

ORDINANCE NO. 2211

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING REDMOND MUNICIPAL CODE SECTION 9.28.010, FRAUDS AND SWINDLES, TO REFLECT RECODIFICATION OF STATE STATUTES IN LAWS OF 1990, CHAPTER 11, SECTION 5, FORMERLY RCW CHAPTER 9.45; ADOPTING BY REFERENCE RCW 9.26A.100, DEFINITIONS, RCW 9.26A.110, FRAUD IN OBTAINING TELECOMMUNICATIONS SERVICE-PENALTY, RCW 9.26A.120, FRAUD IN OPERATING COIN-BOX TELEPHONE OR OTHER RECEPTACLE, RCW 9.26A.130, PENALTY FOR MANUFACTURE OR SALE OF SLUGS, AND RCW 9A.60.045, CRIMINAL IMPERSONATION IN THE SECOND DEGREE; CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2004.

WHEREAS, the Redmond City Council finds that this ordinance is in the interest of the public health, safety, and welfare, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 9.28.010 Amended. Section 9.28.010 of the Redmond Municipal Code is hereby amended to read as follows:

9.28.010 Frauds and swindles. The following statutes of the state of Washington, including any future amendments, additions thereto and repeals thereof, are hereby adopted by reference and incorporated herein by this reference as if set forth in full:

- | | |
|-------------------------|--|
| RCW 9.45.060 | Encumbered, leased or rented personal property |
| RCW 9.45.062 | Failure to deliver leased personal property —Requisites for presentation—Construction |
| RCW 9.45.070 | Mock auctions |
| RCW 9.45.080 | Fraudulent removal of property |

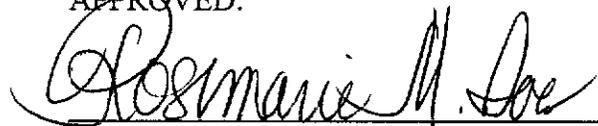
| | |
|--------------------------|---|
| RCW 9.45.090 | Knowingly receiving fraudulent conveyance |
| RCW 9.45.100 | Fraud in assignment for benefit of creditors |
| RCW 9.45.180 | Fraud in operating coin box telephone or other receptacle |
| RCW 9.45.190 | Penalty for manufacture or sale of slugs to be used for coin |
| RCW 9.45.240 | Fraud in obtaining telephone or telegraph service |
| RCW 9.45.250 | Fraud in obtaining cable television services |
| <u>RCW 9.26A.100</u> | <u>Definitions</u> |
| <u>RCW 9.26A.120</u> | <u>Fraud in operating coin-box telephone or other receptacle</u> |
| <u>RCW 9.26A.130</u> | <u>Penalty for manufacture or sale of slugs to be used for coin</u> |
| <u>RCW 9.26A.110</u> | <u>Fraud in obtaining telecommunications service – Penalty</u> |
| RCW 9A.60.040 | Criminal impersonation |
| <u>RCW 9A.60.045</u> | <u>Criminal impersonation in the second degree</u> |
| RCW 9A.60.050 | False certification |

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sections, sentence, clause or phrase of this ordinance.

Section 3. Procedure. Incident to the adoption by reference of certain state laws contained in the Revised Code of Washington, one copy of the text of the statute adopted by reference in this ordinance is attached hereto as Exhibit A and shall be filed with the City Clerk as required by RCW 35A.12.140 for use and examination by the public.

Section 4. Effective Date. This ordinance shall take effect on July 1, 2004.

APPROVED:

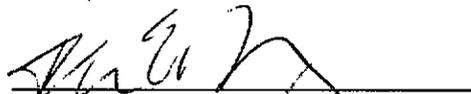


MAYOR, ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:

Bonnie Mattson
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: 
JAMES E. HANEY

| | |
|-----------------------------|--|
| FILED WITH THE CITY CLERK: | May 11, 2004 |
| PASSED BY THE CITY COUNCIL: | May 18, 2004 |
| PUBLISHED: | May 24, 2004 June 25, 2004* |
| EFFECTIVE DATE: | July 1, 2004 |
| ORDINANCE NO. <u>2211</u> | |

*Clerk's Note - The summary was not published by The Seattle Times on the requested date. It was published on June 25, 2004 after the error was discovered.

- 9.45.124 Measurement of commodities—Measuring inaccurately—
Altering measuring devices—Penalty.
9.45.126 Measurement of commodities—Inducing violations—
Penalty.
9.45.160 Fraud in liquor warehouse receipts.
9.45.170 Penalty.
9.45.210 Altering sample or certificate of assay.
9.45.220 Making false sample or assay of ore.
9.45.230 Penalty.
9.45.260 Fire protection sprinkler system contractors—Wrongful acts.

Bank or trust company

- falsification or destruction of records:* RCW 30.12.090, 30.12.100.
preferential transfers: RCW 30.44.110.
receiving deposits when insolvent: RCW 30.44.120.
using name of unlawfully: RCW 30.04.020.

"Bushing" by motor vehicle dealers: RCW 46.70.180(4).

Caskets, record when body cremated: RCW 68.50.250.

Cemeteries, representing fund as perpetual: RCW 68.40.085.

Cigarette tax fraud: RCW 82.24.110.

Domestic insurers, illegal or corrupt practices: RCW 48.06.190, 48.07.060, 48.08.040.

Election fraud: Chapter 29.85 RCW.

Employment agent, fraud: RCW 49.44.050.

Falsification of books of credit union: Chapter 31.12 RCW.

Fish and wildlife, false or misleading information: RCW 77.15.270.

Food, drugs, and cosmetics: RCW 69.04.040, 69.04.060, 69.04.070.

Fraud: Chapter 9A.60 RCW.

Fraud by engraver of public bonds: RCW 39.44.101.

Fraudulent conveyances: Chapter 19.40 RCW.

Insurance

- agent, etc., appropriating funds, etc.:* RCW 48.17.480.
fraud and unfair practices: Chapter 48.30 RCW.

Insured property, fraudulent injury or destruction: RCW 48.30.220.

Inteni to defraud: RCW 10.58.040.

Land registration fraud: RCW 65.12.750.

Motor vehicle

- certificates of ownership, falsifying:* RCW 46.12.210, 46.12.220.
dealers: RCW 46.70.180.
fuel tax fraud: RCW 82.36.330, 82.36.380 through 82.36.400.

Mutual savings banks

- falsification of books, etc.:* RCW 32.04.100.
transfers due to insolvency: RCW 32.24.080.

Obtaining employment by false recommendation: RCW 49.44.040.

Ownership of property, proof of: RCW 10.58.060.

Public assistance fraud: RCW 74.08.055, 74.08.331.

Savings and loan associations

- falsification of books, etc.:* RCW 33.36.040.
illegal loans and purchasing at discount by employees: RCW 33.36.010, 33.36.020.
preferential transfers of property: RCW 33.36.030.

Sporting contest fraud: RCW 67.24.010.

State employees' retirement, falsification of statements, etc.: RCW 41.40.055.

State patrol retirement fund, falsifications: RCW 43.43.320.

Tax assessed property, removal to avoid payment: RCW 84.56.120, 84.56.200.

Teachers' retirement, falsification of statements, etc.: RCW 41.32.055.

Wages, rebating, etc., by employers: RCW 49.52.050, 49.52.090.

Warehouseman or common carrier issuing false documents: Chapter 22.32 RCW.

9.45.020 Substitution of child. Every person to whom a child has been confided for nursing, education or any other purpose, who, with intent to deceive a person, guardian or relative of such child, shall substitute or produce

to such parent, guardian or relative, another child or person in the place of the child so confided, shall be punished by imprisonment in a state correctional facility for not more than ten years. [1992 c 7 § 9; 1909 c 249 § 123; RRS § 2375.]

9.45.060 Encumbered, leased, or rented personal property—Construction. Every person being in possession thereof, who shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease or renter of [under] such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.

In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. [1971 c 61 § 1; 1965 ex.s. c 109 § 1; 1909 c 249 § 377; RRS § 2629.]

Destruction or removal of fixtures, etc., from mortgaged real property: RCW 61.12.030.

Larceny, sale of mortgaged property: Chapter 9A.56 RCW.

9.45.070 Mock auctions. Every person who shall obtain any money or property from another or shall obtain the signature of another to any writing the false making of which would be forgery, by color or aid of any false or fraudulent sale of property or pretended sale of property by auction, or by any of the practices known as mock auction, shall be punished by imprisonment in a state correctional facility for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

Every person who shall buy or sell or pretend to buy or sell any goods, wares or merchandise, exposed to sale by auction, if an actual sale, purchase and change of ownership therein does not thereupon take place, shall be guilty of a misdemeanor. [1992 c 7 § 10; 1909 c 249 § 378; RRS § 2630.]

Auctioneering without license: RCW 36.71.070.

Auctioneers: Chapter 18.11 RCW.

9.45.080 Fraudulent removal of property. Every person who, with intent to defraud a prior or subsequent purchaser thereof, or prevent any of his property being made liable for the payment of any of his debts, or levied upon by an execution or warrant of attachment, shall remove any of his property, or secrete, assign, convey or otherwise dispose of the same, or with intent to defraud a creditor shall remove, secrete, assign, convey or otherwise dispose of any of his books or accounts, vouchers or writings in any way

relating to his 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, shall be guilty of a gross misdemeanor. [1909 c 249 § 379; RRS § 2631.]

9.45.090 Knowingly receiving fraudulent conveyance. Every person who shall receive any property or conveyance thereof from another, knowing that the same is transferred or delivered to him in violation of, or with the intent to violate RCW 9.45.080, shall be guilty of a misdemeanor. [1909 c 249 § 380; RRS § 2632.]

9.45.100 Fraud in assignment for benefit of creditors. Every person who, having made, or being about to make, a general assignment of his property to pay his debts, shall by color or aid of any false or fraudulent representation, pretense, token or writing induce any creditor to participate in the benefits of such assignments, or to give any release or discharge of his claim or any part thereof, or shall connive at the payment in whole or in part of any false, fraudulent or fictitious claim, shall be guilty of a gross misdemeanor. [1909 c 249 § 381; RRS § 2633.]

Assignment for benefit of creditors: Chapter 7.08 RCW.

Banks and trust companies, preferential transfers: RCW 30.44.110.

Mutual savings banks, transfer of assets due to insolvency: RCW 32.24.080.

9.45.122 Measurement of commodities—Public policy. Because of the widespread importance to the marketing of goods, raw materials, and agricultural products such as, but not limited to, grains, timber, logs, wood chips, scrap metal, oil, gas, petroleum products, coal, fish and other commodities, that qualitative and quantitative measurements of such goods, materials and products be accurately and honestly made, it is declared to be the public policy of this state that certain conduct with respect to said measurement be declared unlawful. [1967 c 200 § 1.]

Severability—1967 c 200: "If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable." [1967 c 200 § 13.]

Weights and measures: Chapter 19.94 RCW.

9.45.124 Measurement of commodities—Measuring inaccurately—Altering measuring devices—Penalty. Every person, corporation, or association whether profit or nonprofit, who shall ask or receive, or conspire to ask or receive, directly or indirectly, any compensation, gratuity, or reward or any promise thereof, on any agreement or understanding that he or she shall (1) intentionally make an inaccurate visual or mechanical measurement or an intentionally inaccurate recording of any visual or mechanical measurement of goods, raw materials, and agricultural products (whether severed or unsevered from the land) which he or she has or will have the duty to measure, or shall (2) intentionally change, alter or affect, for the purpose of making an inaccurate measurement, any equipment or other device which is designed to measure, either qualitatively or quantitatively, such goods, raw materials, and agricultural

[Title 9 RCW—page 36]

Ordinance No. 2211

products, or shall intentionally alter the recordation of such measurements, shall be guilty of a felony, punishable by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [1992 c 7 § 11; 1967 c 200 § 2.]

9.45.126 Measurement of commodities—Inducing violations—Penalty. Every person who shall give, offer or promise, or conspire to give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any person, corporation, independent contractor, or agent, employee or servant thereof with intent to violate RCW 9.45.124, shall be guilty of a felony, punishable by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [1992 c 7 § 12; 1967 c 200 § 3.]

9.45.160 Fraud in liquor warehouse receipts. It shall be unlawful for any person, firm, association or corporation to make, utter, circulate, sell or offer for sale any certificate of any warehouse, distillery or depository for intoxicating liquors unless the identical liquor mentioned in such certificate is in the possession of the warehouse, distillery or depository mentioned in such certificate fully paid for, so that the owners and holder of such certificate will be entitled to obtain such intoxicating liquors without the payment of any additional sum except the tax of the government and the tax of the state, county and city in which such warehouse, distillery or depository may be located, and any storage charges. [1909 c 202 § 1. No RRS.]

9.45.170 Penalty. Any person violating any of the provisions of RCW 9.45.160, shall, upon conviction thereof, be punished by imprisonment in the penitentiary for not more than five years nor less than one year, or imprisonment in the county jail for any length of time not exceeding one year. [1909 c 202 § 2. No RRS.]

9.45.210 Altering sample or certificate of assay. Any person who shall interfere with or in any manner change samples of ores or bullion produced for sampling, or change or alter samples or packages of ores or bullion which have been purchased for assaying, or who shall change or alter any certificate of sampling or assaying, with intent to cheat, wrong or defraud, shall be deemed guilty of a felony. [1890 p 99 § 2; RRS § 2712.]

9.45.220 Making false sample or assay of ore. Any person who shall, with intent to cheat, wrong or defraud, make or publish a false sample of ore or bullion, or who shall make or publish or cause to be published a false assay of ore or bullion, shall be deemed guilty of a felony. [1890 p 99 § 3; RRS § 2713.]

9.45.230 Penalty. Any person violating any of the provisions of RCW 9.45.210 or 9.45.220 shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than one thousand dollars, or by imprisonment in the penitentiary for

Civil cause of action: RCW 9A.56.268.

Telecommunications crimes: RCW 9A.56.262 through 9A.56.266.

9.26A.090 Telephone company credit cards—

Prohibited acts. Every person who sells, rents, lends, gives, advertises for sale or rental, or publishes the credit card number of an existing, canceled, revoked, expired, or non-existent telephone company credit card, or the numbering or coding that is employed in the issuance of telephone company credit cards or access devices, 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, shall be guilty of a gross misdemeanor. [1990 c 11 § 3; 1974 ex.s. c 160 § 1.]

9.26A.100 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Access device" shall have the same meaning as that contained in RCW 9A.56.010.

(2) "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but does not mean an automated typewriter or typesetter, portable hand held calculator, or other similar device.

(3) "Computer trespass" shall have the same meaning as that contained in chapter 9A.52 RCW.

(4) "Credit card number" means the card number or coding appearing on a credit card or other form of authorization, including an identification card or plate issued to a person by any telecommunications provider that permits the person to whom it has been issued to obtain telecommunications service on credit. The term includes the number or description of the card or plate, even if the card or plate itself is not produced at the time the telecommunications service is obtained.

(5) "Publish" means the communication or dissemination of information to any one or more persons: (a) Orally, in person, or by telephone, radio, or television; (b) in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article, or book; or (c) electronically, including by the use of recordings, computer networks, bulletin boards, or other means of electronic storage and retrieval.

(6) "Telecommunications" shall have the same meaning as that contained in RCW 80.04.010 and includes telecommunications service that originates, terminates, or both originates and terminates in this state.

(7) "Telecommunications company" shall have the same meaning as that contained in RCW 80.04.010.

(8) "Telecommunications device" means any operating procedure or code, instrument, apparatus, or equipment designed or adapted for a particular use, and which is intended or can be used in violation of this chapter, and includes, but is not limited to, computer hardware, software, and programs; electronic mail system; voice mail system; private branch exchange; or any other means of facilitating telecommunications service.

(9) "Telephone company" means any local exchange company, as defined in RCW 80.04.010. [1990 c 11 § 1.]

9.26A.110 Fraud in obtaining telecommunications service—Penalty. (*Effective July 1, 2004.*) (1) Every person who, 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 the commission by any telephone, telegraph, or telecommunications company, or with intent to defraud, obtains 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; or (e) any other trick, deceit, or fraudulent device, is guilty of a misdemeanor.

(2) If the value of the telephone, telegraph, or telecommunications service that any person obtains in violation of this section during a period of ninety days exceeds fifty dollars in the aggregate, then such person is guilty of a gross misdemeanor.

(3) If the value of the telephone, telegraph, or telecommunications service that any person obtains in violation of this section during a period of ninety days exceeds two hundred fifty dollars in the aggregate, then such person is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(4) For any act that constitutes a violation of both this section and RCW 9.26A.115 the provisions of RCW 9.26A.115 shall be exclusive. [2003 c 53 § 20; 1990 c 11 § 2; 1981 c 252 § 1; 1977 ex.s. c 42 § 1; 1974 ex.s. c 160 § 2; 1972 ex.s. c 75 § 1; 1955 c 114 § 1. Formerly RCW 9.45.240.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Injunctive relief for violations: RCW 7.40.230.

9.26A.120 Fraud in operating coin-box telephone or other receptacle. Any person who shall knowingly and wilfully operate, or cause to be operated, or who shall attempt to operate, or attempt 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, shall be guilty of a misdemeanor. [1929 c 184 § 1; RRS § 5842-1. Formerly RCW 9.45.180.]

9.26A.130 Penalty for manufacture or sale of slugs to be used for coin. Any person who, with intent 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, or who, knowing or having cause to believe, that the same is intended for unlawful use, shall manufacture for sale, or sell or 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, shall be guilty of a misdemeanor. [1929 c 184 § 2; RRS § 5842-2. Formerly RCW 9.45.190.]

9.26A.900 Severability—1990 c 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1990 c 11 § 6.]

Chapter 9.27

INTERFERENCE WITH COURT

Sections

9.27.015 Interference, obstruction of any court, building, or residence—Violations.

Disturbing school or school meeting: RCW 28A.635.030.

9.27.015 Interference, obstruction of any court, building, or residence—Violations. Whoever, interfering with, obstructing, or impeding the administration of justice, pickets or parades 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, or uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be guilty of a gross misdemeanor.

Nothing in this section shall interfere with or prevent the exercise by any court of the state of Washington or any political subdivision thereof of its power to punish for contempt. [1971 ex.s. c 302 § 16.]

Severability—1971 ex.s. c 302: See note following RCW 9.41.010.

Chapter 9.31

ESCAPED PRISONER RECAPTURED

(Formerly: Escape)

Sections

9.31.090 Escaped prisoner recaptured.

Escape: RCW 9A.76.110 through 9A.76.130.

Limitation of action against officer for permitting escape: RCW 4.16.110.

Parole-revoked offender as escapee: RCW 9.95.130.

Prisoners—Correctional institutions: Chapter 9.94 RCW.

9.31.090 Escaped prisoner recaptured. Every person in custody, under sentence of imprisonment for any crime, who shall escape from custody, may be recaptured and imprisoned for a term equal to the unexpired portion of the original term. [1909 c 249 § 89; RRS § 2341.]

Indeterminate sentences: Chapter 9.95 RCW.

Chapter 9.35

IDENTITY CRIMES

Sections

9.35.001 Finding—Intent.

9.35.005 Definitions.

9.35.010 Improperly obtaining financial information.

9.35.020 Identity theft.

9.35.030 Soliciting undesired mail.

9.35.040 Information available to victim.

9.35.800 Application of Consumer Protection Act.

9.35.900 Effective date—1999 c 368.

9.35.901 Captions not law—1999 c 368.

9.35.902 Severability—1999 c 368.

Block of information appearing as result of identity theft: RCW 19.182.160.

9.35.001 Finding—Intent. The legislature finds that financial information is personal and sensitive information that if unlawfully obtained by others may do significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain and use financial information. The legislature intends to penalize unscrupulous people for improperly obtaining financial information. [1999 c 368 § 1.]

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

(1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(a) Account numbers and balances;

(b) Transactional information concerning an account; and

(c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identification numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(2) "Financial information repository" means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(3) "Means of identification" means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone

Chapter 9A.64 RCW
FAMILY OFFENSES

appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(3) Forgery is a class C felony. [2003 c 119 § 5; 1975-'76 2nd ex.s. c 38 § 13; 1975 1st ex.s. c 260 § 9A.60.020.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

9A.60.040 Criminal impersonation in the first degree. (Effective July 1, 2004.) (1) A person is guilty of criminal impersonation in the first degree if the person:

(a) Assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation in the first degree is a gross misdemeanor. [2003 c 53 § 78; 1993 c 457 § 1; 1975 1st ex.s. c 260 § 9A.60.040.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

9A.60.045 Criminal impersonation in the second degree. (Effective July 1, 2004.) (1) A person is guilty of criminal impersonation in the second degree if the person:

(a) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(b) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer.

(2) Criminal impersonation in the second degree is a misdemeanor. [2003 c 53 § 79.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

9A.60.060 Fraudulent creation or revocation of a mental health advance directive. (1) For purposes of this section "mental health advance directive" means a written document that is a "mental health advance directive" as defined in RCW 71.32.020.

(2) A person is guilty of fraudulent creation or revocation of a mental health advance directive if he or she knowingly:

(a) Makes, completes, alters, or revokes the mental health advance directive of another without the principal's consent;

(b) Utters, offers, or puts off as true a mental health advance directive that he or she knows to be forged; or

(c) Obtains or prevents the signature of a principal or witness to a mental health advance directive by deception or duress.

(3) Fraudulent creation or revocation of a mental health advance directive is a class C felony. [2003 c 283 § 31.]

Severability—Part headings not law—2003 c 283: See RCW 71.32.900 and 71.32.901.

[2003 RCW Supp—page 94]
Ordinance No. 2211

Sections

9A.64.020 Incest. (Effective July 1, 2004.)

9A.64.030 Child selling—Child buying. (Effective July 1, 2004.)

9A.64.020 Incest. (Effective July 1, 2004.) (1)(a) A person is guilty of incest in the first degree if he or she engages in sexual intercourse with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(b) Incest in the first degree is a class B felony.

(2)(a) A person is guilty of incest in the second degree if he or she engages in sexual contact with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(b) Incest in the second degree is a class C felony.

(3) As used in this section:

(a) "Descendant" includes stepchildren and adopted children under eighteen years of age;

(b) "Sexual contact" has the same meaning as in RCW 9A.44.010; and

(c) "Sexual intercourse" has the same meaning as in RCW 9A.44.010. [2003 c 53 § 80; 1999 c 143 § 39; 1985 c 53 § 1; 1982 c 129 § 3; 1975 1st ex.s. c 260 § 9A.64.020.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Severability—1982 c 129: See note following RCW 9A.04.080.

9A.64.030 Child selling—Child buying. (Effective July 1, 2004.) (1) It is unlawful for any person to sell or purchase a minor child.

(2) A transaction shall not be a purchase or sale under subsection (1) of this section if any of the following exists:

(a) The transaction is between the parents of the minor child; or

(b) The transaction is between a person receiving or to receive the child and an agency recognized under RCW 26.33.020; or

(c) The transaction is between the person receiving or to receive the child and a state agency or other governmental agency; or

(d) The transaction is pursuant to chapter 26.34 RCW; or

(e) The transaction is pursuant to court order; or

(f) The only consideration paid by the person receiving or to receive the child is intended to pay for the prenatal hospital or medical expenses involved in the birth of the child, or attorneys' fees and court costs involved in effectuating transfer of child custody.

(3)(a) Child selling is a class C felony.

(b) Child buying is a class C felony. [2003 c 53 § 81; 1985 c 7 § 3; 1980 c 85 § 3.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Severability—1980 c 85: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 85 § 5.]

O
Sect
9A.7
9A.7
9A.7
9A.7
tion
of d
fere
kno
law
law
fire:
scop
and
the i
armi
felo:
a cla
the p
§ 1.]
I
2.48.
degr
rend
rend
is be
felor.
derir
ony.
gros:
the e
9A.7
1st e
I,
2.48.1
S.
ond
of ren
she r
ted o
equiv
viola.
(
derin
deme

(2) "Complete written instrument" means one which is fully drawn with respect to every essential feature thereof;

(3) "Incomplete written instrument" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument;

(4) To "falsely make" a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof;

(5) To "falsely complete" a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it;

(6) To "falsely alter" a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner;

(7) "Forged instrument" means a written instrument which has been falsely made, completed, or altered. [1999 c 143 § 38; 1987 c 140 § 5; 1975-'76 2nd ex.s. c 38 § 12; 1975 1st ex.s. c 260 § 9A.60.010.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

9A.60.020 Forgery. (1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He falsely makes, completes, or alters a written instrument or;

(b) He possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

(2) Forgery is a class C felony. [1975-'76 2nd ex.s. c 38 § 13; 1975 1st ex.s. c 260 § 9A.60.020.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

9A.60.030 Obtaining a signature by deception or duress. (1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception or duress is a class C felony. [1975-'76 2nd ex.s. c 38 § 14; 1975 1st ex.s. c 260 § 9A.60.030.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

9A.60.040 Criminal impersonation. (1) A person is guilty of criminal impersonation in the first degree if the person:

(a) Assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation in the first degree is a gross misdemeanor.

(3) A person is guilty of criminal impersonation in the second degree if the person:

(a) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(b) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer.

(4) Criminal impersonation in the second degree is a misdemeanor. [1993 c 457 § 1; 1975 1st ex.s. c 260 § 9A.60.040.]

9A.60.050 False certification. (1) A person is guilty of false certification, if, being an officer authorized to take a proof or acknowledgment of an instrument which by law may be recorded, he knowingly certifies falsely that the execution of such instrument was acknowledged by any party thereto or that the execution thereof was proved.

(2) False certification is a gross misdemeanor. [1975-'76 2nd ex.s. c 38 § 15; 1975 1st ex.s. c 260 § 9A.60.050.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

Chapter 9A.61

DEFRAUDING A PUBLIC UTILITY

Sections

- 9A.61.010 Definitions.
- 9A.61.020 Defrauding a public utility.
- 9A.61.030 Defrauding a public utility in the first degree.
- 9A.61.040 Defrauding a public utility in the second degree.
- 9A.61.050 Defrauding a public utility in the third degree.
- 9A.61.060 Restitution and costs.
- 9A.61.070 Damages not precluded.

9A.61.010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Customer" means the person in whose name a utility service is provided.

(2) "Divert" means to change the intended course or path of electricity, gas, or water without the authorization or consent of the utility.

(3) "Person" means an individual, partnership, firm, association, or corporation or government agency.

(4) "Reconnection" means the commencement of utility service to a customer or other person after service has been lawfully disconnected by the utility.

(5) "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing the normal or customary function.

(6) "Utility" means an electrical company, gas company, or water company as those terms are defined in RCW 80.04.010, and includes an electrical, gas, or water system operated by a public agency.

(7) "Utility service" means the provision of electricity, gas, water, or any other service or commodity furnished by the utility for compensation. [1989 c 109 § 1.]

9A.61.020 Defrauding a public utility. "Defrauding a public utility" means to commit, authorize, solicit, aid, abet, or attempt to: