

**Sentencing Guidelines Commission  
Criminal Code Review Committee’s Recommendations on Unranked Offenses**

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**No Recommendation – Zero conviction in under 20 years**

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
26.20.030	Family Abandonment	C	6	32	47	3/28/1984

Recommendation: **Repeal**

Discussion:

- Philosophical question about how to help parents – other help can be offered instead of criminalizing this. Encompassed in state civil dependency system.
- Dependency system needs a lot of work. This is likely not applied equitably. Other laws deal with harm of children.

Conviction Date    County    Sent Tot

2007	Yakima	6
2013	Grant	1.77
2017	Pierce	0

Recommendation: **Leave as unranked class C felony**

Discussion:

- Not really duplicative but has elements of Abandonment of Dependent Person 3.
- Felony status is severe enough.
- Can be used when youth are released from state or county facility and adult refuses acceptance.

**RCW 26.20.030**

**Family abandonment—Penalty—Exception.**

(1) Except as provided in subsection (2) of this section, any person who has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it is guilty of the crime of family abandonment.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

[ 2002 c 331 § 6; 1984 c 260 § 26; 1973 1st ex.s. c 154 § 34; 1969 ex.s. c 207 § 2; 1955 c 249 § 1; 1953 c 255 § 1; 1943 c 158 § 1; 1913 c 28 § 1; Rem. Supp. 1943 § 6908. Prior: 1907 c 103 § 1, part.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
16.52.117(2)(b)	Animal Fighting – Mutilation	B	0	0	0	7/28/2019

Recommendation: **Rank at SL 5**

Discussion:

- Behavior can be a precursor to worse behavior that could impact community safety.
- Behavior is intentional and potentially more serious than Animal Cruelty 1

**RCW [16.52.117](#)**

**Animal fighting—Prohibited behavior—Penalty—Exceptions.**

(1) A person commits the crime of animal fighting if the person knowingly does any of the following or causes a minor to do any of the following:

- (a) Owns, possesses, keeps, breeds, trains, buys, sells, or advertises or offers for sale any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal;
- (b) Promotes, organizes, conducts, participates in, is a spectator of, advertises, prepares, or performs any service in the furtherance of, an exhibition of animal fighting, transports spectators to an animal fight, or provides or serves as a stakeholder for any money wagered on an animal fight;
- (c) Keeps or uses any place for the purpose of animal fighting, or manages or accepts payment of admission to any place kept or used for the purpose of animal fighting;
- (d) Suffers or permits any place over which the person has possession or control to be occupied, kept, or used for the purpose of an exhibition of animal fighting;
- (e) Steals, takes, leads away, possesses, confines, sells, transfers, or receives an animal with the intent of using the animal for animal fighting, or for training or baiting for the purpose of animal fighting; or
- (f) Owns, possesses, buys, sells, transfers, or manufactures animal fighting paraphernalia for the purpose of engaging in, promoting, or facilitating animal fighting, or for baiting a live animal for the purpose of animal fighting.

(2)(a) Except as provided in (b) of this subsection, a person who violates this section is guilty of a class C felony punishable under RCW [9A.20.021](#);

**(b) A person who intentionally mutilates an animal in furtherance of an animal fighting offense as described in subsection (1) of this section is guilty of a class B felony punishable under RCW [9A.20.021](#).**

(3) Nothing in this section prohibits the following:

- (a) The use of dogs in the management of livestock, as defined by chapter [16.57](#) RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;
- (b) The use of dogs in hunting as permitted by law; or
- (c) The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.

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(4) For the purposes of this section, "animal fighting paraphernalia" includes equipment, products, implements, or materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting, and includes, but is not limited to: Cat mills; fighting pits; springpoles; unprescribed veterinary medicine; treatment supplies; and gaffs, slashers, heels, and any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.

[ [2019 c 174 § 1](#); [2015 c 235 § 3](#); [2006 c 287 § 1](#); [2005 c 481 § 3](#); [1994 c 261 § 11](#); [1982 c 114 § 9](#).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.41.080	Delivery of Firearms to Ineligible Person	C	179	284	341	7/1/1935

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.
- Old effective date but recent action in statute.

**RCW 9.41.080**

**Delivery to ineligible persons.**

No person may deliver a firearm to any person whom he or she has reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under RCW 9.41.350. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

[ 2018 c 145 § 3; 1994 sp.s. c 7 § 409; 1935 c 172 § 8; RRS § 2516-8.]

Date	Sent Total
1999 - 2020	0 (9 cases)
	Less than 1 mo (61 cases)
	1 – 3.9 mos (38 cases)
	4 – 6.9 mos (22 cases)
	7 – 9.9 mos (4 cases)
	10 – 12.0 mos (6 cases)
	12.03 - 13 mos (3 cases)

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.41.110(8)	Delivery of Firearm by Dealer to Ineligible Person	C	20	0	0	7/1/1935

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.
- Old effective date but recent action in statute.

Conviction Year	County	Sent Total
2003	Spokane	2.73
2003	Grays Harbor	0
2004	Kittitas	3
2004	Pierce	0
2005	Spokane	0.2
2007	Clark	5
2008	King	1
2008	Stevens	0
2009	Clark	1
2013	Chelan	3
2013	Yakima	0.13
2014	Kitsap	3

**RCW 9.41.110**

**Dealer's licenses, by whom granted, conditions, fees—  
Employees, fingerprinting and background checks—Wholesale  
sales excepted—Permits prohibited.**

(8)(a) No pistol or semiautomatic assault rifle may be sold: (i)  
In violation of any provisions of

RCW 9.41.010 through 9.41.810; nor (ii) may a pistol or  
semiautomatic assault rifle be sold under any circumstances unless the purchaser is personally known to the  
dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In  
addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of  
his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than  
pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-  
five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain  
the remaining licenses without payment of any fee. The fees received under this section shall be deposited in  
the state general fund.

[ 2019 c 3 § 10 (Initiative Measure No. 1639, approved November 6, 2018); 2009 c 479 § 10; 1994 sp.s. c 7 § 416; 1979 c 158 § 2; 1969 ex.s. c 227 § 4; 1963 c 163 § 1; 1961 c 124 § 8; 1935 c 172 § 11; RRS § 2516-11.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.41.115	Unlawful Private Transfer of a Firearm (Subsequent Offense)	C	0	0	0	11/4/2014

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.
- In the family of firearm offenses.

**RCW [9.41.115](#)**

**Penalties—Violations of RCW [9.41.113](#).**

Notwithstanding the penalty provisions in this chapter, any person knowingly violating RCW [9.41.113](#) is guilty of a gross misdemeanor punishable under chapter [9A.20](#) RCW. If a person previously has been found guilty under this section, then the person is guilty of a class C felony punishable under chapter [9A.20](#) RCW for each subsequent knowing violation of RCW [9.41.113](#). A person is guilty of a separate offense for each and every gun sold or transferred without complying with the background check requirements of RCW [9.41.113](#). It is an affirmative defense to any prosecution brought under this section that the sale or transfer satisfied one of the exceptions in RCW [9.41.113](#)(4).

[ [2015 c 1 § 9](#) (Initiative Measure No. 594, approved November 4, 2014).]



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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
<b>9.41.171*</b>	Alien Possession of a Firearm	C	883	0	0	7/26/2009*

\*Also includes RCW 9.41.170 which predates RCW 9.41.171

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.
- May be used as an alternative to a ranked offense.

**RCW 9.41.171**

**Alien possession of firearms—Requirements—Penalty.**

It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, unless the person: (1) Is a lawful permanent resident; (2) has obtained a valid alien firearm license pursuant to RCW 9.41.173; or (3) meets the requirements of RCW 9.41.175.

[ 2009 c 216 § 2.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.41.360	Unsafe Storage of a Firearm	C	0	0	0	11/6/2018

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.
- In the family of firearm offenses.
- Recently enacted.

**RCW 9.41.360**

**Unsafe storage of a firearm.**

(1) A person who stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person may gain access to the firearm:

- (a) Is guilty of community endangerment due to unsafe storage of a firearm in the first degree if a prohibited person obtains access and possession of the firearm and causes personal injury or death with the firearm; or
- (b) Is guilty of community endangerment due to unsafe storage of a firearm in the second degree if a prohibited person obtains access and possession of the firearm and:
  - (i) Causes the firearm to discharge;
  - (ii) Carries, exhibits, or displays the firearm in a public place in a manner that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons; or
  - (iii) Uses the firearm in the commission of a crime.

(2)(a) Community endangerment due to unsafe storage of a firearm in the first degree is a class C felony punishable according to chapter 9A.20 RCW.

(b) Community endangerment due to unsafe storage of a firearm in the second degree is a gross misdemeanor punishable according to chapter 9A.20 RCW.

(3) Subsection (1) of this section does not apply if:

- (a) The firearm was in secure gun storage, or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm;
- (b) In the case of a person who is a prohibited person on the basis of the person's age, access to the firearm is with the lawful permission of the prohibited person's parent or guardian and supervised by an adult, or is in accordance with RCW 9.41.042;
- (c) The prohibited person obtains, or obtains and discharges, the firearm in a lawful act of self-defense; or
- (d) The prohibited person's access to the firearm was obtained as a result of an unlawful entry, provided that the unauthorized access or theft of the firearm is reported to a local law enforcement agency in the jurisdiction in which the unauthorized access or theft occurred within five days of the time the victim of the unlawful entry knew or reasonably should have known that the firearm had been taken.

(4) If a death or serious injury occurs as a result of an alleged violation of subsection (1)(a) of this section, the prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose or would defeat the purpose of the law in question.

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(5) For the purposes of this section, "prohibited person" means a person who is prohibited from possessing a firearm under state or federal law.

(6) Nothing in this section mandates how or where a firearm must be stored.

[ [2019 c 3 § 5](#) (Initiative Measure No. 1639, approved November 6, 2018).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9A.44.132(1)*	Failure to Register as a Sex Offender (1 <sup>st</sup> Viol)	C	7,576	0	0	6/10/2010*

\* Includes 9A.44.130 and 9A.44.130(10) unranked offenses.

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.

**RCW 9A.44.132**

**Failure to register as sex offender or kidnapping offender.**

(1) A person commits the crime of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a felony sex offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) The failure to register as a sex offender pursuant to this subsection is a class C felony if:

**(i) It is the person's first conviction for a felony failure to register; or**

(ii) The person has previously been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law.

(b) If a person has been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law, on two or more prior occasions, the failure to register under this subsection is a class B felony.

(2) A person is guilty of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a sex offense other than a felony and knowingly fails to comply with any of the requirements of RCW 9A.44.130. The failure to register as a sex offender under this subsection is a gross misdemeanor.

(3) A person commits the crime of failure to register as a kidnapping offender if the person has a duty to register under RCW 9A.44.130 for a kidnapping offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) If the person has a duty to register for a felony kidnapping offense, the failure to register as a kidnapping offender is a class C felony.

(b) If the person has a duty to register for a kidnapping offense other than a felony, the failure to register as a kidnapping offender is a gross misdemeanor.

(4) Unless relieved of the duty to register pursuant to RCW 9A.44.141 and 9A.44.142, a violation of this section is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

[ 2019 c 443 § 4; 2015 c 261 § 5; 2011 c 337 § 5; 2010 c 267 § 3.]

**Sex Offender Policy Board current assignment includes:**

***4. Review research and current practices and procedures for Failure to Register (FTR) cases and make recommendations regarding how to ensure community safety most effectively while wisely using scarce public resources.***

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9A.44.132(3)*	Failure to Register as a Kidnapping Offender	C	181	0	0	6/10/2010*

\* Includes 9A.44.130(11) unranked offenses.

Recommendation: **Leave as unranked class C felony**

Discussion:

- Statute not duplicative.

**RCW 9A.44.132**

**Failure to register as sex offender or kidnapping offender.**

(1) A person commits the crime of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a felony sex offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) The failure to register as a sex offender pursuant to this subsection is a class C felony if:

- (i) It is the person's first conviction for a felony failure to register; or
- (ii) The person has previously been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law.

(b) If a person has been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law, on two or more prior occasions, the failure to register under this subsection is a class B felony.

(2) A person is guilty of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a sex offense other than a felony and knowingly fails to comply with any of the requirements of RCW 9A.44.130. The failure to register as a sex offender under this subsection is a gross misdemeanor.

(3) A person commits the crime of failure to register as a kidnapping offender if the person has a duty to register under RCW 9A.44.130 for a kidnapping offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

**(a) If the person has a duty to register for a felony kidnapping offense, the failure to register as a kidnapping offender is a class C felony.**

(b) If the person has a duty to register for a kidnapping offense other than a felony, the failure to register as a kidnapping offender is a gross misdemeanor.

(4) Unless relieved of the duty to register pursuant to RCW 9A.44.141 and 9A.44.142, a violation of this section is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

[ 2019 c 443 § 4; 2015 c 261 § 5; 2011 c 337 § 5; 2010 c 267 § 3.]

Date	Sent Total
2000 - 2020	0 (9 cases)
	Less than 1 mo (40 cases)
	1 – 3.9 mos (79 cases)
	4 – 6.9 mos (26 cases)
	7 – 9.9 mos (4 cases)
	10 – 12.0 mos (17 cases)
	12.03 - 36 mos (3 cases)

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9A.60.040	Criminal Impersonation 1	C	3,253	0	0	7/25/1993

Recommendation: **Leave as unranked class C felony**

Conviction Date      Sent Total

Discussion:

- Similar to Making a False or Misleading Statement, Obstruction, but not duplicative
- Is not the same as ID Theft.
- Is not a lesser included offense of Attempting to Obtain Controlled Substance by Use of False Name or by Fraud, Deceit, Misrepresentation or Subterfuge.
- Keeping unranked furthers plea negotiations.

2004 - 2020	0 (77 cases)
	Less than 1 mo (601 cases)
	1 – 3.9 mos (1,107 cases)
	4 – 6.9 mos (200 cases)
	7 – 9.9 mos (39 cases)
	10 – 12.0 mos (118 cases)
	12.03 - 88 mos (63 cases)

**RCW [9A.60.040](#)**

**Criminal impersonation in the first degree.**

(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 class C felony.

[ [2004 c 11 § 1](#); [2003 c 53 § 78](#); [1993 c 457 § 1](#); [1975 1st ex.s. c 260 § 9A.60.040](#).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9A.60.030	Obtaining Signature by Deception or Duress	C	98	138	272	7/25/1993

Recommendation: **Leave as unranked class C felony**

Discussion:

- This offense is in the False Pretenses chapter and likely comes up in financial crimes, so possibly similar to a theft of some sort but elements would be very different.
- Offense is included in statutes related to Criminal Profiteering, Leading Organized Crime, and Forgery and may cause low conviction numbers under this offense.
- Might be a middle ground between a theft or forgery.

Date	Sent Total
1999 - 2020	0 (3 cases)
	Less than 1 mo (13 cases)
	1 – 3.9 mos (22 cases)
	4 – 6.9 mos (7 cases)
	7 – 9.9 mos (2 cases)
	10 – 12.0 mos (8 cases)
	18 mos (1 case)

**RCW 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 or she causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception or duress is a class C felony.

[ 2011 c 336 § 383; 1975-'76 2nd ex.s. c 38 § 14; 1975 1st ex.s. c 260 § 9A.60.030.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9A.83.020	Money Laundering	B	1,599	0	0	6/11/1992

Recommendation: **Leave as unranked class B felony**

Discussion:

- Could it fall under Commercial Bribery (RCW 9A.68.060)?

**RCW 9A.83.020**

**Money laundering.**

(1) A person is guilty of money laundering when that person conducts or attempts to conduct a financial transaction involving the proceeds of specified unlawful activity and:

(a) Knows the property is proceeds of specified unlawful activity; or

(b) Knows that the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds, and acts recklessly as to whether the property is proceeds of specified unlawful activity; or

(c) Knows that the transaction is designed in whole or in part to avoid a transaction reporting requirement under federal law.

(2) In consideration of the constitutional right to counsel afforded by the Fifth and Sixth amendments to the United States Constitution and Article 1, Section 22 of the Constitution of Washington, an additional proof requirement is imposed when a case involves a licensed attorney who accepts a fee for representing a client in an actual criminal investigation or proceeding. In these situations, the prosecution is required to prove that the attorney accepted proceeds of specified unlawful activity with intent:

(a) To conceal or disguise the nature, location, source, ownership, or control of the proceeds, knowing the property is proceeds of specified unlawful activity; or

(b) To avoid a transaction reporting requirement under federal law.

The proof required by this subsection is in addition to the requirements contained in subsection (1) of this section.

(3) An additional proof requirement is imposed when a case involves a financial institution and one or more of its employees. In these situations, the prosecution is required to prove that proceeds of specified unlawful activity were accepted with intent:

(a) To conceal or disguised [disguise] the nature, location, source, ownership, or control of the proceeds, knowing the property is proceeds of specified unlawful activity; or

(b) To avoid a transaction reporting requirement under federal law.

The proof required by this subsection is in addition to the requirements contained in subsection (1) of this section.

(4) Money laundering is a class B felony.

Conviction Date      Sent Total

1999 - 2020	0 (67 cases)
	Less than 1 mo (324 cases)
	1 – 3.9 mos (276 cases)
	4 – 6.9 mos (87 cases)
	7 – 9.9 mos (25 cases)
	10 – 12.0 mos (62 cases)
	12.03 - 128 mo (11 cases)

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(5) A person who violates this section is also liable for a civil penalty of twice the value of the proceeds involved in the financial transaction and for the costs of the suit, including reasonable investigative and attorneys' fees.

(6) Proceedings under this chapter shall be in addition to any other criminal penalties, civil penalties, or forfeitures authorized under state law.

[ [1992 c 210 § 2.](#)]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.25.020(2)(a)	Reproduction of Sound Recording without Consent of Owner – Recording Fixed before 2/15/1972 (at least 1,000 recordings or subsequent conviction)	B	1	0	0	7/28/1991

Recommendation: **Leave as unranked class B felony**

Conviction Year	County	Sent Total
2006	Spokane	0.16

Discussion:

- Possibly duplicative of Theft or Possession of Stolen Property but this statute seems to be specific to recordings fixed before 2/15/1972.
- Appears to be aimed at sellers/distributors who mass reproduce recordings.
- Passed in 1991 and might be response to compact disc technology and ease with which copywritten recordings could be reproduced without consent.

**RCW 19.25.020**

**Reproduction of sound without consent of owner unlawful—Fine and penalty.**

(1) A person commits an offense if the person:

(a) Knowingly reproduces for sale or causes to be transferred any recording with intent to sell it or cause it to be sold or use it or cause it to be used for commercial advantage or private financial gain without the consent of the owner;

(b) Transports within this state, for commercial advantage or private financial gain, a recording with the knowledge that the sounds have been reproduced or transferred without the consent of the owner; or

(c) Advertises, offers for sale, sells, or rents, or causes the sale, resale, or rental of or possesses for one or more of these purposes any recording that the person knows has been reproduced or transferred without the consent of the owner.

(2)(a) An offense under this section is a class B felony punishable by a fine of not more than two hundred fifty thousand dollars, imprisonment for not more than ten years, or both if:

(i) The offense involves at least one thousand unauthorized recordings during a one hundred eighty-day period; or

(ii) The defendant has been previously convicted under this section.

(b) An offense under this section is a class C felony punishable by a fine of not more than two hundred fifty thousand dollars, imprisonment for not more than five years, or both, if the offense involves more than one hundred but less than one thousand unauthorized recordings during a one hundred eighty-day period.

(c) Any other offense under this section is a gross misdemeanor punishable by a fine of not more than twenty-five thousand dollars, imprisonment for up to three hundred sixty-four days, or both.

(3) This section does not affect the rights and remedies of a party in private litigation.

(4) This section applies only to recordings that were initially fixed before February 15, 1972.

[ [2011 c 96 § 17](#); [2003 c 53 § 143](#); [1991 c 38 § 2](#); [1974 ex.s. c 100 § 2](#).]

**Sentencing Guidelines Commission  
Criminal Code Review Committee’s Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.25.020(2)(b)	Reproduction of Sound Recording without Consent of Owner – Recording Fixed before 2/15/1972 (more than 100 but less than 1,000 recordings)	C	3	0	0	7/28/1991

Recommendation: **Leave as unranked class C felony**

Discussion:

- Possibly duplicative of Theft or Possession of Stolen Property but this statute seems to be specific to recordings fixed before 2/15/1972.
- Appears to be aimed at sellers/distributors who mass reproduce recordings.
- Passed in 1991 and might be response to compact disc technology and ease with which copywritten recordings could be reproduced without consent.

Conviction Year	County	Sent Total
2007	Whatcom	0.49
2010	King	0
2011	King	0

**RCW 19.25.020**

**Reproduction of sound without consent of owner unlawful—Fine and penalty.**

(1) A person commits an offense if the person:

(a) Knowingly reproduces for sale or causes to be transferred any recording with intent to sell it or cause it to be sold or use it or cause it to be used for commercial advantage or private financial gain without the consent of the owner;

(b) Transports within this state, for commercial advantage or private financial gain, a recording with the knowledge that the sounds have been reproduced or transferred without the consent of the owner; or

(c) Advertises, offers for sale, sells, or rents, or causes the sale, resale, or rental of or possesses for one or more of these purposes any recording that the person knows has been reproduced or transferred without the consent of the owner.

(2)(a) An offense under this section is a class B felony punishable by a fine of not more than two hundred fifty thousand dollars, imprisonment for not more than ten years, or both if:

(i) The offense involves at least one thousand unauthorized recordings during a one hundred eighty-day period; or

(ii) The defendant has been previously convicted under this section.

**(b) An offense under this section is a class C felony punishable by a fine of not more than two hundred fifty thousand dollars, imprisonment for not more than five years, or both, if the offense involves more than one hundred but less than one thousand unauthorized recordings during a one hundred eighty-day period.**

(c) Any other offense under this section is a gross misdemeanor punishable by a fine of not more than twenty-five thousand dollars, imprisonment for up to three hundred sixty-four days, or both.

(3) This section does not affect the rights and remedies of a party in private litigation.

(4) This section applies only to recordings that were initially fixed before February 15, 1972.

[ [2011 c 96 § 17](#); [2003 c 53 § 143](#); [1991 c 38 § 2](#); [1974 ex.s. c 100 § 2](#).]

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.110.120	Defraud or Provide Misleading or Untrue Documents Related to a Business Opportunity Sale	B	1	5	5	5/14/1981

Recommendation: **Leave as unranked class B felony**

Conviction Year	County	Sent Total
2011	Cowlitz	6

Discussion:

- Offense not duplicative.
- Class B offense level is stiff enough penalty.
- Does include sophisticated behavior that can result in theft of large sums of money. May consider ranking after discussion of white vs street crime.
- White collar crimes – are they punished less severe compared to non-white collar crime? Discussion for SGC.

**RCW 19.110.120**

**Unlawful acts.**

- (1) It is unlawful for any person to:
- (a) Make any untrue or misleading statement of a material fact or to omit to state a material fact in connection with the offer, sale, or lease of any business opportunity in the state; or
  - (b) Employ any device, scheme, or artifice to defraud; or
  - (c) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; or
  - (d) Knowingly file or cause to be filed with the director any document which contains any untrue or misleading information; or
  - (e) Knowingly violate any rule or order of the director.
- (2) A violation of this section is a class B felony punishable according to chapter 9A.20 RCW.

[ 2003 c 53 § 154; 1981 c 155 § 12.]

**Sentencing Guidelines Commission**  
**Criminal Code Review Committee’s Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Effective Date
19.146.050	Failure to Use a Trust Account	C	7	5/15/1987

Recommendation: **Repeal**

Discussion:

- Offense not duplicative.
- Gives mortgage broker investigator leverage.

**RCW 19.146.050**

**Moneys for third-party provider services deemed in trust—Deposit of moneys in trust account—Use of trust account—Rules—Tax treatment.**

(1) All moneys received by a mortgage broker from a borrower for payment of third-party provider services shall be deemed as held in trust immediately upon receipt by the mortgage broker. A mortgage broker shall deposit, prior to the end of the third business day following receipt of such trust funds, all such trust funds in a trust account of a federally insured financial institution located in this state. All trust account funds collected under this chapter must remain on deposit in a trust account in the state of Washington until disbursement. The trust account shall be designated and maintained for the benefit of borrowers. Moneys maintained in the trust account shall be exempt from execution, attachment, or garnishment. A mortgage broker shall not in any way encumber the corpus of the trust account or commingle any other operating funds with trust account funds. Withdrawals from the trust account shall be only for the payment of bona fide services rendered by a third-party provider or for refunds to borrowers.

(2) The director shall make rules which: (a) Direct mortgage brokers how to handle checks and other instruments that are received by the broker and that combine trust funds with other funds; and (b) permit transfer of trust funds out of the trust account for payment of other costs only when necessary and only with the prior express written permission of the borrower.

(3) Any interest earned on the trust account shall be refunded or credited to the borrowers at closing.

(4) Trust accounts that are operated in a manner consistent with this section and any rules adopted by the director, are not considered gross receipts taxable under chapter **82.04** RCW.

(5) A person violating this section is guilty of a class C felony punishable according to chapter **9A.20** RCW.

[ **2003 c 53 § 158**; **1998 c 311 § 1**; **1997 c 106 § 5**; **1987 c 391 § 7**.]

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
<b>29A.84.130</b>	Voter Violation of Registration Law	C	17	16	35	1/1/1978

Recommendation: **Leave as unranked class C felony**

Discussion:

- Offense not duplicative.
- This was not the most serious offense for any of the 17 convictions.

**RCW 29A.84.130**

**Voter violations.**

Any person who:

- (1) Knowingly provides false information on an application for voter registration under any provision of this title;
- (2) Knowingly makes or attests to a false declaration as to his or her qualifications as a voter;
- (3) Knowingly causes or permits himself or herself to be registered using the name of another person;
- (4) Knowingly causes himself or herself to be registered under two or more different names;
- (5) Knowingly causes himself or herself to be registered in two or more counties;
- (6) Offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration;
- (7) Accepts payment for assisting in registering voters, where payment is based on a fixed amount of money per voter registration; or
- (8) Knowingly causes any person to be registered or causes any registration to be transferred or canceled except as authorized under this title, is guilty of a class C felony punishable under RCW 9A.20.021.

[ 2003 c 111 § 2107. Prior: 1994 c 57 § 25; 1991 c 81 § 12; 1990 c 143 § 12; 1977 ex.s. c 361 § 110; 1965 c 9 § 29.85.200; prior: 1933 c 1 § 27; RRS § 5114-27; prior: 1893 c 45 § 5; 1889 p 418 § 16; RRS § 5136. Formerly RCW 29.07.410, 29.85.200.]

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
29A.84.311	Provides False Information or Conceals or Destroys Candidacy Declaration or Nominating Petition	C	2	0	0	6/10/2004

Recommendation: **Leave as unranked class C felony**

Conviction Year	County	Sent Total
2008	Pierce	0

Discussion:

- Offense not duplicative, very specific to elections and voting fraud.
- Though only used twice in last 16 years, this statute may be needed in the future.

**RCW 29A.84.311**

**Candidacy declarations, nominating petitions.**

Every person who:

- (1) Knowingly provides false information on his or her declaration of candidacy or petition of nomination; or
- (2) Conceals or fraudulently defaces or destroys 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, is guilty of a class C felony punishable under RCW 9A.20.021.

[ 2004 c 271 § 185.]

**Sentencing Guidelines Commission**  
**Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
42.20.070	Misappropriating and Falsifying Accounts by Public Officer	B	18	31	123	3/22/1909

Recommendation: **Leave as unranked class B felony**

Discussion:

- Would this be covered under fraud statutes 9A.56, 9A.82 and 9A.60?
- Public official position has higher standard to uphold.

Year	County	Sent Total
2003	Benton	0
2006	Grays Harbor	0
2009	Snohomish	3
2013	Skagit	4
2014	Snohomish	8
2017	Kittitas	9

**RCW 42.20.070**

**Misappropriation and falsification of accounts by public officer.**

Every public officer, and every 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, who:

- (1) Appropriates 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; or
- (2) Knowingly keeps any false account, or makes any false entry or erasure in any account, of or relating to any money so received by him or her; or
- (3) Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or
- (4) Willfully omits or refuses 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, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than fifteen years.

[ [2003 c 53 § 219](#); [1992 c 7 § 37](#); [1909 c 249 § 317](#); RRS § 2569. Prior: Code 1881 § 890; [1873 p 202 § 92](#); [1854 p 91 § 83](#).]



**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
18.04.370(1)(b)	Unlawful Use of a Professional Title	C	0	0	0	7/1/2001

Recommendation:

No Discussion

**RCW [18.04.370](#)**

**Penalty.**

\*\*\* CHANGE IN 2022 \*\*\* (SEE [5519.SL](#)) \*\*\*

(1) Any person who violates any provision of this chapter shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than thirty thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW [18.04.345](#), having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a class C felony, and upon conviction thereof, is subject to a fine of not more than thirty thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(c) Notwithstanding (a) of this subsection, any person whose license or certificate was suspended or revoked by the board and who uses the CPA professional title intending to deceive the public, in violation of RCW [18.04.345](#), having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a class C felony, and upon conviction thereof, is subject to a fine of not more than thirty thousand dollars, or to imprisonment for not more than two years, or to both fine and imprisonment.

(2) With the exception of first time violations of RCW [18.04.345](#), subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW [18.04.345](#) who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

[ [2004 c 159 § 5](#). Prior: [2003 c 290 § 5](#); [2003 c 53 § 120](#); [2001 c 294 § 19](#); [1983 c 234 § 19](#); [1949 c 226 § 36](#); Rem. Supp. 1949 § 8269-43.]

6/10/2022

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
18.04.370(1)(c)	Unlawful Use of CPA Title After Suspension	C	0	1	1	7/1/2004

Recommendation:

No Discussion

**RCW [18.04.370](#)**

**Penalty.**

\*\*\* CHANGE IN 2022 \*\*\* (SEE [5519.SL](#)) \*\*\*

(1) Any person who violates any provision of this chapter shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than thirty thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW [18.04.345](#), having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a class C felony, and upon conviction thereof, is subject to a fine of not more than thirty thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(c) Notwithstanding (a) of this subsection, any person whose license or certificate was suspended or revoked by the board and who uses the CPA professional title intending to deceive the public, in violation of RCW [18.04.345](#), having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a class C felony, and upon conviction thereof, is subject to a fine of not more than thirty thousand dollars, or to imprisonment for not more than two years, or to both fine and imprisonment.

(2) With the exception of first time violations of RCW [18.04.345](#), subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW [18.04.345](#) who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

[ [2004 c 159 § 5](#). Prior: [2003 c 290 § 5](#); [2003 c 53 § 120](#); [2001 c 294 § 19](#); [1983 c 234 § 19](#); [1949 c 226 § 36](#); Rem. Supp. 1949 § 8269-43.]

6/10/2022

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.110.075(2)	Disclosures Knowingly Not Provided at Sale of Business Opportunity (Violation of RCW 19.110.070)	B	0	0	0	7/1/2004

Recommendation:

No Discussion

**RCW [19.110.075](#)**

**Business opportunity fraud—Penalties.**

(1) Any person who violates RCW [19.110.050](#) or [19.110.070](#) is guilty of a gross misdemeanor.

(2) Any person who knowingly violates RCW [19.110.050](#) or [19.110.070](#) is guilty of a class B felony punishable according to chapter [9A.20](#) RCW.

(3) No indictment or information for a felony may be returned under this chapter more than five years after the alleged violation.

[ [2003 c 53 § 156.](#) ]

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.110.075(2)	Disclosures Knowingly Not Provided at Sale of Business Opportunity (Violation of RCW 19.110.050)	B	0	0	0	7/1/2004

Recommendation:

No Discussion

**RCW [19.110.075](#)**

**Business opportunity fraud—Penalties.**

(1) Any person who violates RCW [19.110.050](#) or [19.110.070](#) is guilty of a gross misdemeanor.

(2) Any person who knowingly violates RCW [19.110.050](#) or [19.110.070](#) is guilty of a class B felony punishable according to chapter [9A.20](#) RCW.

(3) No indictment or information for a felony may be returned under this chapter more than five years after the alleged violation.

[ [2003 c 53 § 156](#).]

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.144.100(1)	Use or Investment of Proceeds from Mortgage Fraud Activities	B	0	0	0	6/12/2008

Recommendation:

No Discussion:

**RCW [19.144.100](#)**

**Unlawful actions—Proceeds and interest in real property—Criminal penalties.**

(1)(a) It is unlawful for a person to use or invest proceeds, or any part of proceeds, knowing that the proceeds, or any part of the proceeds, were derived, directly or indirectly, from a pattern of mortgage fraud activity, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(b) A violation of this subsection is a class B felony.

(2)(a) It is unlawful for a person to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property knowing the interest or control was obtained through a pattern of mortgage fraud.

(b) A violation of this subsection is a class B felony.

(3)(a) It is unlawful for a person to knowingly conspire or attempt to violate subsection (1) or (2) of this section.

(b) A violation of this subsection is a class C felony.

[ [2008 c 108 § 11.](#)]

**Sentencing Guidelines Commission  
Criminal Code Review Committee's Recommendations on Unranked Offenses**

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
19.144.100(2)	Control of Real Property Resulting from Mortgage Fraud Activities	B	0	0	0	6/12/2008

Recommendation:

No Discussion:

**RCW [19.144.100](#)**

**Unlawful actions—Proceeds and interest in real property—Criminal penalties.**

(1)(a) It is unlawful for a person to use or invest proceeds, or any part of proceeds, knowing that the proceeds, or any part of the proceeds, were derived, directly or indirectly, from a pattern of mortgage fraud activity, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(b) A violation of this subsection is a class B felony.

(2)(a) It is unlawful for a person to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property knowing the interest or control was obtained through a pattern of mortgage fraud.

(b) A violation of this subsection is a class B felony.

(3)(a) It is unlawful for a person to knowingly conspire or attempt to violate subsection (1) or (2) of this section.

(b) A violation of this subsection is a class C felony.

[ [2008 c 108 § 11.](#) ]