical health or safety; and the Defendant, by words or conduct, placed the person threatened in reasonable fear that the threat would be carried out; contrary to Revised Code of Washington 9A.46.020(1).

(Maximum Penalty For First Offense—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.46.020(2)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Harassment — Prior Conviction for Crime of Harassment — RCW 9A.46.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and without lawful authority, did threaten to cause bodily injury immediately or in the future to the person threatened, to-wit: (victim's name), or to any other person, and/or to cause physical damage to the property of a person other than the actor, and/or to subject the person threatened or any other person to physical confinement or restraint, and/or to maliciously do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical health or safety; and the Defendant, by words or conduct, placed the person threatened in reasonable fear that the threat would be carried out, and at the time this occurred, the Defendant had previously been convicted in this or any other state of a crime of harassment as defined in RCW 9A.46.060 against the same victim, or members of the victim's family or household or any person specifically named in a no-contact or anti-harassment order; contrary to Revised Code of Washington 9A.46.020(1) and (2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.020(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Harassment — Threats to Kill — RCW 9A.46.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and without lawful authority, did threaten to kill another immediately or in the future, and by words or conduct placed the person threatened in reasonable fear that the threat would be carried out; contrary to Revised Code of Washington 9A.46.020(1)(a)(i) and (2)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.020(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



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### **Malicious Harassment — Physical Injury to the Victim — RCW 9A.36.080(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously and intentionally cause physical injury to the victim, to-wit: (victim's name), or another person, because of the Defendant's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, mental handicap, physical handicap, or sensory handicap; contrary to Revised Code of Washington 9A.36.080(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.36.080(7) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Harassment — Physical Damage or Destruction to Property — RCW 9A.36.080(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously and intentionally cause physical damage to, or destruction of, the property of the victim, to-wit: (describe property and identify the victim), or another person, because of the Defendant's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, mental handicap, physical handicap, or sensory handicap; contrary to Revised Code of Washington 9A.36.080(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.36.080(7) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Malicious Harassment — Threaten a Specific Person — RCW 9A.36.080(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously and intentionally threaten a specific person, to-wit: (victim's name), because of the Defendant's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, mental handicap, physical handicap, or sensory handicap, and did thereby place that person in reasonable fear of harm to person or property; contrary to Revised Code of Washington 9A.36.080(1)(c).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.36.080(7) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## Malicious Harassment — Threaten a Specific Group — RCW 9A.36.080(1)(c)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did maliciously and intentionally threaten a specific group of persons, to-wit: (victim group's name), because of the Defendant's perception of the victim group's race, color, religion, ancestry, national origin, gender, sexual orientation, mental handicap, physical handicap, or sensory handicap, and did thereby place members of the specific group of persons in reasonable fear of harm to person or property; contrary to Revised Code of Washington 9A.36.080(1)(c).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.36.080(7) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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## Telephone Harassment — RCW 9.61.230

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to harass, intimidate, torment or embarrass any other person, did make a telephone call to such other person (a) using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; and/or (b) anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; and/or (c) threatening to inflict injury on the person or property of the person called or any member of his or her family or household; contrary to Revised Code of Washington 9.61.230.

(Maximum Penalty For First Offense—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.61.230 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Telephone Harassment — Prior Conviction for Crime of Harassment — RCW 9.61.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to harass, intimidate, torment or embarrass any other person, did make a telephone call to such other person (1) using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; and/or (2) anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; and/or (3) threatening to inflict injury on the person or property of the person called or any member of his or her family or household, and the Defendant previously had been convicted of a crime of harassment, as defined in RCW 9A.46.060, of the same person, or members of that person's family or household, or any person specifically named in a no contact or no harassment order in this or any other state; contrary to Revised Code of Washington 9.61.230.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.61.230 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Telephone Harassment — Threats to Kill — RCW 9.61.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to harass, intimidate, torment or embarrass any other person, did make a telephone call to such other person threatening to kill the person threatened or any other person; contrary to Revised Code of Washington 9.61.230.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.61.230 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Permitting Telephone Harassment — RCW 9.61.240**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly permit any telephone under his or her control to be used for any purpose prohibited by RCW 9.61.230; contrary to Revised Code of Washington 9.61.240.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.61.240 and RCW 9.92.030, plus restitution, assessments and court costs.)

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### **Violation of Civil Anti-Harassment Order — RCW 10.14.120 and RCW 10.14.170**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the (name of court issuing order), had previously issued a civil anti-harassment protection order pursuant to Revised Code of Washington 10.14 in Cause No. (cause number of court order), prohibiting the Defendant from unlawful harassment, did wilfully disobey the order while the order is in effect; contrary to Revised Code of Washington 10.14.120 and 10.14.170.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 10.14.170 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Violation of a Pre-Conviction Order Restricting Contact — RCW 9A.46.040**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally disobey the terms of an order issued under RCW 9A.46.040; contrary to Revised Code of Washington 9A.46.040.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.46.040(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Violation of a Post-Conviction Order Restricting Contact — RCW 9A.46.080**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully violate a condition of the sentence imposed upon the Defendant's conviction of a crime of harassment which restricted the Defendant's ability to have contact with the victim or witnesses; contrary to Revised Code of Washington 9A.46.080.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.46.080 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## STALKING

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### **Cyberstalking — For Crimes Committed On or After March 24, 2004 — RCW 9.61.260(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to harass, intimidate, torment or embarrass any other person, did make an electronic communication to such other person (1) using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; and/or (2) anonymously or repeatedly, whether or not conversation ensues; and/or (3) threatening to inflict injury on the person or property of the person called or any member of his or her family or household; contrary to Revised Code of Washington 9.61.260(1).

(Maximum Penalty For First Offense-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.61.260 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Cyberstalking — Prior Conviction for Crime of Harassment — For Crimes Committed On or After March 24, 2004 — RCW 9.61.260(3)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to harass, intimidate, torment or embarrass any other person, did make an electronic communication to such other person (1) using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; and/or (2) anonymously or repeatedly whether or not conversation ensues; and/or (3) threatening to inflict injury on the person or property of the person called or any member of his or her family or household, and the Defendant previously had been convicted of a crime of harassment, as defined in RCW 9A.46.060, of the same person, or members of that person's family or household, or any person specifically named in a no contact or no harassment order in this or any other state; contrary to Revised Code of Washington 9.61.260(3)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.61.260(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Cyberstalking — Threats to Kill — For Crimes Committed On or After March 24, 2004 — RCW 9.61.260(3)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to harass, intimidate, torment or embarrass any other person, did make an electronic communication to such other person threatening to kill the person threatened or any other person; contrary to Revised Code of Washington 9.61.260(3)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.61.260(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Stalking — First Offense — RCW 9A.46.110(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear; contrary to RCW 9A.46.110(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.46.110(5)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Stalking — Prior Conviction for Crime of Harassment — RCW 9A.46.110(1) and RCW 9A.46.110(5)(b)(i)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear without lawful authority, and (d) the Defendant previously had been convicted of a crime of harassment, as defined in RCW 9A.46.060, of the same person, or members of that person's family, or any person specifically named in a protective order; contrary to RCW 9A.46.110(1) and 9A.46.110(5)(b)(i).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.110(1), RCW 9A.46.110(5)(b), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Stalking — Violation of Protection Order — RCW 9A.46.110(1) and RCW 9A.46.110(5)(b)(ii)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear, and (d) the stalking violated any protective order protecting the person being stalked; contrary to Revised Code of Washington 9A.46.110(1) and 9A.46.110(5)(b)(ii).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.110(1), RCW 9A.46.110(5)(b), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Stalking — Second or Subsequent Stalking Offense — RCW 9A.46.110(1) and RCW 9A.46.110(5)(b)(iii)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear, and (d) the Defendant had previously been convicted under RCW 9A.46 for stalking another person; contrary to RCW 9A.46.110(1) and 9A.46.110(5)(b)(iii).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.110(1), RCW 9A.46.110(5)(b), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Stalking — Armed With Deadly Weapon — RCW 9A.46.110(1) and RCW 9A.46.110(5)(b)(iv)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear, and (d) the defendant was armed with a deadly weapon, as defined in RCW 9A.46.020, while stalking the person; contrary to RCW 9A.46.110(1) and 9A.46.110(5)(b)(iv).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.110(1), RCW 9A.46.110(5)(b), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Stalking — Criminal Justice or Court Participant — RCW 9A.46.110(1) and RCW 9A.46.110(5)(b)(v)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person who is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community corrections officer, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear without lawful authority, and (d) the Defendant stalked that person to retaliate against that person for an act performed during the course of that person's official duties or to influence that person's performance of official duties; contrary to RCW 9A.46.110(1) and 9A.46.110(5)(b)(v).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.110(1), RCW 9A.46.110(5)(b), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Stalking — Current, Former, or Prospective Witness — RCW 9A.46.110(1) and RCW 9A.46.110(5)(b)(vi)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did (a) intentionally and repeatedly harass or repeatedly follow another person who was a current, former, or prospective witness in an adjudicative proceeding, to wit: (victim's name); and (b) the person being harassed or followed was placed in fear that the Defendant intends to injure the person, another person, or property of the person or of another person, and said feeling of fear is one that a reasonable person in the same situation would experience under all the circumstances; and (c) the above-named Defendant either (i) did intend to frighten, intimidate, or harass the person; or (ii) did know or reasonably should know that the person is afraid, intimidated, or harassed even if the above-named Defendant did not intend to place the person in fear, and (d) the Defendant stalked that person to retaliate against that person as a result of that person's testimony or potential testimony; contrary to RCW 9A.46.110(1) and 9A.46.110(5)(b)(vi).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.46.110(1), RCW 9A.46.110(5)(b), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## HEALTH AND SAFETY

### BUILDING AND FIRE SAFETY

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#### Violation of Building Code or Fire Regulation — RCW 36.43.040

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did violate the provisions of any building code or any fire regulation that was lawfully adopted by the board of county commissioners; contrary to Revised Code of Washington 36.43.040.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 36.43.040 and RCW 9.92.030, plus restitution, assessments and court costs.)

#### Wrongful Acts By Fire Protection Sprinkler System Contractors — RCW 9.45.260

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a fire protection sprinkler system contractor, did willfully and maliciously construct, install, or maintain a fire protection sprinkler system in any structure so as to threaten the safety of any occupant or user of the structure in the event of a fire; contrary to Revised Code of Washington 9.45.260.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.45.260 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### DISPOSAL OF GARBAGE

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### **Abandoning a Junk Vehicle — RCW 70.93.060(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did abandon a junk vehicle upon any property not owned by him or her; contrary to Revised Code of Washington 70.93.060(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.93.060(2)(d), RCW 46.55.230(6) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Pursuant to RCW 46.55.230(6), the Defendant shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.)

### **Abandoning or Discarding Refrigeration Equipment — RCW 9.03.010**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did discard or abandon or leave in any place accessible to children a refrigerator, icebox, or deep freeze locker having a capacity of one and one-half cubic feet or more, which is no longer in use and which has not had the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door; contrary to Revised Code of Washington 9.03.010.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.03.010 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Littering — Less Than One Cubic Yard — RCW 70.93.060(2)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did litter upon public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, in an amount greater than one cubic foot but less than one cubic yard; contrary to Revised Code of Washington 70.93.060(2)(b).

(Maximum Penalty — Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 70.93.060(2)(c) and RCW 9.92.030, plus restitution, assessments and court costs.)

(Pursuant to RCW 70.93.060(2)(b), the Defendant shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender, if the Defendant cleans up and properly disposes of the litter.)

(Pursuant to RCW 70.93.060(3), if the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the Defendant to perform twenty-four hours of community service in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.)

### **Littering — More Than One Cubic Yard — RCW 70.93.060(2)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did litter upon public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, in an amount of one cubic yard or more; contrary to Revised Code of Washington 70.93.060(2)(c).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 70.93.060(2)(c) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Pursuant to RCW 70.93.060(2)(c), the Defendant shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the Defendant to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender, if the Defendant cleans up and properly disposes of the litter.)

(Pursuant to RCW 70.93.060(3), if the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the Defendant to perform twenty-four hours of community service in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.)

### **Permitting Unused Refrigeration Equipment to Remain on Premises — RCW 9.03.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an owner, lessee, or manager, did knowingly permit an unused refrigerator, icebox, or deep freeze locker to remain on the premises under his or her control without having the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door; contrary to Revised Code of Washington 9.03.020.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9.03.020 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Transporting and/or Storing of Waste Tires — RCW 70.95.555**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in the business of transporting and/or storing waste tires without a license; contrary to Revised Code of Washington 70.95.555.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 70.95.560 and RCW 9.92.020, plus restitution, assessments and court costs.)

## FOOD SERVICES

Allowing a Diseased Person to Work Where Food is Prepared — RCW 69.06.030 . 404

Diseased Person Working Where Food is Prepared — RCW 69.06.030 . . . . . 404

Employment as Food Service Worker Without Necessary Permit — RCW 69.06.010 404

### **Allowing a Diseased Person to Work Where Food is Prepared — RCW 69.06.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly employ a person, who was afflicted with a contagious or infectious disease that may be transmitted by food or beverage, to work in or about any place where unwrapped or unpackaged food and/or beverage products are prepared or sold, or offered for sale for human consumption; contrary to Revised Code of Washington 69.06.030.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.06.060 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Diseased Person Working Where Food is Prepared — RCW 69.06.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while afflicted with any contagious or infectious disease that may be transmitted by food or beverage, did work in or about any place where unwrapped or unpackaged food and/or beverage products are prepared or sold, or offered for sale for human consumption; contrary to Revised Code of Washington 69.06.030.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.06.060 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Employment as Food Service Worker Without Necessary Permit — RCW 69.06.010**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant was employed in the handling of unwrapped or unpackaged food without having furnished and placed on file with the person in charge of the establishment, a food and beverage service worker's permit, as prescribed by the state board of health; contrary to Revised Code of Washington 69.06.010.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 69.06.060 and RCW 9.92.030, plus restitution, assessments and court costs.)

## HEALTH CARE FACILITIES

Interference With Health Care Facility — RCW 9A.50.020 . . . . . 405

Possession of a Opium, Morphine, Cocaine, Any Other Narcotic or Any Intoxicating Liquor  
in State Institution for Care and Treatment of Mental Illness — RCW 72.23.300 . . . 405

### **Interference With Health Care Facility — RCW 9A.50.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, alone or in concert with others, did willfully or recklessly interfere with access to or from a health care facility or did willfully or recklessly disrupt the normal functioning of such facility by (a) physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas upon which the facility is located; and/or (b) making noise that unreasonably disturbs the peace within the facility, and/or (c) trespassing on the facility or the common areas of the real property upon which the facility is located, and/or (d) telephoning the facility repeatedly, or knowingly permitting any telephone under the Defendant's control to be used for such purpose, and/or (e) threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under the Defendant's control to be used for such purpose; contrary to Revised Code of Washington 9A.50.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.50.030 and RCW 9A.20.021(2), plus restitution, assessments and court costs. For a first offense, a fine of no less than \$250 dollars and a jail term of not less than 24 consecutive hours shall be imposed. For a second offense, a fine of not less than \$500 and a jail term of not less than seven consecutive days shall be imposed. For a third offense, a fine of not less than \$1,000 and a jail term of not less than 30 consecutive days shall be imposed.)

### **Possession of a Opium, Morphine, Cocaine, Any Other Narcotic or Any Intoxicating Liquor in State Institution for Care and Treatment of Mental Illness — RCW 72.23.300**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did bring a opium, morphine, cocaine or other narcotic, or any intoxicating liquor of any kind within the grounds thereof; contrary to Revised Code of Washington 72.23.300.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 72.23.300 and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

## LEAD BASED PAINT

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Performing Lead—Based Paint Abatement Work With a Fraudulently Obtained Certification — For Crimes Committed On or After July 27, 2003 — RCW 70.103.080(4)(e) .....	407

### **Failure to Provide Access to Records or Reports — For Crimes Committed On or After July 27, 2003 — RCW 70.103.080(4)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail or refuse to establish, maintain, provide, copy, or permit access to records or reports as required by Chapter 70.103 RCW; contrary to Revised Code of Washington 70.103.080(4)(b).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.103.080(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Obtaining Certification Through Fraud or Misrepresentation — For Crimes Committed On or After July 27, 2003 — RCW 70.103.080(4)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain, through fraud or misrepresentation, a certification pursuant to Chapter 70.103 RCW from the Washington State Department of Community, Trade, and Economic Development to (a) conduct inspections of lead—based paint abatement projects; (b) to perform abatements; (c) to prepare abatement project designs, occupant protection plans, and abatement reports; (d) to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing; or (e) to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports; contrary to Revised Code of Washington 70.103.080(4)(c).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.103.080(4) and RCW 9.92.030, plus restitution, assessments and court costs.)



**Performing Lead—Based Paint Abatement Work Without a Certification — For Crimes Committed On or After July 27, 2003 — RCW 70.103.080(4)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did perform lead based paint abatement work or testing without first obtaining a certification pursuant to Chapter 70.103 RCW from the Washington State Department of Community, Trade, and Economic Development; contrary to Revised Code of Washington 70.103.080(4)(d).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.103.080(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Performing Lead—Based Paint Abatement Work With a Fraudulently Obtained Certification — For Crimes Committed On or After July 27, 2003 — RCW 70.103.080(4)(e)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in any lead—based paint activities that require a certification from the Washington State Department of Community, Trade, and Economic Development with a fraudulently obtained certification; contrary to Revised Code of Washington 70.103.080(4)(e).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 70.103.080(4) and RCW 9.92.030, plus restitution, assessments and court costs.)



# INTERFERING WITH GOVERNMENTAL OPERATIONS

## COMPOUNDING

Compounding — RCW 9A.76.100(1) ..... 409

### Compounding — RCW 9A.76.100(1)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) request, accept, and agree to accept from (name of person) a pecuniary benefit pursuant to an agreement and understanding that the Defendant would refrain from initiating a prosecution for a crime; and/or (b) did confer, or offer or agree to confer a pecuniary benefit upon (name of person) pursuant to an agreement and understanding that such person would refrain from initiating a prosecution for a crime; contrary to Revised Code of Washington 9A.76.100(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.76.100(3) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## DISARMING A POLICE OFFICER

Disarm Police Officer — Firearm is Discharged — RCW 9A.76.023 ..... 409

Disarm Police Officer — RCW 9A.76.023 ..... 410

### Disarm Police Officer — Firearm is Discharged — RCW 9A.76.023

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to interfere with the performance of the officer's duties, did knowingly remove a firearm or weapon from the person of (Name of officer), a law enforcement officer or corrections officer, and/or did deprive (Name of officer), a law enforcement officer or corrections officer, of the use of a firearm or weapon, when the officer was acting within the scope of his/her duties and did not consent to the removal, and the Defendant knew or had reasonable cause to know (name of officer) was a law enforcement or corrections officer, and the firearm discharged when the defendant removed it from the officer; contrary to Revised Code of Washington 9A.76.023(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.76.023(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Disarm Police Officer — RCW 9A.76.023**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to interfere with the performance of the officer's duties, did knowingly remove a firearm or weapon from the person of (Name of officer), a law enforcement officer or corrections officer, and/or did deprive (Name of officer), a law enforcement officer or corrections officer, of the use of a firearm or weapon, when the officer was acting within the scope of his/her duties and did not consent to the removal, and the Defendant knew or had reasonable cause to know (name of officer) was a law enforcement or corrections officer; contrary to Revised Code of Washington 9A.76.023(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.76.023(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **FAILURE TO COOPERATE WITH LAW ENFORCEMENT OFFICERS**

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Refusing to Summon Aid for a Peace Officer — RCW 9A.76.030 .....	412

### **False Reporting— RCW 9A.84.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that the information reported, conveyed, or circulated was false, did initiate or circulate a false report and warning of an alleged and impending occurrence of a fire, explosion, crime, catastrophe, and emergency, knowing that such false report was likely to cause public inconvenience or alarm, and/or the evacuation of a building, place of assembly, or transportation facility, to-wit: (identify place evacuated); contrary to Revised Code of Washington 9A.84.040(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.84.040(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Making False or Misleading Statements to a Public Servant — RCW 9A.76.175**

Note: This statute was first enacted in 1995, in a bill whose title was not broad enough to accommodate the provision. *See generally, State v. Thomas*, 103 Wn. App. 800, 14 P.3d 854, *review denied*, 143 Wn.2d 1022 (2001). This statute was reenacted without any change in 2001. This charge is only available for conduct occurring On or After May 14, 2001.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false or misleading material statement to a public servant; contrary to Revised Code of Washington 9A.76.175.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.76.175 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **Obstructing a Law Enforcement Officer — Pre May 14, 2001 — Former RCW 9A.76.020 (Laws of 1994, ch. 196, § 1)**

Note: This statute was amended in 1995 by Laws of 1995, ch. 285, § 33. Unfortunately, the title of the bill was not broad enough to include the amendment. *See generally State v. Thomas*, 103 Wn. App. 800, 14 P.3d 854, *review denied*, 143 Wn.2d 1022 (2001). The pre-1995 version, therefore, remained in effect until the statute was reenacted as amended in 1995 in 2001. The 1995 amendments are only available for conduct occurring On or After May 14, 2001.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully hinder, delay, and obstruct a law enforcement officer in the discharge of his/her official powers and duties and/or did willfully make a false or misleading statement to a law enforcement officer while being detained during the course of a lawful investigation or lawful arrest; contrary to former Revised Code of Washington 9A.76.020(1) (Laws of 1994, ch. 196, § 1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to former RCW 9A.76.020(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Obstructing a Law Enforcement Officer — For Crimes Committed On or After May 14, 2001  
— RCW 9A.76.020 (Laws of 2001, ch. 308, § 3)**

Note: This statute was amended in 1995 by Laws of 1995, ch. 285, § 33. Unfortunately, the title of the bill was not broad enough to include the amendment. *See generally State v. Thomas*, 103 Wn. App. 800, 14 P.3d 854, *review denied*, 143 Wn.2d 1022 (2001). The pre-1995 version, therefore, remained in effect until the statute was reenacted as amended in 1995 in 2001. The 1995 amendments are only available for conduct occurring On or After May 14, 2001.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully hinder, delay, and obstruct a law enforcement officer in the discharge of his/her official powers and duties; contrary to Revised Code of Washington 9A.76.020(1) (Laws of 2001, ch. 308, § 3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.76.020(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Refusing to Summon Aid for a Peace Officer — RCW 9A.76.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, upon a request by a person the defendant knew to be a peace officer, did unreasonably refuse and fail to summon aid for such peace officer; contrary to Revised Code of Washington 9A.76.030(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.76.030(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

**INFRACTIONS**

Failure to Sign Notice of Civil Infraction — RCW 7.80.160(1) . . . . . 412

Wilful Violation of Promise to Appear — RCW 7.80.160(2) . . . . . 413

**Failure to Sign Notice of Civil Infraction — RCW 7.80.160(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to sign a notice of civil infraction; contrary to Revised Code of Washington 7.80.160(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 7.80.160(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Wilful Violation of Promise to Appear — RCW 7.80.160(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully violate his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction; contrary to Revised Code of Washington 7.80.160(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 7.80.160(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **INTIMIDATION AND THREATS**

Intimidating a Public Servant— RCW 9A.76.180 . . . . . 413

Threats Against the Governor — RCW 9A.36.090 . . . . . 413

### **Intimidating a Public Servant— RCW 9A.76.180**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, by use of a threat, did attempt to influence a public servant's opinion, decision, or other official action as a public servant, to-wit: (public servant's name); contrary to Revised Code of Washington 9A.76.180(1) and 9A.04.110(25).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.76.180(4) and 9A.20.021(1)(b), plus restitution and assessments.)

### **Threats Against the Governor — RCW 9A.36.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and wilfully deposit, for conveyance in the mail, a letter containing a threat to take the life of or to inflict bodily harm upon the governor of the State or a member of his/her immediately family or the governor-elect, lieutenant governor, other officer next in the order of succession to the office of governor, or lieutenant governor-elect or did knowingly and wilfully otherwise make any such threat against the governor of the State or a member of his/her immediately family or the governor-elect, lieutenant governor, other officer next in the order of succession to the office of governor, or lieutenant governor-elect; contrary to Revised Code of Washington 9A.36.090(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.36.090(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## PERJURY AND FALSE SWEARING

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### False Swearing — RCW 9A.72.040

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make a false statement, knowing such statement was false, under an oath required or authorized by law; contrary to Revised Code of Washington 9A.72.040(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.72.040(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### Perjury in the First Degree — RCW 9A.72.020

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did make a materially false statement, knowing such statement was false, under an oath required or authorized by law, in an official proceeding; contrary to Revised Code of Washington 9A.72.020(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.72.020(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### Perjury in the Second Degree — RCW 9A.72.030

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to mislead a public servant, to wit: (name of public servant), and/or in the performance of her/his duty, and/or in an examination under oath under the terms of a contract of insurance, did make a materially false statement, knowing such statement was false, under an oath required or authorized by law; contrary to Revised Code of Washington 9A.72.030(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.72.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## **PUBLIC RECORDS**

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### **Injury to Public Record — RCW 40.16.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office, or with any public officer, by authority of law; contrary to Revised Code of Washington 40.16.010.

(Maximum Penalty—Five (5) years imprisonment or \$1,000 fine, or both pursuant to RCW 40.16.010, plus restitution, assessments and court costs.)

### **Offering False Instrument for Filing or Record — RCW 40.16.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly procure or offer any false or forged instrument to be filed, registered, or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in such office under any law of this state or of the United States; contrary to Revised Code of Washington 40.16.030.

(Maximum Penalty—Five (5) years imprisonment or \$5,000 fine, or both pursuant to RCW 40.16.030, plus restitution, assessments and court costs.)

## RENDERING CRIMINAL ASSISTANCE

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### Rendering Criminal Assistance in the First Degree (Non-Relative) — RCW 9A.76.070

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to prevent, hinder, and delay the apprehension of (name of person assisted), who had committed or was being sought for a class A felony or for murder or for an equivalent juvenile offense, and knowing that such person had committed a crime or was being sought for commission of a crime or that such person has escaped from a detention facility, did harbor and conceal such person, and/or warn such person of impending discovery and apprehension, and/or provide such person with money, transportation, disguise, and other means of avoiding discovery and apprehension, and/or by use of force, deception, and threat, prevent and obstruct anyone from performing an act that might aid in the discovery and apprehension of such person, and/or conceal, alter, and destroy physical evidence that might aid in the discovery and apprehension of such person, and/or provide such person with a weapon; contrary to Revised Code of Washington 9A.76.070(1) and Revised Code of Washington 9A.76.050.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.76.070(2)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### Rendering Criminal Assistance in the First Degree (Relative) — RCW 9A.76.070

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a relative of (name of person assisted), with the intent to prevent, hinder, and delay the apprehension of (name of person assisted), who had committed or was being sought for a class A felony or for murder or for an equivalent juvenile offense, and knowing that such person had committed a crime or was being sought for commission of a crime or that such person has escaped from a detention facility, did harbor and conceal such person, and/or warn such person of impending discovery and apprehension, and/or provide such person with money, transportation, disguise, and other means of avoiding discovery and apprehension, and/or by use of force, deception, and threat, prevent and obstruct anyone from performing an act that might aid in the discovery and apprehension of such person, and/or conceal, alter, and destroy physical evidence that might aid in the discovery and apprehension of such person, and/or provide such person with a weapon; contrary to Revised Code of Washington 9A.76.070(1) and Revised Code of Washington 9A.76.050.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.76.070(2)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Rendering Criminal Assistance in the Second Degree (Non-Relative)— RCW 9A.76.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to prevent, hinder, and delay the apprehension of (name of person assisted), who had committed or was being sought for a class B or C felony or for an equivalent juvenile offense, and knowing that such person had committed a crime or was being sought for commission of a crime or that such person was being sought for violation of parole, probation, or community supervision, did harbor and conceal such person, and/or warn such person of impending discovery and apprehension, and/or provide such person with money, transportation, disguise, and other means of avoiding discovery and apprehension, and/or by use of force, deception, and threat, prevent and obstruct anyone from performing an act that might aid in the discovery and apprehension of such person, and/or conceal, alter, and destroy physical evidence that might aid in the discovery and apprehension of such person, and/or provide such person with a weapon; contrary to Revised Code of Washington 9A.76.080(1) and Revised Code of Washington 9A.76.050.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.76.080(2)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Rendering Criminal Assistance in the Second Degree (Relative) — RCW 9A.76.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a relative of (name of person assisted), with the intent to prevent, hinder, and delay the apprehension of (name of person assisted), who had committed or was being sought for a class B or C felony or for an equivalent juvenile offense, and knowing that such person had committed a crime or was being sought for commission of a crime or that such person was being sought for violation of parole, probation, or community supervision, did harbor and conceal such person, and/or warn such person of impending discovery and apprehension, and/or provide such person with money, transportation, disguise, and other means of avoiding discovery and apprehension, and/or by use of force, deception, and threat, prevent and obstruct anyone from performing an act that might aid in the discovery and apprehension of such person, and/or conceal, alter, and destroy physical evidence that might aid in the discovery and apprehension of such person, and/or provide such person with a weapon; contrary to Revised Code of Washington 9A.76.080(1) and Revised Code of Washington 9A.76.050.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.76.080(2)(b) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## Rendering Criminal Assistance in the Third Degree — RCW 9A.76.090

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to prevent, hinder, and delay the apprehension of (name of person assisted), who had committed a gross misdemeanor or misdemeanor, and knowing that such person had committed a crime, did harbor and conceal such person, and/or warn such person of impending discovery and apprehension, and/or provide such person with money, transportation, disguise, and other means of avoiding discovery and apprehension, and/or by use of force, deception, and threat, prevent and obstruct anyone from performing an act that might aid in the discovery and apprehension of such person, and/or conceal, alter, and destroy physical evidence that might aid in the discovery and apprehension of such person, and/or provide such person with a weapon; contrary to Revised Code of Washington 9A.76.090(1) and Revised Code of Washington 9A.76.050.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.76.090(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## RIOT, FAILURE TO DISPERSE, INSTRUCTION IN CIVIL DISOBEDIENCE, AND DISORDERLY CONDUCT

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## Disorderly Conduct — RCW 9A.84.030

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant (a) did use abusive language and thereby intentionally create a risk of assault; and/or (b) without lawful authority did intentionally disrupt any lawful assembly or meeting or persons; and/or (c) without lawful authority did intentionally obstruct vehicular or pedestrian traffic; contrary to Revised Code of Washington 9A.84.030(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.84.030(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Failure to Disperse — RCW 9A.84.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did congregate with a group of three or more persons within which there were acts of conduct which created a substantial risk of causing injury to a person and substantial harm to property, and the Defendant did refuse and fail to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing and executing the law; contrary to Revised Code of Washington 9A.84.020.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9A.84.020(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Instruction in Civil Disobedience — RCW 9A.48.120**

For crimes committed after June 13, 2002.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did teach or demonstrate to any other person the use, application, or making of any device or technique capable of causing significant bodily injury or death to persons, knowing or having reason to know or intending that such device or technique will be unlawfully employed for use in, or in furtherance of, a civil disorder; contrary to Revised Code of Washington 9A.48.120(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.48.120(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Riot — RCW 9A.84.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while acting with three or more persons, did knowingly and unlawfully use or threaten to use force or did participate in the use of force against a human being, to wit: (name of person) and/or against property, to wit: (identify property); contrary to Revised Code of Washington 9A.84.010(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.84.010(2)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Riot — While Armed — RCW 9A.84.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being armed with a deadly weapon and while acting with three or more persons, did knowingly and unlawfully use or threaten to use force or did participate in the use of force against a human being, to wit: (name of person) and/or against property, to wit: (identify property); contrary to Revised Code of Washington 9A.84.010(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.84.010(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

# KIDNAPPING, UNLAWFUL IMPRISONMENT, CUSTODIAL INTERFERENCE, LURING, AND TRAFFICKING

## CUSTODIAL INTERFERENCE

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### **Custodial Interference in the First Degree—Non-Parent Relative —RCW 9A.40.060(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a relative of (name of victim), a child under the age of 18 or an incompetent person, did take, entice, retain, detain, or conceal (name of victim) from (person victim is being concealed from), a parent, guardian, institution, agency, or other person having a lawful right to physical custody of (name of victim), with intent to deny (person victim is being concealed from) access to (name of victim), and the Defendant did (a) intend to hold (name of victim) permanently or for a protracted period and/or (b) expose (name of victim) to a substantial risk of illness or physical injury and/or (c) cause (name of victim) to be removed from the state of usual residence and/or (d) retain, detain, or conceal (name of victim) in another state after expiration of any authorized visitation period with intent to intimidate or harass (person victim is being concealed from), or with the intent to prevent (person victim is being concealed from) from regaining custody of (name of victim); contrary to Revised Code of Washington 9A.40.060(1).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.40.060(4) and 9A.20.021(1)(c), plus restitution and assessments.)

**Custodial Interference in the First Degree—Parent/Court Order in Place/Protracted Period and/or Substantial Risk and/or Removal from State — RCW 9A.40.060(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a parent of (name of child), did take, entice, retain, detain, or conceal that child from the other parent having lawful right to time with the child pursuant to a court ordered parenting plan with intent to deny access to that child by the other parent and the Defendant did (a) intend to hold the child permanently or for a protracted period, and/or (b) expose the child to a substantial risk of illness or physical injury, and/or (c) cause the child to be removed from the state of usual residence; contrary to Revised Code of Washington 9A.40.060(2).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.40.060(4) and 9A.20.021(1)(c), plus restitution and assessments.)

**Custodial Interference in the First Degree—Parent/Intent to Deprive Permanently/No Lawful Custody Order —RCW 9A.40.060(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a parent or other person acting under the directions of a parent of (name of child), a child under the age of eighteen, for whom no lawful custody order or parenting plan had been entered by a court of competent jurisdiction, did intentionally take, entice, retain, or conceal that child from (name of other parent), the other parent, with intent to deprive that other parent from access to the child permanently or for a protracted period; contrary to Revised Code of Washington 9A.40.060(3).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.40.060(4) and 9A.20.021(1)(c), plus restitution and assessments.)

**Custodial Interference in the Second Degree—Non-Parent Relative/First Offense — RCW 9A.40.070(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a relative of (name of victim), with intent to deny access to that person by (person victim is being concealed from), a parent, guardian, institution, agency, or other person having a lawful right to physical custody of (name of victim), did take, entice, retain, detain, and conceal such person from (person victim is being concealed from); contrary to Revised Code of Washington 9A.40.070(1).

(Maximum Penalty For First Offense — One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 9A.40.070(4)(a) and 9.92.020, plus restitution, assessments and court costs.)



**Custodial Interference in the Second Degree—Non-Parent Relative/Second or Subsequent Offense — RCW 9A.40.070(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a relative of (name of victim), with intent to deny access to that person by (person victim is being concealed from), a parent, guardian, institution, agency, or other person having a lawful right to physical custody of (name of victim), did take, entice, retain, detain, and conceal such person from (person victim is being concealed from) after having previously been convicted of custodial interference in the second degree; contrary to Revised Code of Washington 9A.40.070(1).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.40.070(4)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

**Custodial Interference in the Second Degree—Parent/Non-Compliance with Court-Ordered Parenting Plan/First Offense — RCW 9A.40.070(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a parent of (name of child), a minor child, (a) did take, entice, retain, detain, or conceal the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; and/or (b) has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under RCW 26.09.160(3); and/or (c) did engage in a pattern of willful violations of the court-ordered residential provisions; contrary to Revised Code of Washington 9A.40.070(2).

(Maximum Penalty For First Offense — One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 9A.40.070(4)(a) and 9.92.020, plus restitution, assessments and court costs.)

**Custodial Interference in the Second Degree—Parent/Non-Compliance with Court-Ordered Parenting Plan/Second or Subsequent Offense — RCW 9A.40.070(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a parent of (name of child), a minor child, (a) did take, entice, retain, detain, or conceal the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court-ordered parenting plan; and/or (b) has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under RCW 26.09.160(3); and/or (c) did engage in a pattern of willful violations of the court-ordered residential provisions; after having previously been convicted of custodial interference in the second degree; contrary to Revised Code of Washington 9A.40.070(2).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.40.070(4)(b) and 9A.20.021(1)(c), plus restitution and assessments.)

## KIDNAPPING

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All kidnapping in the second degree with sexual motivation committed on or after September 1, 2001, will be a class A felony.

### **Kidnapping in the First Degree — RCW 9A.40.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally abduct another person, to-wit: (name of victim or victim's initials), with intent to hold him or her for ransom or reward, and/or as a shield or hostage and/or to facilitate the commission of any felony or flight thereafter and/or to inflict bodily injury on him or her; and/or to inflict extreme mental distress on him or her or a third person and/or to interfere with the performance of any governmental function; contrary to Revised Code of Washington 9A.40.020(1).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.40.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Kidnapping in the Second Degree — RCW 9A.40.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally abduct another person, to-wit: (name of victim or victim's initials); contrary to Revised Code of Washington 9A.40.030(1).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.40.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Kidnapping in the Second Degree With Sexual Motivation — RCW 9A.40.030 and RCW 9.94A.835 or RCW 13.40.135**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally abduct another person, to-wit: (name of victim or victim's initials); contrary to Revised Code of Washington 9A.40.030(1); and further, that the defendant committed the crime with sexual motivation, i.e., that one of the purposes for which the defendant committed the crime was for the purpose of (his)(her) sexual gratification; as provided, proscribed and defined by RCW 9.94A.030 and RCW 9.94A.127 or RCW 9.94A.835 (for adults) or RCW 13.40.135 (for juveniles).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.40.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(Maximum Penalty — For Offenses Committed On or After September 1, 2001 — Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.40.030(3) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the Defendant is charged in this count with murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, or burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), and the Defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, homicide by abuse, kidnapping in the first or second degree, assault in the first or second degree, assault of a child in the first degree, and burglary in the first degree, or an attempt to commit any crime listed in RCW 9.94A.030(32)(b)(i), the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## **LURING**

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### **Luring — RCW 9A.40.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being unknown to (name of victim or victim's initials), a person under the age of 16 or with a developmental disability as defined in RCW 71A.10.020, and acting without the consent of (name of victim or victim's initials)'s parent or guardian did order, lure, or attempt to lure (name of victim or victim's initials) into an area or structure that was obscured from and inaccessible to the public and/or a motor vehicle; contrary to Revised Code of Washington 9A.40.090(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.40.090(4) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Trafficking in the First Degree — For Crimes Committed On or After July 27, 2003 — RCW 9A.40.100(1) (Laws of 2003, ch. 267, § 1(1))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recruit, harbor, transport, provide, or obtain by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude the Defendant's acts did involve the committing or attempting to commit kidnapping, or were sexually motivated, or did result in the death of a person, and/or did benefit financially or did receive anything of value from participating in a venture that recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude and the venture did involve the committing or attempting to commit kidnapping, or was sexually motivated, or resulted in the death of a person; contrary to Revised Code of Washington 9A.40.100(1)(a) (Laws of 2003, ch. 267, § 1(1)(a)).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.40.100(1)(b) (Laws of 2003, ch. 267, § 1(1)(b)) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030 (32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a), 9.94A.120(4) and 9.94A.570.)

### **Trafficking in the Second Degree — For Crimes Committed On or After July 27, 2003 — RCW 9A.40.100(2) (Laws of 2003, ch. 267, § 1(2))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recruit, harbor, transport, provide, or obtain by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude, and/or did benefit financially or did receive anything of value from participating in a venture that recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude; contrary to Revised Code of Washington 9A.40.100(2)(a) (Laws of 2003, ch. 267, § 1(2)(a)).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.40.100(2)(b) (Laws of 2003, ch. 267, § 1(2)(b)) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030 (32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a), 9.94A.120(4) and 9.94A.570.)

## UNLAWFUL HARBORING OF A MINOR

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### Unlawful Harboring of a Minor — RCW 13.32A.080(1)(a)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did provide shelter to a minor without the consent of a parent of the minor and after knowing that the minor is away from the home of the parent, without the parent's permission, the Defendant intentionally (i) failed to release the minor to a law enforcement officer after being requested to do so by the officer; and/or (ii) failed to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer when the Defendant knew the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; and/or (iii) obstructed a law enforcement officer from taking the minor into custody; and/or (iv) assisted the minor in avoiding or attempting to avoid the custody of the law enforcement officer; contrary to Revised Code of Washington 13.32A.080(1)(a). (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 13.32A.080(1)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

## UNLAWFUL IMPRISONMENT

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### Unlawful Imprisonment — RCW 9A.40.040

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly restrain another person, to-wit: (name of victim or the victim's initials); contrary to Revised Code of Washington 9A.40.040 and 9A.40.010(1). (Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.40.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)



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### **Defacing a State Monument — RCW 9A.48.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deface a monument of memorial on the state capitol campus or other state property; contrary to Revised Code of Washington 9A.48.110(1). (Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to Revised Code of Washington 9A.48.110(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Malicious Injury to Railroad Property — RCW 81.60.070**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in such a manner as might, if not discovered, did endanger the safety of any engine, motor, car or train, or any person thereon, by interfering or tampering with or obstructing any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure, or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway and/or by discharging any firearm or throwing any dangerous missile at any train, engine, motor, or car on any railway; contrary to Revised Code of Washington 81.60.070. (Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 81.60.070 and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

**Malicious Mischief in the First Degree — Physical Damage in Excess of \$1,500 — RCW 9A.48.070(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, knowingly and maliciously cause physical damage in an amount exceeding one thousand Five hundred dollars (\$1,500.00) to the property of another; contrary to Revised Code of Washington 9A.48.070(1)(a).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to Revised Code of Washington 9A.48.070(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Malicious Mischief in the First Degree — Interruption of Impairment of Service — RCW 9A.48.070(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, knowingly and maliciously cause an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of transportation, power, or communication; contrary to Revised Code of Washington 9A.48.070(1)(b).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to Revised Code of Washington 9A.48.070(2) and 9A.20.021(1)(b), plus restitution and assessments.)

**Malicious Mischief in the First Degree — Aircraft — RCW 9A.48.070(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, knowingly and maliciously cause an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts; contrary to Revised Code of Washington 9A.48.070(1)(c).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to Revised Code of Washington 9A.48.070(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Malicious Mischief in the Second Degree — Physical Damage Exceeding \$250 — RCW 9A.48.080(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, knowingly and maliciously cause physical damage in an amount exceeding two hundred fifty dollars (\$250.00) to the property of another; contrary to Revised Code of Washington 9A.48.080(1)(a).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to Revised Code of Washington 9A.48.080(2) and RCW 9A.20.021(1)(c), plus restitution and assessments)



**Malicious Mischief in the Second Degree — Substantial Risk of Interruption or Impairment of Service — RCW 9A.48.080(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, knowingly and maliciously create a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of transportation, power, or communication; contrary to Revised Code of Washington 9A.48.080(1)(b).

(Maximum Penalty-Five (5) years imprisonment and/or a \$10,000 fine pursuant to Revised Code of Washington 9A.48.080(2) and 9A.20.021(1)(c), plus restitution and assessments.)

**Malicious Mischief in the Third Degree — Graffiti — RCW 9A.48.090(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally write, paint, or draw any inscription, figure, or mark of any type of any public or private building or other structure or any real or personal property owned by any other person without first obtaining the express permission to do so from the owner or operator of the property; contrary to Revised Code of Washington 9A.48.090(1)(b).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to Revised Code of Washington 9A.48.090(2)(c) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Malicious Mischief in the Third Degree — Property Damage Over \$50 — RCW 9A.48.090(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and maliciously cause physical damage in an amount exceeding \$50.00 to the property of another; contrary to Revised Code of Washington 9A.48.090(1)(a).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to Revised Code of Washington 9A.48.090(2)(a) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Malicious Mischief in the Third Degree — Property Damage of \$50 or Less — RCW 9A.48.090(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and maliciously cause physical damage to the property of another; contrary to Revised Code of Washington 9A.48.090(1)(a).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to Revised Code of Washington 9A.48.090(2)(b) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Tampering with Lights or Signals — RCW 88.08.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did show, mask, extinguish, alter, or remove any light or signal, or did exhibit any false light or signal in such a manner as might, if not discovered, endanger a vessel, railway engine, motor, train, or car; contrary to Revised Code of Washington 88.08.020.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 88.08.020 and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

# MURDER, MANSLAUGHTER, AND OTHER CRIMES RELATED TO DEAD BODIES

## MURDER

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## **Aggravated Murder — RCW 10.95.020 and RCW 9A.32.030(1)(a)**

Note: This crime is generally referred to as "aggravated first degree murder". It should be noted, however, that the aggravating circumstances set forth in RCW 10.95.020 merely enhance the punishment for premeditated first degree murder to death or life imprisonment without parole and do not change the elements of the underlying crime of murder. *State v. Kincaid*, 103 Wn.2d 304, 307, 312-13, 692 P.2d 823 (1985); *See also State v. Irizarry*, 111 Wn.2d 591, 593-94, 763 P.2d 432 (1988).

Case law raises some question upon whether premeditated murder with aggravating circumstances can be included in the same count with felony first degree murder or reckless indifference first degree murder. *See State v. Roberts*, 142 Wn.2d 471, 513, 14 P.3d 713 (2000) (an information that lists only one count alleging aggravated first degree murder and, alternatively, felony murder is technically duplicitous). If aggravated first degree murder and felony murder are charged in two separate counts, a defendant may not plead guilty to felony murder in order to avoid trial and the harsher sentencing consequences associated with aggravated first degree murder. *See generally State v. Bowerman*, 115 Wn.2d 794, 801 n. 4, 802 P.2d 116 (1990); *State v. Thompson*, 60 Wn. App. 662, 806 P.2d 1251 (1991); *State v. Duhaime*, 29 Wn. App. 842, 631 P.2d 964 (1981), *review denied*, 97 Wn.2d 1009 (1982).

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant with a premeditated intent to cause the death of another person, the defendant caused the death of such person, to-wit: (name of victim); and furthermore, insert all applicable aggravators here; contrary to Revised Code of Washington 9A.32.030(1)(a) and 10.95.020.

(Maximum Penalty — Life imprisonment without the possibility of parole or release or, death if the State files written notice of a special sentencing proceeding to determine whether the death penalty should be imposed and if the jury finds that there are not sufficient mitigating circumstances to merit leniency; pursuant to RCW 10.95.030, 10.95.040 and 10.95.080.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **AGGRAVATORS**

#### **Law Enforcement, Corrections Officer, or Firefighter Victim— RCW 10.95.020(1)**

the victim of said murder was a law enforcement officer, corrections officer, or firefighter who was performing his or her official duties at the time of the act resulting in death and the victim was known or reasonably should have been known by the Defendant to be such at the time of the killing

#### **Term of Imprisonment in State Facility or Escapee — RCW 10.95.020(2)**

at the time of the act resulting in the death, the Defendant was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes

**Custody in County Jail For Felony — RCW 10.95.020(3)**

at the time of the act resulting in the death, the Defendant was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony

**Murder for Hire — Payee — RCW 10.95.020(4)**

the Defendant committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder

**Murder for Hire — Payer — RCW 10.95.020(5)**

the Defendant solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder

**Membership or Position in Organization (Gang Killing) — RCW 10.95.020(6)**

the Defendant committed the murder to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group

**Drive-By Shooting — RCW 10.95.020(7)**

the murder was committed during the course of or as a result of a shooting where the discharge of the firearm, as defined in RCW 9.41.010, was either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge

**Judge, Juror, Witness, Prosecutor, Defense Attorney, Probation or Parole Officer — RCW 10.95.020(8)**

the victim of said murder was a judge, juror or former juror, prospective, current, or former witness in an adjudicative proceeding, prosecuting attorney, deputy prosecuting attorney; defense attorney; a member of the indeterminate sentence review board, or a probation or parole officer, and the murder was related to the exercise of official duties performed or to be performed by said victim

**Conceal Commission of a Crime or Identity of Any Person Committing a Crime — RCW 10.95.020(9)**

the Defendant committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime

**Multiple Victims — RCW 10.95.020(10)**

there was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the Defendant

**Accompanying Felony — Robbery — RCW 10.95.020(11)(a)**

the murder was committed in the course of, in furtherance of, or in immediate flight from robbery in the first or second degree

**Accompanying Felony — Rape — RCW 10.95.020(11)(b)**

the murder was committed in the course of, in furtherance of, or in immediate flight from a rape in the first or second degree

**Accompanying Felony — Burglary — RCW 10.95.020(11)(c)**

the murder was committed in the course of, in furtherance of, or in immediate flight from a burglary in the first or second degree, or residential burglary

**Accompanying Felony — Kidnapping — RCW 10.95.020(11)(d)**

the murder was committed in the course of, in furtherance of, or in immediate flight from a kidnaping in the first or second degree

**Accompanying Felony — Arson — RCW 10.95.020(11)(e)**

the murder was committed in the course of, in furtherance of, or in immediate flight from an arson in the first degree

**Newsreporter Victim — RCW 10.95.020(12)**

the victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim

**Court Order for Protection — RCW 10.95.020(13)**

that at the time the Defendant committed the murder, there existed a court order issued in this or any other state which prohibited the Defendant from contacting, molesting, or disturbing the peace of the victim, and that the Defendant had knowledge of the existence of the court order

**Pattern of Domestic Violence — RCW 10.95.020(14)**

that at the time the Defendant committed the murder, the Defendant and the victim were "family or household members" as defined in RCW 10.99.020(1), and that the Defendant had previously engaged in a pattern or practice of three or more of the following crimes committed upon the victim within a five-year period, regardless of whether a conviction resulted: harassment as defined by RCW 9A.46.020, or any criminal assault

**First Degree Murder— Extreme Indifference — RCW 9A.32.030(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, under circumstances manifesting an extreme indifference to human life, did engage in conduct which created a grave risk of death to any person, and did thereby cause the death of another person, to-wit: (name of victim); contrary to Revised Code of Washington 9A.32.030(1)(b).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **First Degree Murder — Felony Murder — RCW 9A.32.030(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit or attempt to commit the crime of either (1) robbery in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first or second degree, or (5) kidnapping in the first or second degree, and in the course of or in furtherance of such crime or in immediate flight therefrom, the Defendant, or another participant, caused the death of a person other than one of the participants, to-wit: (name of victim); contrary to Revised Code of Washington 9A.32.030(1)(c).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **First Degree Murder — Premeditated Murder — RCW 9A.32.030(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with a premeditated intent to cause the death of another person, to-wit: name of victim, caused the death of said person; contrary to Revised Code of Washington 9A.32.030(1)(a).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)



## **First Degree Murder — Premeditated Murder and Felony Murder — RCW 9A.32.030(1)(a) and (c)**

Note — Felony murder and premeditated murder are alternative means of committing the same crime which may be charged in a single count. *See State v. Fortune*, 128 Wn.2d 464, 909 P.2d 930 (1996).

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with a premeditated intent to cause the death of another person, to-wit: name of victim, caused the death of said person and/or the above-named Defendant did commit or attempt to commit the crime of either (1) robbery in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first or second degree, or (5) kidnapping in the first or second degree, and in the course of or in furtherance of such crime or in immediate flight therefrom, the Defendant, or another participant, caused the death of a person other than one of the participants, to-wit: (name of victim); contrary to Revised Code of Washington 9A.32.030(1)(a) and (c).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Second Degree Murder — Felony Murder — RCW 9A.32.050(1)(b)**

Note — Assault cannot be used as a predicate offense for any crime committed prior to February 12, 2003, the effective date of Laws of 2003, ch. 3. *See In re Personal Restraint Petition of Andress*, 147 Wn.2d 602, 56 P.3d 981 (2002).

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant committed or attempted to commit the crime of (name of crime), a felony, and in the course of and in furtherance of said crime(s) or in immediate flight therefrom, the Defendant or another participant caused the death of a person other than one of the participants, to-wit: (name of victim); contrary to Revised Code of Washington 9A.32.050(1)(b).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.050(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Second Degree Murder — Intentional Murder — RCW 9A.32.050(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to cause the death of another person, to-wit: (name of victim), caused the death of such person; contrary to Revised Code of Washington 9A.32.050(1)(a).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.050(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Second Degree Murder — Intentional Murder and Felony Murder — RCW 9A.32.050(1)(a) and (b)**

Note — Felony murder and intentional murder are alternative means of committing the same crime which may be charged in a single count. *See State v. Berlin*, 133 Wn.2d 541, 553, 947 P.2d 700 (1997). Assault cannot be used as a predicate offense for any murder committed prior to February 12, 2003, the effective date of Laws of 2003, ch. 3. *See In re Personal Restraint Petition of Andress*, 147 Wn.2d 602, 56 P.3d 981 (2002).

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to cause the death of another person, to-wit: (name of victim), caused the death of such person and/or the above-named Defendant committed or attempted to commit the crime of (name of crime), a felony, and in the course of and in furtherance of said crime(s) or in immediate flight therefrom, the Defendant or another participant caused the death of a person other than one of the participants, to-wit: (name of victim); contrary to Revised Code of Washington 9A.32.050(1)(a) and (b).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.050(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Homicide by Abuse — RCW 9A.32.055**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, under circumstances manifesting an extreme indifference to human life, did cause the death of (name of victim), who is (choose one of the following: a child or person under sixteen (16) years of age / a developmentally disabled person / a dependent adult), and the Defendant previously engaged in a pattern or practice of assault or torture of (name of victim); contrary to Revised Code of Washington 9A.32.055.

(Maximum Penalty—Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.055(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **MANSLAUGHTER**

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### **Manslaughter in the First Degree — Recklessly Causes the Death of Another — RCW 9A.32.060(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recklessly cause the death of another person, to-wit: (name of victim); contrary to Revised Code of Washington 9A.32.060(1)(a).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.32.060(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Manslaughter in the First Degree — Unborn Quick Child — RCW 9A.32.060(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally and unlawfully kill an unborn quick child by inflicting injury upon (name of person injured), the mother of such child; contrary to Revised Code of Washington 9A.32.060(1)(b).

(Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.32.060(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Manslaughter in the Second Degree — RCW 9A.32.070**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with criminal negligence, did cause the death of another person, to-wit: (victim's name); contrary to Revised Code of Washington 9A.32.070.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.32.070(2) and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **PROMOTING A SUICIDE ATTEMPT**

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### **Promoting a Suicide Attempt — RCW 9A.36.060**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause and aid another person, to-wit: (name of victim), to attempt suicide; contrary to Revised Code of Washington 9A.36.060(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.36.060(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **MISCELLANEOUS CRIMES RELATED TO DEAD BODIES**

### **CORONER**

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Unauthorized Removal or Concealment of Body — RCW 68.50.050 ..... 443

### **Failure to Notify Coroner — RCW 68.50.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing of the existence and location of a dead body coming under the jurisdiction of the coroner as set forth in RCW 68.50.010 and not having good reason to believe that the coroner has notice thereof, did fail to notify the coroner of the existence and location of a dead body in the most expeditious manner possible; contrary to Revised Code of Washington 68.50.020

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 68.50.020 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Unauthorized Removal or Concealment of Body — RCW 68.50.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without the permission of the coroner or the coroner's deputies, did direct, aid or abet, or did remove the body of a deceased person not claimed by a relative or friend, or who came to their death by reason of violence or from unnatural causes or where there exist reasonable grounds for the belief that such death has been caused by unlawful means at the hands of another, to any undertaking rooms or elsewhere, or did conceal the body of a deceased person for the purpose of taking the same to any undertaking rooms or elsewhere; contrary to Revised Code of Washington 68.50.050.

(Maximum Penalty—One (1) year in jail or \$1,000 fine, or both pursuant to RCW 68.50.050, plus restitution, assessments and court costs.)

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## **Body Stealing — RCW 68.50.140(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove the dead body of a human being, or any part thereof, from a grave, vault, or other place where the same has been buried or deposited awaiting burial or cremation, without authority of law, with intent to sell the same, or for the purpose of securing a reward for its return, or for dissection, or from malice or wantonness; contrary to Revised Code of Washington 68.50.140(1).

(Maximum Penalty—Five (5) years imprisonment or \$1,000 fine, or both pursuant to RCW 68.50.140(1), plus restitution, assessments and court costs.)

### **Cremation of More Than One Body — RCW 68.50.185**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a person authorized to dispose of human remains, did cremate or cause to be cremated more than one body at a time without employing equipment, techniques, or devices that keep human remains separate and distinct before, during, and after the cremation process and without first obtaining written permission, after full and adequate disclosure regarding the manner of cremation, from the person or persons under RCW 68.50.160 having the authority to order cremation; contrary to Revised Code of Washington 68.50.185(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 68.50.185(2) and RCW 9A.92.020, plus restitution, assessments and court costs.)

### **Damage to Historic Graves — RCW 68.60.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly remove, mutilate, deface, injure, or destroy any historic grave; contrary to Revised Code of Washington 68.60.050(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 68.60.050(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Interfering With Funeral— RCW 68.56.010(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully disturb, obstruct, detain or interfere with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment; contrary to Revised Code of Washington 68.56.010(3).

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 68.50.010 and RCW 9A.92.020, plus restitution, assessments and court costs.)

### **Mutilating or Disinterring Human Remains — RCW 68.50.150**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, without authority of law, mutilate, disinter, or remove from the place of interment any human remains; contrary to Revised Code of Washington 68.50.150.

(Maximum Penalty—Three (3) years imprisonment or \$1,000 fine, or both pursuant to RCW 68.50.150, plus restitution, assessments and court costs.)

### **Unlawful Damage to Cemetery Property or Flora — RCW 68.60.040(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a cemetery, did wilfully destroy, cut, break, remove, or injure any building, statuary, ornamentation, tree, shrub, flower, or plant within the limits of a cemetery; contrary to Revised Code of Washington 68.60.040(2).

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 68.60.040(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Unlawful Damage to Graves, Markers, Shrubs, or Other Cemetery Property — RCW 68.56.010(1) and/or (2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully destroy, cut, mutilate, efface, or otherwise injure, tear down or remove, any tomb, plot, monument, memorial or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or any property in a cemetery and/or did destroy, cut, break, remove or injure any building, statuary, ornamentation, tree, shrub, flower or plant within the limits of a cemetery; contrary to Revised Code of Washington 68.56.010(1) and/or (2).

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 68.56.010 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Unlawful Disposal of Remains — RCW 68.50.130**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did permanently deposit or dispose of any human remains, except as otherwise provided by law, in any place other than a cemetery or a building dedicated exclusively for religious purposes; contrary to Revised Code of Washington 68.50.130.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 68.50.130 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Opening of Grave — RCW 68.60.040(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully open a grave and did remove personal effects of the decedent or portions of human remains, and/or did remove or damage caskets, surrounds, outer burial containers, or any other device used in making the original burial, and/or did transport unlawfully removed human remains from the cemetery, and/or did knowingly receive unlawfully removed human remains from the cemetery; contrary to Revised Code of Washington 68.60.040(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 68.60.040(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Unlawful Opening of Grave With Intent to Sell — RCW 68.60.140**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did open a grave or other place of interment, temporary or otherwise, or a building where the dead body of a human is deposited while awaiting burial or cremation, with intent to remove said body or any part thereof, for the purpose of selling or demanding money for the same, for dissection, from malice or wantonness, or with intent to sell or remove the coffin or of any part thereof, or anything attached thereto, or any vestment, or other article interred, or intended to be interred with the body; contrary to Revised Code of Washington 68.60.140.

(Maximum Penalty—Three (3) years imprisonment or \$1,000 fine, or both pursuant to RCW 68.60.140, plus restitution, assessments and court costs.)

### **Unlawful Receiving of Dead Body — RCW 68.50.140(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that it had been removed without authority of law from a grave, vault, or other place where it had been buried or deposited awaiting burial or cremation, did purchase or receive a dead body of a human being, or a part thereof; contrary to Revised Code of Washington 68.50.140(2).

(Maximum Penalty—Three (3) years imprisonment or \$1,000 fine, or both pursuant to RCW 68.50.140(2), plus restitution, assessments and court costs.)

### **Unlawful Removal of Dead Body Part — RCW 68.50.145**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it, or to dissect it, without authority of law, or from malice or wantonness; contrary to Revised Code of Washington 68.50.145.

(Maximum Penalty—Five (5) years imprisonment or \$1,000 fine, or both pursuant to RCW 68.50.145, plus restitution, assessments and court costs.)

### **Unlawful Removal of Grave Marker — RCW 68.60.040(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a cemetery, did willfully destroy, cut, mutilate, efface, or otherwise injure, tear down or remove, any tomb, plot, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post, or railing, or any enclosure for the protection of a cemetery or any property in a cemetery; contrary to Revised Code of Washington 68.60.040(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 68.60.040(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## NEGLECT OR ABUSE OF VULNERABLE PERSONS

### ABANDONMENT OF A DEPENDENT PERSON

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#### **Abandonment of a Dependent Person in the First Degree — RCW 9A.42.060**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), did recklessly abandon said child or other dependent person and, as a result of being abandoned, said child or other dependent person suffered great bodily harm; contrary to Revised Code of Washington 9A.42.060(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.42.060(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

#### **Abandonment of a Dependent Person in the Second Degree — RCW 9A.42.070**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), did recklessly abandon said child or other dependent person and as a result of being abandoned that child or other dependent person suffered substantial bodily harm and/or abandoning said child or other dependent person created an imminent and substantial risk that said child or other dependent person would die or suffer great bodily harm; contrary to Revised Code of Washington 9A.42.070(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.42.070(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Abandonment of a Dependent Person in the Third Degree — RCW 9A.42.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), did recklessly abandon said child or other dependent person and as a result of being abandoned that child or other dependent person suffered substantial bodily harm and/or abandoning said child or other dependent person created an imminent and substantial risk that said child or other dependent person would suffer substantial bodily harm; contrary to Revised Code of Washington 9A.42.080(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.42.080(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **ADVANCE DIRECTIVES**

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## **Fraudulent Creation or Revocation of a Mental Health Advance Directive — For Crimes Committed On or After July 27, 2003 — RCW 9A.60.060(2)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make, complete, alter, or revoke the mental health advance directive of another without the principal's consent, and/or did knowingly utter, offer, or put off as true a mental health advance directive that the Defendant knows to be forged, and/or did knowingly obtain or prevent the signature of a principal or witness to a mental health advance directive by deception or duress; contrary to Revised Code of Washington 9A.60.060(2).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.60.060(3) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

## **Unauthorized Cancellation of the Directive to Withhold or Withdraw Life-Sustaining Treatment — RCW 70.122.090**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully conceal, cancel, deface, obliterate, or damage the directive to withhold or withdraw life-sustaining treatment of another without the declarer's consent; contrary to Revised Code of Washington 70.122.090.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.122.090 and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Criminal Mistreatment in the First Degree — RCW 9A.42.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), did recklessly cause great bodily harm to said child or dependent person by withholding any of the basic necessities of life; contrary to Revised Code of Washington 9A.42.020(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.42.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Criminal Mistreatment in the Second Degree — RCW 9A.42.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), acting recklessly, did create an imminent and substantial risk of death or great bodily harm and/or did cause substantial bodily harm to said child or dependent person by withholding any of the basic necessities of life; contrary to Revised Code of Washington 9A.42.030(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to 9A.42.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Criminal Mistreatment in the Third Degree — RCW 9A.42.035**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), acting negligently, did create an imminent and substantial risk of substantial bodily harm and/or did cause substantial bodily harm to said child or dependent person by withholding any of the basic necessities of life; contrary to Revised Code of Washington 9A.42.035(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.42.035(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Criminal Mistreatment in the Fourth Degree — RCW 9A.42.037**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, or a person entrusted with the physical custody of a child under the age of eighteen or other dependent person, or a person employed to provide a child or dependent person the basic necessities of life, to wit: (child or other dependent person's initials), with criminal negligence, did create an imminent and substantial risk of bodily injury to said child or dependent person by withholding any of the basic necessities of life and/or did cause bodily injury or extreme emotional distress manifested by more than transient physical symptoms to said child or dependent person by withholding the basic necessities of life; contrary to Revised Code of Washington 9A.42.037.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.42.037(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

## **MISCELLANEOUS CRIMES INVOLVING CHILDREN**

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### **Allowing Minor on Premises of Live Erotic Performance – RCW 9.68A.150(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly allow a minor to be on the premises of a commercial establishment open to the public during a live performance containing matter which is erotic material; contrary to Revised Code of Washington 9.68A.150(1).

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.68A.150(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Applying Tattoo to a Minor — RCW 26.28.085**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did apply a tattoo to a person under the age of eighteen, to wit: (name of minor) whose date of birth is ( date of birth); contrary to Revised Code of Washington 26.28.085.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 26.28.085 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Child Buying or Selling — RCW 9A.64.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or purchase a minor child, to wit: (child's initials); contrary to Revised Code of Washington 9A.64.030(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.64.030(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Leaving a Child With a Sex Offender — RCW 9A.42.110**

For offenses committed On or After June 13, 2002.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a parent of a child under the age of eighteen, to wit: (name of child) or a person entrusted with the physical custody of a child under the age of eighteen, to wit: (child's initials), or a person employed to provide a child under the age of eighteen with the basis necessities of life, to wit: (child's initials), did leave the child in the care or custody of another person who is not the child's parent, guardian, or lawful custodian, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child; contrary to Revised Code of Washington 9A.42.110(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.42.110(3) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Violation of Abused Child Restraining Order — RCW 26.44.067**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, after receiving actual notice of the existence of an abused child restraining order issued pursuant to RCW 26.44.063, did refuse to comply with the provisions of said order; contrary to Revised Code of Washington 26.44.067.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 26.44.067(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Violation of Order Restricting Visitation With Child — RCW 26.44.150**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully violate a restraining order issued pursuant to RCW 26.44.150; contrary to Revised Code of Washington 26.44.150(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 26.44.150(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **REPORTING OF CRIMES OR ABUSE**

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**Failure to Comply With Mandatory Reporting Law Regarding Crime Against Vulnerable Adult — RCW 74.34.053(1) and RCW 74.34.035**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an employee of the department of social and health services, a law enforcement officer, a social worker, a professional school personnel, a person under contract with the department to provide services in the home under Chapter 74.09 or 74.39A RCW, an employee or operator of a residence licensed or required to be licensed by the department of social and health services, an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency, a county coroner or medical examiner, a Christian Science practitioner, or a health care provider subject to Chapter 18.130 RCW, and having reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult, to wit: (vulnerable adult's initials), has occurred did fail to immediately report same to the department of social and health services and/or having reason to suspect that a vulnerable adult has been sexually or physically assaulted did not immediately report same to the department of social and health services and to the appropriate law enforcement agency; contrary to Revised Code of Washington 74.34.053(1) and 74.34.035.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 74.34.053(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Failure to Comply With Mandatory Reporting Law Regarding Crime Against Child — RCW 26.44.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a practitioner, a county coroner or medical examiner, a law enforcement officer, a professional school personnel, a registered or licensed nurse, a social service counselor, a psychologist, a pharmacist, a licensed or certified child care provider or an employee of a licensed or certified child care provider, an employee of the department of social and health services, a juvenile probation officer, a placement and liaison specialist, a responsible living skills program staff person, HOPE center staff person, or a state family and children's ombudsman or any volunteer in the ombudsman's office, and having reasonable cause to believe that a child, to wit: (child's initials), has suffered abuse or neglect, did fail to report such incident or cause a report of said incident to be made to the proper law enforcement agency and to the department of social and health services within forty-eight hours after there was reasonable cause to believe that the child suffered abuse or neglect; contrary to Revised Code of Washington 26.44.040.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 26.44.080 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Report Commission of a Crime — RCW 9.69.100**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who witnessed the actual commission of a violent offense as defined in RCW 9.94A.030 or preparations for the commission of a violent offense and/or a sexual offense against a child or an attempt to commit such a sexual offense and/or an assault of a child that appears reasonably likely to cause substantial bodily harm to the child, did fail to notify the prosecuting attorney, law enforcement, medical providers, or other public officials as soon as reasonably possible; contrary to Revised Code of Washington 9.69.100(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.69.100 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Report of Abuse of Vulnerable Adult — RCW 74.34.053(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally, maliciously, or in bad faith, did make a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult; contrary to Revised Code of Washington 74.34.053(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 74.34.053(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **False Report of Alleged Child Abuse or Neglect — RCW 26.44.060(4)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally and in bad faith or maliciously, knowingly make a false report of alleged abuse or neglect of a child; contrary to Revised Code of Washington 26.44.060(4).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 26.44.060(4) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

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**Violation of Vulnerable Adult Protection Order — Assault in Violation of Order — RCW 74.34.145 and RCW 26.50.110(1) and (4)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that a vulnerable adult protection order has been issued pursuant to Chapter 74.34 RCW in Cause No. \_\_\_\_\_, did violate said order by knowingly a provision restraining the defendant from committing acts of abuse and/or prohibiting contact with the petitioner and/or excluding the defendant from any specified location and/or prohibiting the defendant from coming within a specified distance of a location; and furthermore did intentionally assault another in a manner that does not amount to assault in the first or second degree and/or engaged in conduct that was reckless and created a substantial risk of death or serious physical injury to another, to wit: (name of victim); contrary to Revised Code of Washington 26.50.110 and RCW 74.34.145(2).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 26.50.110(4) and 9A.20.021(1)(c), plus restitution and assessments.)

**Violation of Vulnerable Adult Protection Order — First or Second Offense — RCW 74.34.145 and RCW 26.50.110(1)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that a vulnerable adult protection order has been issued pursuant to Chapter 74.34 RCW in Cause No. \_\_\_\_\_, did violate said order by knowingly a provision restraining the defendant from committing acts of abuse and/or prohibiting contact with the petitioner and/or excluding the defendant from any specified location and/or prohibiting the defendant from coming within a specified distance of a location; contrary to Revised Code of Washington 74.34.145(2) and 26.50.110.

(Maximum Penalty For First or Second Offense-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 26.50.110(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Violation of Vulnerable Adult Protection Order — Third or Subsequent Offense — RCW 74.34.145 and RCW 26.50.110(1) and (5)**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge that a vulnerable adult protection order has been issued pursuant to Chapter 74.34 RCW in Cause No. \_\_\_\_\_, did violate said order by knowingly a provision restraining the defendant from committing acts of abuse and/or prohibiting contact with the petitioner and/or excluding the defendant from any specified location and/or prohibiting the defendant from coming within a specified distance of a location; and furthermore, the defendant has at least two prior convictions for violating the provisions of a no-contact order issued under Chapter 10.99, 26.09, 26.10, 26.26, 26.50, 26.52, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, to wit: (Identify prior convictions by case title, cause number, and date of convictions); contrary to Revised Code of Washington 26.50.110 and 74.34.145(2).

(Maximum Penalty for Third or Subsequent Offense — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 26.50.110(5) and 9A.20.021(1)(c), plus restitution and assessments.)

# OFFICIAL MISCONDUCT AND PUBLIC CONTRACTING OFFENSES

## OFFICIAL MISCONDUCT

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### **Approving or Paying False Claim — RCW 42.24.110**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly approve or pay or cause to be approved or paid a false or untrue claim; contrary to Revised Code of Washington 42.24.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 42.24.110 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Bribery — Payer of Bribe — RCW 9A.68.010(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent to secure a particular result in a particular matter involving the exercise of a public servant's vote, opinion, judgment, exercise of discretion, or other action in the public servant's official capacity, did offer, confer, and agree to confer a pecuniary benefit upon a public servant, to wit: (name the public servant); contrary to Revised Code of Washington 9A.68.010(1)(a).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.68.010(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Bribery — Receiver of Bribe — RCW 9A.68.010(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public servant, did request, accept, or agree to accept a pecuniary benefit, pursuant to an agreement or understanding that his/her vote, opinion, judgment, exercise of discretion, or other action as a public servant would be used to secure or attempt to secure a particular result in a particular matter; contrary to RCW 9A.68.010(1)(b).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.68.010(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Delegating Powers for Profit — RCW 42.20.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public officer, for any reward, consideration or gratuity paid or agreed to be paid, did, directly or indirectly, grant to another the right or authority to discharge any function of his/her office, or permit another to perform any of his/her duties; contrary to Revised Code of Washington 42.20.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 42.20.020 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure of Duty — RCW 42.20.100**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public officer or other person holding any public trust or employment, did wilfully neglect to perform a duty enjoined by law upon him or her; contrary to Revised Code of Washington 42.20.100.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 42.20.100 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to File Accurate Inventory of County Capitalized Assets — RCW 36.32.210(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a county commissioner, did fail to file the inventory of capitalized assets required by RCW 36.32.210 and/or did wilfully make or aid or abet in the making of any false or incorrect statement in the inventory of capitalized assets required by RCW 36.32.210; contrary to Revised Code of Washington 36.32.210(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 36.32.210(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Pay Over Fees — RCW 36.18.170**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a salaried county or precinct officer, did fail to pay to the county treasury all sums that have come into the officer's hands for fees and charges for the county, or by virtue of the officer's office, whether under the laws of this state or of the United States; contrary to Revised Code of Washington 36.18.170.

(Maximum Penalty—Not less than one year nor more than three years imprisonment and vacation of office pursuant to RCW 36.18.170, plus restitution, assessments and court costs.)

### **False Reimbursement Claim by Officer or Employee — RCW 42.24.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an officer or employee of a municipal corporation or political subdivision of the state, did submit a claim for reimbursement of any expenditures for transportation, lodging, meals or any other purpose authorized by law in the form required by RCW 42.24.090, knowing such claim to be false or untrue; contrary to Revised Code of Washington 42.24.090 and RCW 42.24.100.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 42.24.100, RCW 9A.72.030(2), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **False Statement in Official Report — RCW 42.20.040**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public officer, under circumstances not otherwise prohibited by law, did knowingly make any false or misleading statement in any official report or statement; contrary to Revised Code of Washington 42.20.040.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 42.20.040 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Falsely Auditing or Paying Claims — RCW 42.20.060**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a public officer or a person holding or discharging the duties of any public office or place of trust under the state or in any county, town, or city, a part of whose duty it is to audit, allow, or pay, or take part in auditing, allowing or paying, claims or demands upon the state or such county, town or city, did knowingly audit, allow or pay, or, directly or indirectly, consent to or in any way connive at the auditing, allowance or payment of any claim or demand against the state or such county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent; contrary to Revised Code of Washington 42.20.060.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 42.20.060 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Granting Unlawful Compensation — RCW 9A.68.030(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly offer, pay, or agree to pay compensation to a public servant, to wit: (name of public servant), for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction regarding which such public servant was likely to have an official discretion to exercise; contrary to Revised Code of Washington 9A.68.030(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Improper Conduct by Municipal or District Court Judges — RCW 42.20.110**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while serving as a judge or justice of a municipal or district court, during the hearing of any cause or proceeding therein, did address any person in his or her presence in unfit, unseemly or improper language; contrary to Revised Code of Washington 42.20.110.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 42.20.110 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Injury to or Misappropriation of Record — RCW 40.16.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a public officer, did mutilate, destroy, conceal, erase, obliterate, or falsify any record or paper appertaining to his/her office, and/or did fraudulently appropriate to his/her own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property intrusted to the Defendant by virtue of his/her office; contrary to Revised Code of Washington 40.16.020.

(Maximum Penalty—Ten (10) years imprisonment or \$5,000 fine, or both pursuant to RCW 40.16.020, plus restitution, assessments and court costs.)

### **Intrusion Into or Refusal to Surrender Public Office — RCW 42.40.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did falsely personate or represent any public officer and/or did wilfully intrude himself/herself into a public officer to which she/he has not been duly elected or appointed and/or did wilfully exercise any of the functions or perform any of the duties of a public officer, without having duly qualified for the position, and/or did wilfully exercise any of the functions of an executive or administrative officer after his/her right to do so has ceased, and/or did refuse to surrender the official seal or any books or papers appertaining to an executive or administrative office that the defendant held upon the demand of the defendant's lawful successor; contrary to Revised Code of Washington 42.20.030.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 42.20.030 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Misappropriation of Funds by Treasurer — RCW 42.20.090**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a state, county, city, or town treasurer, did wilfully misappropriate any moneys, funds, or securities received by or deposited with him or her as such treasurer and/or did commit any malfeasance or willful neglect of duty in his or her office; contrary to Revised Code of Washington 42.20.090.

(Maximum Penalty—Five (5) years imprisonment or \$5,000 fine pursuant to RCW 42.20.090, plus restitution, assessments and court costs.)

## **Misappropriation or Falsification of Accounts by Public Officer — RCW 42.20.070**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a public officer or other person receiving money on behalf or for or on account of the people of the state or of any department of the state government or of any bureau or fund created by law in which the people are directly or indirectly interested, or for or on account of any county, city, town, or any school, diking, drainage, or irrigation district, did (1) appropriate to his or her own use or the use of any person not entitled thereto, without authority of law, any money so received by him or her as such officer or otherwise and/or (2) knowingly keep any false account, or make any false entry or erasure in any account, of or relating to any money so received by him or her; and/or (3) fraudulently alter, falsify, conceal, destroy or obliterate any such account, and/or (4) willfully omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town, or such school, diking, drainage, or irrigation district or to the proper officer or authority empowered to demand and receive the same, any money received by him or her as such officer when it is a duty imposed upon him or her by law to pay over and account for the same; contrary to Revised Code of Washington 42.20.070.

(Maximum Penalty—Fifteen (15) years imprisonment pursuant to RCW 42.20.070 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Official Misconduct — RCW 9A.80.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public servant, with intent to obtain a benefit or deprive another of a lawful right or privilege, did intentionally commit an unauthorized act under color of law and/or did intentionally refrain from performing a duty imposed upon the defendant by law; contrary to Revised Code of Washington 9A.80.010(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.80.010(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **Private Use of Public Funds — Wash. Const. Art. XI, § 14**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an officer having possession or control of county, city, town, or other public money, did use such monies for any purpose not authorized by law and/or did make a profit out of such monies; contrary to Washington Constitution article XI, section 14.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to Wash. Const. Art. XI, § 14 and RCW 9.92.010 and RCW 9A.20.040(2), plus restitution, assessments and court costs.)



### **Public Officer Making False Certificate — RCW 42.20.050**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public officer who is authorized by law to make or give a certificate or other writing, did knowingly make and deliver as true such a certificate or writing containing any statement which she/he knows to be false; contrary to Revised Code of Washington 42.20.050.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 42.20.050 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Receiving Unlawful Compensation — RCW 9A.68.030(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public servant, did request, accept, or agree to accept compensation for advice or other assistance in preparing a bill, contract, claim, or transaction regarding which the defendant knew she/he was likely to have an official discretion to exercise; contrary to Revised Code of Washington 9A.68.030(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Requesting Unlawful Compensation — RCW 9A.68.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public servant, did request a pecuniary benefit for the performance of an official action, to wit: (identify action), knowing that she/he is required to perform such action without compensation or at a level of compensation lower than that requested; contrary to Revised Code of Washington 9A.68.020(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.020(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Taking Illegal Fees — RCW 36.18.160**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a county officer, did take more or greater fees than are allowed by law; contrary to Revised Code of Washington 36.18.160.

(Maximum Penalty—Removal from office and a \$1,000 fine pursuant to RCW 36.18.160, plus restitution, assessments and court costs.)

### **Trading in Public Office — Confer Benefit — RCW 9A.68.040(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer, confer, or agree to confer a pecuniary benefit upon a public servant, to wit: (name of public servant), pursuant to an agreement or understanding that the defendant would be or might be appointed to a public office; contrary to Revised Code of Washington 9A.68.040(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.040(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Trading in Public Office — Receive Benefit — RCW 9A.68.040(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a public servant, did request, accept, or agree to accept, a pecuniary benefit from (name or person conferring benefit), pursuant to an agreement or understanding that such person would be or might be appointed to a public office; contrary to RCW 9A.68.040(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.040(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Trading in Special Influence — Confer Benefit — RCW 9A.68.050(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer, confer, or agree to confer, a pecuniary benefit upon (name of person), pursuant to an agreement or understanding that such person would offer and confer a benefit upon a public servant or procure another to do so, with the intent thereby to secure or attempt to secure a particular result in a particular matter; contrary to Revised Code of Washington 9A.68.050(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.050(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Trading in Special Influence — Receive Benefit — RCW 9A.68.050(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did request, accept, or agree to accept a pecuniary benefit pursuant to an agreement or understanding that she/he would offer or confer a benefit upon a public servant, or procure another to do so, with the intent thereby to secure or attempt to secure a particular result in a particular matter; contrary to Revised Code of Washington 9A.68.050(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.68.050(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## PUBLIC CONTRACTING OFFENSES

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### **Collusion to Prevent Competitive Bidding — RCW 9.18.130**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, himself/herself or as an agent or officer of any other person, persons, or corporation, did enter into collusion or an understanding with any other person, persons, or corporation to prevent or eliminate full and unrestricted competition upon any public work or improvement, to wit: (identify project); contrary to Revised Code of Washington 9.18.130.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to 9.18.130(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Claim for Materials, Services, or Labor — RCW 42.24.080**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did present a claim in the form required by RCW 42.24.080 to any county, city, district or other municipal corporation or political subdivision for materials furnished, services rendered, labor performed, or for any other contractual purpose, knowing that such claim was false or untrue; contrary to Revised Code of Washington 42.24.080 and RCW 42.24.100.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 42.24.100, RCW 9A.72.030(2), and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Suppression of Competitive Bid — RCW 9.18.120**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did unlawfully solicit, accept, or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that the Defendant individually or as an agent or officer of another person, persons, or corporation, will refrain from bidding upon public work or improvement, to wit: (identify project), or that he/she will on behalf of himself/herself or others submit or permit another to submit for him/her any bid upon such public work or improvement in such sum as to eliminate full and unrestricted competition; contrary to Revised Code of Washington 9.18.120.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to 9.18.120(2) and RCW 9.92.020, plus restitution, assessments and court costs.)



# ROBBERY, EXTORTION AND COERCION

## ROBBERY

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### **Robbery in the First Degree — For Crimes Committed Prior to June 13, 2002 — Former RCW 9A.56.200 (Laws of 1975, 1st ex. Sess., ch. 260, § 9A.56.200)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit theft, did unlawfully take personal property that the Defendant did not own from the person or in the presence of (name of victim), against such person's will, by use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime and in immediate flight therefrom, the Defendant was armed with a deadly weapon and/or displayed what appeared to be a firearm or other deadly weapon and/or inflicted bodily injury upon (name of victim); contrary to former Revised Code of Washington 9A.56.200(1) (Laws of 1975, 1st ex. Sess., ch. 260, § 9A.56.200) and 9A.56.190.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Robbery in the First Degree — General Robbery — For Crimes Committed After June 13, 2002 — RCW 9A.56.200(1)(a) (Laws of 2002, ch. 85, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit theft, did unlawfully take personal property that the Defendant did not own from the person or in the presence of (name of victim), against such person's will, by use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and in the commission of said crime and in immediate flight therefrom, the Defendant was armed with a deadly weapon and/or displayed what appeared to be a firearm or other deadly weapon and/or inflicted bodily injury upon (name of victim); contrary to Revised Code of Washington 9A.56.200(1)(a) (Laws of 2002, ch. 85, § 1) and 9A.56.190.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Robbery in the First Degree — Bank Robbery — For Crimes Committed After June 13, 2002 — RCW 9A.56.200(1)(b) (Laws of 2002, ch. 85, § 1)**

Note: One of the statutory elements of this new crime is that the offense was committed "within and against a financial institution as defined in RCW 7.88.010 or 35.38.060." Those definitions are as follows:

RCW 7.88.010: "'Financial institution' means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized by federal or state law to accept deposits in this state."

RCW 35.438.060: "Financial institution" ... means a branch of a bank engaged in banking in this state in accordance with RCW 30.04.300, and any state bank or trust company, national banking association, stock savings bank, mutual savings bank, or savings and loan association, which institution is located in this state and lawfully engaged in business."

Most of the covered institutions appear on both lists, so the prosecution can prove either definition (or both) at its option. Specifically, this applies to banks, mutual savings banks, and savings and loan associations. For these institutions, the State can prove that the institution is either (1) authorized to accept deposits or (2) lawfully engaged in business in Washington.

The one exception is **credit unions**. These are included only in RCW 7.88.010. Consequently, to prove first degree robbery of a credit union, the State **must** show that the institution was authorized to accept deposits in Washington.

One or both of these alternatives must be proved in every case that goes to trial (included stipulated trials). That is, we must always prove that the institution was either lawfully engaged in business or authorized to accept deposits.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit theft, did unlawfully take personal property that the Defendant did not own from the person of another, to-wit: (victim's name), or in said person's presence against said person's will by the use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another, and the taking occurred within and against a bank, trust company, mutual savings bank, credit union, or savings and loan association that was located within the State of Washington and was lawfully engaged in business in this state or was authorized by law to accept deposits in this state; contrary to Revised Code of Washington 9A.56.200(1)(a) (Laws of 2002, ch. 85, § 1) and 9A.56.190.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Robbery in the Second Degree — RCW 9A.56.210**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to commit theft thereof, did unlawfully take personal property that the Defendant did not own from the person of another, to-wit: (victim's name), or in said person's presence against said person's will by the use or threatened use of immediate force, violence, or fear of injury to said person or the property of said person or the person or property of another; contrary to Revised Code of Washington 9A.56.210(1) and 9A.56.190.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.210(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

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### **Extortion in the First Degree — RCW 9A.56.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, by means of a threat to cause bodily injury in the future to the person threatened or to any other person and/or to cause physical damage to the property of a person other than the Defendant, and/or to subject the person threatened or any other person to physical confinement or restraint, did knowingly attempt to obtain or did obtain property or services from the owner thereof, to wit: (name of victim); contrary to Revised Code of Washington 9A.56.120(1), 9A.56.110, and 9A.04.110(25)(a), (b), or (c).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.56.120(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Extortion in the Second Degree —Prior to June 13, 2002— Former RCW 9A.56.130 (Laws of 1975 1st Ex. Sess., Ch. 260, § 9A.56.130)**

Note: This statute was declared unconstitutional on overbreadth grounds by Division I of the Court of Appeals in *State v. Pauling*, 108 Wn. App. 445, 31 P.3d 47 (2001), *petition for review pending*.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant by means of a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, and/or to expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule, and/or to reveal any information sought to be concealed by the person threatened, and/or to testify or provide information or withhold testimony or information with respect to another's legal claim or defense and/or to take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding, and/or to bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent, and/or to do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships, did knowingly attempt to obtain or did obtain property or services from the owner thereof, to wit: (name of victim); contrary to Former Revised Code of Washington 9A.56.130(1) (Laws of 1975 1st Ex. Sess., Ch. 260, § 9A.56.130), 9A.56.110, and 9A.04.110(25)(d) through (j).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.130(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Extortion in the Second Degree — For Crimes Committed After June 13, 2002 — RCW 9A.56.130 (Laws of 2002, Ch. 47, § 2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant by means of a wrongful threat to accuse any person of a crime or cause criminal charges to be instituted against any person, and/or to expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule, and/or to reveal any information sought to be concealed by the person threatened, and/or to testify or provide information or withhold testimony or information with respect to another's legal claim or defense and/or to take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding, and/or to bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent, and/or to do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships, did knowingly attempt to obtain or did obtain property or services from the owner thereof, to wit: (name of victim); contrary to Revised Code of Washington 9A.56.130(1) (Laws of 2002, Ch. 47, § 2), 9A.56.110, and 9A.04.110(25)(d) through (j).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.130(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**COERCION**

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**Coercion — RCW 9A.36.070**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, by use of a threat, did compel or induce a person to engage in conduct which the person has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in; contrary to Revised Code of Washington 9A.36.070. (Maximum Penalty —One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.36.070 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)



## SCHOOLS AND LIBRARIES

### SCHOOLS

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#### **Abusing or Insulting Teacher — RCW 28A.635.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did insult or abuse a teacher anywhere on the school premises, while that teacher was carrying out official duties; contrary to Revised Code of Washington 28A.635.010.

(Maximum Penalty—A fine of not less than \$10 and not more than \$100 pursuant to RCW 28A.635.010, plus restitution, assessments and court costs.)

### **Cheating on Examinations — RCW 28A.635.040**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who had access to any question or questions prepared for the examination of teachers or common school pupils, did directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, and/or did directly or indirectly assist any person to answer any question submitted; contrary to Revised Code of Washington 28A.635.040.

(Maximum Penalty—A fine of not less than \$100 and not more than \$500 pursuant to RCW 28A.635.040, plus restitution, assessments and court costs.)

### **Corrupt Practices of School Officials — RCW 28A.635.050**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while serving as a member of the state board of education, the superintendent of public instruction or any employee of the superintendent's office, any educational service district superintendent, any school district superintendent or principal, or any director of any school district, did wilfully request or receive, directly or indirectly, anything of value for or on account of his or her influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of educational service district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value; contrary to Revised Code of Washington 28A.635.050.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 28A.635.050(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Disturbing School, School Activities or Meetings — RCW 28A.635.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully create a disturbance on school premises during school hours or at school activities or school meetings; contrary to Revised Code of Washington 28A.635.030.

(Maximum Penalty—\$50.00 fine, pursuant to RCW 28A.635.030, plus restitution, assessments and court costs.)

### **Failure of School Officials or Employees to Account for School Records — RCW 28A.635.070**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a school district official or employee, did refuse or fail to deliver to his or her qualified successor all books, papers, and records pertaining to his or her position, and/or did wilfully mutilate or destroy any such property, or any part thereof; contrary to Revised Code of Washington 28A.635.070.

(Maximum Penalty — A \$100 fine pursuant to RCW 28A.635.070, plus restitution, assessments and court costs. Provided, that for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred.)

### **False Notification of a Threat — For Crimes Committed On or After June 13, 2002 — RCW 28A.320.128(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally and in bad faith or maliciously, did knowingly make a false notification of a threat of violence or harm to a student or school employee; contrary to Revised Code of Washington 28A.320.128(4).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 28A.320.128(4) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Hazing — RCW 28B.10.901**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a student or other person in attendance at any private institute of higher education or any other postsecondary educational institution, did conspire to engage in hazing and/or did engage in hazing of another; contrary to Revised Code of Washington 28B.10.901(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 28B.10.901(2) and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Interference With Administrator, Faculty Member or Student By Force or Violence — RCW 28B.10.570**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, singly or in concert with others, did interfere by force or violence with any administrator, faculty member or student of any university, college or community college who was in the peaceful discharge or conduct of his or her duties or studies; contrary to Revised Code of Washington 28B.10.570.

(Maximum Penalty — Six (6) months in jail or \$500 fine, or both, pursuant to RCW 28B.10.570(2), plus restitution, assessments and court costs.)

### **Interference With School Employee By Force or Violence — RCW 28A.635.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, singly or in concert with others, did interfere by force or violence with any administrator, teacher, classified employee, person under contract with the school or school district, or student of any common school who was in the peaceful discharge or conduct of his or her duties or studies; contrary to Revised Code of Washington 28A.635.090.

(Maximum Penalty — Six (6) months in jail or \$500 fine, or both, pursuant to RCW 28A.635.090(2), plus restitution, assessments and court costs. Immediate suspension or expulsion pursuant to RCW 28A.635.090 if the crime is committed by student on school grounds.)

### **Intimidating Administrator, Faculty Member or Student by Threat of Force or Violence — RCW 28B.10.571**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, singly or in concert with others, did intimidate by threat of force or violence any administrator, faculty member or student of any university, college or community college who was in the peaceful discharge or conduct of his or her duties or studies; contrary to Revised Code of Washington 28B.10.571.

(Maximum Penalty — Six (6) months in jail or \$500 fine, or both, pursuant to RCW 28B.10.571(2), plus restitution, assessments and court costs.)

### **Intimidating School Employee or Student by Threat of Force or Violence — RCW 28A.635.100**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, singly or in concert with others, did intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school who was in the peaceful discharge or conduct of his or her duties or studies; contrary to Revised Code of Washington 28A.635.100.

(Maximum Penalty — Six (6) months in jail or \$500 fine, or both, pursuant to RCW 28A.635.100(2), plus restitution, assessments and court costs.)

## **Possession of Firearm or Other Dangerous Weapon on School Facilities — RCW 9.41.280(1)**

Please note that the mens rea of knowledge has been added to this charging language based upon the Washington Supreme Court case of *State v. Anderson*, 141 Wn.2d 357, 5 P.3d 1247 (2000), which held that the offense of second degree unlawful possession of a firearm is not a strict liability crime. To date, no case has extended the reasoning of *Anderson* to the instant crime and the inclusion of a knowledge element is not certain as *Anderson* dealt with a felony not a gross misdemeanor. See *Anderson*, 141 Wn.2d at 364-65.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly carry onto, or possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools, the following, to-wit — (a) a firearm; or (b) any other dangerous weapon as defined in RCW 9.41.250; or (c) any device commonly known as "nunchu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or (d) any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or (e) any air gun, including any pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; contrary to Revised Code of Washington 9.41.280(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.41.280(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Refusing to Leave School District Property When Ordered By Law Enforcement — RCW 28A.635.020(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant \_\_\_\_\_ did refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district when ordered to do so by a law enforcement officer after the Defendant had engaged in conduct which created a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounted to disorderly conduct under RCW 9A.84.030; contrary to Revised Code of Washington 28A.635.020(2).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 28A.635.020(4) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **Willfully Disobeying School Administrative Personnel — RCW 28A.635.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district and (b) was under the influence of alcohol or drugs; and/or did commit, threaten to imminently commit or incite another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district; and/or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district; contrary to Revised Code of Washington 28A.635.020(1). (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 28A.635.020(4) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **LIBRARIES**

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### **Injury to Library Property — RCW 27.12.330**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally deface or destroy property belonging to or deposited in any public library, reading room, or other educational institution; contrary to Revised Code of Washington 27.12.330.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 27.12.330 and RCW 9.92.030, plus restitution, assessments and court costs.)



## SEX OFFENSES, PROSTITUTION AND PORNOGRAPHY

Sex offenses have the longest statute of limitations of any crime other than murder or arson. Sentencing consequences for these crimes change frequently. These two facts mean that great care must be made to ensure that the charges filed are based upon the statute(s) in effect when the offense was committed<sup>10</sup> and that special verdict forms be utilized as needed to ascertain which sentencing regime should be applied. For more information, please see section I of this manual.

In identifying the victim of sex offenses, use of initials is the preferred method. When dealing with child victims, use of the child's complete name is statutorily prohibited. *See generally* RCW 10.97.130.

### PORNOGRAPHY

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#### Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct — RCW 9.68A.050

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly develop, duplicate, publish, print, disseminate, exchange, finance, attempt to finance, or sell visual or printed matter which depicted a minor engaged in an act of sexually explicit conduct and/or did possess with intent to develop, duplicate, publish, print, disseminate, exchange, and sell visual or printed matter which depicted a minor engaged in an act of sexually explicit conduct; contrary to Revised Code of Washington 9.68A.050.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.68A.050 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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<sup>10</sup>Prosecutions under repealed statutes for conduct committed when the statute was in effect is specifically authorized by RCW 10.01.040.

### **Failure of Processor to Report Sexual Depictions of a Minor — RCW 9.68A.080**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in the course of processing or producing visual or printed matter, had reasonable cause to believe that the said matter depicted a minor engaged in sexually explicit conduct and did fail to immediately report the incident, or did fail to cause a report to be made to the proper law enforcement agency; contrary to Revised Code of Washington 9.68A.080.

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.68A.080 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Possessing Depictions of Minors Engaged in Sexually Explicit Conduct — RCW 9.68A.070**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess visual or printed matter depicting a minor engaged in sexually explicit conduct; contrary to Revised Code of Washington 9.68A.070.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.68A.070 and 9A.20.021(1)(c), plus restitution and assessments.)

### **Promoting Pornography — RCW 9.68.140**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, for profit-making purposes and with knowledge, sell, exhibit, display, or produce any lewd matter, defined as matter which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and which explicitly depicts or describes patently offensive representations or descriptions of: (i) ultimate sexual acts, normal or perverted, actual or simulated; or (ii) masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or (iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value; contrary to Revised Code of Washington 9.68.140.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.68.140 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Sending or Bringing Into State Sexually Explicit Matter — RCW 9.68A.060**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly send or bring, or caused to be brought or sent, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct; contrary to Revised Code of Washington 9.68A.060.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9.68A.060 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Sexual Exploitation of a Minor — RCW 9.68A.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did compel, aid, invite, employ, authorize, or cause a person under 18 years of age, to wit: (initials of child) who was born on (child's date of birth), to engage in sexually explicit conduct, knowing that such conduct would be photographed or part of a live performance and/or being a parent, legal guardian, or person having custody or control over a person under 18 years of age, to wit: (initials of child) who was born on (child's date of birth), did permit (initials of child) to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance; contrary to Revised Code of Washington 9.68A.040.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9.68A.040(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **PROSTITUTION**

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### **Patronizing a Juvenile Prostitute — RCW 9.68A.100**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage, offer to engage, or agree to engage in sexual conduct with a minor, to-wit: (initials of victim and date of birth of victim), in return for a fee; contrary to Revised Code of Washington 9.68A.100.

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.68A.100 and RCW 9A.20.021(1)(c), plus restitution and assessments.)

(Mandatory Prostitution Prevention and Intervention Penalty—Pursuant to RCW 9.68A.105, a person who is convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violation RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a \$250 fee.)

(Mandatory Additional Requirements—Pursuant to RCW 9A.88.130, when sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or a deferred prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender (a) not be subsequently arrested for patronizing a prostitute or patronizing a juvenile prostitute and (b) remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible.)

### **Patronizing a Prostitute — RCW 9A.88.110**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) pursuant to a prior understanding, pay a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or (b) pay or agree to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; and/or (c) solicit or request another person to engage in sexual conduct with him or her in return for a fee; contrary to Revised Code of Washington 9A.88.110(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 9A.88.110(3) and RCW 9A.20.021(3), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

(Mandatory Additional Requirements—Pursuant to RCW 9A.88.130, when sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or a deferred prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender (a) not be subsequently arrested for patronizing a prostitute or patronizing a juvenile prostitute and (b) remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible.)

### **Permitting Prostitution — RCW 9A.88.090**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having possession and control of premises located at (address of premises), which he or she knew was being used for prostitution purposes, did fail without lawful excuse to make a reasonable effort to halt or abate such use; contrary to Revised Code of Washington 9A.88.090(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 9A.88.090(2) and RCW 9A.20.021(3), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

### **Promoting Prostitution in the First Degree (Person Under 18) — RCW 9A.88.070(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly advance prostitution or profit from the prostitution of (initials of victim), a person whom the defendant knew was less than 18 years old; contrary to Revised Code of Washington 9A.88.070(1)(b).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.88.070(2) and RCW 9A.20.021(1)(c), a mandatory \$300.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(c) and (4), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Promoting Prostitution in the First Degree (Threat or Force) — RCW 9A.88.070(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly advance prostitution or profit from prostitution by compelling (initials of victim), by threat or force, to engage in prostitution; contrary to Revised Code of Washington 9A.88.070(1)(a).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.88.070(2) and RCW 9A.20.021(1)(c), a mandatory \$300.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(c) and (4), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Promoting Prostitution in the Second Degree (Advances Prostitution)—RCW 9A.88.080(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly advance the prostitution of (initials of victim); contrary to Revised Code of Washington 9A.88.080(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.88.010(2) and RCW 9A.20.021(1)(c), a mandatory \$300.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(c) and (4) plus restitution, assessments and court costs.)

## **Promoting Prostitution in the Second Degree (Profit From Prostitution) — RCW 9A.88.080(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly profit from the prostitution of (initials of victim); contrary to Revised Code of Washington 9A.88.080(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.88.010(2) and RCW 9A.20.021(1)(c), a mandatory \$300.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(c) and (4) plus restitution, assessments and court costs.)

## **Prostitution — RCW 9A.88.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage, agree, or offer to engage in sexual conduct with another in return for a fee; contrary to Revised Code of Washington 9A.88.030(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000.00 fine, or both, pursuant to RCW 9A.88.030(3) and RCW 9A.20.021(3), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

## **SEX OFFENDER REGISTRATION**

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### **Failure to Notify of Name Change (Felony) — RCW 9A.44.130(7)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), being required to register pursuant to RCW 9A.44.130, and being required to submit a copy of any court order changing his or her name to the county sheriff for the county in which the defendant resides and to the Washington State Patrol within Five days of the entry of the order, did knowingly fail to so notify the county sheriff and the Washington State Patrol of the name change; contrary to Revised Code of Washington 9A.44.130(7).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.130(10)(a) and (11)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Failure to Notify of Name Change (Gross Misdemeanor) — RCW 9A.44.130(7)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would not be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), being required to register pursuant to RCW 9A.44.130, and being required to submit a copy of any court order changing his or her name to the county sheriff for the county in which the defendant resides and to the Washington State Patrol within Five days of the entry of the order, did knowingly fail to so notify the county sheriff and the Washington State Patrol of the name change; contrary to Revised Code of Washington 9A.44.130(7).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.130(10)(b) and (11)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Failure to Register as a Sex Offender (Failure to Make Initial Registration) — Felony — RCW 9A.44.130(4)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), and being required to register pursuant to RCW 9A.44.130 on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, did knowingly fail to register with the county sheriffs for the counties in which the defendant resided, was a student, was employed, carried on a vocation, or was supervised by the Department of Corrections; contrary to Revised Code of Washington 9A.44.130(4)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.130(10)(a) and (11)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Register as a Sex Offender (Failure to Make Initial Registration) — Gross Misdemeanor — RCW 9A.44.130(4)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would not be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), and being required to register pursuant to RCW 9A.44.130 on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, did knowingly fail to register with the county sheriffs for the counties in which the defendant resided, was a student, was employed, carried on a vocation, or was supervised by the Department of Corrections; contrary to Revised Code of Washington 9A.44.130(4)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.130(10)(b) and (11)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Failure to Register as a Sex Offender (Homeless) — Felony — RCW 9A.44.130**

For crimes committed On or After June 7, 1999.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), being required to register pursuant to RCW 9A.44.130, and having registered as not having a fixed residence, did, on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, fail to report in person to the sheriff of the county in which the defendant last registered or where the defendant is being supervised; contrary to Revised Code of Washington 9A.44.130.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.130(10)(a) and (11)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Register as a Sex Offender (Homeless) — Gross Misdemeanor — RCW 9A.44.130**

For crimes committed On or After June 7, 1999.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would not be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), being required to register pursuant to RCW 9A.44.130, and having registered as not having a fixed residence, did, on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, fail to report in person to the sheriff of the county in which the defendant last registered or where the defendant is being supervised; contrary to Revised Code of Washington 9A.44.130.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.130(10)(b) and (11)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)



**Failure to Register as a Sex Offender (Failure to Notify of Move) — Felony — RCW 9A.44.130(5) and (6)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), being required to register pursuant to RCW 9A.44.130, and having registered as residing at a fixed residence, did, on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, cease to reside at that residence and did fail to provide written notice to the county sheriff within 72 hours of moving to a new fixed residence within the same county, or within 48 hours after ceasing to have a fixed residence, or within 10 days after moving to a new fixed residence in a new county; contrary to Revised Code of Washington 9A.44.130(5) and (6).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.130(10)(a) and (11)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Failure to Register as a Sex Offender (Failure to Notify of Move) — Gross Misdemeanor — RCW 9A.44.130(5) and (6)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant having been convicted on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, of a sex offense or kidnapping offense that would not be classified as a felony under the laws of Washington, to-wit: (identify conviction with specificity, including court where conviction was obtained, and cause number), being required to register pursuant to RCW 9A.44.130, and having registered as residing at a fixed residence, did, on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, cease to reside at that residence and did fail to provide written notice to the county sheriff within 72 hours of moving to a new fixed residence within the same county, or within 48 hours after ceasing to have a fixed residence, or within 10 days after moving to a new fixed residence in a new county; contrary to Revised Code of Washington 9A.44.130(5) and (6).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.130(10)(b) and (11)(b) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **SEX OFFENSES**

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### **Child Molestation in the First Degree — RCW 9A.44.083**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least thirty-six (36) months older than (victim's initials), had sexual contact with (victim's initials), who was less than twelve (12) years old and not married to the defendant; contrary to Revised Code of Washington 9A.44.083.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.083(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Child Molestation in the First Degree (Cause Another) — RCW 9A.44.083**

For offenses committed On or After June 9, 1994.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least thirty-six (36) months older than (victim's initials), did knowingly cause another, who was under eighteen (18) years of age, to have sexual contact with (victim's initials), who was less than twelve (12) years old and not married to the defendant; contrary to Revised Code of Washington 9A.44.083.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.083(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Child Molestation in the Second Degree — RCW 9A.44.086**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least thirty-six (36) months older than (victim's initials), had sexual contact with (victim's initials), who was at least twelve (12) years old but less than fourteen (14) years old, and not married to the defendant; contrary to Revised Code of Washington 9A.44.086.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.086(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Child Molestation in the Second Degree (Cause Another) — RCW 9A.44.086**

For offenses committed On or After June 9, 1994.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least thirty-six (36) months older than (victim's initials), did knowingly cause another who was under eighteen (18) years of age to have sexual contact with (victim's initials), who was at least twelve (12) years old but less than fourteen (14) years old, and not married to the defendant; contrary to Revised Code of Washington 9A.44.086.

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.086(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Child Molestation in the Third Degree — RCW 9A.44.089**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least forty-eight (48) months older than (victim's initials), had sexual contact with (victim's initials), who was at least fourteen (14) years old but less than sixteen (16) years old, and not married to the defendant; contrary to Revised Code of Washington 9A.44.089.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.44.089(2) and 9A.20.021(1)(c), plus restitution and assessments.)

## **Child Molestation in the Third Degree (Cause Another) — RCW 9A.44.089**

For offenses committed On or After June 9, 1994.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least forty-eight (48) months older than (victim's initials), did knowingly cause another who was under eighteen (18) years of age to have sexual contact with (victim's initials), who was at least fourteen (14) years old but less than sixteen (16) years old, and not married to the defendant; contrary to Revised Code of Washington 9A.44.089. (Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.44.089(2) and 9A.20.021(1)(c), plus restitution and assessments.)

## **COMMUNICATION WITH A MINOR**

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## **Communication With a Minor For Immoral Purposes (First Offense and No Prior Felony Sex Offenses) — Prior to July 27, 2003 — RCW 9.68A.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did communicate with (victim's initials), a person under the age of 18 years, for immoral purposes of a sexual nature; contrary to Revised Code of Washington 9.68A.090.

(Maximum Penalty for First Offense — One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 9.68A.090 and 9.92.020, plus restitution, assessments and court costs.)

**Communication With a Minor For Immoral Purposes (First Offense and No Prior Felony Sex Offenses) — Offense Committed Between July 27, 2003 and June 30, 2004 — Former RCW 9.68A.090 (Laws of 2003, ch. 26)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did communicate with (victim's initials), a person under the age of 18 years or a person the Defendant believed to be under the age of 18 years, for immoral purposes of a sexual nature; contrary to Revised Code of Washington 9.68A.090 (Laws of 2003, ch. 26).

(Maximum Penalty for First Offense — One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 9.68A.090 and 9.92.020, plus restitution, assessments and court costs.)

**Communication With a Minor For Immoral Purposes (First Offense and No Prior Felony Sex Offenses) — Offense Committed On or After July 1, 2004 — RCW 9.68A.090(1) (Laws of 2003, ch. 53, § 42)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did communicate with (victim's initials), a person under the age of 18 years or a person the Defendant believed to be under the age of 18 years, for immoral purposes of a sexual nature; contrary to Revised Code of Washington 9.68A.090(1) (Laws of 2003, ch. 53, § 42).

(Maximum Penalty for First Offense — One (1) year in jail or \$5,000.00 fine, or both, pursuant to RCW 9.68A.090(1) and 9.92.020, plus restitution, assessments and court costs.)

**Communication With a Minor For Immoral Purposes (Second or Subsequent Offense or Prior Felony Sex Offenses) — Prior to July 27, 2003 — RCW 9.68A.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant after having been previously convicted of communication with a minor for immoral purposes or any other felony sexual offense under RCW 9A.68, 9A.44, or 9A.64, or any other felony sexual offense in this or any other state, to wit: (identify prior convictions with specificity), did communicate with (victim's initials), a person under the age of 18 years, for immoral purposes of a sexual nature; contrary to Revised Code of Washington 9.68A.090.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.68A.090 and 9A.20.021(1)(c), plus restitution and assessments.)

**Communication With a Minor For Immoral Purposes (Second or Subsequent Offense or Prior Felony Sex Offenses) — Crime Committed Between July 27, 2003 and June 30, 2004 — Former RCW 9.68A.090 (Laws of 2003, ch. 26)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant after having been previously convicted of communication with a minor for immoral purposes or any other felony sexual offense under RCW 9A.68, 9A.44, or 9A.64, or any other felony sexual offense in this or any other state, to wit: (identify prior convictions with specificity), did communicate with (victim's initials), a person under the age of 18 years or a person the Defendant believed to be under the age of 18 years, for immoral purposes of a sexual nature; contrary to Revised Code of Washington 9.68A.090 (Laws of 2003, ch. 26).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.68A.090 and 9A.20.021(1)(c), plus restitution and assessments.)

**Communication With a Minor For Immoral Purposes (Second or Subsequent Offense or Prior Felony Sex Offenses) — Crime Committed On or After July 1, 2004 — RCW 9.68A.090(2) (Laws of 2003, ch. 53, § 42)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant after having been previously convicted of communication with a minor for immoral purposes or any other felony sexual offense under RCW 9A.68, 9A.44, or 9A.64, or any other felony sexual offense in this or any other state, to wit: (identify prior convictions with specificity), did communicate with (victim's initials), a person under the age of 18 years or a person the Defendant believed to be under the age of 18 years, for immoral purposes of a sexual nature; contrary to Revised Code of Washington 9.68A.090(2) (Laws of 2003, ch. 53, § 42).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.68A.090(2) and 9A.20.021(1)(c), plus restitution and assessments.)

**CUSTODIAL SEXUAL MISCONDUCT**

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### **Custodial Sexual Misconduct in the First Degree (Arrested Victim) — RCW 9A.44.160(1)(b)**

For crimes committed On or After July 25, 1999.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a law enforcement officer, did engage in sexual intercourse with (victim's initials), when (victim's initials) was being detained, under arrest, or in the custody of a law enforcement officer; contrary to Revised Code of Washington 9A.44.160(1)(b). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.160(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Custodial Sexual Misconduct in the First Degree (Incarcerated Victim) — RCW 9A.44.160(1)(a)**

For crimes committed On or After July 25, 1999.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with (victim's initials), when (victim's initials) was a resident or a state, county, or city adult or juvenile correctional facility, or was under correctional supervision, and the defendant was an employee or contract personnel of a correctional agency and the defendant had, or (victim's initials) reasonably believed the defendant had, the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; contrary to Revised Code of Washington 9A.44.160(1)(a). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.160(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Custodial Sexual Misconduct in the Second Degree (Arrested Victim) — RCW 9A.44.170(1)(b)**

For crimes committed On or After July 25, 1999.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a law enforcement officer, did engage in sexual contact with (victim's initials), when (victim's initials) was being detained, under arrest, or in the custody of a law enforcement officer; contrary to Revised Code of Washington 9A.44.170(1)(b). (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.170(3) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Custodial Sexual Misconduct in the Second Degree (Incarcerated Victim) — RCW 9A.44.170(1)(a)**

For crimes committed On or After July 25, 1999.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual contact with (victim's initials), when (victim's initials) was a resident or a state, county, or city adult or juvenile correctional facility, or was under correctional supervision, and the defendant was an employee or contract personnel of a correctional agency and the defendant had, or (victim's initials) reasonably believed the defendant had, the ability to influence the terms, conditions, length, or fact of incarceration or correctional supervision; contrary to Revised Code of Washington 9A.44.170(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.170(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **Incest in the First Degree — RCW 9A.64.020(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant engaged in sexual intercourse with a person the defendant knew to be related to the defendant, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or half blood, to-wit: (victim's initials), who was the defendant's (victim's relationship to defendant); contrary to Revised Code of Washington 9A.64.020(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.64.020(1)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



### **Incest in the First Degree (Victim Under 14) — RCW 9A.64.020(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant engaged in sexual intercourse with a person the defendant knew to be related to the defendant, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or half blood, to-wit: (victim's initials), who was 14 years of age or younger and who was the defendant's (victim's relationship to defendant); contrary to Revised Code of Washington 9A.64.020(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.64.020(1)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Incest in the Second Degree — RCW 9A.64.020(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant engaged in sexual contact with a person the defendant knew to be related to the defendant, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or half blood, to-wit: (victim's initials) who was the defendant's (victim's relationship to defendant); contrary to Revised Code of Washington 9A.64.020(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.64.020(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Incest in the Second Degree (Victim Under 14) — RCW 9A.64.020(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant engaged in sexual contact with a person the defendant knew to be related to the defendant, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or half blood, to-wit: (victim's initials), who was 14 years of age or younger and who was the defendant's (victim's relationship to defendant); contrary to Revised Code of Washington 9A.64.020(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.64.020(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

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### **Indecent Exposure (Second or Subsequent Offense and/or Prior Sex Crimes) — For Crimes Committed On or After July 1, 2004 – RCW 9A.88.010 (Laws of 2003, ch. 53, § 92)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing such conduct was likely to cause reasonable affront and alarm, did intentionally make an open and obscene exposure of his/her person or the person of another to (initials of victim), and the defendant was previously convicted of a violation of RCW 9A.88.010 or the defendant was previously convicted of a sex offense as defined in RCW 9A.94A.030, to wit: (identify prior convictions, cause number, courts, etc. are all appropriate here); contrary to Revised Code of Washington 9A.88.010.

(Maximum Penalty — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.88.010(2)(c) and RCW 9A.20.021(1)(c), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

### **Indecent Exposure (Victim Under Age of 14, First Offense and No Prior Sex Crimes) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9A.88.010 (Laws of 2001, ch. 88, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing such conduct was likely to cause reasonable affront and alarm, did intentionally make an open and obscene exposure of his/her person or the person of another to (initials of victim), who was under the age of 14 years; contrary to Revised Code of Washington 9A.88.010.

(Maximum Penalty — One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.88.010(2)(b) and RCW 9A.20.021(2), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

**Indecent Exposure (Victim Under Age of 14, First Offense and No Prior Sex Crimes) — For Crimes Committed On or After July 1, 2004 – RCW 9A.88.010 (Laws of 2003, ch. 53, § 92)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing such conduct was likely to cause reasonable affront and alarm, did intentionally make an open and obscene exposure of his/her person or the person of another to (initials of victim), who was under the age of 14 years; contrary to Revised Code of Washington 9A.88.010.

(Maximum Penalty —One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.88.010(2)(b) and RCW 9A.20.021(2), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

**Indecent Exposure (Victim Under age of 14, Second or Subsequent Offense and/or Prior Sex Crimes) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9A.88.010 (Laws of 2001, ch. 88, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing such conduct was likely to cause reasonable affront and alarm, did intentionally make an open and obscene exposure of his/her person or the person of another to (initials of victim), who was under the age of 14 years and the defendant was previously convicted of a violation of RCW 9A.88.010 involving a victim under the age of 14 years or the defendant was previously convicted of a sex offense as defined in RCW 9.94A.030, to wit: (identify prior convictions, cause number, courts, etc. are all appropriate here); contrary to Revised Code of Washington 9A.88.010.

(Maximum Penalty —Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.88.010(2)(c) and RCW 9A.20.021(1)(c), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

**Indecent Exposure (Victim 15 or Older) — For Crimes Committed Prior to July 1, 2004 – Former RCW 9A.88.010 (Laws of 2001, ch. 88, § 2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing such conduct was likely to cause reasonable affront and alarm, did intentionally make an open and obscene exposure of the defendant's person or the person of another to (initials of victim); contrary to Revised Code of Washington 9A.88.010

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.88.010(2) and RCW 9A.20.021(3), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

**Indecent Exposure (Victim 15 or Older, First Offense and No Prior Sex Crimes) — For Crimes Committed On or After July 1, 2004 – RCW 9A.88.010 (Laws of 2003, ch. 53, § 92)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing such conduct was likely to cause reasonable affront and alarm, did intentionally make an open and obscene exposure of the defendant's person or the person of another to (initials of victim); contrary to Revised Code of Washington 9A.88.010 (Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 9A.88.010(2)(a) and RCW 9A.20.021(3), a mandatory \$50.00 prostitution prevention and intervention account fee under RCW 43.63A.740 pursuant to RCW 9A.88.120(1)(a) and (4), plus restitution, assessments and court costs.)

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**Indecent Liberties (Developmentally Disabled) — RCW 9A.44.100(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (initials of victim), who was not the defendant's spouse, to have sexual contact with the defendant or another, when (initials of victim) was developmentally disabled, and the perpetrator of the sexual contact was not married to (initials of victim) and had supervisory authority over (initials of victim); contrary to Revised Code of Washington 9A.44.100(1)(c).

(Maximum Penalty— Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.100(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Indecent Liberties (Forcible Compulsion) — RCW 9A.44.100(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (victim's initials), who was not the defendant's spouse to have sexual contact with the defendant or another by forcible compulsion; contrary to Revised Code of Washington 9A.44.100(1)(a).

(Maximum Penalty for crimes committed On or After September 1, 2001 — Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.44.100(2) (Laws of 2001, 2<sup>nd</sup> sp. sess., ch. 12, § 359) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.

(Maximum Penalty for crimes committed prior to September 1, 2001 — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.100(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Indecent Liberties (Frail Elder or Vulnerable Adult) — RCW 9A.44.100(1)(f)**

For crimes committed On or After July 27, 1997.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (victim's initials) to have sexual contact with the defendant or another, when (victim's initials) was a frail elder or vulnerable adult, and the perpetrator was not married to (victim's initials), and had a significant relationship with (victim's initials); contrary to Revised Code of Washington 9A.44.100(1)(f).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.100(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Indecent Liberties (Health Care Provider) — RCW 9A.44.100(1)(d)**

For crimes committed On or After July 25, 1993.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (initials of victim), who was not the defendant's spouse, to have sexual contact with the defendant or another, when the perpetrator of the sexual contact was a health care provider, (initials of victim) was a client or a patient, the sexual contact occurred during a treatment session, consultation, interview, or examination, and the defendant was not married to (initials of victim); contrary to Revised Code of Washington 9A.44.100(1)(d), a felony.

(Maximum Penalty— Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.100(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Indecent Liberties (Mentally Incapacitated/Physically Helpless) — RCW 9A.44.100(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (initials of victim), who was not the defendant's spouse, to have sexual contact with the defendant or another when (initials of victim) was incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; contrary to Revised Code of Washington 9A.44.100(1)(b).

(Maximum Penalty— Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.100(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Indecent Liberties (Resident of Facility for Mentally Disordered or Chemically Dependent) — RCW 9A.44.100(1)(e)**

For crimes committed On or After July 25, 1993.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (victim's initials) to have sexual contact with the defendant or another, when (victim's initials) was a resident of a facility for mentally disordered or chemically dependent persons, and the perpetrator was not married to (victim's initials) and had supervisory authority over (victim's initials); contrary to Revised Code of Washington 9A.44.100(1)(e).

(Maximum Penalty— Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.44.100(2) and 9A.20.021(1)(b), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Indecent Liberties (Pre July 1, 1988 Crimes — Victim Under 14) — Former RCW 9A.44.100(1)(b) (Laws of 1986, ch. 131, § 1(1)(b))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (initials of victim) , who as not the defendant's spouse, and who was less than 14 years of age, to have sexual contact with the defendant or another; contrary to former Revised Code of Washington 9A.44.100(1)(b) (Laws of 1986, ch. 131, § 1(1)(b)).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to former RCW 9A.44.100(3) (Laws of 1986, ch. 131, § 1(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Indecent Liberties (Pre July 1, 1988 Crimes — Victim Under 16) — Former RCW 9A.44.100(1)(c) (Laws of 1986, ch. 131, § 1(1)(c))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause (initials of victim) , who was not the defendant's spouse and who was less than 16 years of age, to have sexual contact with the defendant or another, the defendant then being at least forty-eight months older than (initials of victim) , and in a position of authority over (initials of victim) ; contrary to former Revised Code of Washington 9A.44.100(1)(c) (Laws of 1986, ch. 131, § 1(1)(c)).

((Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to former RCW 9A.44.100(3) (Laws of 1986, ch. 131, § 1(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## RAPE

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### Rape of a Child in the First Degree — RCW 9A.44.073

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have sexual intercourse with (initials of child), who was less than twelve years old and not married to the defendant and the defendant was at least twenty-four months older than (initials of child); contrary to Revised Code of Washington 9A.44.073.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.073(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree, or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)



### **Rape of a Child in the Second Degree — RCW 9A.44.076**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have sexual intercourse with (initials of child), who was at least twelve years old but less than fourteen years old and not married to the defendant and the defendant was at least thirty-six months older than (initials of child); contrary to Revised Code of Washington 9A.44.076.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.076(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnaping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Rape of a Child in the Third Degree — RCW 9A.44.079**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have sexual intercourse with (initials of victim), who was at least fourteen years old but less than sixteen years old and not married to the defendant and the defendant was at least forty-eight months older than (initials of victim); contrary to Revised Code of Washington 9A.44.079.

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.44.079(2) and 9A.20.021(1)(c), plus restitution and assessments.)

## **Rape in the First Degree — RCW 9A.44.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse by forcible compulsion with (victim's initials) and did use or threaten to use a deadly weapon or what appeared to be a deadly weapon, and/or did kidnap (initials of victim), and/or did inflict serious physical injury upon (initials of victim), and/or did feloniously enter into the building or vehicle where (initials of victim) was situated; contrary to Revised Code of Washington 9.44.040(1).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.040(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum Penalty—Pursuant to RCW 9.94A.540(1)(c), this crime is punishable by no less than five (5) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum five (5) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4), or for the purpose of commitment to an inpatient treatment facility.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnaping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## **Rape in the Second Degree (Developmentally Disabled) — RCW 9A.44.050(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with (victim's initials) when (victim's initials) was developmentally disabled, and the defendant was not married to (victim's initials) and had supervisory authority over (victim's initials); contrary to Revised Code of Washington 9A.44.050(1)(c).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.050(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnaping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Rape in the Second Degree (Forcible Compulsion) — RCW 9A.44.050(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse by forcible compulsion with (victim's initials); contrary to Revised Code of Washington 9A.44.050(1)(a).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.050(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

### **Rape in the Second Degree (Frail Elderly or Vulnerable Adult) — RCW 9A.44.050(1)(f)**

For crimes committed On or After July 27, 1997.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with (victim's initials) when (victim's initials) was a frail elder or vulnerable adult, and the defendant was not married to and had a significant relationship with (victim's initials); contrary to Revised Code of Washington 9A.44.050(1)(f).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.050(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## **Rape in the Second Degree (Health Care Provider) — RCW 9A.44.050(1)(d)**

For Crimes committed On or After July 25, 1993

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with (victim's initials) when the defendant was a health care provider, (victim's initials) was the defendant's client or patient, and the sexual intercourse occurred during a treatment session, consultation, interview, or examination; contrary to Revised Code of Washington 9A.44.050(1)(d).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.050(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## **Rape in the Second Degree (Incapable of Consent: Physically Helpless/Mentally Incapacitated) — RCW 9A.44.050(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with (victim's initials) when (victim's initials) was incapable of consent by reason of being physically helpless or mentally incapacitated; contrary to Revised Code of Washington 9A.44.050(1)(b).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.050(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## **Rape in the Second Degree (Resident of a Facility for Mentally Disordered or Chemically Dependent) — RCW 9A.44.050(1)(e)**

For Crimes committed On or After July 25, 1993

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with (victim's initials) when (victim's initials) was a resident of a facility for mentally disordered or chemically dependent persons, and the defendant was not married to and had supervisory authority over (victim's initials); contrary to Revised Code of Washington 9A.44.050(1)(e).

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.050(2) and 9A.20.021(1)(a), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

(If the defendant has previously been convicted in this state, in federal court, or elsewhere on one separate occasion of rape in the first or second degree, child molestation in the first degree or indecent liberties by forcible compulsion, or any of the following, provided there is a finding of sexual motivation: murder in the first or second degree, kidnapping in the first or second degree, assault in the first or second degree, and burglary in the first degree, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(b) and 9.94A.120(4) or 9.94A.570.)

## **Rape in the Third Degree (Lack of Consent) — RCW 9A.44.060(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with another person who was not married to the defendant, to wit: (victim's initials), and (victim's initials) did not consent to the sexual intercourse and such lack of consent was clearly expressed by and (victim's initials)'s words or conduct; contrary to Revised Code of Washington 9A.44.060(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.44.060(2) and 9A.20.021(1)(c), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Rape in the Third Degree (Threat of Harm to Property) — RCW 9A.44.060(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did engage in sexual intercourse with another person who was not married to the defendant, to wit: (victim's initials), under circumstances where there was a threat of substantial unlawful harm to property rights of (victim's initials); contrary to Revised Code of Washington 9A.44.060(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.44.060(2) and 9A.20.021(1)(c), plus restitution and assessments.)

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Statutory Rape in the First Degree — Former RCW 9A.44.070 (Laws of 1986, ch. 257, § 31)**

For crimes committed prior to July 1, 1988.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being over thirteen years of age, did engage in sexual intercourse with (initials of victim), who was less than eleven years of age and not married to the defendant; contrary to former Revised Code of Washington 9A.44.070 (Laws of 1986, ch. 257, § 31). (Maximum Penalty—Life imprisonment or \$50,000 fine, or both pursuant to RCW 9A.44.070(2) and RCW 9A.20.021(1)(a), plus restitution, assessments and court costs.)

### **Statutory Rape in the Second Degree — Former RCW 9A.44.080 (Laws of 1979, ex. sess., ch. 244, §§ 5 and 17)**

For crimes committed prior to July 1, 1988.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being over sixteen years of age, did engage in sexual intercourse with (initials of victim) and not being married to (initials of victim), who was 11, 12 or 13 years of age; contrary to former Revised Code of Washington 9A.44.080 (Laws of 1979, ex. sess. ch. 244, §§ 5 and 17). (Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.44.080(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Statutory Rape in the Third Degree — Former RCW 9A.44.090 (Laws of 1979 ex. sess. ch. 244, §§ 6 and 17)**

For crimes committed prior to July 1, 1988.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being over eighteen years of age, did engage in sexual intercourse with (initials of victim) and not being married to (initials of victim), who was 14 or 15 years of age; contrary to former Revised Code of Washington 9A.44.090(1) (Laws of 1979 ex. sess. ch. 244, §§ 6 and 17). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.090(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Sexual Misconduct with a Minor in the First Degree — Supervisory Relationship — RCW 9A.44.093(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least 60 months older than and not married to (initials of victim) and in a significant relationship to (initials of victim) did abuse a supervisory position within that relationship in order to engage in sexual intercourse with (initials of victim), who was at that time 16 or 17 years old or did knowingly cause another person who was under the age of 18 and not married to (initials of victim) to engage in sexual intercourse with (initials of victim); contrary to Revised Code of Washington 9A.44.093(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.093(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Sexual Misconduct with a Minor in the First Degree — School Employee — RCW 9A.44.093(1)(b)**

For crimes committed On or After September 1, 2001.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a school employee and being at least 60 months older than and not married to (initials of victim), did engage in sexual intercourse with (initials of victim), who was at that time 16 years of age or older and a registered student of the school, or did knowingly cause another person who was under the age of 18 and not married to (initials of victim) to engage in sexual intercourse with (initials of victim) ; contrary to Revised Code of Washington 9A.44.093(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.093(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Sexual Misconduct with a Minor in the Second Degree— Supervisory Relationship—RCW 9A.44.096(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being at least 60 months older than and not married to (initials of victim) and in a significant relationship to (initials of victim) did abuse a supervisory position within that relationship in order to engage in sexual contact with (initials of victim), who was at that time 16 or 17 years old or did knowingly cause another person who was under the age of 18 and not married to (initials of victim) to engage in sexual contact with (initials of victim) ; contrary to Revised Code of Washington 9A.44.096(1)(a).

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.096(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

**Sexual Misconduct with a Minor in the Second Degree — School Employee — RCW 9A.44.096(1)(b)**

For crimes committed On or After September 1, 2001.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a school employee and being at least 60 months older than and not married to (initials of victim), did engage in sexual contact with (initials of victim), who was at that time 16 years of age or older and a registered student of the school or did knowingly cause another person who was under the age of 18 and not married to (initials of victim) to engage in sexual contact with (initials of victim) ; contrary to Revised Code of Washington 9A.44.096(1)(b).

Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.44.096(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

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**Sexually Violating Human Remains — RCW 9A.44.105**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have sexual intercourse or sexual contact with a dead human body; contrary to Revised Code of Washington 9A.44.105(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.105(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



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On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, for he purpose of arousing and gratifying the sexual desire of any person, did knowingly view, photograph or film (name of person viewed, photographed or filed), without his/her knowledge and consent, while he/she was in a place where he or she would have a reasonable expectation of privacy; contrary to former Revised Code of Washington 9A.44.115 (Laws of 1998, ch. 221, § 1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.115(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Voyeurism — For Crimes Committed On or After May 12, 2003 — RCW 9A.44.115(2)(a) and/or (b) (Laws of 2003, ch. 213, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, for the purpose of arousing and gratifying the sexual desire of any person, did knowingly view, photograph or film: (a) (name of person viewed, photographed or filed), without his/her knowledge and consent, while he/she was in a place where he or she would have a reasonable expectation of privacy and/or (b) the intimate areas of another person, to wit: (name of person viewed, photographed or filed), without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place; contrary to Revised Code of Washington 9A.44.115(2)(a) and/or (b) (Laws of 2003, ch. 213, § 1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.44.115(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



# THEFT, POSSESSION OF STOLEN PROPERTY AND TRAFFICKING

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**Theft in the First Degree — From the Person of Another — RCW 9A.56.030(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did wrongfully obtain property, other than a firearm as defined in RCW 9A.41.010, to-wit: (description of property), by taking it from the person of (name of person from who property was taken), with intent to deprive such person of such property; contrary to Revised Code of Washington 9A.56.030(1)(b).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — Wrongfully Obtain or Exert Unauthorized Control — RCW 9A.56.030(1)(a) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (describe stolen property), of a value exceeding \$1,500, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a) and 9A.56.020(1)(a).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — Wrongfully Obtain or Exert Unauthorized Control — Aggregate Value — (Offense Committed Prior to June 13, 2002) — RCW 9A.56.030(1)(a), former RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a common scheme or plan, did wrongfully obtain or exert unauthorized control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (describe stolen property), of an aggregate value exceeding \$1,500, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a), 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)) and 9A.56.020(1)(a).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — Wrongfully Obtain or Exert Unauthorized Control — Aggregate Value — (Offense Committed After June 13, 2002) — RCW 9A.56.030(1)(a), RCW 9A.56.010(18)(c) (Laws of 2002, ch. 97, § 1(18)(c)) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a criminal episode or a common scheme or plan, did wrongfully obtain or exert unauthorized control over property, other than a firearm, as defined in RCW 9A.56.010, or services of another, to-wit: (describe stolen property), of an aggregate value exceeding \$1,500, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a), 9A.56.010(18)(c)(Laws of 2002, ch. 97, § 1(18)(c)) and 9A.56.020(1)(a).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — By Color or Aid of Deception — RCW 9A.56.030(1)(a) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain control over property, other than a firearm as defined in RCW 9A.56.010, or services of another, to-wit: (describe stolen property), of a value exceeding \$1,500, by color or aid of deception, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a) and RCW 9A.56.020(1)(b).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — By Color or Aid of Deception — Aggregate Value — (Offense Committed Prior to June 13, 2002) — RCW 9A.56.030(1)(a), former RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, §36(18)(c)) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a common scheme or plan, did obtain control over property, other than a firearm as defined in RCW 9A.56.010, or services of another, to-wit: (describe stolen property), of an aggregate value exceeding \$1,500, by color or aid of deception, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a), 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)) and RCW 9A.56.020(1)(b).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — By Color or Aid of Deception — Aggregate Value — (Offense Committed After June 13, 2002) — RCW 9A.56.030(1)(a), RCW 9A.56.010(18)(c) (Laws of 2002, ch. 97, §1(18)(c)) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a criminal episode or a common scheme or plan, did obtain control over property, other than a firearm as defined in RCW 9A.41.010, or services of another, to-wit: (describe stolen property), of an aggregate value exceeding \$1,500, by color or aid of deception, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a), 9A.56.010(18)(c) (Laws of 2002, ch. 97, § 1(18)(c)) and RCW 9A.56.020(1)(b).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — Lost or Misdemeanor Property — RCW 9A.56.030(1)(a) and RCW 9A.56.020(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did appropriate lost or misdemeanor property, other than a firearm as defined in RCW 9A.41.010, or services of another, to-wit: (describe stolen property), of a value exceeding \$1,500, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a) and RCW 9A.56.020(1)(c).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — Lost or Misdemeanor Property — Aggregate Value — (Offense Committed Prior to June 13, 2002) — RCW 9A.56.030(1)(a), former RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, §36(18)(c)), and RCW 9A.56.020(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a common scheme or plan, did appropriate lost or misdemeanor property, other than a firearm as defined in RCW 9A.41.010, or services of another, to-wit: (describe stolen property), of an aggregate value exceeding \$1,500, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a), RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)) and RCW 9A.56.020(1)(c).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the First Degree — Other than a Firearm — Lost or Misdemeanor Property — Aggregate Value — (Offense Committed After June 13, 2002) — RCW 9A.56.030(1)(a), RCW 9A.56.010(18)(c) (Laws of 2002, ch. 97, §1(18)(c)) and RCW 9A.56.020(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a criminal episode or a common scheme or plan, did appropriate lost or misdelivered property, other than a firearm as defined in RCW 9A.41.010, or services of another, to-wit: (describe stolen property), of an aggregate value exceeding \$1,500, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.030(1)(a), 9A.56.010(18)(c) (Laws of 2002, ch. 97, § 1(18)(c)) and RCW 9A.56.020(1)(c).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.030(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — Wrongfully Obtain or Exert Unauthorized Control — RCW 9A.56.040(1)(a) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (description of stolen property or services), of a value exceeding \$250, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a) and 9A.56.020(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — Wrongfully Obtain or Exert Unauthorized Control — Aggregate Value — (Offense Committed Prior to June 13, 2002) — RCW 9A.56.040(1)(a), former RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, §36(18)(c)), and RCW 9A.56.020(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a common scheme or plan, did wrongfully obtain or exert unauthorized control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (description of stolen property or services), of an aggregate value exceeding \$250, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a), 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)), and 9A.56.020(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)



**Theft in the Second Degree — Other than a Firearm — Wrongfully Obtain or Exert Unauthorized Control — Aggregate Value — (Offense Committed After June 13, 2002) — RCW 9A.56.040(1)(a), RCW 9A.56.010(18)(c) (Laws of 2002, ch. 97, §1(18)(c)) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a criminal episode or a common scheme or plan, did wrongfully obtain or exert unauthorized control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (description of stolen property or services), of an aggregate value exceeding \$250, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a), 9A.56.010(18)(c) (Laws of 2002, ch. 97, § 1(18)(c), and 9A.56.020(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — By Color or Aid of Deception — RCW 9A.56.040(1)(a) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (description of stolen property or services), of a value exceeding \$250, by color or aid of deception, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a) and 9A.56.020(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — By Color or Aid of Deception — Aggregate Value — (Offense Committed Prior to June 13, 2002) — RCW 9A.56.040(1)(a), former RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, §36(18)(c)), and RCW 9A.56.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a common scheme or plan, did obtain control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (description of stolen property or services), of an aggregate value exceeding \$250, by color or aid of deception, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a), 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)), and 9A.56.020(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — By Color or Aid of Deception — Aggregate Value — (Offense Committed After June 13, 2002) — RCW 9A.56.040(1)(a), RCW 9A.56.010(18)(c) (Laws of 2002, ch. 97, §1(18)(c)) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a criminal episode or a common scheme or plan, did obtain control over property, other than a firearm, as defined in RCW 9A.41.010, or services of another, to-wit: (description of stolen property or services), of an aggregate value exceeding \$250, by color or aid of deception, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a) and 9A.56.020(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — Lost or Misdeldivered Property — RCW 9A.56.040(1)(a) and RCW 9A.56.020(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did appropriate lost or misdeldivered property, other than a firearm, as defined in RCW 9A.41.010, and services of another; to-wit: (description of stolen property or services), of a value exceeding \$250, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a) and 9A.56.020(1)(c).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — Lost or Misdeldivered Property — Aggregate Value — (Offense Committed Prior to June 13, 2002) — RCW 9A.56.040(1)(a), former RCW 9A.56.010(18)(c) (Laws of 1999, ch. 143, §36(18)(c)), 9A.56.020(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a common scheme or plan, did appropriate lost or misdeldivered property, other than a firearm, as defined in RCW 9A.41.010, and services of another; to-wit: (description of stolen property or services), of an aggregate value exceeding \$250, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a), 9A.56.010(18)(c) (Laws of 1999, ch. 143, § 36(18)(c)), and 9A.56.020(1)(c).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Other than a Firearm — Lost or Misdemeanor Property — By Color or Aid of Deception — Aggregate Value — (Offense Committed After June 13, 2002) — RCW 9A.56.040(1)(a), RCW 9A.56.010(18)(c) (Laws of 2002, ch. 97, §1(18)(c)) and RCW 9A.56.020(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, in a series of transactions which are part of a criminal episode or a common scheme or plan, did appropriate lost or misdelivered property, other than a firearm, as defined in RCW 9A.41.010, and services of another; to-wit: (description of stolen property or services), of an aggregate value exceeding \$250, with intent to deprive such other of such property or services; contrary to Revised Code of Washington 9A.56.040(1)(a), 9A.56.010(18)(c) (Laws of 2002, ch. 97, § 1(18)(c), and 9A.56.020(1)(c).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Public Record, Writing or Instrument — Wrongfully Obtain or Exert Unauthorized Control — RCW 9A.56.040(1)(b) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over , a public record, writing, or instrument kept, filed, or deposited according to law with and in the keeping of a public office or public servant, with intent to deprive such public office or public servant of such property; contrary to Revised Code of Washington 9A.56.040(1)(b) and 9A.56.020(1)(a).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Public Record, Writing or Instrument — Color or Aid of Deception — RCW 9A.56.040(1)(b) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain control over a public record, writing, or instrument kept, filed, or deposited according to law with and in the keeping of a public office or public servant, by color or aid of deception, with intent to deprive such public office or public servant of such property; contrary to Revised Code of Washington 9A.56.040(1)(b) and 9A.56.020(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Access Device — Wrongfully Obtain or Exert Unauthorized Control — RCW 9A.56.040(1)(c) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over an access device of another, to-wit: (description of access card), with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.040(1)(c) and 9A.56.020(1)(a).  
(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Access Device — Color or Aid of Deception — RCW 9A.56.040(1)(c) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain control over an access device of another, to-wit: (describe access device), by color or aid of deception, with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.040(1)(c) and 9A.56.020(1)(b).  
(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Access Device — Lost or Misdemeanored — RCW 9A.56.040(1)(c) and RCW 9A.56.020(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did appropriate a lost or misdelivered access device of another, to-wit: (description of access device), with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.040(1)(c) and 9A.56.020(1)(c).  
(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Motor Vehicle — Wrongfully Obtain or Exert Unauthorized Control — RCW 9A.56.040(1)(d) and RCW 9A.56.020(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did wrongfully obtain or exert unauthorized control over a motor vehicle of another, to-wit: (description of motor vehicle), with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.040(1)(d) and 9A.56.020(1)(a).  
(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Motor Vehicle — Color or Aid of Deception — RCW 9A.56.040(1)(d) and RCW 9A.56.020(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obtain control over a motor vehicle of another, to-wit: (description of motor vehicle), by color or aid of deception, with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.040(1)(d) and 9A.56.020(1)(b).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Second Degree — Motor Vehicle — Lost or Misdeldivered — RCW 9A.56.040(1)(d) and RCW 9A.56.020(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did appropriate a lost or misdeldivered motor vehicle of another, to-wit: \_\_\_\_\_, with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.040(1)(d) and 9A.56.020(1)(c).

(Maximum Penalty — Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9A.56.040(2) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Theft in the Third Degree — RCW 9A.56.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (1) wrongfully obtain or exert unauthorized control over the property or services of another, or the value thereof, with intent to deprive that person of such property or services; and/or (2) obtain control over the property or services of another, or the value thereof, by color or aid of deception, with the intent to deprive that person of such property or services; and/or (3) appropriate lost or misdeldivered property or services of another, or the value thereof, with intent to deprive that person of such property or services; contrary to Revised Code of Washington 9A.56.050(1) and 9A.56.020.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.56.050(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Theft of Rental, Leased, or Lease-Purchased Property — Value Over \$1,500 — RCW 9A.56.096**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did with intent to deprive the owner or the owner's agent, wrongfully obtain or exert unauthorized control over, and by color or aid of deception gain control of personal property that was rented or leased to the defendant, to-wit: (description of property), that was valued at \$1,500 dollars or more as determined by utilizing its replacement value; contrary to Revised Code of Washington 9A.56.096(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.56.096(5)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Theft of Rental, Leased, or Lease-Purchased Property — Value More Than \$250, But Less Than \$1,500 — RCW 9A.56.096**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did with intent to deprive the owner or the owner's agent, wrongfully obtain or exert unauthorized control over, and by color or aid of deception gain control of personal property that was rented or leased to the defendant, to-wit: (description of property), that was valued at 250 dollars or more as determined by utilizing its replacement value; contrary to Revised Code of Washington 9A.56.096(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.096(5)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Theft of Rental, Leased, or Lease-Purchased Property — Value of \$250 or Less — RCW 9A.56.096**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did with intent to deprive the owner or the owner's agent, wrongfully obtain or exert unauthorized control over, and by color or aid of deception gain control of personal property that was rented or leased to the defendant, to-wit: (description of leased property), that was valued at less than 250 dollars as determined by utilizing its replacement value; contrary to Revised Code of Washington 9A.56.096.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.56.096(5)(c) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Shopping Cart Theft — RCW 9A.56.270**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove a shopping cart from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart the use of the cart and/or did possess any shopping cart that has been removed from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart the use of the cart, and said shopping cart has a sign permanently affixed to it that (a) identifies the owner of the cart or the retailer, (b) notifies the public of the procedure to be utilized for the authorized removal of the cart from the premises, (c) notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and (d) lists a telephone number or address for returning carts removed from the premises or parking area to the owner or retailer; contrary to Revised Code of Washington 9A.56.270(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9A.56.270(3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Theft of a Firearm — RCW 9A.56.300**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wrongfully obtain or exert unauthorized control over a firearm of another, to-wit: (describe firearm that was stolen), with intent to deprive such other of such property; contrary to Revised Code of Washington 9A.56.300(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.56.300(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Theft of Motor Vehicle Fuel — RCW 46.61.740**

**For crimes committed On or After July 22, 2001.**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did refuse to pay or did evade payment for motor fuel that was pumped into a motor vehicle; contrary to Revised Code of Washington 46.61.740.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.61.740(1) and RCW 9A.20.021(2), plus restitution, assessments and court costs, and a suspension of the defendant's license, permit, or nonresident privilege to drive of up to six (6) months pursuant to RCW 46.61.740(2)).

## **Unauthorized Operation of a Recording Device in a Motion Picture Exhibition Facility – For Crimes Committed On or After June 10, 2004 – RCW 19.235.010**

On or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without the consent of the owner or lessee of the motion picture exhibition facility and the licensor of the motion picture being exhibited, did knowingly operate an audiovisual recording function of a device in a motion picture exhibition facility; contrary to Revised Code of Washington 19.235.010(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 19.235.010(1), and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## **TAKING A MOTOR VEHICLE WITHOUT PERMISSION**

Taking a Motor Vehicle Without Permission — (Offenses Committed Prior to June 13, 2002) — Former RCW 9A.56.070 (Laws of 1975 1st Ex. Sess., ch. 260, § 9A.56.070) 526

Taking a Motor Vehicle Without Permission in the First Degree — (Offenses Committed After June 13, 2002) — RCW 9A.56.070(1) (Laws of 2002, ch. 324, § 1) . . . . . 527

Taking a Motor Vehicle Without Permission in the Second Degree — (Offenses Committed Between June 13, 2002 and June 30, 2004) — RCW 9A.56.070(2) (Laws of 2002, ch. 324, § 1) . . . . . 527

Taking a Motor Vehicle Without Permission in the Second Degree — (Offenses Committed On or After July 1, 2004) — RCW 9A.56.075 (Laws of 2004, ch. 53, § 73) . . . . . 527

## **Taking a Motor Vehicle Without Permission — (Offenses Committed Prior to June 13, 2002) — Former RCW 9A.56.070 (Laws of 1975 1st Ex. Sess., ch. 260, § 9A.56.070)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally and without permission of the owner or person entitled to the possession thereof, did take or drive away a motor vehicle, to-wit: (describe vehicle), or, with knowledge that such motor vehicle had been unlawfully taken, did voluntarily ride in or upon such motor vehicle; contrary to former Revised Code of Washington 9A.56.070(1) (Laws of 1975 1st Ex. Sess., ch. 260, § 9A.56.070).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to former RCW 9A.56.070(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Taking a Motor Vehicle Without Permission in the First Degree — (Offenses Committed After June 13, 2002) — RCW 9A.56.070(1) (Laws of 2002, ch. 324, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally and without permission of the owner or person entitled to the possession thereof, did take or drive away a motor vehicle, to-wit: (describe vehicle), and the Defendant did alter the motor vehicle for the purpose of changing its appearance or primary identification and/or with the intent to sell parts did remove or participate in the removal of parts from the motor vehicle and/or for profit, did export or attempt to export the motor vehicle across state lines or out of the United States and/or did intend to sell the motor vehicle and/or was engaged at the time of the taking in a conspiracy, the central object of which is the theft of motor vehicles for sale to others; contrary to Revised Code of Washington 9A.56.070(1)(a) (Laws of 2002, ch. 324, § 1(1)).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.56.070(1)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Taking a Motor Vehicle Without Permission in the Second Degree — (Offenses Committed Between June 13, 2002 and June 30, 2004) — RCW 9A.56.070(2) (Laws of 2002, ch. 324, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally and without permission of the owner or person entitled to the possession thereof, did take or drive away a motor vehicle, to-wit: (describe vehicle), or, with knowledge that such motor vehicle had been unlawfully taken, did voluntarily ride in or upon such motor vehicle; contrary to Revised Code of Washington 9A.56.070(2)(a) (Laws of 2002, ch. 324, § 1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.070(2)(b) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Taking a Motor Vehicle Without Permission in the Second Degree — (Offenses Committed On or After July 1, 2004) — RCW 9A.56.075 (Laws of 2004, ch. 53, § 73)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, intentionally and without permission of the owner or person entitled to the possession thereof, did take or drive away a motor vehicle, to-wit: (describe vehicle), or, with knowledge that such motor vehicle had been unlawfully taken, did voluntarily ride in or upon such motor vehicle; contrary to Revised Code of Washington 9A.56.075(1) (Laws of 2004, ch. 53, § 73).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.075(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## POSSESSION OF STOLEN PROPERTY

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### Possessing Stolen Property in the First Degree — Other Than Firearm — RCW 9A.56.150

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of stolen property, other than a firearm as defined in RCW 9A.41.010, to-wit: (description of stolen property), of a value in excess of \$1,500, knowing that it had been stolen and did withhold or appropriate the property to the use of a person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.150(1).

(Maximum Penalty — Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 9A.56.150(2) and 9A.20.021(1)(b), plus restitution and assessments.)

### Possessing Stolen Property in the Second Degree — Other Than Firearm — RCW 9A.56.160(1)(a)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of stolen property, other than a firearm as defined in RCW 9A.41.010, to-wit: (description of stolen property), of a value in excess of \$250, knowing that it had been stolen and did withhold or appropriate the property to the use of a person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.160(1)(a).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.160(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possessing Stolen Property in the Second Degree — Public Record — RCW 9A.56.160(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of a stolen public record, writing, or instrument kept, filed, or deposited according to law, to wit: (description of record), knowing that it had been stolen, and did withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.160(1)(b).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.160(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possessing Stolen Property in the Second Degree — Access Device — RCW 9A.56.160(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of a stolen access device, to-wit: (description of access device), knowing that this property had been stolen, and did withhold or appropriate this property to the use of a person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.160(1)(c).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.160(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possessing Stolen Property in the Second Degree — Motor Vehicle — RCW 9A.56.160(1)(d)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of a stolen motor vehicle, to-wit: (description of motor vehicle), knowing that this property had been stolen, and did withhold or appropriate this property to the use of a person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.160(1)(d).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.160(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Possessing Stolen Property in the Third Degree — RCW 9A.56.170**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly receive, retain, possess, conceal, or dispose of stolen property, of a value not exceeding \$250, knowing that it had been stolen and did withhold or appropriate the property to the use of a person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.170(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.56.170(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Possessing a Stolen Firearm — RCW 9A.56.310**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly possess, carry, deliver, sell, was in control of, receive, retain, conceal, or dispose of a stolen firearm, to-wit: (description of firearm), knowing that this property had been stolen and did withhold or appropriate this property to the use of a person other than the true owner or person entitled thereto; contrary to Revised Code of Washington 9A.56.310(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.56.310(6) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **TRAFFICKING IN STOLEN PROPERTY**

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Trafficking in Stolen Property in the Second Degree — For Offenses Committed On or After July 1, 2004 – RCW 9A.82.055 (Laws of 2004, ch. 53, § 87) . . . . . 531

### **Trafficking in Stolen Property in the First Degree — RCW 9A.82.050**

**Only available for offenses committed On or After May 9, 2001.**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly initiate, organize, plan, finance, direct, manage, and supervise the theft of property, to-wit: (description of stolen property), for sale to others, and did knowingly traffic in stolen property; contrary to Revised Code of Washington 9A.82.050.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.82.050(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Trafficking in Stolen Property in the Second Degree — For Offenses Committed Between May 9, 2001 and June 30, 2004 – RCW 9A.82.050(1) (Laws of 2001, ch. 222, § 8)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recklessly traffic in stolen property, to-wit: (description of property); contrary to Revised Code of Washington 9A.82.050(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.82.050(3) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Trafficking in Stolen Property in the Second Degree — For Offenses Committed On or After July 1, 2004 – RCW 9A.82.055 (Laws of 2004, ch. 53, § 87)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did recklessly traffic in stolen property, to-wit: (description of property); contrary to Revised Code of Washington 9A.82.055(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.82.055(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



## TRAFFIC AND MOTOR VEHICLES

### ACCIDENTS

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#### **Hit and Run Attended Vehicle — RCW 46.52.020(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle that the Defendant knew was involved in an accident resulting in damage to a vehicle driven or attended by another person, and the Defendant failed to immediately stop such vehicle at the scene of such accident or as close thereto as possible and forthwith return to the scene of such accident, and/or fail to remain at the scene of such accident until the defendant had given his/her name, address, insurance company, insurance policy number, and vehicle license number, and had shown his/her driver's license to the driver of, any occupant of, or any person attending the vehicle collided with; contrary to Revised Code of Washington 46.52.020(2).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.52.020(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Hit and Run Deceased Body — RCW 46.52.020(4)(c)**

This crime is only available for offenses committed On or After July 22, 2001. *See* Laws of 2001, ch. 145, § 1.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vehicle which was involved in an accident involving the striking of the body of a deceased person, to wit: (name of deceased person), and knowing that he/she had been involved in the accident the Defendant did fail to (a) immediately stop his or her vehicle at the scene of the accident or as close thereto as possible, and/or (b) forthwith return to or remain at the scene of the accident and give required information, including his or her name, address, and vehicle license number, and display his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with, and/or (c) render to any person injured in such accident reasonable assistance, including the carrying or making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by or on behalf of the injured person; contrary to Revised Code of Washington 46.52.020(4)(c).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.020(4)(c) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Hit and Run Fatality Accident — RCW 46.52.020(4)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vehicle which was involved in an accident which resulted in the death of another person, to wit: (name of victim), and knowing that he/she had been involved in the accident, the Defendant did fail to (a) immediately stop his or her vehicle at the scene of the accident or as close thereto as possible and/or (b) forthwith return to or remain at the scene of the accident and give required information, including his or her name, address, and vehicle license number, and display his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with, and/or (c) render to any person injured in such accident reasonable assistance, including the carrying or making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by or on behalf of the injured person; contrary to Revised Code of Washington 46.52.020(4)(a).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000 fine pursuant to RCW 46.52.020(4)(a) and RCW 9A.20.021(1)(b), plus restitution and assessments.)



### **Hit and Run Injury Accident — RCW 46.52.020(4)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vehicle which was involved in an accident which resulted in injury to another person, to wit: (name of injured person), and knowing that he/she had been involved in the accident the Defendant did fail to (a) immediately stop his or her vehicle at the scene of the accident or as close thereto as possible, and/or (b) forthwith return to or remain at the scene of the accident and give required information, including his or her name, address, and vehicle license number, and display his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with, and/or (c) render to any person injured in such accident reasonable assistance, including the carrying or making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by or on behalf of the injured person; contrary to Revised Code of Washington 46.52.020(4)(b).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 46.52.020(4)(b) and RCW 9A.20.021(1)(c), plus restitution and assessments.)

### **Hit and Run Property Damage — RCW 46.52.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle which was involved in an accident resulting in damage to property fixed or placed upon or adjacent to a public highway, and knowing that he/she had been involved in such accident, the Defendant did fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or fail to leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, or fail to make report of such accident as in the case of other accidents upon public highways of this state; contrary to Revised Code of Washington 46.52.010.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.52.010(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Hit and Run Unattended Vehicle — RCW 46.52.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vehicle which collided with an unattended vehicle, and knowing that he/she had been involved in such collision, the Defendant did fail to immediately stop and then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or fail to leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle; contrary to Revised Code of Washington 46.52.010.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.52.010 (3) and RCW 9.92.030, plus restitution, assessments and court costs.)

## ALCOHOL RELATED OFFENSES

### Driving While Under the Influence

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Driving Under the Influence — Refusal — RCW 46.61.502 . . . . .	538

There is an unresolved issue related to the sentencing consequences associated with a defendant's refusal to submit to a BAC or a BAC of .15 or more. Both a refusal and a high BAC result in an increased mandatory minimum term of incarceration and fine. Neither factor, however, increases the statutory maximum fine or jail sentence. As a matter of federal constitutional law, therefore, neither a refusal nor a high BAC must be submitted to the jury. *See generally, Blakely*, \_\_\_ U.S. \_\_\_, 124 S. Ct. 2531, \_\_\_ L. Ed. 2d \_\_\_ (2004); *Harris v. United States*, 536 U.S. 545, 122 S. Ct. 2406, 153 L. Ed. 2d 524 (2002); *McMillan v. Pennsylvania*, 477 U.S. 79, 91 L. Ed. 2d 67, 106 S. Ct. 2411 (1986).

The controversy with respect to whether a refusal or high BAC must be submitted to jury arises because both of these factors carry a lengthier administrative license suspension following conviction than is associated with a "regular" DUI. If a license suspension is considered "punishment", then the United States Supreme Court's opinion in *Apprendi v. New Jersey*, 530 U.S. 466, 490, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000), would mandate a jury finding on these issues. *See Blakely v. Washington*, \_\_\_ U.S. \_\_\_, 124 S. Ct. 2531, \_\_\_ L. Ed. 2d \_\_\_ (2004); *State v. Hopkins*, 109 Wn. App. 558, 36 P.3d 1080 (2001).

Whether a license suspension is "punishment" in this context, however, is not entirely clear. In *State v. McClendon* 131 Wn.2d 853, 935 P.2d 1334, *cert. denied*, 522 U.S. 1027 (1997), the Washington Supreme Court held that a pre-conviction administrative license suspension based upon a BAC reading was not "punishment" for double jeopardy purposes. Other cases also hold that the suspension or revocation of a driver's license is not penal in nature and is not intended as punishment, but is designed solely for the protection of the public in the use of the highways. *See, e.g., State v. Scheffel*, 82 Wn.2d 872, 879, 514 P.2d 1052 (1973), *appeal dismissed*, 416 U.S. 964 (1974).

The Legislature in former RCW 46.61.5055 expressly listed the post-conviction administrative license suspension associated with a DUI conviction in the "shall be punished" provisions. *See* Laws of 1995, ch. 332, § 5. In 1999, the Legislature amended former RCW 46.61.5055 by moving the license suspension from each of the individual "shall be punished" provisions to a separate subsection. The new subsection, number 6, does not use the words "punishment" or "punished". *See* Laws of 1999, ch. 274, § 6.

Apart from the *Apprendi* issue, a case has been made that Const. art. 1, § 21 requires all sentence enhancements to be specifically pled in the charging document and proven beyond a reasonable doubt to the trier of fact if the enhancement is based upon issues of fact arising from the underlying criminal charge. This argument relies upon *State v. Furth*, 5 Wn.2d 1, 19, 104 P.2d 925 (1940), a habitual offender case, wherein the Washington Supreme Court stated that:

Under the above-quoted section of our constitution [Const. art. 1, § 21], the courts cannot trench on the province of the jury upon questions of fact. It is the function of the jury—not the court—to settle disputed issues of fact.

While *Furth* has been infrequently cited as support in other cases for jury determination of facts which will increase a defendant's punishment,<sup>11</sup> the reasoning of *Furth* was rejected in *State v. Manussier*, 129 Wn.2d 652, 681—84, 921 P.2d 473 (1996), *cert. denied*, 520 U.S. 1201(1997), and in *State v. Thorne*, 129 Wn.2d 736, 781—84, 921 P.2d 514 (1996), wherein the Court held that Washington's due process protections did not differ from those under the federal constitution with respect to proving prior convictions. *But see Manussier*, 129 Wn.2d at 685—697 (Madsen, J., dissenting.); *Thorne*, 129 Wn.2d 784—87 (Madsen, J., dissenting). The Washington Supreme Court, has, however, indicated a possible willingness to revisit the jury question in *State v. Wheeler*, 145 Wn.2d 116, 124, 34 P.3d 799 (2001), *cert. denied*, 122 S. Ct. 1559 (2002). The cautious prosecutor may, therefore, choose to plead and prove the level of intoxication and refusal issues.

For those prosecutors who chose to submit the greater than .15 BAC question, the refusal question, and the child in vehicle question, to jurors, sample special interrogatories can be obtained from WAPA. For all prosecutors, the charging language includes these special allegations as a form of notice to defendants.

### **Driving Under the Influence — All Three Alternatives — RCW 46.61.502**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle (a) and had, within two hours after driving, an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999] or higher as shown by analysis of the person's breath or blood, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.502(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.502(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

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<sup>11</sup>See, e.g., *State v. Tongate*, 93 Wn.2d 751, 613 P.2d 121 (1980) (deadly weapon enhancement).

### **Driving Under the Influence — BAC 0.15 or Higher — RCW 46.61.502**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle (a) and had, within two hours after driving, an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999] or higher as shown by analysis of the person's breath or blood, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.502(1); and furthermore, the Defendant did have sufficient alcohol in his or her body as shown by an accurate and reliable analysis of the Defendant's breath and/or blood to have an alcohol concentration of 0.15 or higher, within two hours after driving; contrary to Revised Code of Washington 46.61.5055.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.502(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Driving Under the Influence — Child in the Vehicle — RCW 46.61.502**

(For crimes committed On or After July 27, 2003)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle (a) and had, within two hours after driving, an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999] or higher as shown by analysis of the person's breath or blood, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.502(1); and furthermore, a passenger under the age of sixteen was in the vehicle driven by the Defendant; contrary to Revised Code of Washington 46.61.5055.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.502(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Driving Under the Influence — Refusal — RCW 46.61.502**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle while under the influence of or affected by intoxicating liquor or any drug; and/or while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.502(1); and furthermore, the Defendant did refuse to take a test offered pursuant to RCW 46.20.308; contrary to Revised Code of Washington 46.61.5055.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.502(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Ignition Interlock**

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### **Assisting Another in Starting and Operating Ignition Interlock — RCW 46.20.750**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly assist another person who is restricted to the use of an ignition interlock or other biological or technical device to start and operate that vehicle in violation of a court order; contrary to Revised Code of Washington 46.20.750.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.20.750 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operating Vehicle Without Ignition Interlock — For Offenses Committed On or After July 22, 2001 — RCW 46.20.740 (Laws of 2001, ch. 55, § 1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, after the Washington State Department of Licensing did attach or imprint a notation on his or her driving record stating that the Defendant may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device, did operate a motor vehicle that was not equipped with an ignition interlock or other biological or technical device; contrary to Revised Code of Washington 46.20.740 (Laws of 2001, ch. 55, § 1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.740(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operating Vehicle Without Ignition Interlock — For Offenses Committed Prior to July 22, 2001 — Former RCW 46.20.740 (Laws of 1997, ch. 229, § 10)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, after the Washington State Department of Licensing did attach or imprint a notation on his or her driver's license stating that the Defendant may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device, did operate a motor vehicle that was not equipped with an ignition interlock or other biological or technical device; contrary to former Revised Code of Washington 46.20.740 (Laws of 1997, ch. 229, § 10).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.740(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

## Miscellaneous Alcohol Related Offenses

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### Minor Driving After Consumption of Alcohol — RCW 46.61.503

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being under the age of twenty-one (21) years, did (a) operate or be in actual physical control of a motor vehicle and (b) have sufficient alcohol in his or her body as shown by an accurate and reliable analysis of the Defendant's breath and/or blood to have an alcohol concentration of at least 0.02 but less than 0.08, within two hours after driving or being in actual physical control; contrary to Revised Code of Washington 46.61.503(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.503(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

### Negligent Driving in the First Degree — RCW 46.61.5249(1)(a)

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a motor vehicle in a negligent manner which endangered or was likely to endanger a person or property, and did exhibit the effects of having consumed liquor or any illegal drug; contrary to Revised Code of Washington 46.61.5249(1)(a).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.5249 and RCW 9.92.030, plus restitution, assessments and court costs.)

## Physical Control

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The discussion regarding sentencing consequences that can be found in the driving while under the influence section of this manual is equally applicable to physical control.

### **Physical Control Under the Influence — All Three Alternative Means — RCW 46.61.504**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have actual physical control of a motor vehicle (a) and had sufficient alcohol in his or her body as shown by an accurate and reliable analysis of the Defendant's breath and/or blood to have an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999], or higher, within two hours after being in actual physical control, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.504(1).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.504(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Physical Control — BAC 0.15 or Higher — RCW 46.61.504**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have actual physical control of a motor vehicle (a) and had sufficient alcohol in his or her body as shown by an accurate and reliable analysis of the Defendant's breath and/or blood to have an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999], or higher, within two hours after being in actual physical control, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.504(1), and furthermore, the Defendant did have sufficient alcohol in his or her body as shown by an accurate and reliable analysis of the Defendant's breath and/or blood to have an alcohol concentration of 0.15 or higher, within two hours after being in actual physical control; contrary to Revised Code of Washington 46.61.5055.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.504(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Physical Control Under the Influence — Child in the Vehicle — RCW 46.61.504**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have actual physical control of a motor vehicle (a) and had sufficient alcohol in his or her body as shown by an accurate and reliable analysis of the Defendant's breath and/or blood to have an alcohol concentration of 0.08 [incidents occurring January 1, 1999 or later] or 0.10 [incidents occurring prior to January 1, 1999], or higher, within two hours after being in actual physical control, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.504(1); and furthermore, a passenger under the age of sixteen was in the vehicle over which the Defendant had actual physical control; contrary to Revised Code of Washington 46.61.5055.

(Maximum Penalty – One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.504(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

## Physical Control — Refusal — RCW 46.61.504

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did have actual physical control of a motor vehicle while under the influence of or affected by intoxicating liquor or any drug; and/or while under the combined influence of or affected by intoxicating liquor and any drug; contrary to Revised Code of Washington 46.61.504(1), and furthermore, the Defendant did refuse to take a test offered pursuant to RCW 46.20.308; contrary to Revised Code of Washington 46.61.5055.

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.504(5) and RCW 9.92.020, plus restitution, assessments and court costs.)

## Vehicular Assault

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Please note that vehicular assault may be committed in a variety of ways. Some of the means, however, are ranked more seriously than others. Unless a special interrogatory is utilized to determine whether the jury unanimously found the defendant guilty of the alternative that is ranked highest, the defendant will receive the lowest possible sentence. *See State v. Tang*, 77 Wn. App. 644, 893 P.2d 646, review denied, 127 Wn.2d 1017 (1995).



**Vehicular Assault— All Alternatives — For Offenses Committed On or After July 22, 2001  
— RCW 46.61.522 (Laws of 2001, ch. 300, §1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did cause substantial bodily harm to another, to wit: (name of victim), and did (1) operate or drive a vehicle in a reckless manner and/or (2) operate or drive a vehicle (a) and have, within two hours after driving, an alcohol concentration of 0.08 or higher, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug, and/or (3) operate or drive a vehicle with disregard for the safety of others; contrary to Revised Code of Washington 46.61.522(1) (Laws of 2001, ch. 300, § 1).

(Maximum Penalty—Ten (10) years imprisonment and/or \$20,000.00 fine, or both, pursuant to RCW 46.61.522 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant is convicted of operating the vehicle in a reckless manner or while under the influence of an intoxicating liquor or any drug and the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Vehicular Assault— Disregard for the Safety of Others — For Offenses Committed On or After July 22, 2001 — RCW 46.61.522(1)(c) (Laws of 2001, ch. 300, §1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or drive a vehicle with disregard for the safety of others and did cause substantial bodily harm to another, to wit: (name of victim); contrary to Revised Code of Washington 46.61.522(1)(c) (Laws of 2001, ch. 300, § 1).

(Maximum Penalty—Ten (10) years imprisonment and/or \$20,000.00 fine, or both, pursuant to RCW 46.61.522 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

**Vehicular Assault— Reckless Manner — For Offenses Committed On or After July 22, 2001  
— RCW 46.61.522(1)(a) (Laws of 2001, ch. 300, §1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or drive a vehicle in a reckless manner and did cause substantial bodily harm to another, to wit: (name of victim); contrary to Revised Code of Washington 46.61.522(1)(a) (Laws of 2001, ch. 300, § 1).

(Maximum Penalty—Ten (10) years imprisonment and/or \$20,000.00 fine, or both, pursuant to RCW 46.61.522 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Vehicular Assault — Under the Influence — For Offenses Committed Prior to July 22, 2001  
— Former RCW 46.61.522(1) (Laws of 1996, ch. 199, § 8)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above named Defendant did operate or drive a vehicle in a reckless manner, and this conduct was the proximate cause of serious bodily injury to another, to wit: (name of victim), and/or did operate or drive a vehicle (a) and have, within two hours after driving, an alcohol concentration of 0.08 or higher, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug, and this conduct was the proximate cause of serious bodily injury to another, to wit: (name of victim); contrary to former Revised Code of Washington 46.61.522(1) (Laws of 1996, ch. 199, § 8).

(Maximum Penalty—Ten (10) years imprisonment and/or \$20,000.00 fine, or both, pursuant to RCW 46.61.522 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Vehicular Assault— Under the Influence — For Offenses Committed On or After July 22, 2001 — RCW 46.61.522(1)(b) (Laws of 2001, ch. 300, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate or drive a vehicle (a) and have, within two hours after driving, an alcohol concentration of 0.08 or higher, and/or (b) while under the influence of or affected by intoxicating liquor or any drug; and/or (c) while under the combined influence of or affected by intoxicating liquor and any drug, and did cause substantial bodily harm to another, to wit: (name of victim); contrary to Revised Code of Washington 46.61.522(1)(b) (Laws of 2001, ch. 300, § 1).

(Maximum Penalty—Ten (10) years imprisonment and/or \$20,000.00 fine, or both, pursuant to RCW 46.61.522 and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

**Vehicular Homicide**

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Please note that vehicular homicide may be committed in a variety of ways. Some of the means, however, are ranked more seriously than others. Unless a special interrogatory is utilized to determine whether the jury unanimously found the defendant guilty of the alternative that is ranked highest, the defendant will receive the lowest possible sentence. *See State v. Tang*, 77 Wn. App. 644, 893 P.2d 646, *review denied*, (1995).

### **Vehicular Homicide — All Alternatives — RCW 46.61.520**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive or operate a motor vehicle and have within two hours after driving an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood, and/or did drive or operate a motor vehicle while under the influence of or affected by intoxicating liquor or any drug, and/or did drive or operate a motor vehicle while under the combined influence of intoxicating liquor and any drug, and/or did drive or operate a motor vehicle in a reckless manner, and/or did drive or operate a motor vehicle with disregard for the safety of others, and did thereby proximately caused injury to (name of victim), a person who died within three years on or about (date of death), as a proximate result of said injury; contrary to Revised Code of Washington 46.61.520(1).

(Maximum Penalty—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 46.61.520(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

### **Vehicular Homicide— Disregard for the Safety of Others — RCW 46.61.520(1)(c)**

There is some question as to whether a conviction for this alternate means of committing vehicular homicide constitutes a "strike". The definition of "most serious offense" contained in RCW 9.94A.030(32) that specifically addresses vehicular homicide appears limited to the DUI and reckless manner prongs. *See* RCW 9.94A.030(32)(r). This portion of RCW 9.94A.030, however, predates the 1998 amendment to the vehicular homicide statute which altered the crime from a class B to a class A felony. With this change, vehicular homicide now arguably constitutes a "most serious offense" under RCW 9.94A.030(32)(a), which states that a "most serious offense" includes "[a]ny felony defined under any law as a class A felony."

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive or operate a motor vehicle which proximately caused injury to (name of victim), a person who died within three years on or about (date of death), as a proximate result of said injury, and the Defendant at said time did operate the vehicle with disregard for the safety of others; contrary to Revised Code of Washington 46.61.520(1)(c).

(Maximum Penalty—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 46.61.520(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Vehicular Homicide— Reckless Manner — RCW 46.61.520(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive or operate a motor vehicle which proximately caused injury to (name of victim), a person who died within three years on or about (date of death), as a proximate result of said injury, and the Defendant at said time was operating the vehicle in a reckless manner; contrary to Revised Code of Washington 46.61.520(1)(b).

(Maximum Penalty—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 46.61.520(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

## **Vehicular Homicide— Under the Influence — RCW 46.61.520(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive or operate a motor vehicle which proximately caused injury to (name of victim), a person who died within three years on or about (date of death), as a proximate result of said injury, and the Defendant at said time did have, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood, and/or did operate the vehicle while under the influence of or affected by intoxicating liquor or any drug, and/or did operate the vehicle while under the combined influence of or affected by intoxicating liquor or any drug; contrary to Revised Code of Washington 46.61.502 and 46.61.520(1)(a).

(Maximum Penalty—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 46.61.520(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

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**Driving Commercial Motor Vehicle While Driving Privilege is Suspended or Revoked — RCW 46.25.050(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a commercial motor vehicle while his or her driving privilege was suspended, revoked, or canceled, while subject to disqualification, or in violation of an out—of—service order; contrary to Revised Code of Washington 46.25.050(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.25.050(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Drive Commercial Motor Vehicle With Alcohol in System — RCW 46.25.110(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive, operate, or was in physical control of a commercial motor vehicle while having alcohol in his or her system; contrary to Revised Code of Washington 46.25.110(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.25.170(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Driving Commercial Motor Vehicle Without Commercial Driver's License — RCW 46.25.050(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a commercial motor vehicle without holding and/or being in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle being driven; contrary to Revised Code of Washington 46.25.050(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.25.170(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Failure to Notify Employer of License Suspension — RCW 46.25.030(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a commercial motor vehicle driver's license issued by the State of Washington, did fail to notify his or her employer by the end of the business day following the day the Defendant received notice that his or her driver's license was suspended, revoked, or canceled by a state or that his or her privilege to drive a commercial motor vehicle has been lost for any period of time, or that he or she is disqualified from driving a commercial motor vehicle for any period; contrary to Revised Code of Washington 46.25.030(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.25.170(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Report Conviction to Employer — RCW 46.25.030(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who holds a commercial motor vehicle driver's license issued by the State of Washington, did fail to notify his or her employer in writing within 30 days of his or her conviction of violating a state law or local ordinance relating to motor vehicle traffic control, to wit: (identify crime defendant was convicted of violating), in (identify case name in which conviction was obtained), on (identify date of conviction); contrary to Revised Code of Washington 46.25.030(1)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.25.170(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Knowingly Allow an Employee to Illegally Operate a Commercial Motor Vehicle — RCW 46.25.040(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an employer as defined by RCW 46.25.010(11), did knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period in which the driver had a driver's license suspended, revoked, or canceled by a state, and/or had lost the privilege to drive a commercial motor vehicle in a state, and/or had been disqualified from driving a commercial motor vehicle, and/or had more than one driver's license; contrary to Revised Code of Washington 46.25.040(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.25.170(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **More Than One Commercial Driver's License — RCW 46.25.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who drives a commercial motor vehicle, did have more than one driver's license; contrary to Revised Code of Washington 46.25.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.25.170(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

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### **Aiding or Abetting Driving While License Suspended or Revoked in the First Degree — RCW 46.20.342(1)(a) and RCW 46.64.048**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit, attempt to commit, conspire to commit, or aid or abet in the commission of any act declared by Title 46 RCW to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, and/or did falsely, fraudulently, forcefully, or willfully induce, cause, coerce, require, permit or direct another, to wit: (name of driver), to violate RCW 46.20.342(1)(a), driving while license invalidated in the first degree, by driving a motor vehicle by operating a motor vehicle after having been found to be an habitual offender under Chapter 46.65 RCW while an order of revocation issued under Chapter 46.65 RCW prohibiting such operation was in effect; contrary to Revised Code of Washington 46.64.048 and 46.20.342(1)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.20.342(a)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Minimum Penalties — First Conviction — Ten (10) days confinement which shall not be suspended or deferred.)

(Minimum Penalties — Second Conviction— Ninety (90) days confinement which shall not be suspended or deferred.)

Minimum Penalties — Third or Subsequent Conviction — One Hundred Eighty (180) days confinement which shall not be suspended or deferred.)



**Aiding or Abetting Driving While License Suspended or Revoked in the Second Degree —  
RCW 46.20.342(1)(b) and RCW 46.64.048**

The reason for the suspension or revocation does not appear to be an element of this offense. A careful practitioner may choose to include the reason for the suspension(s) or revocation(s).

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit, attempt to commit, conspire to commit, or aid or abet in the commission of any act declared by Title 46 RCW to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, and/or did falsely, fraudulently, forcefully, or willfully induce, cause, coerce, require, permit or direct another, to wit: (name of driver), to violate RCW 46.20.342(1)(b), driving while license invalidated in the second degree by driving a motor vehicle while an order of suspension or revocation *(by reason of (list every applicable ground for license suspension from list) )* prohibiting such operation was in effect and while the driver was not eligible to reinstate his or her driver's license or driving privilege; contrary to Revised Code of Washington 46.20.342(1)(b) and 46.64.048. (Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.20.342(1)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

(i) A conviction of a felony in the commission of which a motor vehicle was used, and/or

(ii) A previous conviction for violating RCW 46.20.342, and/or

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances, and/or

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, and/or

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license, and/or

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle, and/or

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles, and/or

(viii) A conviction of RCW 46.61.500, relating to reckless driving, and/or

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs, and/or

(x) A conviction of RCW 46.61.520, relating to vehicular homicide, and/or

(xi) A conviction of RCW 46.61.522, relating to vehicular assault, and/or

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers, and/or

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways, and/or

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running, and/or

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel, and/or

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes, and/or

(xvii) An administrative action taken by the department under Chapter 46.20 RCW, and/or

(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in RCW 46.20.342(1)(b).

### **Aiding or Abetting Driving While License Suspended or Revoked in the Third Degree — RCW 46.20.342(1)(c) and RCW 46.64.048**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit, attempt to commit, conspire to commit, or aid or abet in the commission of any act declared by Title 46 RCW to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, and/or did falsely, fraudulently, forcefully, or willfully induce, cause, coerce, require, permit or direct another, to wit: (name of driver), to violate RCW 46.20.342(1)(c), third degree driving while license suspended or revoked by driving a motor vehicle when his or her driver's license or driving privilege was suspended or revoked solely because the driver (select appropriate grounds of suspension from list); contrary to Revised Code of Washington 46.20.342(1)(c) and 46.64.048.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.342(1)(c) and RCW 9.92.030, plus restitution, assessments and court costs.)

(i) must furnish proof of satisfactory progress in a required alcoholism or drug treatment program; and/or

(ii) must furnish proof of financial responsibility for the future as provided by Chapter 46.29 RCW; and/or

(iii) failed to comply with the provisions of Chapter 46.29 RCW relating to uninsured accidents; and/or

(iv) failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289; and/or

(v) committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of his or her driver's license; and/or

(vi) had his or her license to drive suspended or revoked for one or more of the following grounds (insert appropriate ground from list), but the Defendant was eligible to reinstate his or her driver's license or driving privilege at the time of the violation; and/or

(a) A conviction of a felony in the commission of which a motor vehicle was used, and/or

(b) A previous conviction for violating RCW 46.20.342, and/or

(c) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances, and/or

(d) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, and/or

(e) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license, and/or

(f) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle, and/or

(g) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles, and/or

(h) A conviction of RCW 46.61.500, relating to reckless driving, and/or

(i) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs, and/or

(j) A conviction of RCW 46.61.520, relating to vehicular homicide, and/or

(k) A conviction of RCW 46.61.522, relating to vehicular assault, and/or

(l) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers, and/or

(m) A conviction of RCW 46.61.530, relating to racing of vehicles on highways, and/or

(n) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running, and/or

(o) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel, and/or

(p) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes, and/or

(q) An administrative action taken by the department under Chapter 46.20 RCW, and/or

(r) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in RCW 46.20.342(1)(b).

(vii) received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses.

### **Aiding or Abetting No Valid Operator's License — RCW 46.20.005 and RCW 46.64.048**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit, attempt to commit, conspire to commit, or aid or abet in the commission of any act declared by Title 46 RCW to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, or did falsely, fraudulently, forcefully, or willfully induce, cause, coerce, require, permit or direct another to violate any provision of Title 46 RCW, to wit: (name of person induced to commit crime), who did drive a motor vehicle upon a highway without a valid driver's license and without an expired driver's license or other valid identifying documentation in his or her possession; contrary to Revised Code of Washington 46.64.048 and 46.20.005.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.64.048, 46.20.005, and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Allow Unauthorized Driver — RCW 46.16.011**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly permit another person to drive a vehicle which was registered to the Defendant when the other person was not authorized to drive; contrary to Revised Code of Washington 46.16.011.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 46.16.011 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Displaying Another's License — For crimes committed prior to July 27, 2003 — Former RCW 46.20.0921(3) (Laws of 1990, ch. 210, § 3(3))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did display or represent as his or her own any driver's license or identicard not issued to him or her; contrary to former Revised Code of Washington 46.20.0921(3) (Laws of 1990, ch. 210, § 3(3)).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Displaying Another's License — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(1)(c) (Laws of 2003, ch. 214, § 1(1)(c))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did display or represent as his or her own any driver's license or identicard not issued to him or her; contrary to Revised Code of Washington 46.20.0921(1)(c) (Laws of 2003, ch. 214, § 1(1)(c)).

(Maximum Penalty – Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Driving While License Suspended or Revoked in the First Degree — RCW 46.20.342(1)(a)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having been found to be an habitual offender under Chapter 46.65 RCW, did drive a motor vehicle while an order of revocation issued under Chapter 46.65 RCW prohibiting such operation was in effect; contrary to Revised Code of Washington 46.20.342(1)(a).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.20.342(a)(a) and RCW 9.92.020, plus restitution, assessments and court costs.)

(Minimum Penalties — First Conviction — Ten (10) days confinement which shall not be suspended or deferred.)

(Minimum Penalties — Second Conviction— Ninety (90) days confinement which shall not be suspended or deferred.)

Minimum Penalties — Third or Subsequent Conviction — One Hundred Eighty (180) days confinement which shall not be suspended or deferred.)

### **Driving While License Suspended or Revoked in the Second Degree — RCW 46.20.342(1)(b)**

The reason for the suspension or revocation does not appear to be an element of this offense. A careful practitioner may choose to include the reason for the suspension(s) or revocation(s).

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a motor vehicle while an order of suspension or revocation (*by reason of (list every applicable ground for license suspension from list)*) prohibiting such operation is in effect and while the Defendant was not eligible to reinstate his or her driver's license or driving privilege; contrary to Revised Code of Washington 46.20.342(1)(b).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.20.342(1)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

(i) A conviction of a felony in the commission of which a motor vehicle was used, and/or

(ii) A previous conviction for violating RCW 46.20.342, and/or

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances, and/or

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, and/or

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license, and/or

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle, and/or

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles, and/or

(viii) A conviction of RCW 46.61.500, relating to reckless driving, and/or

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under

the influence of intoxicating liquor or drugs, and/or

(x) A conviction of RCW 46.61.520, relating to vehicular homicide, and/or

(xi) A conviction of RCW 46.61.522, relating to vehicular assault, and/or

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers, and/or

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways, and/or

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running, and/or

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel, and/or

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes, and/or

(xvii) An administrative action taken by the department under Chapter 46.20 RCW, and/or

(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in RCW 46.20.342(1)(b).

### **Driving While License Suspended or Revoked in the Third Degree — RCW 46.20.342(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a motor vehicle when his or her driver's license or driving privilege was suspended or revoked solely because the Defendant (select appropriate grounds of suspension from list); contrary to Revised Code of Washington 46.20.342(1)(c).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.342(1)(c) and RCW 9.92.030, plus restitution, assessments and court costs.)

(i) must furnish proof of satisfactory progress in a required alcoholism or drug treatment program; and/or

(ii) must furnish proof of financial responsibility for the future as provided by Chapter 46.29 RCW; and/or

(iii) failed to comply with the provisions of Chapter 46.29 RCW relating to uninsured accidents; and/or

(iv) failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289; and/or

(v) committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of his or her driver's license; and/or

(vi) had his or her license to drive suspended or revoked for one or more of the following grounds (insert appropriate ground from list), but the Defendant was eligible to reinstate his or her driver's license or driving privilege at the time of the violation; and/or

(a) A conviction of a felony in the commission of which a motor vehicle was used, and/or

(b) A previous conviction for violating RCW 46.20.342, and/or

(c) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances, and/or

(d) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, and/or

(e) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license, and/or

(f) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle, and/or

(g) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles, and/or

(h) A conviction of RCW 46.61.500, relating to reckless driving, and/or

(i) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs, and/or

(j) A conviction of RCW 46.61.520, relating to vehicular homicide, and/or

(k) A conviction of RCW 46.61.522, relating to vehicular assault, and/or

(l) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers, and/or

(m) A conviction of RCW 46.61.530, relating to racing of vehicles on highways, and/or

(n) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running, and/or

(o) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel, and/or

(p) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes, and/or

(q) An administrative action taken by the department under Chapter 46.20 RCW, and/or

(r) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in RCW 46.20.342(1)(b).

(vii) received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses.

### **Failure to Produce Occupational Driver's License — RCW 46.20.394**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having been issued an occupational driver's license, did fail to carry the written form containing those restrictions in the vehicle when the Defendant drove it, and/or did fail to present the form containing those restrictions to a law enforcement officer upon demand; contrary to Revised Code of Washington 46.20.394.

(Maximum Penalty — Six (6) months imprisonment, a fine of no less than \$50 nor more than \$250, or both, pursuant to RCW 46.20.410, plus restitution, assessments and court costs.)

### **Failure to Return License — RCW 46.29.610**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, after his or her license was suspended under any provision of Chapter 46.29 RCW or whose policy of insurance or bond which was required under Chapter 46.29 RCW was canceled or terminated, did willfully fail to immediately return the license to the Department of Licensing; contrary to Revised Code of Washington 46.29.610.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.29.610(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Surrender Suspended, Revoked or Canceled License — For Crimes Committed Prior to July 27, 2003 — Former RCW 46.20.0921(4) (Laws of 1990, ch. 210, § 3(4))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully fail or refuse to surrender to the Department of Licensing upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled; contrary to former Revised Code of Washington 46.20.0921(4) (Laws of 1990, ch. 210, § 3(4)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Surrender Suspended, Revoked or Canceled License — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(1)(d) (Laws of 2003, ch. 214, § 1(1)(d))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully fail or refuse to surrender to the Department of Licensing upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled; contrary to Revised Code of Washington 46.20.0921(1)(d) (Laws of 2003, ch. 214, § 1(1)(d)).

(Maximum Penalty – Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921(1) and RCW 9.92.030, plus restitution, assessments and court costs.)



**Lend License to Another — For Crimes Committed Prior to July 27, 2003 — Former RCW 46.20.0921(2) (Laws of 1990, ch. 210, § 3(2))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did lend his or her driver's license or identicard to any other person or did knowingly permit the use thereof by another; contrary to Revised Code of Washington 46.20.0921(2) (Laws of 1990, ch. 210, § 3(2)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Lend License to Another — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(1)(b) (Laws of 2003, ch. 214, § 1(1)(b))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did lend his or her driver's license or identicard to any other person or did knowingly permit the use thereof by another; contrary to Revised Code of Washington 46.20.0921(1)(b) (Laws of 2003, ch. 214, § 1(1)(b)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Make a False Statement on Application for Driver's License — RCW 46.20.091**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false statement on an application for a driver's license or instruction permit; contrary to Revised Code of Washington 46.20.091(2) and 9A.72.040.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.20.091(2), RCW 9A.72.040, and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Manufacture, Sell, or Deliver a Forged, Fictitious, Counterfeit, or Altered Driver's License or Identicard By Person Over Age Twenty-One — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(3)(b) (Laws of 2003, ch. 214, § 1(3)(b))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being over the age of twenty—one, did manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identicard, and/or while not acting under the direction of the Department of Licensing, did manufacture, sell, or deliver a blank driver's license or identicard; contrary to Revised Code of Washington 46.20.0921(3)(b) (Laws of 2003, ch. 214, § 1(3)(b)).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.20.0921(3)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Manufacture, Sell, or Deliver Four or More Forged, Fictitious, Counterfeit, or Altered Driver's License or Identocard By Person Under Age Twenty-One — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(3)(b) (Laws of 2003, ch. 214, § 1(3)(b))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being under the age of twenty—one, did manufacture, sell, or deliver four or more forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identocard, and/or while not acting under the direction of the Department of Licensing, did manufacture, sell, or deliver four or more blank driver's license or identocard; contrary to Revised Code of Washington 46.20.0921(3)(b) (Laws of 2003, ch. 214, § 1(3)(b)).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.20.0921(3)(b) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Manufacture, Sell, or Deliver Fewer Than Four Forged, Fictitious, Counterfeit, or Altered Driver's License or Identocard By Person Under Age Twenty-One for Sole Purpose of Misrepresenting a Person's Age — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(4) (Laws of 2003, ch. 214, § 1(4))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being under the age of twenty—one and acting for the sole purpose of misrepresenting a person's age, did manufacture, sell, or deliver fewer than four forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identocard, and/or while not acting under the direction of the Department of Licensing, did manufacture, sell, or deliver fewer than four blank driver's license or identocard; contrary to Revised Code of Washington 46.20.0921(4) (Laws of 2003, ch. 214, § 1(4)).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 46.20.0921(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Manufacture, Sell, or Deliver a Forged, Fictitious, Counterfeit, or Altered Driver's License or Identocard for Financial Gain or With Intent to Commit Forgery, Theft, or Identity Theft — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(3)(a) (Laws of 2003, ch. 214, § 1(3)(a))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, acting for financial gain or with the intent to commit forgery, theft, or identity theft, did manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identocard, and/or while not acting under the direction of the Department of Licensing, did manufacture, sell, or deliver a blank driver's license or identocard; contrary to Revised Code of Washington 46.20.0921(3)(a) (Laws of 2003, ch. 214, § 1(3)(a)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.20.0921(3)(a) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **No Valid Operator's License — RCW 46.20.005**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a motor vehicle upon a highway in this state without a valid driver's license and without an expired driver's license or other valid identifying documentation in his or her possession; contrary to Revised Code of Washington 46.20.005.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.005 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Operation of Motor Vehicle in Violation of Occupational Driver's License — RCW 46.20.394**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, having been issued an occupational driver's license, did drive a motor vehicle in violation of the restrictions placed upon the occupational driver's license; contrary to Revised Code of Washington 46.20.394.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.20.394, RCW 46.20.342 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operation Under Other License — RCW 46.20.345**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided by Title 46 RCW, did operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction during such suspension or revocation, or after such suspension or revocation without obtaining a new license as permitted under Chapter 46.20 RCW; contrary to Revised Code of Washington 46.20.345.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.20.345 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Permitting Unlawful Use of License — For Crimes Committed Prior to July 27, 2003 — Former RCW 46.20.0921(6) (Laws of 1990, ch. 210, § 3(6))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did permit unlawful use of a driver's license or identicard issued to him or her; contrary to former Revised Code of Washington 46.20.0921(6) (Laws of 1990, ch. 210, § 3(6)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Permitting Unlawful Use of License — For Crimes Committed On or After July 27, 2003 —  
RCW 46.20.0921(1)(f) (Laws of 2003, ch. 214, § 1(1)(f))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did permit unlawful use of a driver's license or identicard issued to him or her; contrary to Revised Code of Washington 46.20.0921(1)(f) (Laws of 2003, ch. 214, § 1(1)(f)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Possession of Fictitious or Fraudulently Altered License — For Crimes Committed Prior to July 27, 2003— Former RCW 46.20.0921(1)(Laws of 1990, ch. 210, § 3(1))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard; contrary to former Revised Code of Washington 46.20.0921(1) (Laws of 1990, ch. 210, § 3(1)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Possession of Fictitious or Fraudulently Altered License— For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(1)(a) (Laws of 2003, ch. 214, § 1(1)(a))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard; contrary to Revised Code of Washington 46.20.0921(1)(a) (Laws of 2003, ch. 214, § 1(1)(a))

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

**Sell or Deliver a Stolen Driver's License or Identicard — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(2) (Laws of 2003, ch. 214, § 1(2))**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell or deliver a stolen driver's license or identicard; contrary to Revised Code of Washington RCW 46.20.0921(2) (Laws of 2003, ch. 214, § 1(2)).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.20.0921(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Using False or Fictitious Name in License Application — For Crimes Committed Prior to July 27, 2003 — Former RCW 46.20.0921(5) (Laws of 1990, ch. 210, § 3(5))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use a false or fictitious name in any application for a driver's license or identicard or did knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application; contrary to former Revised Code of Washington 46.20.0921(5) (Laws of 1990, ch. 210, § 3(5)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921 and RCW 9.92.030, plus restitution, assessments and court costs.)

**Using False or Fictitious Name in License Application — For Crimes Committed On or After July 27, 2003 — RCW 46.20.0921(1)(e) (Laws of 2003, ch. 214, § 1(1)(e))**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use a false or fictitious name in any application for a driver's license or identicard or did knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application; contrary to Revised Code of Washington 46.20.0921(1)(e) (Laws of 2003, ch. 214, § 1(1)(e)).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.20.0921(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

**FINANCIAL RESPONSIBILITY/ INSURANCE**

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### **Failure to Carry or Disclose Proof of Mobile Home Pilot Vehicle Insurance — RCW 46.44.180(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not at the time an employee of a dealer or other principal licensed to transport mobile homes within this state, did operate a pilot vehicle accompanying a mobile home being transported on the public highways of this state, without carrying or disclosing proof of insurance for the pilot vehicle in the following amounts: (a) One hundred thousand dollars for bodily injury to or death of one person in any one accident; (b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident; and (c) Fifty thousand dollars for damage to or destruction of property of others in any one accident; contrary to Revised Code of Washington 46.44.180(4).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 46.44.180(4) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Forged Proof of Financial Responsibility for the Future — RCW 46.29.620**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did forge, or, without authority, did sign any evidence of proof of financial responsibility for the future and/or did file or offer for filing such evidence of proof of financial responsibility for the future which the Defendant knew or should have had reason to believe was forged or signed without authority; contrary to Revised Code of Washington 46.29.620.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.29.620 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Operation of Mobile Home Pilot Vehicle Without Insurance — RCW 46.44.180(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not at the time an employee of a dealer or other principal licensed to transport mobile homes within this state, did operate a pilot vehicle accompanying a mobile home being transported on the public highways of this state, without maintaining insurance for the pilot vehicle in the following amounts: (a) One hundred thousand dollars for bodily injury to or death of one person in any one accident; (b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident; and (c) Fifty thousand dollars for damage to or destruction of property of others in any one accident; contrary to Revised Code of Washington 46.44.180(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.44.180(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Providing False Evidence of Financial Responsibility — RCW 46.30.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly provide false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit; contrary to Revised Code of Washington 46.30.040.

(Maximum Penalty-Ninety (90) year in jail or \$1,000 fine, or both, pursuant to RCW 46.30.040 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **MISCELLANEOUS CRIMES**

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## **Leaving Children Unattended in Standing Vehicle With Motor Running — RCW 46.61.685**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while operating or in charge of a vehicle, did park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen (16) years unattended in the vehicle; contrary to Revised Code of Washington 46.61.685.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.685 and RCW 9.92.030, plus restitution, assessments and court costs. Upon a second or subsequent conviction, the Department of Licensing will revoke the defendant's operator's license.)

## Department of Licensing Records

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### **Intentional Release of Unauthorized Information to Insurance Company — For Crimes Committed On or After July 22, 2001 — RCW 46.52.130 (Laws of 2001, ch. 309, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally furnish a certified abstract of driving record to an insurance company covering a period of more than three years; contrary to Revised Code of Washington 46.52.130 and/or did intentionally specify whether negligent driving convictions were for first or second degree negligent driving and/or did intentionally include reference to a deferred prosecution under RCW 10.05.060 for which the named person was not removed; contrary to Revised Code of Washington 46.52.130 (Laws of 2001, ch. 309, § 1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.52.130(16) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)



**Intentional Release of Certified Abstract of Driving Record to Third Party — For Crimes Committed On or After July 22, 2001 — RCW 46.52.130 (Laws of 2001, ch. 309, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an insurance company or its agent or an employer or an agent on behalf of an employer or prospective employer or alcohol/drug assessment or treatment agency, did intentionally divulge information contained on a certified abstract of driving record that the Defendant received pursuant to RCW 46.52.130, to a third party; contrary to Revised Code of Washington 46.52.130 (Laws of 2001, ch. 309, § 1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.52.130(16) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Intentional Release of Certified Abstract of Driving Record to Unauthorized Person — For Crimes Committed On or After July 22, 2001 — RCW 46.52.130 (Laws of 2001, ch. 309, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intentionally furnish a certified abstract of driving record to someone other than the individual named in the abstract, an employer or prospective employer or agent acting on behalf of an employer or prospective employer of the individual names in the abstract, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys; contrary to Revised Code of Washington 46.52.130 (Laws of 2001, ch. 309, § 1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 46.52.130(16) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Negligent Release of Unauthorized Information to Insurance Company — For Crimes Committed On or After July 22, 2001 — RCW 46.52.130 (Laws of 2001, ch. 309, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did negligently furnish a certified abstract of driving record to an insurance company covering a period of more than three years; contrary to Revised Code of Washington 46.52.130 and/or did negligently specify whether negligent driving convictions were for first or second degree negligent driving and/or did negligently include reference to a deferred prosecution under RCW 10.05.060 for which the named person was not removed; contrary to Revised Code of Washington 46.52.130 (Laws of 2001, ch. 309, § 1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.130(15) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Negligent Release of Certified Abstract of Driving Record to Third Party — For Crimes Committed On or After July 22, 2001 — RCW 46.52.130 (Laws of 2001, ch. 309, § 1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an insurance company or its agent or an employer or an agent on behalf of an employer or prospective employer or alcohol/drug assessment or treatment agency, did negligently divulge information contained on a certified abstract of driving record that the Defendant received pursuant to RCW 46.52.130, to a third party; contrary to Revised Code of Washington 46.52.130 (Laws of 2001, ch. 309, § 1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.130(15) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Negligent Release of Certified Abstract of Driving Record to Unauthorized Person — For Crimes Committed On or After July 22, 2001 — RCW 46.52.130 (Laws of 2001, ch. 309, § 1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did negligently furnish a certified abstract of driving record to someone other than the individual named in the abstract, an employer or prospective employer or agent acting on behalf of an employer or prospective employer of the individual named in the abstract, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys; contrary to Revised Code of Washington 46.52.130 (Laws of 2001, ch. 309, § 1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.130(15) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Release of Unauthorized Information to Insurance Company — For Crimes Committed Prior to July 22, 2001 — Former RCW 46.52.130 (Laws of 1998, ch. 165, § 11)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did furnish a certified abstract of driving record to an insurance company covering a period of more than three years; contrary to Revised Code of Washington 46.52.130 and/or did specify whether negligent driving convictions were for first or second degree negligent driving and/or did include reference to a deferred prosecution under RCW 10.05.060 for which the named person was not removed; contrary to former Revised Code of Washington 46.52.130 (Laws of 1998, ch. 165, § 11).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.130 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Release of Certified Abstract of Driving Record to Third Party — For Crimes Committed Prior to July 22, 2001 — Former RCW 46.52.130 (Laws of 1998, ch. 165, § 11)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being an insurance company or its agent or an employer or an agent on behalf of an employer or prospective employer or alcohol/drug assessment or treatment agency, did divulge information contained on a certified abstract of driving record that the Defendant received pursuant to RCW 46.52.130, to a third party; contrary to former Revised Code of Washington 46.52.130 (Laws of 1998, ch. 165, § 11).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.130 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Release of Certified Abstract of Driving Record to Unauthorized Person — For Crimes Committed Prior to July 22, 2001 — Former RCW 46.52.130 (Laws of 1998, ch. 165, § 11)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did furnish a certified abstract of driving record to someone other than the individual named in the abstract, an employer or prospective employer or agent acting on behalf of an employer or prospective employer of the individual named in the abstract, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys; contrary to former Revised Code of Washington 46.52.130 (Laws of 1998, ch. 165, § 11).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.52.130 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Failure to Stop and Non-Compliance With Officers**

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**Attempting to Elude Pursuing Police Vehicle — For Crimes Committed Prior to July 27, 2003— Former RCW 46.61.024 (Laws of 1983, ch. 80, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, as a driver of a motor vehicle, did willfully fail or refuse to immediately bring his or her vehicle to a stop and did drive his or her vehicle in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after having been given a visual or audible signal to bring the vehicle to a stop, said signal having been given by hand, voice, emergency light, or siren by a uniformed police officer whose vehicle was appropriately marked showing it to be an official police vehicle; contrary to former Revised Code of Washington 46.61.024 (Laws of 1983, ch. 80, § 1).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 46.61.024 and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Attempting to Elude Pursuing Police Vehicle — For Crimes Committed On or After July 27, 2003— RCW 46.61.024 (Laws of 2003, ch. 101, § 1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, as a driver of a motor vehicle, did willfully fail or refuse to immediately bring his or her vehicle to a stop and did drive his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after having been given a visual or audible signal to bring the vehicle to a stop, said signal having been given by hand, voice, emergency light, or siren by a uniformed police officer whose vehicle was equipped with lights and sirens; contrary to Revised Code of Washington 46.61.024 (Laws of 2003, ch. 101, § 1).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 46.61.024 and RCW 9A.20.021(1)(c), plus restitution and assessments.)

**Failure to Obey Law Enforcement Officer — RCW 46.61.022**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully fail to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer; and/or did wilfully fail to identify himself or herself, give his or her current address, and/or sign acknowledgment of receipt of the notice of infraction, when requested by a law enforcement officer to do so pursuant to an investigation of a traffic infraction; contrary to Revised Code of Washington 46.61.022.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.022 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Failure to Obey Officer, Flagman or Firefighter — RCW 46.61.015**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully fail or refuse to comply with any lawful order or direction of a duly authorized flagger or police officer or firefighter invested by law with authority to direct, control, or regulate traffic; contrary to Revised Code of Washington 46.61.015.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.015(2) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Refusal to Give Information to or Cooperate with Officer — RCW 46.61.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while operating or in charge of a vehicle, did refuse, when requested by a police officer, to give \_\_\_\_\_ his or her name and the name of the owner of such vehicle and/or did give a false name and address when requested by a police officer to give his or her name and address and/or did refuse or neglect to stop, when signaled to stop by any police officer, and/or did refuse, upon demand of any police officer, to produce the certificate of license registration of such vehicle, his or her insurance identification card, or his or her driver's license; and/or did refuse to permit any police officer to take his or her driver's license, his or her insurance identification card, or the certificate of license registration of such vehicle for the purpose of examination thereof; and/or did refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle, and/or did refuse or neglect to produce, when requested by any court, the certificate of license registration of such vehicle, his or her insurance identification card, or his or her driver's license; contrary to Revised Code of Washington 46.61.020.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.020 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Infractions**

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### **Failure to Sign Notice of Infraction — RCW 46.61.021(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully fail to identify himself or herself, give his or her current address, and/or sign an acknowledgement of receipt of a notice of infraction after being requested to identify himself or herself to a law enforcement officer pursuant to an investigation of a traffic infraction; contrary to Revised Code of Washington 46.61.021(3).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 46.61.022 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Unlawful Cancellation or Solicitation to Cancel Traffic Citation — RCW 46.64.010**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did cancel or solicit the cancellation or a traffic citation other than by trial in a court of competent jurisdiction or by other official action by a judge of said court; contrary to Revised Code of Washington 46.64.010.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 46.64.010(5) and RCW 9.92.030, plus restitution, assessments and court costs.)

## Reckless Driving

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### Aiding or Abetting Reckless Driving — RCW 46.61.500 and RCW 46.64.048

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did commit, attempt to commit, conspire to commit, or aid or abet in the commission of any act declared by Title 46 RCW to be a traffic infraction or crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, or did falsely, fraudulently, forcefully, or willfully induce, cause, coerce, require, permit or direct another to violate any provision of Title 46 RCW, to wit: (identify person assisted), who did drive a vehicle in willful or wanton disregard for the safety of persons or property; contrary to Revised Code of Washington 46.64.048 and 46.61.500(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.64.048, 46.61.500(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### Reckless Driving — RCW 46.61.500

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle in willful or wanton disregard for the safety of persons or property; contrary to Revised Code of Washington 46.61.500(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.500(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### Reckless Driving — Racing — RCW 46.61.530 and RCW 46.61.500

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did race a motor vehicle upon a public highway by wilfully comparing or contesting relative speeds by operation of one or more motor vehicles; contrary to Revised Code of Washington 46.61.530 and 46.61.500.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.61.500(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Reckless Endangerment in Construction Zone — RCW 46.61.527(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did drive a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, and/or did intentionally remove, evade, or intentionally strike a traffic safety or control device; contrary to Revised Code of Washington 46.61.527(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.61.527(4) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Safety Equipment**

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### **Failure to Use Chains or Other Required Traction Devices — RCW 47.36.250**

For crimes committed prior to July 27, 2003. Offenses committed On or After July 27, 2003, are a traffic infraction carrying a \$500 fine. *See* Laws of 2003, ch. 356, § 1.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail to obey a sign or other traffic device placed or maintained on the public highways by the department of transportation to give notice that chains or other approved traction devices are required due to dangerous road conditions; contrary to Revised Code of Washington 47.36.250.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 47.36.250 and RCW 9.92.030, plus restitution, assessments and court costs.)



## MOTOR VEHICLE LICENSING AND OWNERSHIP

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### **Alter, Reuse, Transfer or Forge Mobile Home or Park Model Trailer Movement Special Permit and Decal — RCW 46.44.175**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did alter, reuse, transfer, or forge the decal required by RCW 46.44.170 for moving a mobile home or park model trailer and/or did display a decal knowing that the decal had been forged, reused, transferred, or altered; contrary to Revised Code of Washington 46.44.175(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.44.175(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Make Initial Registration — RCW 46.16.010(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor; contrary to Revised Code of Washington 46.16.010(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, \$330 of which fine may not be suspended or deferred, or both, pursuant to RCW 46.16.010(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Failure to Surrender License Plates — RCW 46.29.605(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, after his or her registration was suspended pursuant to RCW 46.29.605 for failure to pay a judgment or deposit security license, did willfully fail to surrender license plates to the Department of Licensing; contrary to Revised Code of Washington 46.29.605(4).

(Maximum Penalty—Five (5) days in jail or \$250.00 fine, or both, with a mandatory minimum one (1) day in jail and \$50 fine, pursuant to RCW 46.29.605(4), plus restitution, assessments and court costs.)

### **Fail to Transfer Title Within 45 days after Date of Delivery — RCW 46.12.101(6)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did fail or neglect to make an application to transfer the certificate of ownership and license registration within forty—Five days after the date of delivery of the vehicle to another; contrary to Revised Code of Washington 46.12.101(6).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 46.12.101(6) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **False Statement in Application for Disabled Parking Permit — RCW 46.16.381(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly provide false information in conjunction with an application for a disabled parking permit and/or for a temporary disabled parking permit; contrary to Revised Code of Washington 46.16.381(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.16.381(2), plus restitution, assessments and court costs.)

### **False Statement in Application for Special Tax Exempt Plate — RCW 46.16.023(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make a false statement of a material fact in the application for a special tax exempt license plate pursuant to RCW 46.16.023; contrary to Revised Code of Washington 46.16.023(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.16.023(3) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Operate Vehicle Following Revocation of Certificate of Ownership or License Registration — RCW 46.12.160**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove, drive, or operate a vehicle after the department of licensing revoked any previously issued certificate of ownership or license registration or refused to issue a certificate of ownership or license registration for said vehicle; contrary to Revised Code of Washington 46.12.160.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.12.160 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Operate Vehicle Without Proper Certificate of Ownership or License Registration — RCW 46.12.160**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove, drive, or operate a vehicle before a proper certificate of ownership or license registration for said vehicle had been issued by the department of licensing; contrary to Revised Code of Washington 46.12.160.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 46.12.160 and RCW 9.92.020, plus restitution, assessments and court costs.)

**Operating Vehicle While Registration Suspended — RCW 46.29.605(6)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did operate a vehicle while the registration of the vehicle was suspended; contrary to Revised Code of Washington 46.29.605(6).

(Maximum Penalty-Five (5) days in jail or \$500.00 fine, or both, with a mandatory minimum two (2) days in jail and \$100 fine, pursuant to RCW 46.29.605(6), plus restitution, assessments and court costs.)

**Ownership of Motor Vehicle by Person Under Eighteen — RCW 46.12.250**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, while under the age of eighteen, was the registered or legal owner of any motor vehicle; contrary to Revised Code of Washington 46.12.250.

(Maximum Penalty—Ninety (90) days in jail or \$250 fine, or both pursuant to RCW 46.12.270, plus restitution, assessments and court costs.)

### **Sale or Transfer of Motor Vehicle Ownership to Person Under Eighteen — RCW 46.12.260**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly convey, sell, or transfer the ownership of any motor vehicle to a person under the age of eighteen, to wit: (name of child), born (child's date of birth); contrary to Revised Code of Washington 46.121.260.

(Maximum Penalty—Ninety (90) days in jail or \$250 fine, or both pursuant to RCW 46.12.270, plus restitution, assessments and court costs.)

### **Trip Permit Violation — RCW 46.16.160**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being the owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state, did not obtain a vehicle license registration in this state and did fail to secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable, and/or did fail to display said trip permit on the vehicle to which it was issued as prescribed by the Department of Licensing; contrary to Revised Code of Washington 46.16.160.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 46.16.160(7) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Vehicle License Registration Fraud — RCW 46.16.010(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, being a resident of this state, did license a vehicle in another state and did thereby evade the payment of any tax or license fee imposed in connection with registration; contrary to Revised Code of Washington 46.16.010(4).

(Maximum Penalty for a First Offense—One (1) year in jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred, or both, pursuant to RCW 46.16.010(4)(a), plus restitution, assessments and court costs.)

(Maximum Penalty for a Second or Subsequent Offense—One (1) year in jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred, or both, pursuant to RCW 46.16.010(4)(b), plus restitution, assessments and court costs.)

# UTILITIES, TELECOMMUNICATION, AND WATER CRIMES

## PIPELINES, OIL, AND GAS

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### Unlawful Operation of Onshore or Offshore Oil Facility — RCW 90.56.300

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and intentionally operate in this state or on the waters of this state an onshore or offshore facility without an approved contingency plan or an approved prevention plan as required by this Chapter, or financial responsibility in compliance with Chapter 88.40 RCW and the federal oil pollution act of 1990; contrary to Revised Code of Washington 90.56.300(1).

(Maximum Penalty for First Offense—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 90.56.300(1) and RCW 9A.20.021(2), plus restitution, assessments and court costs. Maximum Penalty for Second or Subsequent Offense — Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 90.56.300(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### Utility in State Highway Without a Franchise — RCW 47.44.060(1)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did construct or maintain on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light, or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so; contrary to Revised Code of Washington 47.44.060(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 47.44.060(1) and RCW 9.92.030, plus restitution, assessments and court costs. Each day of violation is a separate and distinct offense pursuant to RCW 47.44.060(1))

## **Violation of Natural Gas Pipeline Transport Safety Rules — RCW 80.28.210**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a person or corporation transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas, in this state, did violate or fail to comply with, or did procure, aid, or abet another, or his or her company, in the violation of, or noncompliance with, any rule or requirement of the Utilities and Transportation Commission, to wit: (identify the rule or regulation that was violated); contrary to Revised Code of Washington 80.28.210(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 80.28.210(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **PUBLIC UTILITIES**

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### **Defrauding a Public Utility in the First Degree — RCW 9A.61.030**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did divert, or cause to be diverted, utility services by any means whatsoever; or make, or cause to be made, a connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility; or prevent a utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means; or tamper with property owned or used by the utility to provide utility services; or use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the utility; and the utility service diverted or used exceeds \$1500 in value or the tampering occurred in furtherance of other criminal activity; contrary to Revised Code of Washington 9A.61.030(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9A.61.030(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Defrauding a Public Utility in the Second Degree — RCW 9A.61.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did divert, or cause to be diverted, utility services by any means whatsoever; or make, or cause to be made, a connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility; or prevent a utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means; or tamper with property owned or used by the utility to provide utility services; or use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the utility; and the utility service diverted or used exceeds \$500 in value; contrary to Revised Code of Washington 9A.61.040(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.61.040(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Defrauding a Public Utility in the Third Degree — RCW 9A.61.050**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did divert, or cause to be diverted, utility services by any means whatsoever; or make, or cause to be made, a connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility; or prevent a utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means; or tamper with property owned or used by the utility to provide utility services; or use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the utility; and the utility service diverted or used is Five hundred dollars or less in value, or a connection or reconnection has occurred without authorization or consent of the utility; contrary to Revised Code of Washington 9A.61.050(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.61.050(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

## TELECOMMUNICATIONS

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### **Fraud in Obtaining Telecommunications Service — Aggregate Value More Than \$250.00 — RCW 9.26A.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to evade the provisions of any order or rule of the Washington utilities and transportation commission or of any tariff, price list, contract, or any other filing lawfully submitted to said commission by any telephone, telegraph, or telecommunications company, and/or with intent to defraud, did obtain telephone, telegraph, or telecommunications service from any telephone, telegraph, or telecommunications company through (a) the use of a false or fictitious name or telephone number; (b) the unauthorized use of the name or telephone number of another; (c) the physical or electronic installation of, rearrangement of, or tampering with any equipment, or use of a telecommunications device; (d) the commission of computer trespass; and/or (e) any other trick, deceit, or fraudulent device, and the value of the telephone, telegraph, or telecommunications service obtained during a period of ninety days exceeds two hundred fifty dollars in the aggregate; contrary to Revised Code of Washington 9.26A.110(1) and (3).

(Maximum Penalty—Five (5) years imprisonment and/or a \$10,000 fine pursuant to RCW 9.26A.110(3) and 9A.20.021(1)(c), plus restitution and assessments.)



**Fraud in Obtaining Telecommunications Service — Aggregate Value More Than \$50.00 —  
RCW 9.26A.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to evade the provisions of any order or rule of the Washington utilities and transportation commission or of any tariff, price list, contract, or any other filing lawfully submitted to said commission by any telephone, telegraph, or telecommunications company, and/or with intent to defraud, did obtain telephone, telegraph, or telecommunications service from any telephone, telegraph, or telecommunications company through (a) the use of a false or fictitious name or telephone number; (b) the unauthorized use of the name or telephone number of another; (c) the physical or electronic installation of, rearrangement of, or tampering with any equipment, or use of a telecommunications device; (d) the commission of computer trespass; and/or (e) any other trick, deceit, or fraudulent device, and the value of the telephone, telegraph, or telecommunications service obtained during a period of ninety days exceeds fifty dollars in the aggregate; contrary to Revised Code of Washington 9.26A.110(1) and (2).

(Maximum Penalty-One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9.26A.110(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

**Fraud in Obtaining Telecommunications Service — Aggregate Value Less Than \$50.00 —  
RCW 9.26A.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to evade the provisions of any order or rule of the Washington utilities and transportation commission or of any tariff, price list, contract, or any other filing lawfully submitted to said commission by any telephone, telegraph, or telecommunications company, and/or with intent to defraud, did obtain telephone, telegraph, or telecommunications service from any telephone, telegraph, or telecommunications company through (a) the use of a false or fictitious name or telephone number; (b) the unauthorized use of the name or telephone number of another; (c) the physical or electronic installation of, rearrangement of, or tampering with any equipment, or use of a telecommunications device; (d) the commission of computer trespass; and/or (e) any other trick, deceit, or fraudulent device; contrary to Revised Code of Washington 9.26A.110(1).

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.26A.110(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Fraudulent Use of Telecommunications Device — RCW 9.26A.115(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message, did sell, give or otherwise transfer to another a telecommunications device; contrary to Revised Code of Washington 9.26A.115(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.26A.115 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Fraudulent Use of Telephone Company Credit Cards — RCW 9.26A.090**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful charge, did sell, rent, lend, give, advertise for sale or rental, or publish the credit card number of an existing, canceled, revoked, expired, or nonexistent telephone company credit card, or the numbering or coding that is employed in the issuance of telephone company credit cards or access devices; contrary to Revised Code of Washington 9.26A.090.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to 9.26A.090 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Theft of Telecommunication Services — RCW 9A.56.262**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and with intent to avoid payment, did use a telecommunication device to obtain telecommunication services without having entered into a prior agreement with a telecommunication service provider to pay for the telecommunication services and/or did possess a telecommunication device; contrary to Revised Code of Washington 9A.56.262(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.262(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Transfer of Plans for Telecommunications Devices — RCW 9.26A.115(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with knowledge or reason to believe that the plans may be used to make or assemble such device, did sell, give, or otherwise transfer to another plans or instructions for making or assembling a telecommunications device; contrary to Revised Code of Washington 9.26A.115(2).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 9.26A.115 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlawful Manufacture of Telecommunication Device — RCW 9A.56.264**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowingly and with intent to avoid payment or to facilitate avoidance of payment, did (a) manufacture, produce or assemble a telecommunication device; and/or (b) modify, alter, program, or reprogram a telecommunication device to be capable of acquiring or of facilitating the acquisition of telecommunication service without the consent of the telecommunication service provider; and/or (c) write, create, or modify a computer program that the Defendant knows is thereby capable of being used to manufacture a telecommunication device; contrary to Revised Code of Washington 9A.56.264(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.264(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Unlawful Sale of Telecommunication Device — RCW 9A.56.266**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sell, lease, exchange, or offer to sell, lease, or exchange, a telecommunication device, knowing that the purchaser, lessee, or recipient, or a third person, intends to use the device to avoid payment or to facilitate avoidance of payment for telecommunication services, and/or any material, including data, computer software, or other information and equipment, knowing that the purchaser, lessee, or recipient, or a third person, intends to use the material to avoid payment or to facilitate avoidance of payment for telecommunication services; contrary to Revised Code of Washington 9A.56.266(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.266(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **TELEVISION SERVICES**

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## **Theft of Subscription Television Services — RCW 9A.56.220**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to avoid payment of the lawful charge of a subscription television service, did (a) obtain or attempt to obtain subscription television service from a subscription television service company by trick, artifice, deception, use of a device or decoder, or other fraudulent means without authority from the company providing the service; or (b) assist or instruct a person in obtaining or attempting to obtain subscription television service without authority of the company providing the service; or (c) make or maintain a connection or connections, whether physical, electrical, mechanical, acoustical, or by other means, with cables, wires, components, or other devices used for the distribution of subscription television services without authority from the company providing the services; or (d) make or maintain a modification or alteration to a device installed with the authorization of a subscription television service company for the purpose of interception or receiving a program or other service carried by the company that the person is not authorized by the company to receive; or (e) possess without authority a device designed in whole or in part to receive subscription television services offered for sale by the subscription television service company, regardless of whether the program or services are encoded, filtered, scrambled, or otherwise made unintelligible, or to perform or facilitate the performance of any other acts set out in (a) through (d) for the reception of subscription television services without authority; contrary to Revised Code of Washington 9A.56.220(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.56.220(2) and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

## **Unlawful Sale of Subscription Television Services — RCW 9A.56.230**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, with intent to avoid payment or to facilitate the avoidance of payment of the lawful charge for any subscription television service and without authorization from the subscription television service company, did (a) publish or advertise for sale a plan for a device that is designed in whole or in part to receive subscription television or services offered for sale by the subscription television service company, regardless of whether the programming or services are encoded, filtered, scrambled, or otherwise made unintelligible; and/or (b) advertise for sale or lease a device or kit for a device designed in whole or in part to receive subscription television services offered for sale by the subscription television service company, regardless of whether the programming or services are encoded, filtered, scrambled, or otherwise made unintelligible; and/or (c) manufacture, import into the state of Washington, distribute, sell, lease, or offer for sale or lease a device, plan, or kit for a device designed in whole or in part to receive subscription television services offered for sale by the subscription television service company, regardless of whether the programming or services are encoded, filtered, scrambled, or otherwise made unintelligible; contrary to Revised Code of Washington 9A.56.230(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 9A.56.230(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **WATER AND SEWER**

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### **Falsifying Water Quality Data – For Crimes Committed On or After June 10, 2004 – RCW 90.48.590**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did knowingly falsify water quality data; contrary to Revised Code of Washington 90.48.590.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 90.48.590 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Furnishing Impure Water — RCW 70.54.020**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an owner, agent, manager, operator or other person having charge of any waterworks furnishing water for public or private use, did knowingly permit any act or omit any duty or precaution by reason whereof the purity or healthfulness of the water supplied did become impaired; contrary to Revised Code of Washington 70.54.020.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.54.020 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Interference with Water Works — RCW 90.03.410(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully interfere with, or injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume or other structure or appliance for the diversion, carriage, storage, apportionment or measurement of water for irrigation, reclamation, power or other beneficial uses, and/or did shall wilfully use or conduct water into or through a ditch, which has been lawfully denied the Defendant by the water master or other competent authority, and/or did wilfully injure or destroy any telegraph, telephone or electric transmission line, or any other property owned, occupied or controlled by any person, association, or corporation, or by the United States and used in connection with said beneficial use of water; contrary to Revised Code of Washington 90.03.410(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 90.03.410(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Overstatement of Claim for Water — RCW 90.14.121**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did file a statement of claim with the Department of Ecology pursuant to RCW 90.14.061 which knowingly provided for an overstatement of a right either in quantities of water or times of use; contrary to Revised Code of Washington 90.14.121.

(Maximum Penalty—Ninety (90) days in jail or \$250 fine, or both pursuant to RCW 90.14.121, plus restitution, assessments and court costs.)

### **Polluting Water Supply — RCW 70.54.010**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did deposit or suffer to be deposited in any spring, well, stream, river or lake, the water of which is or may be used for drinking purposes, or on any property owned, leased or otherwise controlled by any municipal corporation, corporation or person as a watershed or drainage basin for a public or private water system, any matter or thing whatever, dangerous or deleterious to health, or any matter or thing which may or could pollute the waters of such spring, well, stream, river, lake or water system; contrary to Revised Code of Washington 70.54.010.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 70.54.010 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Sewer, Drainage, or Water Connections Without District Permission — RCW 57.08.180**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without having permission from the district, did make, or cause to be made, or did maintain any connection with any sewer, drainage, or water system of any district, or with any sewer, drainage, or water system which is connected directly or indirectly with any sewer, drainage, or water system of any district; contrary to Revised Code of Washington 57.08.180.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 57.08.180 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Use of Water Without a Permit — RCW 90.03.400(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use, store or divert any water prior to the issuance of a permit to appropriate such water; contrary to Revised Code of Washington 90.03.400(3).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 90.03.400(3) and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Waste or Unauthorized Use of Ground Water — RCW 90.44.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did use ground water to which another person is entitled and/or did wilfully or negligently waste ground water and/or did fail to comply with Department of Ecology rules or regulations to cap flowing wells or equip the same with valves, fittings, or casings to prevent waste of ground waters, or to cap or plug wells producing waters which contaminate other waters; contrary to Revised Code of Washington 90.44.120.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 90.44.120 and RCW 9.92.030, plus restitution, assessments and court costs.)

### **Water Wastage — RCW 90.03.400(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully or negligently waste water to the detriment of another; contrary to Revised Code of Washington 90.03.400(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 90.03.400(1) and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Wrongful Use of Water — RCW 90.03.410(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully or unlawfully take or use water, or conduct the same into his or her ditch or to his or her land, or land occupied by him or her, and for such purpose did cut, dig, break down or open any headgate, bank, embankment, canal or reservoir, flume or conduit, or interfere with, injure or destroy any weir, measuring box or other appliance for the apportionment and measurement of water, and/or did unlawfully take or cause to run or pour out of such structure or appliance any water; contrary to Revised Code of Washington 90.03.410(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 90.03.410(2) and RCW 9.92.030, plus restitution, assessments and court costs.)



## VIOLATIONS OF PRIVACY

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### **Alter, Erase, or Wrongfully Disclose Recordings Made By Video Cameras Mounted in Law Enforcement Vehicles — RCW 9.73.080(2) and RCW 9.73.090(1)(c)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly alter or erase a sound recording that was made with a video camera mounted in a law enforcement vehicle and/or prior to final disposition of any criminal or civil litigation which arises from the incident or incidents which were recorded or for any commercial purpose, did knowingly duplicate and make available to the public a sound or video recording that was made with a video camera mounted in a law enforcement vehicle; contrary to Revised Code of Washington 9.73.090(1)(c) and RCW 9.73.080(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.73.080(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Intercepting, Recording, or Divulging Private Communication — RCW 9.73.030**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did intercept or record a private communication between two or more individuals without first obtaining the consent of all the participants in the communication; contrary to Revised Code of Washington 9.73.030(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 9.73.080(1) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Opening Sealed Letter — RCW 9.73.020**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did wilfully open or read, or cause to be opened or read, any sealed message, letter or telegram intended for another person, or publish the whole or any portion of such a message, letter or telegram, knowing it to have been opened or read without authority; contrary to Revised Code of Washington 9.73.020.

(Maximum Penalty-Ninety (90) days in jail or \$1,000 fine, or both, pursuant to RCW 9.73.020 and RCW 9.92.030, plus restitution, assessments and court costs.)

## **Search Without Warrant — RCW 10.79.040**

Note: Case law limits this offense to those occasions when the officer does not have a warrant and the entry and search are not justified by a valid exception to the constitutional warrant requirement. *See State v. Groom*, 133 Wn.2d 679, 947 P.2d 240 (1997). The suggested charging language reflects this limitation.

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a policeman or other peace officer, did enter and search and private dwelling house or place of residence without the authority of a search warrant or pursuant to a recognized exception to the warrant requirement; contrary to Revised Code of Washington 10.79.040.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 10.79.040(2) and RCW 9.92.020, plus restitution, assessments and court costs.)

## **Violation of Criminal Records Privacy Act — RCW 10.97.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did (a) disseminate criminal history record information pertaining to an arrest, detention, indictment, information, or other criminal charge without stating the disposition of such charge to the extent dispositions had been made at the time of the request for the information, and/or (b) disseminate nonconviction data to an individual or agency not authorized to receive such information or without the restrictions upon further dissemination required by RCW 10.97.050; contrary to Revised Code of Washington 10.97.040 and/or RCW 10.97.050.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 10.97.120 and RCW 9.92.030, plus restitution, assessments and court costs.)

# VOTERS, ELECTIONS, AND INITIATIVES

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### Deceptive or Incorrect Vote Recording — RCW 29A.84.610

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly deceive any voter in recording his or her vote by providing incorrect or misleading recording information or by providing faulty election equipment or records and/or did knowingly record the vote of any voter in a manner other than as designated by the voter; contrary to Revised Code of Washington 29A.84.610.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.610 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### Receipt or Distribution of Ballot By Unauthorized Person — RCW 29A.84.510(4)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not an election inspector or judge, did receive from any voter a voted ballot and/or did deliver a blank ballot to such elector; contrary to Revised Code of Washington 29A.84.510(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.510(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### Revealing Improperly Obtained Voter Information — RCW 29A.84.420(2)

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did examine or assist another to examine any voter record or ballot or any other state or local government official election material for the purpose of (a) identifying the name of a voter and how the voter voted; and/or (b) how a voter, whose name is known to the person, voted; and/or (c) identifying the name of the voter who voted in a manner known to the person; and did reveal the information gained to another; contrary to Revised Code of Washington 29A.84.420(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.420(2) and (3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Soliciting Voter to Show Ballot — RCW 29A.84.510(3)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did solicit any voter to show his or her ballot; contrary to Revised Code of Washington 29A.84.510(3)(b).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.510(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Unauthorized Examination of Ballots or Election Materials — RCW 29A.84.420(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did examine or assist another to examine any voter record or ballot or any other state or local government official election material for the purpose of (a) identifying the name of a voter and how the voter voted; and/or (b) how a voter, whose name is known to the person, voted; and/or (c) identifying the name of the voter who voted in a manner known to the person; contrary to Revised Code of Washington 29A.84.420(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.420(1) and (3) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Unauthorized Receipt of or Delivery of Ballot at a Disability Access Voting Location – For Crimes Committed On or After January 1, 2005 – RCW 29A.46.150(4)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not a voting election official, did receive from a voter a voted ballot and/or did deliver a blank ballot to a voter; contrary to Revised Code of Washington 29A.46.150(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.46.150(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Unlawful Appropriation, Printing, or Distribution of Ballots — RCW 29A.84.410**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was retained or employed by any officer authorized by the laws of this state to procure the printing of any official ballot or who is engaged in printing official ballots, did knowingly (1) appropriate any official ballot to himself or herself; and/or (2) give or deliver any official ballot to or permit any official ballot to be taken by any person other than the officer authorized by law to receive it; and/or (3) print or cause to be printed any official ballot in any other form than that prescribed by law or as directed by the officer authorized to procure the printing thereof or with any other names thereon or with the names spelled otherwise than as directed by such officer, or the names or printing thereon arranged in any other way than that authorized and directed by law; contrary to Revised Code of Washington 29A.84.410.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.410 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **Candidates Use of Nonexistent or Untrue Name or Duplication of Name — RCW 29A.84.320**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did file a declaration of candidacy for a public office listing (a) a nonexistent or fictitious person; and/or (b) the name of any person that is not the person's true name; and/or (c) a name similar to that of an incumbent seeking reelection to the same office with intent to confuse and mislead the electors by taking advantage of the public reputation of the incumbent; and/or (d) a surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead the electors by capitalizing on the public reputation of the candidate who had previously filed; contrary to Revised Code of Washington 29A.84.320.

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 29A.84.320 and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

**Conceal, Deface or Destroy a Certificate of Candidacy or Petition of Nomination – For Crimes Committed On or After June 10, 2004 – RCW 29A.84.311(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did conceal or fraudulently deface or destroy a certificate that has been filed with an elections officer under chapter 29A.20 RCW or a declaration of candidacy or petition of nomination that has been filed with an elections officer, or any part of such a certificate, declaration, or petition; contrary to Revised Code of Washington RCW 29A.84.311(2). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.311(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**False Certificate of Nomination or Election — For Crimes Committed Prior to June 10, 2004 — Former RCW 29A.84.710(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly and falsely issue a certificate of nomination or election; contrary to Revised Code of Washington 29A.84.710(1). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.670(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**False Information on Declaration of Candidacy or Petition of Nomination – For Crimes Committed On or After June 10, 2004 – RCW 29A.84.311(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly provide false information on his or her declaration of candidacy or petition of nomination; contrary to Revised Code of Washington RCW 29A.84.311(1). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.311(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Falsely Issuing a Certificate of Nomination or Election – For Crimes Committed On or After June 10, 2004 – RCW 29A.84.711(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly and falsely issue a certificate of nomination or election; contrary to Revised Code of Washington RCW 29A.84.711(1). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.711(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Nominating Petition Offenses – For Crimes Committed On or After June 10, 2004 – RCW 29A.84.261(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sign more than one petition for any single candidacy of any single candidate and/or did knowingly sign the petition when he or she is not a legal voter and/or did knowingly make a false statement as to his or her residence; contrary to Revised Code of Washington RCW 29A.84.261(2).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 29A.84.261(2) and RCW 9A.92.030, plus restitution, assessments and court costs.)

**Provide False Information on Certificate of Nomination — For Crimes Committed Prior to June 10, 2004 — Former RCW 29A.84.710(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly provide false information on a certificate which must be filed with an elections officer under Chapter 29.24 RCW; contrary to Revised Code of Washington 29A.84.710(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.710(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Providing False Information on an Election Certificate – For Crimes Committed On or After June 10, 2004 – RCW 29A.84.711(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant knowingly provide false information on a certificate which must be filed with an elections officer under chapter 29A.20 RCW; contrary to Revised Code of Washington RCW 29A.84.711(2).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.711(2) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

**Signing Nominating Petition With False Name – For Crimes Committed On or After June 10, 2004 – RCW 29A.84.261(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sign a nominating petition with a name other than the defendant's own; contrary to Revised Code of Washington RCW 29A.84.261(1).

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 29A.84.261(1) and RCW 9A.92.030, plus restitution, assessments and court costs.)

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### **Allowing Unqualified Person to Vote — RCW 29A.84.655**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a precinct election officer, did knowingly permit a voter to cast a second vote at any primary or general or special election and/or did knowingly permit any person not a qualified voter to vote at any primary or general or special election; contrary to Revised Code of Washington 29A.84.655.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.655 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Disenfranchisement of Eligible Citizen — RCW 29A.84.120**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an election officer, or another person who acted intentionally, did disenfranchise an eligible citizen or did discriminate against a person eligible to vote by denying voter registration to such person; contrary to Revised Code of Washington 29A.84.120.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 29A.84.120 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)



### **Election Officials' Registration Law Violations — RCW 29A.84.110**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a county auditor or registration assistant, did (1) willfully neglect or refuse to perform any duty required by law in connection with the registration of voters; and/or (2) willfully neglect or refuse to perform such duty in the manner required by voter registration law; and/or (3) enter or cause or permit to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enter or cause or permit to be entered on such records the name of any person not entitled to be thereon; and/or (4) destroy, mutilate, conceal, change or alter any registration record in connection therewith in a manner not authorized by the voter registration law; contrary to Revised Code of Washington 29A.84.110.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 29A.84.110 and RCW 9A.20.021, plus restitution, assessments and court costs.)

### **Electioneering By a Disability Access Voting Election Officer – For Crimes Committed On or After January 1, 2005 – RCW 29A.84.525**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a disability access voting election officer, did engage in electioneering during the voting period ; contrary to Revised Code of Washington 29A.84.525.

(Maximum Penalty—One hundred dollar fine pursuant to RCW 29A.84.525, plus restitution, assessments and court costs.)

### **Electioneering by Election Officers — RCW 29A.84.520**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, an election officer, on primary or election day, did electioneering; contrary to Revised Code of Washington 29A.84.520.

(Maximum Penalty— \$100 fine pursuant to RCW 29A.84.520, plus restitution, assessments and court costs.)

### **Improper Use or Alteration of Voter Registration Data Base Information – For Crimes Committed On or After January 1, 2006 – RCW 29A.84.150**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a state or local election officer, or a designee of a state or local election officer, did knowingly use or alter information contained in the county or statewide voter registration database in a manner inconsistent with the defendant's duties; contrary to Revised Code of Washington 29A.84.150.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to 29A.84.150 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Neglect of Election Duties — RCW 29A.84.720**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a person charged with the performance of any duty under the provisions of any law of this state relating to elections, including primaries, or the provisions of any charter or ordinance of any city or town of this state relating to elections, did willfully neglect or refuse to perform such duty, and/or in the performance of such duty, or in his or her official capacity, did knowingly or fraudulently violate any of the provisions of law relating to such duty; contrary to Revised Code of Washington 29A.84.720.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.720 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

(Minimum Penalty — Forfeiture of the Defendant's office.)

## **ELECTION RESULTS**

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### **Divulging Ballot Count — RCW 29A.84.730**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was authorized by law to be present while votes are being counted, did divulge any results of the count of the ballots at any time prior to the closing of the polls for that primary or special or general election; contrary to Revised Code of Washington 29A.84.730(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.730(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Tampering with Returns or Posted Copy of Results — RCW 29A.84.740**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove or deface the posted copy of the result of votes cast at their precinct or did delay delivery of or change the copy of primary or special or general election returns to be delivered to the proper election officer; contrary to Revised Code of Washington 29A.84.740.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.740 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **False Statement as to Residence on Initiative or Referendum Petition — RCW 29A.84.230(2)**

This statute is not a model of clarity. The knowledge element may or may not apply to this alternative means of violating the law. Each office will have to decide for itself whether to include the knowledge element in its charging language.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did [knowingly] make a false statement as to his or her residence on any initiative or referendum petition; contrary to Revised Code of Washington 29A.84.230(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.230(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Interfering with Initiative Signing — RCW 29A.84.250(4)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did interfere with or attempt to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice; contrary to Revised Code of Washington 29A.84.250(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 29A.84.250(4) and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Non-Legal Voter Signing Initiative or Referendum Petition — RCW 29A.84.230(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing that he or she is not a legal voter, did knowingly sign an initiative or referendum petition; contrary to Revised Code of Washington 29A.84.230(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.230(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Signing Initiative or Referendum Petition More than Once — RCW 29A.84.230(2)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sign more than one petition for the same initiative or referendum measure; contrary to Revised Code of Washington 29A.84.230(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.230(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Signing Initiative or Referendum Petition With False Name — RCW 29A.84.230(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sign an initiative or referendum petition with a name other than his or her true name; contrary to Revised Code of Washington 29A.84.230(1).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.230(1) and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **MISCELLANEOUS ELECTION CRIMES**

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### **Removing or Defacing Political Advertising — RCW 29A.84.040**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did, without authorization, remove or deface lawfully placed political advertising including yard signs or billboards; contrary to Revised Code of Washington 29A.84.040.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 29A.84.040 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

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### **Campaigning at Polling Place on Day of Election — RCW 29A.84.510(1)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, on the day of any primary or general or special election, within a polling place, or in any public area within three hundred feet of any entrance to such polling place, did (a) suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure; (b) circulate cards or handbills of any kind; (c) solicit signatures to any kind of petition; and/or (d) engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place; contrary to Revised Code of Washington 29A.84.510(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.510(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Campaigning Outside a Disability Access Voting Location – For Crimes Committed On or After January 1, 2005 – RCW 29A.46.150(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, during posted disability access voting hours and while within 300 hundred feet of the entrance to the posted disability access voting location, no person, did (a) suggest or persuade or attempt to suggest or persuade a voter to vote for or against a candidate or ballot measure, and/or (b) circulate cards or handbills of any kind and/or (c) solicit signatures to any kind of petition and/or (d) engage in a practice that interfered with the freedom of voters to exercise their franchise or disrupted the administration of the early voting location; contrary to Revised Code of Washington 29A.46.150(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.46.150(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Obstructing Access to a Disability Access Voting Location – For Crimes Committed On or After January 1, 2005 – RCW 29A.46.150(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obstruct the doors or entries to a building containing a disability access voting location and/or did prevent free access to and from the disability access voting location; contrary to Revised Code of Washington 29A.46.150(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.46.150(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Obstructing Doors or Entry To Polling Place — RCW 29A.84.510(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place; contrary to Revised Code of Washington 29A.84.510(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.510(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

**Refusing to Leave Voting Booth — RCW 29A.84.530**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did deliberately impede other voters from casting their votes by refusing to leave a voting booth or voting device; contrary to Revised Code of Washington 29A.84.530.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 29A.84.530 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Removal of Ballot From Polling Place Before the Closing of the Polls — RCW 29A.84.510(3)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, who was not a member of a team acting at the direction of the county auditor pursuant to RCW 29.54.037, did remove a ballot from the polling place before the closing of the polls; contrary to Revised Code of Washington 29A.84.510(3)(a).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.510(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Removing Ballot From a Disability Access Voting Location – For Crimes Committed On or After January 1, 2005 – RCW 29A.46.150(3)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did remove a ballot from the disability access voting location before the closing of the polls and/or did solicit a voter to show his or her ballot; contrary to Revised Code of Washington 29A.46.150(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.46.150(5) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Removing Ballot From Polling Place — RCW 29A.84.540**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, without lawful authority, did remove a ballot from a polling place; contrary to Revised Code of Washington 29A.84.540.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.540 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Tampering With Polling Place Materials — RCW 29A.84.550**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did willfully deface, remove, or destroy any of the supplies or materials which the person knows are intended both for use in a polling place and for enabling a voter to prepare his or her ballot; contrary to Revised Code of Washington 29A.84.550.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.550 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

## **Tampering With Voting Machines — RCW 29A.84.560**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did tamper with or damage or attempt to damage any voting machine or device to be used or being used in a primary or special or general election, and/or did prevent or attempt to prevent the correct operation of such machine or device, and/or without lawful authority, did make or have in his or her possession a key to a voting machine or device to be used or being used in a primary or special or general election; contrary to Revised Code of Washington 29A.84.560.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.560 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

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### **Acceptance of Consideration to Sign or Refuse to Sign Recall Petition — RCW 29A.84.220(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant for any consideration, gratuity, reward, or thing of value or promise thereof, did sign or decline to sign any recall petition; contrary to Revised Code of Washington 29A.84.220(1).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **False Report or Certificate on Recall Petition by Registration Officer — RCW 29A.84.240(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a registration officer, did make a false report or certificate on any recall petition; contrary to Revised Code of Washington 29A.84.240(3).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.240(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)



### **Interfering With Recall Petition Signing — RCW 29A.84.220(5)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, by threats or intimidation, did interfere with or attempt to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; contrary to Revised Code of Washington 29A.84.220(5).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Offer Payment to Obtain Signature on Recall Petition — RCW 29A.84.220(4)**

The portion of this provision that relates to compensation for circulating recall petitions or solicit signatures for payment have been omitted based upon of the United State District Court for the Western District of Washington's decision in *Limit v. Maleng*, 874 F. Supp. 1138 (W.D. Wash. 1994), which struck down former RCW 29.79.490(2) (now codified as RCW 29A.84.250), which prohibited per signature payment for initiative gatherers on the grounds that the provision unconstitutionally infringed on the freedom of political speech guaranteed by the first amendment.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did pay or offer or promise to pay or did give or offer or promise to give any consideration, compensation, gratuity, reward, or thing of value to any person to induce him or her to sign or not to sign, or to vote for or against any recall; contrary to Revised Code of Washington 29A.84.220(4).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.220 and RCW 9.92.020, plus restitution, assessments and court costs.)

### **Signing Recall Petition With False Name — RCW 29A.84.240(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did sign a recall petition with other than his or her true name; contrary to Revised Code of Washington 29A.84.240(1).

(Maximum Penalty—Ten (10) years imprisonment or \$20,000 fine, or both pursuant to RCW 29A.84.240(1), and RCW 9A.20.021(1)(b), plus restitution, assessments and court costs.)

### **Violations by Signers of Recall Petitions — RCW 29A.84.240(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly sign more than one petition for the same recall and/or did knowingly sign a recall petition when he or she is not a legal voter and/or did knowingly make a false statement as to his or her residence on any recall petition; contrary to Revised Code of Washington 29A.84.240(2).

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.240(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

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### **Acceptance of Improper Payment for Registering Voters — RCW 29A.84.130(7)\***

\* The constitutionality of this charge must be carefully considered in light of the Western District of Washington's decision in *Limit v. Maleng*, 874 F. Supp. 1138 (W.D. Wash. 1994), which struck down former RCW 29.79.490(2) (now codified as RCW 29A.84.250), which prohibited per signature payment for initiative gatherers on the grounds that the provision unconstitutionally infringed on the freedom of political speech guaranteed by the first amendment.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did accept payment for assisting in registering voters and the payment was based on a fixed amount of money per voter registration; contrary to Revised Code of Washington 29A.84.130(7).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Failing to Return Ballot to Election Officer — RCW 29A.84.670(1)(e)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a voter, did fail to return to the election officers any ballot he or she received from an election officer; contrary to Revised Code of Washington 29A.84.670(1)(e).

(Maximum Penalty — \$100 fine, plus costs and assessments pursuant to RCW 29A.84.670(1)(e))

### **False Information on Application for Voter Registration — RCW 29A.84.130(1)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly provide false information on an application for voter registration under Title 29 RCW; contrary to Revised Code of Washington 29A.84.130(1). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **False Declaration as to Qualifications as a Voter — RCW 29A.84.130(2)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly make or attest to a false declaration as to his or her qualifications as a voter; contrary to Revised Code of Washington 29A.84.130(2). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Hindering or Bribing Voter — RCW 29A.84.620**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, did use menace, force, threat, or any unlawful means toward any voter to hinder or deter such a voter from voting, and/or did directly or indirectly offer any bribe, reward, or any thing of value to a voter in exchange for the voter's vote for or against any person or ballot measure, or did authorize any person to do so; contrary to Revised Code of Washington 29A.84.620. (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.620 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Improper Transfer or Cancellation of Voter Registration — RCW 29A.84.130(8)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause any person to be registered or cause any registration to be transferred or canceled in a manner not authorized under Title 29 RCW; contrary to Revised Code of Washington 29A.84.130(8). (Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Influencing Voter to Withhold Vote — RCW 29A.84.630**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, directly or indirectly, by menace or unlawful means, did attempt to influence any person in refusing to give his or her vote in any primary or special or general election; contrary to Revised Code of Washington 29A.84.630. (Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.630 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Marking Ballot For Subsequent Identification — RCW 29A.84.670(1)(d)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a voter, did place any mark upon his or her ballot by which it may afterward be identified as the one voted by him or her; contrary to Revised Code of Washington 29A.84.670(1)(d).

(Maximum Penalty — \$100 fine, plus costs and assessments pursuant to RCW 29A.84.670(2))

### **Offer of Improper Payment for Registering Voters — RCW 29A.84.130(6)\***

\* The constitutionality of this charge must be carefully considered in light of the Western District of Washington's decision in *Limit v. Maleng*, 874 F. Supp. 1138 (W.D. Wash. 1994), which struck down former RCW 29.79.490(2) (now codified as RCW 29A.84.250), which prohibited per signature payment for initiative gatherers on the grounds that the provision unconstitutionally infringed on the freedom of political speech guaranteed by the first amendment.

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did offer to pay another person to assist in registering voters based on a fixed amount of money per voter registration; contrary to Revised Code of Washington 29A.84.130(6).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Registration to Vote By Unqualified Person — RCW 29A.84.140**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did register to vote when the Defendant knew he or she did not possess the legal qualifications of a voter; contrary to Revised Code of Washington 29A.84.140.

(Maximum Penalty—Ninety (90) days in jail or \$1,000 fine, or both pursuant to RCW 29A.84.140 and RCW 9A.20.021(3), plus restitution, assessments and court costs.)

### **Registration to Vote Under False Name — RCW 29A.84.130(3)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause or permit himself or herself to be registered to vote using the name of another person; contrary to Revised Code of Washington 29A.84.130(3).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Registration to Vote Under Two or More Names — RCW 29A.84.130(4)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause or permit himself or herself to be registered to vote under two or more different names; contrary to Revised Code of Washington 29A.84.130(4).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Registration to Vote in Two or More Counties — RCW 29A.84.130(5)**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did knowingly cause or permit himself or herself to be registered to vote in two or more counties; contrary to Revised Code of Washington 29A.84.130(5).

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.130 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Solicitation of Bribe By Voter — RCW 29A.84.640**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did solicit, request, or demand, directly or indirectly, any reward or thing of value or the promise of a reward or thing of value in exchange for his or her vote or in exchange for the vote of any other person for or against any candidate or for or against any ballot measure to be voted upon at a primary or special or general election; contrary to Revised Code of Washington 29A.84.640.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both pursuant to RCW 29A.84.640 and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

### **Voting By Unqualified Person — RCW 29A.84.660**

On or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, knowing that he or she does not possess the legal qualifications of a voter, did vote at any primary or special or general election authorized by law to be held in this state for any office; contrary to Revised Code of Washington 29A.84.660.

(Maximum Penalty—Five (5) years imprisonment or \$10,000 fine, or both pursuant to RCW 29A.84.660 and RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

### **Voting Improperly Received Ballot — RCW 29A.84.670(1)(c)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a voter, did vote or offer to vote any ballot except one that he or she received from the election officer having charge of the ballots; contrary to Revised Code of Washington 29A.84.670(1)(c).

(Maximum Penalty — \$100 fine, plus costs and assessments pursuant to RCW 29A.84.670(2))

### **Voter's Receipt of Ballot From Unauthorized Person — RCW 29A.84.670(1)(b)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a voter, did receive a ballot from any person other than the election officer having charge of the ballots; contrary to Revised Code of Washington 29A.84.670(1)(b).

(Maximum Penalty — \$100 fine, plus costs and assessments pursuant to RCW 29A.84.670(2))

### **Voting Repeater — RCW 29A.84.650**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant did vote or attempt to vote more than once at any primary or general or special election; contrary to Revised Code of Washington 29A.84.650.

(Maximum Penalty—One (1) year in jail or \$5,000 fine, or both, pursuant to RCW 29A.84.650 and RCW 9A.20.021 (2), plus restitution, assessments and court costs.)

### **Voter's Revealing of Marked Ballot — RCW 29A.84.670(1)(a)**

On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the County of \_\_\_\_\_, State of Washington, the above-named Defendant, a voter, did show his or her ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate for whom he or she has marked his or her vote; contrary to Revised Code of Washington 29A.84.670(1)(a).

(Maximum Penalty — \$100 fine, plus costs and assessments pursuant to RCW 29A.84.670(2))

#### IV. CRIMES FOR WHICH NO CHARGING LANGUAGE HAS BEEN PREPARED

Statute	Description of Crime	Type of Crime
RCW 9.02.050	Concealing the birth of a child	Gross misdemeanor
RCW 9.02.120	Performing an unauthorized abortion on another person.	Class C felony
RCW 9.05.030	Assemblages of saboteurs	Class B felony
RCW 9.05.060	Criminal sabotage	Class B felony
RCW 9.08.030	False certificate of registration of animals and/or false representation as to breed	Gross misdemeanor
RCW 9.12.020	Buying, demanding, or promising reward by district judge or deputy	Misdemeanor
RCW 9.16.010	Removing lawful brand	Class C felony and/or Gross misdemeanor
RCW 9.16.020	Imitating lawful brand	Gross misdemeanor or misdemeanor
RCW 9.16.060	Fraudulent registration of trademark	Misdemeanor
RCW 9.16.080	Petroleum products improperly labeled or graded	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 9.16.100	Use of words "sterling silver"	Gross misdemeanor
RCW 9.16.110	Use of words "coin silver"	Gross misdemeanor
RCW 9.16.120	Use of word "sterling" on mounting	Gross misdemeanor
RCW 9.16.130	Use of "coin silver" on mounting	Gross misdemeanor
RCW 9.16.140	Unlawful marking article made of gold	Gross misdemeanor
RCW 9.40.040	Operating engine or boiler without spark arrester	Misdemeanor
RCW 9.41.120	Firearms as loan security	Misdemeanor
RCW 9.41.260	Dangerous exhibitions	Misdemeanor
RCW 9.44.080	Misconduct in signing a petition.	Misdemeanor
RCW 9.45.020	Substitution of child.	Class B felony

Statute	Description of Crime	Type of Crime
RCW 9.45.060	Removal, selling, concealing, or converting any encumbered, leased or rented personal property.	Gross misdemeanor
RCW 9.45.070	Mock auctions	Class C felony or Gross misdemeanor
RCW 9.45.090	Knowingly receiving fraudulent conveyance	Misdemeanor
RCW 9.45.100	Fraud in assignment for benefit of creditors	Gross misdemeanor
RCW 9.45.124	Inaccurate measurement of commodities and/or altering measuring devices.	Class B felony
RCW 9.45.126	Inducing violations in the measurement of commodities	Class B felony
RCW 9.45.160	Fraud in liquor warehouse receipts	Class C felony or Gross misdemeanor
RCW 9.45.210	Altering sample or certificate of assay	Class C felony
RCW 9.45.220	Making false sample or assay of ore	Class C felony
RCW 9.47.090	Maintaining bucket shop	Class C felony
RCW 9.47.120	Bunco steering	Class B felony
RCW 9.51.040	Grand juror acting after challenge is allowed	Misdemeanor
RCW 9.51.050	Disclosing transaction of grand jury	Misdemeanor
RCW 9.51.060	Disclosure of deposition returned by grand jury	Misdemeanor
RCW 9.55.020	Witness refusing to attend legislature or committee or to testify	Gross misdemeanor
RCW 9.58.010	Libel	Gross misdemeanor
RCW 9.58.080	Furnishing libelous information	Misdemeanor
RCW 9.58.090	Threatening to publish libel	Gross misdemeanor
RCW 9.58.110	Slander of woman	Misdemeanor
RCW 9.62.020	Instituting suit in name of another	Gross misdemeanor
RCW 9.66.030	Maintaining or permitting a nuisance	Misdemeanor
RCW 9.66.050	Deposit of unwholesome substance	Gross misdemeanor
RCW 9.68.030	Indecent articles related to unlawful abortion	Misdemeanor



Statute	Description of Crime	Type of Crime
RCW 9.68.060	Labeling of erotic materials and sale of erotic materials to a minor	Misdemeanor for first offense. Gross misdemeanor for second offense. Class C felony for additional offenses.
RCW 9.68.080	Misrepresentation of age in order to obtain access to erotic materials	
RCW 9.68.130	Unlawful display of sexually explicit material	Misdemeanor
RCW 9.73.010	Divulging telegram	Misdemeanor
RCW 9.81.020	Subversive activities	Class B felony
RCW 9.81.030	Membership in subversive organization	Class C felony
RCW 9.81.110	Misstatements in application for appointment or employment regarding membership in subversive organization.	Felony
RCW 9.82.010	Treason	Death
RCW 9.82.030	Misprision of treason	Class C felony or Gross misdemeanor
RCW 9.86.020	Improper use of flag	Gross misdemeanor
RCW 9.86.030	Desecration of flag	Gross misdemeanor
RCW 9.91.010	Denial of civil rights in accommodations, advantages, facilities, etc.	Misdemeanor
RCW 9.91.020	Operating railroad, steamboat, or other vehicle while intoxicated	Gross misdemeanor
RCW 9.91.025	Unlawful bus conduct	Misdemeanor
RCW 9.91.110	Metal buyer's failure to keep records of purchases.	Gross misdemeanor
RCW 9.91.130	Disposal of trash in charity donation receptacles	Misdemeanor
RCW 9A.68.060	Commercial bribery	Class B felony
RCW 9A.82.030	Advancing money or property to be used for extortionate credit	Class B felony
RCW 9A.82.040	Use of extortionate means to collect extensions of credit	Class B felony
RCW 9A.82.045	Collection of unlawful debt	Class C felony
RCW 9A.82.060	Leading organized crime	Class B felony

Statute	Description of Crime	Type of Crime
RCW 9A.82.080	Use of proceeds of criminal profiteering	Class B or Class C felony
RCW 9A.83.020	Money laundering	Class B felony
RCW 10.29.060	Witness disclosing fact that s/he has been called before a state-wide special inquiry judge	Misdemeanor
RCW 11.110.140	False statement of material fact in connection with charitable trusts or other violations of chapter governing charitable trusts.	Gross misdemeanor
RCW 14.12.210	Airport zoning violations.	Misdemeanor
RCW 15.21.060	Violation of provisions of the Washington Fresh Fruit Sales Limitation Act	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 15.24.200	Violations of any provision of the Apple Advertising Commission chapter or any violations of any rule or regulation of the commission.	Gross misdemeanor or misdemeanor.
RCW 15.26.300	Violations of the Tree Fruit Research Act	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 15.28.270	Violations of the chapter governing Soft Tree Fruits	Misdemeanor
RCW 15.30.250	Violations of the chapter governing Controlled Atmosphere Storage of Fruits and Vegetables	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 15.35.300	Violations of Washington State Milk Pooling Act	Misdemeanor
RCW 15.37.150	Violations of Milk and Milk Products for Animal Food chapter.	Misdemeanor
RCW 15.44.170	Violations of the Dairy Products Commission chapter	Gross misdemeanor
RCW 15.53.9018	Divulging information provided by distributors of commercial feed to the department of agriculture that would reveal the business operation of the person making the report.	Misdemeanor
RCW 15.53.904	Department's remedies for noncompliance -- Penalties -- Prosecutions -- Injunctions	Misdemeanor carrying a financial fine only

Statute	Description of Crime	Type of Crime
RCW 15.54.362	Divulging information provided by registrant or licensees who distribute commercial fertilizer to the department of agriculture that would reveal the business operation of the person making the report.	Misdemeanor
RCW 15.54.470	Violations of chapter governing fertilizers, minerals and limes.	Misdemeanor
RCW 15.58.330	Violations of Washington Pesticide Control Act	Misdemeanor
RCW 15.60.055	Violations of the chapter governing Apiaries	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 15.61.050	Violation of regulations governing the commercial movement of ladybugs or other beneficial insects from this state.	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 15.62.220	Violations of any provision of the chapter establishing the Honey Bee Commission or any rule or regulation adopted by the Commission.	Misdemeanor
RCW 15.65.520	Violation of any provision of the Washington State Agricultural Enabling Act of 1961 – Commodity Boards	Misdemeanor
RCW 15.66.210	Violation of any provision of the Washington Agricultural Enabling Act of 1955 — Commodity Commissions	Misdemeanor
RCW 15.80.640	Writing, etc., false weigh ticket, scale ticket, or weight certificate.	Gross misdemeanor
RCW 15.80.650	Violations of any provision of the chapter governing weighmasters other than false ticket.	Misdemeanor for first offense; Gross misdemeanor for second offense.
RCW 16.36.110	Violations of chapter dealing with animal health. Includes quarantining infected animals, destruction of infected animals, exposing animals to disease, etc.	Gross misdemeanor
RCW 16.50.170	Penalty for violating the chapter governing the humane slaughter of livestock.	Misdemeanor
RCW 16.52.090	Docking horses' tails.	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 16.52.095	Cutting ears of animals.	Misdemeanor carrying a maximum fine of \$20.
RCW 16.52.110	Old or diseased animals at large	Misdemeanor
RCW 16.52.190	Poisoning animals	Gross misdemeanor
RCW 16.52.193	Poisoning animals — strychnine sales	Gross misdemeanor
RCW 16.57.120	Removal or alteration of brand	Gross misdemeanor
RCW 16.57.280	Possession of livestock marked with another's brand	Gross misdemeanor
RCW 16.57.320	Disposition of proceeds of sale when no proof of ownership -- Penalty for accepting proceeds after sale, trade, etc	Gross misdemeanor
RCW 16.58.170	Violations of Chapter 16.58 RCW governing the identification of cattle through certified feed lots.	Misdemeanor for first violation. Gross misdemeanor for second or subsequent violation within a 5 year period.
RCW 16.65.150	Penalty for failure to disclose unsatisfied lien, mortgage on livestock	Gross misdemeanor
RCW 16.65.440	Violations of Chapter 16.65 RCW governing public livestock markets	Misdemeanor for first violation. Gross misdemeanor for second or subsequent violation.
RCW 16.67.140	Failure to provide Washington State Beef Commission with list of livestock sellers	Misdemeanor
RCW 16.68.020	Failure to properly bury carcass of diseased animal	Misdemeanor
RCW 16.68.030	Sell, offer for sale, or give away a dead animal	Misdemeanor
RCW 16.68.040	Operation of rendering plant without a license	Misdemeanor
RCW 16.68.140	Unlawful possession of horse meat	Misdemeanor
RCW 16.68.150	Feeding carcasses to swine	Misdemeanor
RCW 16.70.050	Violating, or refusing or neglecting to obey the order or directive of the Department of Health related to the control of pet animals infected with diseases communicable to humans	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 17.04.280	Preventing official of Weed Control Board	Misdemeanor
RCW 17.10.160	Preventing entry by member of Noxious Weeds Control Board	Misdemeanor
RCW 17.10.235	Selling product, article, or feed containing noxious weed seeds or toxic weeds	Misdemeanor
RCW 17.10.350	Failure to pay monetary penalty imposed upon civil infraction for violating Chapter 17.10 RCW	Misdemeanor
RCW 17.21.310	Violations of Chapter 17.21 RCW, Washington Pesticide Application Act	Misdemeanor for first violation. Gross misdemeanor for second or subsequent violation.
RCW 17.24.081	Sell, receive, and/or fail to isolate a noxious weed or plant or plant product, bees, bee hives, etc.	Misdemeanor for first violation. Gross misdemeanor for second or subsequent violation.
RCW 17.24.100	Failure to comply with a regulation of the director of agriculture.	Misdemeanor for first violation. Gross misdemeanor for second or subsequent violation.
RCW 17.28.250	Interference with entry or work of Mosquito Control District	Misdemeanor
RCW 18.27.220	Wilful refusal to identify contractor	Misdemeanor
RCW 18.32.675	Corporation practicing dentistry	Gross misdemeanor
RCW 18.32.755	Non-disclosure of dentist's names in advertisement	Gross misdemeanor
RCW 18.39.350	Retail installment contracts for funeral services	Class C felony
RCW 18.64.250	Unlawful practices related to pharmacists	Misdemeanor
RCW 18.130.075	Failure to surrender temporary practice license.	Misdemeanor
RCW 18.130.200	Fraud in obtaining certain licenses	Gross misdemeanor
RCW 18.235.180	Obtaining certain business licenses by willful or fraudulent misrepresentation	Gross misdemeanor
RCW 19.06.040	Violation of Chapter 19.06 RCW related to blind made products.	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 19.09.100	Various fund raising offenses involving failure to make necessary disclosures, incorrect information, and calling at inopportune times.	Misdemeanor or gross misdemeanor (see RCW 19.09.275)
RCW 19.25.020	Reproduces for sale, advertises for sale, or transports for commercial advantage a recording without the consent of the owner.	Gross misdemeanor, class C felony, or Class B felony
RCW 19.25.030	Use of recording of live performance without consent of owner	Gross misdemeanor, class C felony, or Class B felony
RCW 19.25.040	Failure to disclose origin of certain recordings unlawful	Gross misdemeanor, class C felony, or Class B felony
RCW 19.27A.090	Offering a non-approved portable oil-fueled heater for sale	Misdemeanor
RCW 19.29.060	Violation of rules governing electrical construction	Gross misdemeanor
RCW 19.30.150	Violation of Chapter 19.30 RCW governing farm labor contractors	Misdemeanor
RCW 19.32.180	Violations of Chapter 19.32 RCW governing food lockers	Misdemeanor carrying a fine only
RCW 19.68.010	Rebating by practitioners of healing professions	Misdemeanor
RCW 19.76.110	Refilling bottles	Misdemeanor carrying a fine only
RCW 19.83.050	Violations of Chapter 19.83 RCW governing trading stamp licenses	Gross misdemeanor
RCW 19.84.040	Violations of Chapter 19.84 RCW governing trading stamps and premiums	Misdemeanor carrying a fine only
RCW 19.100.210	Knowing violations of Chapter 19.100 RCW governing franchises	Class B felony (5 year SOL)
RCW 19.105.480	Wilful failure to register an offering of camping resort contracts, and/or engage in false or misleading practices with respect to camping resort contracts.	Gross misdemeanor
RCW 19.105.520	Representing director's administrative approval of camping resort as determination as to merits of resort	Gross misdemeanor
RCW 19.110.050	Proposing to sell or lease a business opportunity without registering with the director of financial institutions.	Gross misdemeanor or Class B felony (felony has a 5 year SOL)

Statute	Description of Crime	Type of Crime
RCW 19.110.070	Failure to provide the purchaser of a business opportunity with a written disclosure document within 48 hours before the signing of the business opportunity contract.	Gross misdemeanor or Class B felony (felony has a 5 year SOL)
RCW 9.110.120	Making untrue or misleading statements, or engage in fraud or deceptive practice with relationship to a business opportunity contract.	Class B felony (5 year SOL)
RCW 19.112.060	Violation of Chapter 19.112 RCW governing motor fuel quality	Misdemeanor
RCW 19.116.080	Unlawful subleasing or transfer of an ownership interest in a motor vehicle	Class C felony
RCW 19.134.070	Attempt by a credit services organization to obtain a waiver by the buyer of the rights created by chapter 19.134 RCW	Gross misdemeanor
RCW 19.138.270	Sellers of travel providing false information in any report statement or report required by chapter 19.138 RCW	Gross misdemeanor
RCW 19.142.080	Health studio's failure to furnish the bond required by RCW 19.142.070, or failure to maintain a trust account as required by RCW 19.142.060	Class C felony
RCW 19.158.160	Violations of chapter 19.158 RCW dealing with Commercial Telephone Solicitation	Misdemeanor, gross misdemeanor or Class C felony
RCW 19.166.090	Violations of Chapter 19.166 RCW governing international student exchange	Misdemeanor
RCW 19.170.070	Violations of Chapter 19.170 RCW governing promotional advertising of prizes	Gross misdemeanor
RCW 19.194.030	Violations of Chapter 19.194 RCW governing trade in or exchange of computer hardware	Gross misdemeanor
RCW 19.210.040	Selling baby food, infant formula, cosmetics, nonprescription drugs, or medical devices at flea markets, swap meets or similar forums.	First violation is a misdemeanor. Second violation is a gross misdemeanor. Third or subsequent violation is a class C felony.
RCW 19.230.300	Violations of Chapter 19.230 RCW, the Uniform Money Services Act.	Varies from class C felony to misdemeanor

Statute	Description of Crime	Type of Crime
RCW 20.01.460	Violations of Chapter 20.01 RCW governing commission merchants, dealers, brokers, buyers, and agents of agricultural products	Gross misdemeanor or class C felony
RCW 20.01.482	Refusal to identify self or to sign a notice of infraction or to respond to a notice of infraction alleging a violation of chapter 20.01 RCW	Misdemeanor
RCW 20.01.490	Failure to pay monetary sanction imposed under chapter 20.01 RCW	Misdemeanor
RCW 21.20.400	Violations of chapter 21.20 RCW, the Securities Act of Washington	Class B felony (5 year SOL)
RCW 21.20.727	Violation of rules related to debenture companies	Gross misdemeanor
RCW 21.30.140	Wilful violation of chapter 21.30 RCW governing commodity transactions	Class B felony (5 year SOL)
RCW 22.09.310	Dealing in unauthorized agricultural commodity receipts	Class C felony
RCW 22.09.770	Unlawful practices related to the inspection or grading of agricultural commodities	Misdemeanor
RCW 22.09.890	Violation of any provision in chapter 22.09 RCW governing agricultural commodities for which no other penalty has been fixed	Misdemeanor
RCW 22.32.010	Warehouseman or carrier refusing to issue receipt	Misdemeanor
RCW 22.32.020	Fictitious bill of lading and receipt	Gross misdemeanor
RCW 22.32.030	Fraudulent tampering with or mixing goods	Gross misdemeanor
RCW 22.32.040	Issuance of second receipt not marked "duplicate."	Misdemeanor
RCW 22.32.050	Delivery of goods without taking up receipt	Misdemeanor
RCW 23B.01.290	Knowingly signing a false document with the intent that the document be delivered to the secretary of state for filing	Gross misdemeanor
RCW 24.03.420	Corporation's failure to answer truthfully and fully interrogatories propounded by the secretary of state pursuant to chapter 24.03 RCW	Misdemeanor
RCW 24.03.425	Corporate officer's or director's failure to answer truthfully and fully interrogatories propounded by the secretary of state pursuant to chapter 24.03 RCW	Misdemeanor



Statute	Description of Crime	Type of Crime
RCW 24.06.465	Failure of corporation to file its annual report withing time prescribed by chapter 24.06 RCW	Misdemeanor
RCW 24.06.470	Corporate officer's or director's failure to answer truthfully and fully interrogatories propounded by the secretary of state pursuant to chapter 24.06 RCW	Misdemeanor
RCW 26.04.110	Failure to deliver marriage certificate to the county auditor.	Misdemeanor
RCW 26.04.140	Failure to obtain a marriage license	Misdemeanor
RCW 26.04.175	Unauthorized disclosure of marriage application	Misdemeanor
RCW 26.04.210	False statement on affidavit for marriage license	Three years/\$1,000
RCW 26.04.240	Unauthorized solemnization of marriage	Misdemeanor
RCW 26.04.250	Solemnizing marriage of under-aged participant	Gross misdemeanor
RCW 26.23.120	Solicit, publish, disclose, receive, improperly make use of information contained in the State Support Registry	Gross misdemeanor
RCW 26.26.220	Entering into a surrogate parenting contract with unemancipated minor child or mentally retarded or mentally ill person	Gross misdemeanor
RCW 26.26.230	Surrogate parenting contract for compensation	Gross misdemeanor
RCW 26.28.060	Allowing a child under the age of fourteen to work without the written permission of a superior court judge	Misdemeanor
RCW 26.28.070	Employment of child under the age of 18 years in certain types of employment	Misdemeanor
RCW 26.33.370	Assumption or relinquishment of the permanent care and custody of a child without a court order	Gross misdemeanor
RCW 26.34.080	Violations of the requirements contained within the Interstate Compact on Placement of Children	Misdemeanor
RCW 26.44.030	Unauthorized dissemination of information obtained in case planning and consultation regarding abused children	Misdemeanor
RCW 27.44.040	Knowingly disturbing any cairn or grave of a native Indian or who sells any native Indian artifact taken from a cairn or grave	Class C felony
RCW 27.53.060	Disturbing archaeological resource or site without written permit or permission	Class C felony

Statute	Description of Crime	Type of Crime
RCW 27.53.090	Violation of chapter 27.53 RCW dealing with archaeological sites and resources	Misdemeanor
RCW 28A.405.040	Teaching when certificate or permit to teach has been revoked for lack of patriotism	Misdemeanor
RCW 28A.535.070	Knowingly aid in increasing the annual expenditure in excess of annual revenue of school district	Misdemeanor
RCW 28B.20.320	Unlawful gathering of marine biological materials from marine biological preserve	Misdemeanor
RCW 28B.85.030	Granting degrees without authorization from the Higher Education Coordinating Board	Gross misdemeanor
RCW 28C.10.140	Private vocational school conducting business without a license	Gross misdemeanor
RCW 29A.84.020	Violation by election officer of duties related to recall petitions (RCW 29A.56.110 through RCW 29A.56.270)	Gross misdemeanor
RCW 29A.84.030	Violations of chapter 29A.48 RCW dealing with mail in elections	Class C felony
RCW 29A.84.210	Violations by election officer of the provisions of chapter 29A.72 RCW or RCW 29A.32.010 through RCW 29A.32.120	Gross misdemeanor
RCW 29A.84.270	Duplication of names -- Conspiracy	Class B felony
RCW 29A.84.680	Violations of chapter 29A.40 RCW regarding absentee ballots.	Class C felony or misdemeanor.
RCW 30.04.020	Improper use of words bank or trust	Gross misdemeanor
RCW 30.04.075	Improper disclosure of examination reports and information	Gross misdemeanor
RCW 30.04.240	Failure to keep trust business separate	Class B felony
RCW 30.04.260	Trust company providing legal services	Gross misdemeanor
RCW 30.04.405	Improper acquisition of a bank	Gross misdemeanor
RCW 30.12.047	Delinquent officer or employee participation in bank or trust company affairs	Gross misdemeanor
RCW 30.12.090	False statement or entry in the books of any bank or trust company	Class B felony
RCW 30.12.100	Destroying or secreting bank or trust company records	Class B felony
RCW 30.12.110	Commission for procuring loan	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 30.12.120	Loans to officers or employees from trust funds	Class B felony
RCW 30.12.190	Aid or abet a violation of enumerated provisions of chapter 30.12 RCW governing the conduct of officers, employees, and stockholders of banks and trust companies	Misdemeanor
RCW 30.16.010	Certification of a check when the account does not contain sufficient funds to cover the check	Gross misdemeanor
RCW 30.42.290	Violations of chapter 30.42 RCW governing alien banks	Misdemeanor
RCW 30.44.110	Transfer of property or assets in contemplation of insolvency	Class B felony
RCW 30.44.120	Receiving deposits when insolvent	Class B felony
RCW 31.04.175	Violations of chapter 31.04 RCW, the Consumer Loan Act	Gross misdemeanor
RCW 31.12.565	Improper disclosure of credit union examination reports	Gross misdemeanor
RCW 31.12.724	Transfer of credit union's property or assets in contemplation of insolvency	Class B felony
RCW 31.12.850	False or fictitious statement or entry in credit union records	Class C felony
RCW 31.45.180	Violation of chapter 31.45 RCW governing check cashers and sellers	Misdemeanor
RCW 32.04.100	False statement or entry in the books of any savings bank	Class B felony
RCW 32.04.110	Concealing or destroying evidence by a trustee, officer, employee, or agent of any savings bank	Class B felony
RCW 32.04.130	Violation of anything forbidden by chapter 32.04, 32.08, 32.12, 32.16, or 32.24 RCW for which a penalty is not provided	Gross misdemeanor
RCW 32.04.220	Improper disclosure of examination reports and information	Gross misdemeanor
RCW 32.16.097	Violation of order of removal and/or prohibition	Gross misdemeanor
RCW 32.24.080	Transfer of assets of mutual savings bank when insolvent	Class B felony
RCW 32.32.228	Improper acquisition of control of a converted savings bank	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 33.04.110	Improper disclosure of examination reports and information	Gross misdemeanor
RCW 33.08.010	Improper use of the words building or loans with the words saving, savings, or thrift	Gross misdemeanor
RCW 33.24.360	Unlawful acquisition of control of savings and loan association	Misdemeanor
RCW 33.36.010	Illegal loans or investments	Gross misdemeanor
RCW 33.36.020	Purchase at discount of accounts or certificates	Gross misdemeanor
RCW 33.36.030	Transfer of property in contemplation of insolvency	Class C felony
RCW 33.36.040	Falsification of books	Class C felony
RCW 33.36.050	False statement affecting financial standing,	Gross misdemeanor
RCW 33.36.060	Suppressing, secreting, or destroying evidence or records	Class C felony
RCW 35.17.150	Officer or employee of commission form of government receiving free ticket or service	Misdemeanor
RCW 35.32A.090	Allowing or paying claims in excess of budget	Misdemeanor
RCW 35.34.280	Expenditures in excess of budget	Misdemeanor
RCW 35.36.040	Printing more than one bond bearing the same number	Class B felony
RCW 35.67.350	Sewer connection without permission	Misdemeanor
RCW 35.75.020	Unauthorized use of bicycle paths	Misdemeanor
RCW 35A.33.160	Knowingly expending money in excess of budget appropriations	Misdemeanor
RCW 35A.34.280	Knowingly expending money in excess of budget appropriations	Misdemeanor
RCW 35A.36.040	Printing more than one bond bearing the same number	Class B felony
RCW 36.13.070	Violations of chapter 36.13 RCW governing county census	Gross misdemeanor
RCW 36.28.060	Violations of statutes governing sheriff receipts for payments	Misdemeanor
RCW 36.29.060	County treasurer's failure to call for or pay any warrant	Misdemeanor
RCW 36.40.240	Violations of chapter 36.40 RCW governing county budgets	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 36.49.070	Failure to comply with chapter 36.49 RCW governing dog license tax	Misdemeanor
RCW 36.58.020	Violation of rules or regulations adopted by the county commissioners governing the use and maintenance of solid waste disposal sites	Misdemeanor
RCW 36.68.080	Violation of rules or regulations adopted by the county commissioners governing parks, playgrounds, or other recreational facilities	Misdemeanor
RCW 36.69.180	Violation of rules or regulations adopted by the park and recreation board governing parks, playgrounds, or other recreational facilities	Misdemeanor
RCW 36.71.060	Acting as a peddler without a county license	Misdemeanor
RCW 36.71.070	Selling goods, wares, or merchandise at public auction and/or bartering goods, etc. without a county or state license	Misdemeanor
RCW 36.75.130	Blocking an approach to a county road	Misdemeanor
RCW 36.75.270	Overweight vehicle on county road or bridge	Misdemeanor
RCW 36.75.290	Violation of provisions of chapter 36.75 RCW governing county roads and bridges for which no other penalty is specified	Misdemeanor
RCW 36.86.060	Use of oil at intersections or entrances to county roads	Misdemeanor
RCW 36.95.190	False statement as to tax exemption	Misdemeanor
RCW 38.32.090	Physician's false certificate of physical disability.	Class C felony
RCW 38.32.100	Buying or receiving military property	Gross misdemeanor
RCW 38.32.120	Disorderly conduct, gambling, or use of spiritous liquors in violation of order of commanding officer	Misdemeanor
RCW 38.38.412	Failure to respond to subpoena for courts-martial proceeding	Misdemeanor
RCW 38.40.040	Interference with employment	Gross misdemeanor
RCW 38.40.050	Discharge from employment by reason of performance of military duties	Gross misdemeanor
RCW 38.40.110	Discrimination in employment or membership due to membership in the organized militia of Washington	Misdemeanor
RCW 38.40.120	Unauthorized military organizations	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 38.52.150	Violations of any rule, regulation, or order issued under the authority of chapter 38.52 RCW governing emergency management	First offense is a misdemeanor. Second or subsequent offense is a gross misdemeanor.
RCW 39.04.110	False entry in an account or record required by chapter 39.04 RCW	Misdemeanor
RCW 39.44.101	Fraud in the printing of bonds or coupons	Class B felony
RCW 39.84.050	Public corporation officer's conflict of interest with any industrial development facility	Gross misdemeanor
RCW 41.08.210	Wilful violation of chapter 41.08 RCW governing civil service for city firemen	Misdemeanor
RCW 41.12.210	Wilful violation of chapter 41.12 RCW governing civil service for city police	Misdemeanor
RCW 41.14.220	Wilful violation of chapter 41.14 RCW governing civil service for sheriff's office	Misdemeanor
RCW 41.26.062	Falsification on any record of the LEOFF retirement system	Class B felony
RCW 41.32.055	Falsification on any record of the teacher's retirement plan	Class B felony
RCW 41.35.120	False statement on any statement or record of the Washington employees' retirement system	Gross misdemeanor
RCW 41.40.055	False statement on any statement or record of the Washington public employees' retirement system	Gross misdemeanor
RCW 42.48.050	Unauthorized disclosure of an individually identifiable personal record	Gross misdemeanor
RCW 43.01.100	Inclusion on employment or license application form of question relative to an applicant's race or religion	Misdemeanor
RCW 43.04.090	Violations of chapter 43.04 RCW governing use of the state seal	Misdemeanor
RCW 43.06.220	Wilful violation of restrictions contained in governor's proclamation of state of emergency	Gross misdemeanor
RCW 43.06.230	Maliciously destroying or damaging real or personal property or maliciously injuring another after governor's proclamation of a state of emergency	Class B felony

Statute	Description of Crime	Type of Crime
RCW 43.06.240	Disorderly conduct after governor's proclamation of emergency	Gross misdemeanor
RCW 43.06.250	Refusing to leave public way or property within the area described in the governor's state of emergency	Misdemeanor
RCW 43.07.100	Improper use of information collected by bureau of statistics	Misdemeanor
RCW 43.07.210	False statement in articles of incorporation or other document required to be filed with the secretary of state	Gross misdemeanor
RCW 43.08.140	Embezzlement by state treasurer	Class A felony
RCW 43.09.165	False swearing in response to subpoena issued by state auditor.	Class C felony
RCW 43.12.065	Violation of rules governing the use by the public of state-owned lands.	Misdemeanor if equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020
RCW 43.19.1939	Offering inducement to refrain from bidding	Misdemeanor
RCW 43.21G.100	Violation of chapter 43.21G governing energy supply emergencies	Gross misdemeanor
RCW 43.22.290	Unauthorized disclosure or reports by employers	Gross misdemeanor
RCW 43.22.300	Failure to honor subpoena issued by the Department of Labor and Industries	Misdemeanor
RCW 43.22.310	Refusing entry to inspector or employee of the Department of Labor and Industries	Misdemeanor
RCW 43.22.340	Leasing, selling or offering to sell any mobile homes, commercial coaches, etc. that do not meet the requirements of the rules contained in this section	Misdemeanor
RCW 43.22.433	Violations of safety statutes related to mobile homes	Gross misdemeanor
RCW 43.22.490	Violation of safety statutes related to factory built housing and commercial structures	Misdemeanor
RCW 43.30.310	Violation of rules pertaining to public use of state lands	Misdemeanor
RCW 43.37.200	Violation of chapter 43.37 RCW governing weather modification	Misdemeanor
RCW 43.43.320	Falsification of any record related to the Washington State Patrol retirement fund	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 43.43.810	Obtaining criminal offender record information under false pretenses, improperly disclosing criminal offender record information, or falsifying criminal offender record information	Misdemeanor
RCW 43.43.856	Divulging investigative information pertaining to activities related to organized crime	Class B felony
RCW 43.63A.485	Violation of certain safety rules and regulations related to manufactured housing	Gross misdemeanor
RCW 43.88.270	Violations of chapter 43.88 RCW governing state budgeting, accounting, and reporting system	Misdemeanor
RCW 43.320.090	Borrowing money by director, deputy, or employee of the Department of Financial Institutions	Gross misdemeanor
RCW 44.16.120	Failure to respond to subpoena issued by legislative committee	Misdemeanor
RCW 44.16.150	Refusing to answer questions of the legislature	Misdemeanor
RCW 46.08.170	Violations of traffic or parking rule or regulation on capitol grounds	Misdemeanor if the equivalent of RCW 46.63.020
RCW 46.12.070	Surrender of certificates upon destruction of vehicle	Gross misdemeanor
RCW 46.12.075	Remove state patrol marking that vehicle has been rebuilt	Class C felony
RCW 46.12.080	Violation of procedure on installation of different motor	Misdemeanor
RCW 46.12.215	Unlawful sale of certificate of ownership	Class C felony
RCW 46.12.370	Furnishing lists of registered and legal owners of vehicles without authority and/or unauthorized use of lists	Gross misdemeanor
RCW 46.12.380	Disclosure of names and addresses of individual vehicle owners	Gross misdemeanor
RCW 46.37.435	Unlawful installation of safety glazing or film sunscreening materials.	Misdemeanor
RCW 46.48.175	Violation of rules and/or regulations pertaining to vehicle equipment on motor carriers transporting hazardous materials	Misdemeanor
RCW 46.52.090	Reports of major vehicle repairs	Gross misdemeanor



Statute	Description of Crime	Type of Crime
RCW 46.55.035	Prohibited acts regarding tow truck operators' compensation and financial interests.	Gross misdemeanor
RCW 46.68.010	False statement made to obtain a refund	Gross misdemeanor
RCW 46.72A.070	Operating a limousine without first having a vehicle certificate as required by chapter 46.72A RCW	First offense is a misdemeanor. Second or subsequent offense is a gross misdemeanor
RCW 46.72A.080	Advertising violations related to limousine services: Falsify a unified business identifier or use a false or inaccurate unified business identifier, or fail to specify the type of service offered, or advertise or otherwise hold itself out to the public as providing taxicab transportation services in connection with a solicitation or identification as an authorized limousine carrier.	Gross misdemeanor
RCW 46.80.190	False testimony in response to DOL subpoena	Class C felony
RCW 46.87.260	Alteration or forgery of cab card.	Class B felony
RCW 46.87.290	Operating a vehicle after the refusal of DOL to issue a cab card.	Gross misdemeanor
RCW 47.08.110	Misuse of county or city road funds	Misdemeanor
RCW 47.32.010	Maintain unlawful structure in highway right of way	Misdemeanor (RCW 47.04.090)
RCW 47.36.180	Forbidden traffic control devices	Misdemeanor
RCW 47.36.230	Construction company violations related to signs or flaggers	Misdemeanor
RCW 47.38.010	Violations of rules or regulations related to rest areas	Misdemeanor
RCW 47.40.080	Destroying native flora on state lands, highways, and parks	Misdemeanor
RCW 47.41.070	Junkyard as public nuisance	Misdemeanor
RCW 47.42.080	Erecting sign in violation of the Scenic Vistas Act	Misdemeanor
RCW 47.48.040	Disregarding a notice of closure or restriction	Misdemeanor
RCW 47.48.050	Transportation of radioactive or hazardous cargo when prohibited by state patrol due to weather or other conditions	Misdemeanor
RCW 47.52.120	Crossing over divider on limited access highway, or u-turns, etc.	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 47.68.240	Violations of chapter 47.68 RCW governing aeronautics	Misdemeanor
RCW 47.68.255	Evasive registration of aircraft	Gross misdemeanor
RCW 48.01.080	Violations of Title 48 RCW for which no other penalty is specified	Gross misdemeanor
RCW 48.06.030	Solicitation without a solicitation permit from the commissioner	Class B felony
RCW 48.06.190	Exhibiting false accounts	Class B felony
RCW 48.07.060	Buy or sell or barter a vote or proxy relative to any meeting of shareholders or members of an incorporated domestic insurer	Gross misdemeanor
RCW 48.08.040	Illegal dividends	Gross misdemeanor
RCW 48.17.480	Wilfully failing to report amount of consideration charged	Misdemeanor
RCW 48.17.600	Commingling of premium funds	Misdemeanor
RCW 48.18.070	Unauthorized alteration of application	Misdemeanor
RCW 48.18.180	Collection of fee, compensation, or consideration in excess of the stated premium	Gross misdemeanor
RCW 48.30.110	Contributions to candidates for insurance commissioner by insurer or fraternal benefit society	Gross misdemeanor
RCW 48.30.190	Illegal dealing in premiums	Misdemeanor
RCW 48.30A.015	Trafficking in insurance claims	First count is a gross misdemeanor. Second or additional count is a class C felony.
RCW 48.31.105	Failure to cooperate with the commissioner	Gross misdemeanor
RCW 48.31B.050	Violations of chapter 48.31B RCW, the Insurer Holding Company Act	Three year felony
RCW 48.31C.090	Violations of chapter 48.31C RCW, the Holding Company Act for Domestic Health Carriers	Three year felony
RCW 48.36A.360	Violations of chapter 48.36A RCW governing fraternal benefit societies and false or fraudulent statements related to fraternal benefit societies	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 48.44.015 and .016	Acting as a health care service contractor without being registered	Gross misdemeanor or class B felony (see Laws of 2003, ch. 250, §§ 7 and 8).
RCW 48.44.060	Violations of any provisions of chapter 48.44 RCW governing health care services	Gross misdemeanor
RCW 48.46.027 and .033	Holding oneself out as a health maintenance organization without being duly registered	Gross misdemeanor or class B felony (see Laws of 2003, ch. 250, §§ 10 and 11).
RCW 48.46.420	Violations of any provision of chapter 48.46 RCW governing health maintenance organizations	Gross misdemeanor
RCW 48.56.030	Financing insurance premiums without a license	Misdemeanor
RCW 48.104.060	Destruction of records or other materials related to Holocaust insurance policies	Class C felony
RCW 49.12.130	Retaliation against a witness in any investigation regarding minimum wages	Misdemeanor
RCW 49.12.170	Violation of minimum wage laws or standard conditions of labor	Misdemeanor
RCW 49.12.175	Wage discrimination due to sex	Misdemeanor
RCW 49.12.410	Violation of child labor laws	Gross misdemeanor or class C felony
RCW 49.17.190	Advance notice of an inspection to be conducted under the Washington Industrial Safety and Health Act, or false statement in document required under the act, or violate the regulations or rules adopted pursuant to the act.	Misdemeanor or gross misdemeanor
RCW 49.24.060	Violation of chapter 49.24 RCW which contains safety rules for underground workers	Gross misdemeanor
RCW 49.24.380	Violations of RCW 49.28.080 through 49.24.380	Misdemeanor
RCW 49.26.140	Violation of a rule or regulation adopted pursuant to chapter 49.26 RCW governing asbestos projects	Misdemeanor
RCW 49.28.030	Violation of the eight hour a day, 1899 act	Misdemeanor
RCW 49.28.084	Requiring a domestic employee to work more than 60 hours in a one week period	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 49.28.110	Requiring excessive work hours from operators of power equipment in waterfront operations	Misdemeanor
RCW 49.38.060	Violations of chapter 49.38 RCW governing theatrical enterprises	Gross misdemeanor
RCW 49.40.030	Fraud by seasonal labor employee in obtaining advances	Gross misdemeanor
RCW 49.44.010	Blacklisting	Misdemeanor
RCW 49.44.020	Bribery of labor representative	Gross misdemeanor
RCW 49.44.030	Labor representative receiving bribe	Gross misdemeanor
RCW 49.44.040	Obtaining employment by false letter or certificate	Misdemeanor
RCW 49.44.050	Fraud by employment agent	Misdemeanor
RCW 49.44.060	Corrupt influencing of employment agent	Gross misdemeanor
RCW 49.44.080	Endangering life by refusal to labor	Misdemeanor
RCW 49.44.100	Bringing in out of state persons to replace employees involved in labor dispute [This statute has been preempted by federal law. <i>See State v. Labor Ready, Inc.</i> , 103 Wn. App. 775 (2000).]	Gross misdemeanor
RCW 49.44.120	Requiring lie detector tests	Misdemeanor
RCW 49.46.100	Prohibited acts of employer related to the Minimum Wage Act	Gross misdemeanor
RCW 49.48.020	Improper withholding or diversion of employees' wages	Misdemeanor
RCW 49.48.040	Refusal to provide records	Misdemeanor
RCW 49.52.050	Rebates of wages or false records	Misdemeanor
RCW 49.52.090	Rebates of wages on public works	Gross misdemeanor
RCW 49.60.310	Interfere or resist Human Rights Commission	Misdemeanor
RCW 49.60.360	Failure to provide refueling services for disabled drivers at same rate as self-service	Misdemeanor
RCW 50.36.010	Knowingly giving false information or withholding material information related to unemployment compensation	Misdemeanor or gross misdemeanor
RCW 50.36.020	Willfully fail to collect or truthfully account for contributions imposed by the unemployment compensation act	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 50.36.030	Concealing cause of discharge	Misdemeanor
RCW 50.40.010	Employer obtaining waiver of rights from employee or attempting to collect his part of the premium from the wages of his workers..	Gross misdemeanor
RCW 51.14.100	Improperly posting a notice of compliance	Misdemeanor
RCW 51.16.140	Employer's attempt to collect his part of the premium from the wages of his or her workers	Gross misdemeanor
RCW 51.48.040	Refusal to allow inspection of employer's records	Misdemeanor
RCW 51.48.050	Illegal collections for medical aid	Misdemeanor
RCW 51.48.103	Engaging in business without certificate of coverage	Class C felony
RCW 51.48.270	Knowingly making false statements or concealing information	Class C felony
RCW 51.48.280	Kickbacks, bribes, and rebates	Class C felony
RCW 51.52.120	Unlawful attorney's fees before department or board	Misdemeanor
RCW 51.52.132	Unlawful attorney's fees on appeal	Misdemeanor
RCW 52.12.105	Violation of or failure to comply with chapter 52.12 RCW relating to fire permits	Misdemeanor
RCW 52.12.106	Violation or failure to comply with chapter 52.12 RCW relating to fire permits	Misdemeanor
RCW 53.08.220	Violation of regulations adopted by port districts	Misdemeanor
RCW 53.34.190	Violation or rules or regulations adopted by port district related to toll facilities	Misdemeanor
RCW 58.04.015	Disturbing a survey monument	Gross misdemeanor
RCW 58.10.040	Violation of regulations adopted by incorporated cities regarding surveys and plats	Misdemeanor
RCW 58.17.220	Violation of court order or injunction issued pursuant to chapter 58.17 RCW	Misdemeanor
RCW 58.17.300	Violation of chapter 58.17 RCW relating to plats, subdivisions, and dedications	Gross misdemeanor
RCW 59.12.230	Forcible entry and detainer	Misdemeanor
RCW 59.21.110	Violations of any provision of chapter 59.21 RCW, relating to mobile home relocation assistance	Misdemeanor
RCW 61.12.030	Removal of property from mortgaged premises	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 61.34.030	Equity skimming	Class B felony
RCW 63.14.170	Violations of chapter 63.14 RCW governing retail installment sales of goods and services	Misdemeanor
RCW 63.29.340	Wilfully refuse to deliver unclaimed property to the department of revenue or contracting to avoid the requirements of chapter 63.29, the Uniform Unclaimed Property Act	Gross misdemeanor
RCW 63.29.350	Charging excessive fee for locating abandoned property	Misdemeanor
RCW 64.36.020	Selling or offering to sell unregistered timeshares	Gross misdemeanor
RCW 64.36.210	Making untrue or misleading statement of material fact or fraud in connection with timeshares	Class C felony
RCW 65.12.730	Entering duplicate certificates of title or stealing or carrying away a certificate of title.	Felony
RCW 65.12.740	Land registration falsification	Felony
RCW 65.12.750	Fraudulently obtaining a certificate of title or alteration of the register of titles kept in the registers office, or other fraud affecting registered land	Class C felony
RCW 65.12.760	Forgery of the seal of the register or the register's signature	Class B felony
RCW 65.20.130	Falsification or intentional omission of material information or other intentional violation of chapter 65.20 RCW governing the classification of manufactured homes	Gross misdemeanor
RCW 67.04.010	Offer or payment of bribe in relation to baseball game	Gross misdemeanor
RCW 67.04.020	Acceptance of bribe in relation to baseball game	Gross misdemeanor
RCW 67.04.050	Corrupt baseball playing	Gross misdemeanor
RCW 67.04.150	Contracting with minor to play baseball	Gross misdemeanor
RCW 67.08.140	Conducting or participating in boxing or wrestling events without license	Misdemeanor
RCW 67.08.150	Violations of chapter 67.08 RCW governing boxing, martial arts, and wrestling	Misdemeanor
RCW 67.08.250	Unlicensed practice or conducting boxing, martial arts, or wrestling events	Gross misdemeanor
RCW 67.14.060	Liquor sales without a license in billiard halls or bowling alleys	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 67.16.060	Bookmaking or accepting bets on horse races other than by the parimutuel method	Gross misdemeanor
RCW 67.24.010	Fraud in sporting event	Class C felony
RCW 67.42.070	Operation of an amusement ride or structure in violation of chapter 67.42 RCW	Gross misdemeanor
RCW 67.70.140	Unlicensed activity in violation of chapter 67.70 RCW governing the state lottery	Class B felony
RCW 67.70.150	Making a false or misleading statement or entry or failure to produce documents	Gross misdemeanor
RCW 67.70.160	Violation of any provision of chapter 67.70 RCW governing the state lottery for which no penalty is otherwise provided	Class C felony
RCW 67.70.170	Violation of any rule adopted pursuant to chapter 67.70 RCW governing the state lottery	Gross misdemeanor
RCW 67.70.180	Purchase of lottery ticket by member of the state lottery commission, the director of the state lottery commission, an employee of the lottery or any relative living in the same household	Misdemeanor
RCW 68.05.115	Sale or transfer of cemetery authority or creation of a new cemetery without obtaining the required certificate of authority	Gross misdemeanor
RCW 68.05.240	Making an interment without a valid certificate of authority	Misdemeanor
RCW 68.05.330	Violations of chapter 68.05 RCW governing the cemetery board for which no other penalty is specified	Class C felony
RCW 68.05.390	Conducting a cremation without a permit or endorsement	Misdemeanor
RCW 68.24.130	Selling of cemetery plot upon promise of resale at a financial profit	Misdemeanor
RCW 68.24.140	Paying a commission, bonus, or rebate for the sale of a cemetery plot or services	Misdemeanor
RCW 68.24.150	Employment of "runners" prohibited	Misdemeanor
RCW 68.24.190	Opening road through cemetery	Misdemeanor
RCW 68.28.060	Improper construction of a mausoleum or columbarium	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 68.40.085	Representing endowment fund or other fund set up for maintaining care as perpetual	Misdemeanor
RCW 68.40.090	False statement with respect to endowment care	Misdemeanor
RCW 68.44.060	Director or officer authorizing loan of endowment care fund to self, relative, or employee	Class C felony
RCW 68.50.100	Dissection of a dead body without authority	Gross misdemeanor
RCW 68.50.108	Embalming or cremating a body without the consent of the coroner	Misdemeanor
RCW 68.50.120	Holding body for debt	Gross misdemeanor
RCW 68.50.250	Failure to maintain crematory record of caskets	Misdemeanor
RCW 68.50.610	Illegal purchase or sale of human parts for transplantation or therapy	Class C felony
RCW 68.56.040	Owning or operating a nonconforming cemetery	Misdemeanor
RCW 68.56.050	Violations of chapter 68.56 RCW related to cemeteries	Misdemeanor
RCW 69.04.040, .060 and .070	Sale of adulterated or misbranded food, drug, or cosmetic, or the adulteration or misbranding of any food, drug or cosmetic	Misdemeanor
RCW 69.04.933	Selling salmon without identifying the species	Misdemeanor
RCW 69.04.934	Failure to identify salmon as commercially caught or as farm-raised	Misdemeanor
RCW 69.07.150	Violations of chapter 69.07 RCW, the Washington Food Processing Act	First offense is a misdemeanor. Second or subsequent offenses are gross misdemeanors
RCW 69.25.150	Violations of chapter 69.25 RCW, the Washington Wholesome Eggs and Egg Products Act	First offense is a misdemeanor. Second or subsequent offenses are gross misdemeanors
RCW 69.25.155	Assault, resist or impede official in performance of duties under the Washington Wholesome Eggs and Egg Products Act	Class C or B felony
RCW 69.28.185	Violations of chapter 69.28 relating to honey	Misdemeanor



Statute	Description of Crime	Type of Crime
RCW 69.36.060	Violations of chapter 69.46 RCW, Washington Caustic Poison Act of 1929	Misdemeanor
RCW 69.38.040	Failure to maintain a poison register	Misdemeanor
RCW 69.38.050	Making a false representation to a seller when purchasing a poison	Gross misdemeanor
RCW 69.38.060	Manufacturing or selling poisons without a license	Misdemeanor
RCW 69.40.020	Selling, offering to sell, or possessing for the purpose of sale, milk or food products containing formaldehyde	1 to 3 year felony
RCW 69.40.030	Placing poison or other harmful object or substance in food, drinks, medicine or water	Class C felony
RCW 69.40.055	Selling repackaged poison without labeling	Misdemeanor
RCW 69.50.416	Counterfeit controlled substance or container or labeling	2 year felony
RCW 69.90.020	Violation of chapter 69.90 RCW governing kosher foods	Gross misdemeanor
RCW 70.05.120	Local health officers, boards, or members failure to enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or rules, regulations or orders of the state board of health. Any persons's violations of any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refusing or neglecting to obey any of the rules, regulations or orders of the local board of health, local health officer, or the state board of health	Misdemeanor
RCW 70.24.022	Knowingly or maliciously disseminates any false information or report concerning the existence of any sexually transmitted disease	Gross misdemeanor
RCW 70.24.080	Violate any provisions of chapter 70.24 RCW governing the control and treatment of sexually transmitted diseases	Gross misdemeanor
RCW 70.28.033	Failure to obey an order of a health officer directing a person's treatment, isolation, or examination for tuberculosis	Misdemeanor
RCW 70.41.170	Operating or maintaining unlicensed hospital or unapproved tertiary health service	Misdemeanor
RCW 70.42.180	Operating a medical test site without a license	Misdemeanor
RCW 70.54.030	Pollution of watershed of city in adjoining state	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 70.54.050	Wilfully exposing self or other person or animal to any contagious or infectious disease	Misdemeanor
RCW 70.54.065	Ambulance drivers failure to have taken the advanced first aid course prescribed by the American Red Cross. Ambulances not equipped with the first aid kit prescribed by the American Red Cross.	Misdemeanor
RCW 70.54.070	Door of public buildings to swing outward	Misdemeanor
RCW 70.54.080	Improper operation of steamboat or steam boiler	Gross misdemeanor
RCW 70.54.090	Attachment of objects to utility poles	Misdemeanor
RCW 70.54.160	Regulation of pay toilets and toilet parity between men and women	Misdemeanor
RCW 70.54.350	Electrology and tattooing practitioners failure to comply with the rules (chapter 246-145 WAC) adopted by the department of health	Misdemeanor
RCW 70.58.280	Violations of chapter 70.58 RCW dealing with vital statistics	Misdemeanor
RCW 70.62.280	Violations of chapter 70.62 RCW governing transient accommodations	Misdemeanor
RCW 70.75.040	Sale of nonstandard fire fighting equipment	Misdemeanor
RCW 70.84.070	Interference with the rights of a totally or partially blind, hearing impaired, or otherwise physically disabled person	Misdemeanor
RCW 70.85.020	Refusal to yield party line in case of emergency	Misdemeanor
RCW 70.85.030	Request for use of party line on pretext of emergency	Misdemeanor
RCW 70.86.040	Violation of chapter 70.86 RCW which sets forth earthquake standards for construction	Misdemeanor
RCW 70.87.145	Knowingly operating an elevator, lifting devices, or moving walk in contravention of an order to discontinue operation or removal of an order to discontinue operation	Misdemeanor
RCW 70.87.180	Construction, installation, relocation, alteration, maintenance or operation of an elevator, lifting device, or moving walk without a permit	Misdemeanor
RCW 70.90.205	Violation of chapter 70.90 RCW governing water recreation facilities	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 70.94.430	Violations of chapter 70.94 RCW, the Washington Clean Air Act	Gross misdemeanor or Class C felony
RCW 70.95.240	Dump or deposit solid waste without permit	Misdemeanor or gross misdemeanor
RCW 70.95B.140	Violations of chapter 70.95B RCW governing domestic waste treatment plants and operators	Misdemeanor
RCW 70.95D.100	Violations of any provision of chapter 70.95D RCW governing solid waste incinerator and landfill operators	Misdemeanor or gross misdemeanor
RCW 70.95I.040	Oil sellers' violation of education provisions regarding used oil recycling	Misdemeanor
RCW 70.95I.060	Improper disposal of used oil	Misdemeanor
RCW 70.95J.060	Willful violations of chapter 70.95J RCW governing municipal sewage sludge and biosolids	Gross misdemeanor
RCW 70.98.200	Violations of chapter 70.98 RCW governing nuclear energy and radiation	Misdemeanor
RCW 70.99.050	Storing radioactive waste from outside the state or transportation of radioactive waste from outside the state for storage inside the state	Gross misdemeanor
RCW 70.105.085	Knowingly transport, treat, store, handle, dispose of, or export a hazardous substance in violation of chapter 70.015 RCW governing hazardous waste management	Class B or Class C felony
RCW 70.105.090	Aiding or abetting someone in violating a provision of chapter 70.105 RCW governing hazardous waste management	Gross misdemeanor
RCW 70.106.140	Violation of chapter 70.106 RCW governing labeling and packaging of poisons	First offense is a misdemeanor. Second or subsequent offense is a gross misdemeanor.
RCW 70.107.070	Violations of rules or regulations governing the noise level of vehicles	Misdemeanor
RCW 70.108.130	Violation of rules or regulations or provisions of chapter 70.108 RCW governing outdoor music festivals	Misdemeanor
RCW 70.110.040	Sell children's sleepwear which does not comply with the federal flammability standards	Gross misdemeanor
RCW 70.111.030	Sell, lease, sublet or otherwise place an unsafe crib into commerce	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 70.119.130	Operating a public water system without a certified operator	Misdemeanor
RCW 70.122.090	Falsifies or forges the directive of another or conceals or withholds a revocation of an advanced directive with the intent to cause a withholding or withdrawal of life-sustaining treatment contrary to the wishes of the declarer	Class A if declarer's death is hastened by the withdrawal of medical treatment
RCW 70.124.070	Failure to report sexual or physical abuse or neglect of a patient in a state hospital	Gross misdemeanor
RCW 70.127.020	Operating an in-home service agency without a license	Misdemeanor
RCW 70.138.070	Violation of chapter 70.138 RCW governing incinerator ash residue	Gross misdemeanor
RCW 70.148.060	Unauthorized disclosure of reports and information filed in relation to underground petroleum storage tanks	Gross misdemeanor
RCW 70.170.070	Violation of health data and charity care chapter.	Misdemeanor
RCW 70.175.090	Inappropriate use of grant funding providing pursuant to chapter 70.175, the Rural Health System Project	Gross misdemeanor
RCW 70.185.080	Inappropriate use of grant funding providing pursuant to chapter 70.185 governing rural and underserved areas — health care professional recruitment and retention	Gross misdemeanor
RCW 71.05.680	Requesting or obtaining confidential mental health records under false pretenses	Gross misdemeanor
RCW 71.12.460	Operating a private establishment or institution without a license	Misdemeanor
RCW 72.09.540	An inmate's failure to use the name under which s/he was committed in all official DOC communications	Misdemeanor
RCW 72.20.065	Enticement of girls from the Maple Lane School	Misdemeanor
RCW 72.23.170	Aiding or abetting the escape of a patient of any state hospital for the mentally ill or institutions for psychopaths	Class C felony
RCW 72.40.100	Violations of chapter 72.40 RCW governing state schools for blind, deaf, sensory handicapped	Misdemeanor
RCW 73.04.020	Charging a veteran a fee for the procuring of pension papers or administering of an oath for the collecting of a pension	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 73.04.110	Unauthorized use of a special license plate issued to disabled veterans and prisoners of war	Gross misdemeanor
RCW 74.04.060	Unlawful to disclose, receive, make use of, authorize, knowingly permit, participate in or acquiesce in the use of any lists or names of public assistance recipients for commercial or political purposes of any nature	Gross misdemeanor
RCW 74.04.330	Failure to file report by assistance organization	Gross misdemeanor
RCW 74.04.385	Unlawful practices relating to surplus commodities	Misdemeanor
RCW 74.08.100	Wilfully makes a false statement as to age or length of residency in the state	Class B felony
RCW 74.09.230	False statements or fraud in any application for any payment under any medical care program authorized by chapter 74.09 RCW	Class C felony
RCW 74.09.240	Bribes, kickbacks, rebates	Class C felony
RCW 74.09.250	False statements regarding institutions, facilities	Class C felony
RCW 74.09.260	Excessive charges for patient provided care under any medical care program authorized by chapter 74.09 RCW	Class C felony
RCW 74.09.270	Failure to maintain trust funds in separate account	Gross misdemeanor
RCW 74.09.290	Disclosure of patient records by the department of social and health services	Class C felony
RCW 76.04.075	Violations of orders or rules adopted under chapter 76.04 RCW for the protection of forests from fires	Misdemeanor
RCW 76.04.085	Violations of any provisions of chapter 76.04 RCW for which no other penalty is specified	Misdemeanor
RCW 76.04.235	Dumping mill waste or forest debris without a permit or in violation of a permit	Gross misdemeanor
RCW 76.09.190	Violations of chapter 76.09 RCW governing forest practices	Gross misdemeanor
RCW 76.36.035	Violations of provisions governing the registration of forest product brands	Misdemeanor
RCW 76.36.110	False branding	Gross misdemeanor
RCW 76.36.120	Forgery of mark	Class B felony
RCW 76.42.060	Dumping wood debris into navigable waters	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 76.48.120	False, fraudulent, stolen or forged specialized forest products permit, sales invoice, bill of lading, or other document	Class C felony
RCW 76.48.130	Violation of any provision of chapter 76.48 RCW other than RCW 76.48.120	Gross misdemeanor
RCW 78.04.050	Refusal to allow stockholder to enter and examine mining property	Misdemeanor
RCW 78.12.061	Neglect or fail to provide safety cage in mining shaft	Misdemeanor
RCW 78.44.260	Surface mining without a permit	Gross misdemeanor
RCW 78.52.550	Violation of chapter 78.52 RCW governing oil and gas conservation	Gross misdemeanor
RCW 78.60.290	Violation of chapter 78.60 RCW governing geothermal resources	Gross misdemeanor
RCW 79.01.072	False statements in any report of inspection or a false estimate of the value of lands inspected	Class B felony
RCW 79.02.310	Trespass on public lands	Felony (?)
RCW 79.02.330	Lessee or contract holder removing timber or mining without express authority to do so	Misdemeanor
RCW 79.22.070	Violations of rules and regulations designed to facilitate reforestation of state lands	Gross misdemeanor
RCW 79.76.290	Violation of chapter 79.76 RCW governing geothermal resources	Misdemeanor
RCW 79.96.220	Exceed harvest and possession restrictions.	Misdemeanor
RCW 79A.05.165	Damages or injures plants, animals, fishes, fixtures, etc. in any park or parkway	Misdemeanor
RCW 79A.40.020	Installing recreational devices related to skiing without first obtaining the approval of the state parks and recreation commission	Misdemeanor
RCW 79A.40.040	Violation of chapter 79A.04 or the related rules and regulations related to public safety in the construction, operation and maintenance of recreational devices	Misdemeanor
RCW 79A.60.020	Third violation within one year of any infraction issued under chapter 79A.60 RCW	Misdemeanor

Statute	Description of Crime	Type of Crime
RCW 80.04.385	Violations of any order issued by utilities and transportation commission by any officer, agent or employee of any public service companies	Gross misdemeanor
RCW 80.04.390	Violations of any order of the utilities and transportation commission by any person who is not an officer, agent, etc. of a public service company	Gross misdemeanor
RCW 80.08.120	False statements in relationship to or the improper issuance of stocks, or bonds	Gross misdemeanor
RCW 80.24.050	Failure to pay regulatory fees	Misdemeanor
RCW 80.28.190	Operating a gas company without the necessary certificates	Gross misdemeanor
RCW 80.50.150	Wilful violations of NPDES permit	Gross misdemeanor
RCW 81.04.385	Violations by officers, agents and employees of public service companies of order made by the utilities and transportation commission pursuant to chapter 81.04 RCW	Gross misdemeanor
RCW 81.04.390	Violations by persons other than officers, agents and employees of public service companies of order made by the utilities and transportation commission pursuant to chapter 81.04 RCW	Gross misdemeanor or misdemeanor
RCW 81.08.120	False statements or other fraud by officer, agent or employees of a public service corporation with respect to securities or stock issued pursuant to chapter 81.08 RCW	Gross misdemeanor
RCW 81.24.080	Failure to pay fees assessed pursuant to chapter 81.24 RCW	Misdemeanor
RCW 81.29.040	Violation of chapter 81.29 RCW related to common carriers	Misdemeanor
RCW 81.40.010	Insufficient staffing of passenger train	Misdemeanor
RCW 81.40.040	Violation of trainmen hours of service regulations	Misdemeanor
RCW 81.40.060	Requiring railroad employees to purchase uniforms from a particular retailer	Misdemeanor
RCW 81.40.080	Failure to provide employee shelters	Misdemeanor
RCW 81.40.100	Employing illiterate engineer or illiterate person acting as engineer	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 81.40.130	Requiring any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any medical records required as a condition of employment	Misdemeanor
RCW 81.44.085	Failing to supply locomotive and caboose with first aid kits and ice cooled drinking water	Misdemeanor
RCW 81.44.100	Violations of regulations governing cabooses	Misdemeanor
RCW 81.44.105	Violation of regulations governing track motor cars	Misdemeanor
RCW 81.48.010	Failure to ring bell	Misdemeanor
RCW 81.48.020	Obstructing or delaying train	Misdemeanor
RCW 81.48.060	Railway employee's violation of duty endangering safety	Misdemeanor
RCW 81.54.030	Failure to make report and pay fees related to the inspection of railroad industrial crossings	Misdemeanor
RCW 81.56.150	Selling passenger tickets for boat or railway travel without possessing and posting a certificate of authority	Misdemeanor
RCW 81.60.080	Sabotaging rolling stock or buying or receiving stolen railroad property	Class C felony
RCW 81.64.090	Employing incompetent employees to operate a street railway or street car	Misdemeanor
RCW 81.64.160	Requiring streetcar employee to work more than 10 hours in a 24 hour period	Misdemeanor
RCW 81.68.080	Violation of chapter 61.68 RCW governing auto transportation companies	Gross misdemeanor
RCW 81.77.090	Violations of chapter 81.77 RCW governing solid waste collection companies	Gross misdemeanor
RCW 81.80.355	Advertizing as a common carrier by a person not holding a permit to operate as a common carrier	Misdemeanor
RCW 81.88.040	Violation of chapter 81.88 RCW governing gas and hazardous liquid pipelines	Gross misdemeanor
RCW 82.04.4453	Making a false statement of material fact in the application for a credit for providing financial incentives to employees for ride sharing, etc.	Gross misdemeanor
RCW 82.04.520	Courtesy dealers' failure to timely pay tax	Gross misdemeanor



Statute	Description of Crime	Type of Crime
RCW 82.08.0273	Displaying counterfeit identification or the identification of another to avoid state retail sales tax or vendor who makes sales without collecting retail sales tax knowing that purchasers' proof of identification establishing out-of-state residency is false	Misdemeanor
RCW 82.08.050	Failure to timely turn over collected taxes	Gross misdemeanor
RCW 82.08.120	Refunding or rebating tax	Misdemeanor
RCW 82.12.040	Failure to promptly turn over use tax or refunding or rebating use tax	Misdemeanor
RCW 82.14B.042	Failure to promptly turn over tax, and failure or refusal to collect tax.	Gross misdemeanor or misdemeanor
RCW 82.16.048	Knowingly make a false statement of material fact in application for tax credit	Misdemeanor
RCW 82.18.040	Failure to promptly turn over waste collection tax	Gross misdemeanor
RCW 82.23B.020	Appropriation or conversion of oil spill response tax or failure to promptly turn over tax	Gross misdemeanor or misdemeanor
RCW 82.24.100	Forgery or counterfeiting of stamps	Class B felony
RCW 82.24.500	Business of cigarette purchase, sale, consignment, or distribution without a license	Misdemeanor for offenses committed prior to July 27, 2003, and a Class C felony for offense committed On or After July 27, 2003. Laws of 2003, ch. 114, § 10.
RCW 82.24.540	Operating as a wholesaler when licensed as a retailer or acting as a retailer when licensed as a wholesaler	Misdemeanor
RCW 82.32.330	Improper disclosure of tax payer information	Misdemeanor
RCW 82.36.045	Failure to promptly turn over motor vehicle fuel tax	Gross misdemeanor
RCW 82.36.330	Making a false statement in support of a refund	Gross misdemeanor
RCW 82.36.380	Evasion of motor vehicle fuel tax	Class C felony
RCW 82.36.390	Diversion of export fuel	Gross misdemeanor to Class B felony depending upon value
RCW 82.36.400	Misconduct related to motor vehicle fuel license	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 82.38.030	Appropriate or convert special fuel tax	Gross misdemeanor to Class B felony depending upon value
RCW 82.38.100	Violation of special trip permit	Gross misdemeanor
RCW 82.38.270	Evasion of special fuel tax	Class C felony
RCW 82.42.020	Misappropriation or conversion of aircraft fuel tax	Gross misdemeanor to Class B felony depending upon value
RCW 82.42.080	Violations of chapter 82.42 RCW dealing with aircraft fuel tax	Gross misdemeanor
RCW 82.44.090	Issuing motor vehicle plates without collecting tax	Gross misdemeanor
RCW 82.44.120	False statement in request for refund of motor vehicle excise tax	Gross misdemeanor
RCW 82.48.020	Registering aircraft out-of-state to avoid tax	Gross misdemeanor
RCW 82.49.010	Registration of watercraft out-of-state to avoid watercraft excise tax	Gross misdemeanor
RCW 82.49.065	False statement in request for refund of watercraft excise tax	Gross misdemeanor
RCW 82.50.090	Unlawful issuance of tax receipt	Gross misdemeanor
RCW 82.50.170	False statement in request for a refund of trailers and campers excise tax	Gross misdemeanor
RCW 82.64.050	Failure to collect carbonated beverage tax	Misdemeanor
RCW 83.100.140	Failure to file a Washington estate and transfer tax return	Gross misdemeanor
RCW 84.08.050	Failure to obey a summons issued by the Department of Revenue	Misdemeanor
RCW 84.08.210	Improper disclosure of tax information	Gross misdemeanor
RCW 84.36.387	False claim with intent to defraud or evade payment of tax	Class C felony
RCW 84.36.389	Improper disclosure of tax information	Misdemeanor
RCW 84.40.120	Willfully making a false list of property	Class C felony
RCW 84.40.340	Improper disclosure of tax information	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 84.40.344	Willfully avoid payment of personal property taxes on mobile home	Misdemeanor
RCW 84.56.120	Removal of property from county or state after assessment without paying tax	Misdemeanor
RCW 84.56.200	Removal of timber or improvements on which tax is delinquent	Gross misdemeanor
RCW 85.08.690	Willfully damage or interfere with the operation of any dike, drain, ditch or other improvement of a diking or drainage improvement district	Misdemeanor
RCW 86.09.286	Personal interest in flood control contract	Misdemeanor
RCW 87.03.200	Fraud related to the printing of irrigation district bonds	Class B felony
RCW 87.03.490	Fraud related to irrigation district LID bonds	Class B felony
RCW 87.84.090	Violation of rules or regulations governing irrigation and rehabilitation districts	Misdemeanor
RCW 88.02.055	False statement in connection with a request for a refund of vessel registration	Gross misdemeanor
RCW 88.02.110	Violation of chapter 88.02 RCW where no other penalty is prescribed	Misdemeanor
RCW 88.02.112	Engaging in vessel dealer activities without a registration	Gross misdemeanor
RCW 88.02.118	Register vessel in other state to avoid state vessel excise tax	Gross misdemeanor
RCW 88.08.030	Master of vessel knowingly bringing a foreign convict into this state	Misdemeanor
RCW 88.08.050	Injury to lighthouses	Gross misdemeanor or Class B felony
RCW 88.08.060	Unlicensed pilotage	Misdemeanor
RCW 88.16.090	Willfully giving advance knowledge of information contained on a pilot examination	Gross misdemeanor
RCW 88.16.120	Failure to observe pilotage rate	Misdemeanor
RCW 88.16.130	Refusing to employ a pilot	Gross misdemeanor
RCW 88.16.150	Violation of any provision of chapter 88.16 RCW, the Pilotage Act, for which a penalty is not specified	Gross misdemeanor

Statute	Description of Crime	Type of Crime
RCW 88.46.080	Unlawful operation of a covered vessel	First offense is a gross misdemeanor. Second or subsequent offense is a class C felony.
RCW 89.30.301	Improper interest in reclamation district contract	Misdemeanor
RCW 89.30.307	Failure to turn over reclamation district records to board	Misdemeanor
RCW 90.14.121	Overstating claim for water	Misdemeanor
RCW 90.36.050	Violation of chapter 90.36 RCW governing artesian wells	Misdemeanor
RCW 90.44.120	Waste or unauthorized use of groundwater	Misdemeanor
RCW 90.48.140	Violation of chapter 90.48 RCW governing water pollution control	Gross misdemeanor
RCW 90.56.300	Unlawful operation of an oil facility	First offense is a gross misdemeanor. Second or subsequent offense is a class C felony.
RCW 90.56.530	Reckless operation of a tank vessel	Class C felony
RCW 90.56.540	Operation of a tank vessel while under influence of liquor or drugs	Class C felony
RCW 90.58.220	Willful violations of chapter 90.58 RCW, the Shoreline Management Act of 1971	Gross misdemeanor

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