

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

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Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
69.40.030	Placing Poison or other Harmful Object or Substance in Food, Drinks, Medicine or Water	B	1	5(Juv) 5(Adlt)	5(Juv) 9(Adlt)	7/1/1854

Recommendation: **Repeal**

Discussion:

- Falls within the family of Assault
- Could be charged under different statutes like Assault, Manslaughter, or Murder.

**RCW [69.40.030](#)**

Placing poison or other harmful object or substance in food, drinks, medicine, or water—Penalty.

(1) Every person who willfully mingles poison or places any harmful object or substance, including but not limited to pins, tacks, needles, nails, razor blades, wire, or glass in any food, drink, medicine, or other edible substance intended or prepared for the use of a human being or who shall knowingly furnish, with intent to harm another person, any food, drink, medicine, or other edible substance containing such poison or harmful object or substance to another human being, and every person who willfully poisons any spring, well, or reservoir of water, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not less than five years or by a fine of not less than one thousand dollars.

(2) \*This act shall not apply to the employer or employers of a person who violates this section without such employer's knowledge.

[ [2003 c 53 § 321](#); [1992 c 7 § 48](#); [1973 c 119 § 1](#); [1909 c 249 § 264](#); RRS § 2516. Prior: Code 1881 § 802; [1873 p 185 § 27](#); [1869 p 202 § 25](#); [1854 p 79 § 25](#).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
<b>9.16.010</b>	Removing Lawful Brands	C	2	1	1	7/1/1873

Recommendation: **Repeal**

Discussion:

- Duplicative of Fraud statutes (9A.56, 9A.82, 9A.60)
- May be covered under Theft or Malicious Mischief
- Not frequently used

Conviction Year	County	Sent Total
2013	Pacific	1
2016	Grant	0

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

Discussion:

- Still needed, used somewhat recently

**RCW [9.16.010](#)**

Removing lawful brands.

Every person who shall willfully deface, obliterate, remove, or alter any mark or brand placed by or with the authority of the owner thereof on any shingle bolt, log or stick of timber, or on any horse, mare, gelding, mule, cow, steer, bull, sheep, goat or hog, shall be punished by imprisonment in a state correctional facility for not more than five years, or by imprisonment in the county jail for up to three hundred sixty-four days, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

[ [2011 c 96 § 4](#); [1992 c 7 § 3](#); [1909 c 249 § 342](#); Code 1881 § 839; [1873 p 191 § 54](#); RRS § 2594.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.47.090	Maintaining a Bucket Shop	C	15	3	13	7/1/1909

Recommendation: **Repeal**

Discussion:

- Possibly antiquated
- Duplicative as behavior would fall under Securities and Investments Title RCW 21

Conviction Year	County	Sent Total
2000	Spokane	22
2000	Spokane	12
2018	Grant	3

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

Discussion:

- No consensus on committee to repeal

**RCW [9.47.090](#)**

Maintaining bucket shop—Penalty.

Every person, whether in his or her own behalf, or as agent, servant or employee of another person, within or outside of this state, who shall open, conduct or carry on any bucket shop, or make or offer to make any contract described in RCW [9.47.080](#), or with intent to make such a contract, or assist therein, shall receive, exhibit, or display any statement of market prices of any commodities, securities, or property, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years.

[ [2003 c 53 § 36](#); [1992 c 7 § 13](#); [1909 c 249 § 224](#); RRS § 2476.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
40.16.010	Injury to a Public Record	C	13	18	23	3/22/1909

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

Discussion:

- Similar to RCW 40.16.020.

**RCW [40.16.010](#)**

Injury to public record.

Every person who shall 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, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than one thousand dollars, or by both.

[ [2003 c 53 § 214](#); [1992 c 7 § 34](#); [1909 c 249 § 95](#); RRS § 2347.]

Conviction Year	County	Sent Total
2002	Mason	1
2003	Clark	1.15
2003	Clark	0.03
2004	Pierce	12
2010	Cowlitz	0.07
2013	Clark	0.95
2014	Grant	5
2014	Grant	5
2014	Grant	4.44
2014	Grant	2.17
2014	Yakima	0.03
2015	Grant	12.03
2015	Grant	5

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
40.16.020	Injury to and Misappropriation of Public Record by Officer	B	2	4	4	3/22/1909

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

Discussion:

- Similar to RCW 40.16.010.

Conviction Year	County	Sent Total
2015	Franklin	12
2019	Benton	.66

**RCW [40.16.020](#)**

Injury to and misappropriation of record.

Every officer who shall mutilate, destroy, conceal, erase, obliterate, or falsify any record or paper appertaining to the officer's office, or who shall fraudulently appropriate to the officer's 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 officer by virtue of the officer's office, is guilty of a class B felony and shall be punished 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 by both.

[ [2003 c 53 § 215](#); [1992 c 7 § 35](#); [1909 c 249 § 96](#); RRS § 2348.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
40.16.030	Offering False Instrument for Filing or Record	C	28	94	180	3/22/1909

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

Discussion:

- Possibly duplicative of Forgery RCW 9A.60.020

**RCW [40.16.030](#)**

Offering false instrument for filing or record.

Every person who shall 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, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years, or by a fine of not more than five thousand dollars, or by both.

[ [2003 c 53 § 216](#); [1992 c 7 § 36](#); [1909 c 249 § 97](#); RRS § 2349.]

Conviction Year	County	Sent Total
2001	Clark	15.0
2002	Clark	1.0
2002	King	0
2003	Chelan	12.1
2004	Mason	12.0
2004	Clark	1.0
2006	Snohomish	12.0
2008	Grays Harbor	1.0
2008	Stevens	0.2
2008	King	0
2008	King	0
2010	Clark	1.0
2010	Pierce	0
2011	Pierce	6.0
2012	Clark	12.0
2012	Clark	0.1
2014	Snohomish	12.0
2014	Island	1.0
2017	King	0
2017	Chelan	0
2019	Franklin	0.5

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
46.12.750(1)	False Statements, Illegal Transfers, Alterations or Forgeries of Vehicle Title	B	259	0	0	3/17/1937

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

Discussion:

- Statute not duplicative.

Note: CFC doesn't have a code for offense under RCW 46.12.750(3). That generally means they have never received a conviction for an offense under the subsection.

**RCW 46.12.750**

Penalty for false statements, illegal transfers, alterations, or forgeries—  
 Exception.

(1) A person is guilty of a class B felony if the person:

- (a) Knowingly makes any false statement of a material fact, either on an application for a certificate of title or in any transfer of a certificate of title;
- (b) Intentionally acquires or passes ownership of a vehicle which that person knows or has reason to believe has been stolen;
- (c) Receives or transfers possession of a stolen vehicle from or to another person;
- (d) Possesses any vehicle which that person knows or has reason to believe has been stolen;
- (e) Alters or forges or causes the alteration or forgery of:
  - (i) A certificate of title or registration certificate issued by the department;
  - (ii) An assignment of a certificate of title or registration certificate; or
  - (iii) A release or notice of release of an encumbrance referred to on a certificate of title or registration certificate; or
- (f) Holds or uses a certificate of title, registration certificate, assignment, release, or notice of release, knowing that it has been altered or forged.

(2) A person convicted of violating subsection (1) of this section must be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This subsection does not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a vehicle.

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

Date	Sent Total
2000 - 2020	0 (7 cases)
	Less than 1 mo (42 cases)
	1 – 3.9 mos (84 cases)
	4 – 6.9 mos (29 cases)
	7 – 9.9 mos (8 cases)
	10 – 12.0 mos (19 cases)
	12.03 - 36 mos (23 cases)

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(3) It is a class C felony for a person to sell or convey a vehicle certificate of title except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.

(4) This section does not apply to an officer of the law engaged at the time in the performance of official authorized law enforcement activities.

[ [2010 c 161 § 319](#); [2003 c 53 § 236](#); [1961 c 12 § 46.12.210](#). Prior: [1937 c 188 § 12](#); RRS § 6312-12. Formerly RCW [46.12.210](#).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
46.20.0921(2)	Sell or Deliver a Stolen Driver's License or Identocard	C	2	5	7	7/27/2003

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

Discussion:

- Duplicative of Fraud statutes (9A.56, 9A.82, 9A.60)
- Maybe covered under ID Theft?

Conviction Year	County	Sent Total
2014	Clark	12.03
2018	Whatcom	5

**RCW [46.20.0921](#)**

Violations—Penalty.

(1) It is a misdemeanor for any person:

- (a) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identocard;
- (b) To lend his or her driver's license or identocard to any other person or knowingly permit the use thereof by another;
- (c) To display or represent as one's own any driver's license or identocard not issued to him or her;
- (d) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identocard which has been suspended, revoked or canceled;
- (e) To use a false or fictitious name in any application for a driver's license or identocard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
- (f) To permit any unlawful use of a driver's license or identocard issued to him or her.

**(2) It is a class C felony for any person to sell or deliver a stolen driver's license or identocard.**

(3) It is unlawful for any person to manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identocard, or to manufacture, sell, or deliver a blank driver's license or identocard except under the direction of the department. A violation of this subsection is:

- (a) A class C felony if committed (i) for financial gain or (ii) with intent to commit forgery, theft, or identity theft; or
- (b) A gross misdemeanor if the conduct does not violate (a) of this subsection.

(4) Notwithstanding subsection (3) of this section, it is a misdemeanor for any person under the age of twenty-one to manufacture or deliver fewer than four forged, fictitious, counterfeit, or fraudulently altered driver's licenses or identocards for the sole purpose of misrepresenting a person's age.

(5) In a proceeding under subsection (2), (3), or (4) of this section that is related to an identity theft under RCW [9.35.020](#), the crime will be considered to have been committed 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.

[ [2003 c 214 § 1](#); [1990 c 210 § 3](#); [1981 c 92 § 1](#); [1965 ex.s. c 121 § 41](#). Formerly RCW [46.20.336](#).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
46.37.673	Use of a Signal Preemption Device Resulting in Property Damage or less Substantial Bodily Harm	C	1	1	1	7/4/2005

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

Discussion:

- Low frequency of use
- No consensus from committee to repeal

**RCW [46.37.673](#)**

Signal preemption device—Accident—Property damage or less than substantial bodily harm—Penalty.

(1) When an accident that results only in injury to property or injury to a person that does not arise to substantial bodily harm as defined in RCW [9A.04.110](#) occurs as a proximate result of the operation of a signal preemption device which was not authorized in RCW [46.37.670](#), the driver is guilty of negligently causing an accident by use of a signal preemption device.

(2) Negligently causing an accident by use of a signal preemption device is a class C felony punishable under chapter [9A.20](#) RCW.

[ [2005 c 183 § 5.](#) ]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
46.70.180(5)	Odometer Offense	C	4	0	0	3/25/1969

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

Discussion:

- Duplicative of Fraud statutes (9A.56, 9A.82, 9A.60)
- RCW 46.37.540 is a gross misdemeanor

Conviction Year	County	Sent Total
2014	Pacific	1
2017	Whatcom	1
2018	Pacific	.10
2018	Pierce	0

**RCW [46.70.180](#)**

**Unlawful acts and practices.**

\*\*\* CHANGE IN 2022 \*\*\* (SEE [5974-S.SL](#)) \*\*\* **(does not affect (5))**

Each of the following acts or practices is unlawful:

(5) To commit any offense relating to odometers, as such offenses are defined in RCW [46.37.540](#), [46.37.550](#), [46.37.560](#), and [46.37.570](#). A violation of this subsection is a class C felony punishable under chapter [9A.20](#) RCW.

[ [2017 c 41 § 1](#); [2012 c 74 § 8](#); [2010 c 161 § 1136](#). Prior: [2009 c 123 § 1](#); [2009 c 49 § 1](#); [2007 c 155 § 2](#); [2006 c 289 § 1](#); [2003 c 368 § 1](#); prior: [2001 c 272 § 10](#); [2001 c 64 § 9](#); [1999 c 398 § 10](#); [1997 c 153 § 1](#); [1996 c 194 § 3](#); [1995 c 256 § 26](#); [1994 c 284 § 13](#); [1993 c 175 § 3](#); [1990 c 44 § 14](#); [1989 c 415 § 20](#); [1986 c 241 § 18](#); [1985 c 472 § 13](#); [1981 c 152 § 6](#); [1977 ex.s. c 125 § 4](#); [1973 1st ex.s. c 132 § 18](#); [1969 c 112 § 1](#); [1967 ex.s. c 74 § 16](#).]

**RCW [46.37.540](#)**

Odometers—Disconnecting, resetting, or turning back prohibited.

(1) The legislature intends to make it illegal for persons to turn forward the odometer on a new car to avoid compliance with the emissions standards required by chapter 295, Laws of 2005.

(2) It shall be unlawful for any person to disconnect, turn back, turn forward, or reset the odometer of any motor vehicle with the intent to change the number of miles indicated on the odometer gauge. A violation of this subsection is a **gross misdemeanor**.

[ [2005 c 295 § 8](#); [1983 c 3 § 119](#); [1969 c 112 § 2](#).]

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**RCW [46.37.550](#)**

Odometers—Selling motor vehicle knowing odometer turned back unlawful.

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he or she had reason to believe that the odometer has been turned back.

[ [2010 c 8 § 9055](#); [1969 c 112 § 3](#).]

**RCW [46.37.560](#)**

Odometers—Selling motor vehicle knowing odometer replaced unlawful.

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he or she believes the odometer to have been replaced.

[ [2010 c 8 § 9056](#); [1969 c 112 § 4](#).]

**RCW [46.37.570](#)**

Odometers—Selling, advertising, using, or installing device registering false mileage.

It shall be unlawful for any person to advertise for sale, to sell, to use, or to 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. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance.

[ [1969 c 112 § 5](#).]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
46.80.020(b)	Engage in Business of Wrecking Vehicles without a License (Subsequent Offense)	C	6	0	0	7/23/1995

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

Discussion:

- Statute not duplicative
- Question of licensing versus criminal intent

Conviction Year	County	Sent Total
2019	Lewis	4
2019	Lewis	.07

**RCW [46.80.020](#)**

License required—Penalty.

(1)(a) Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter [70A.205](#) RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in RCW [46.53.010](#).

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

**(b) A second or subsequent offense is a class C felony punishable according to chapter [9A.20](#) RCW.**

**[ [2021 c 65 § 53](#); [2018 c 287 § 8](#); [2003 c 53 § 253](#); [1995 c 256 § 5](#); [1979 c 158 § 192](#); [1977 ex.s. c 253 § 3](#); [1971 ex.s. c 7 § 1](#); [1967 c 32 § 94](#); [1961 c 12 § 46.80.020](#). Prior: [1947 c 262 § 2](#); Rem. Supp. 1947 § 8326-41.]**

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
48.30.220	Willful Destruction, Injury, Secretion of Insured Property	C	100	1(Juv) 123 (Adlt)	1(Juv) 134(Adlt)	4/2/1965

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

Conviction Date      Sent Total

Discussion:

- Still frequent use

2000 - 2017	0 (1 cases)
	Less than 1 mo (30 cases)
	1 – 3.9 mos (34 cases)
	4 – 6.9 mos (11 cases)
	7 – 9.9 mos (2 cases)
	10 – 12.0 mos (4 cases)
	12.03 - 18 mos (4 cases)

**RCW [48.30.220](#)**

Destruction, injury, secretion, etc., of property.

Any person, who, with intent to defraud or prejudice the insurer thereof, burns or in any manner injures, destroys, secretes, abandons, or disposes 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 such person or any other person, under circumstances not making the offense arson in the first degree, is guilty of a class C felony.

[ [1995 c 285 § 19](#); [1965 ex.s. c 70 § 25](#); 1947 c 79 § .30.22; Rem. Supp. 1947 § 45.30.22.]

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
48.30.220	False Insurance Claims (Value in Excess of \$1,500)	C	119	76	106	3/26/1990

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

Discussion:

- Still frequent use

**RCW [48.30.230](#)**

False claims or proof—Penalty.

(1) It is unlawful for any person, knowing it to be such, to:

(a) Present, or cause to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss under a contract of insurance; or

(b) Prepare, make, or subscribe any false or fraudulent account, certificate, affidavit, or proof of loss, or other document or writing, with intent that it be presented or used in support of such a claim.

(2)(a) Except as provided in (b) of this subsection, a violation of this section is a gross misdemeanor.

(b) If the claim is in excess of one thousand five hundred dollars, the violation is a class C felony punishable according to chapter [9A.20](#) RCW.

[ [2003 c 53 § 270](#); [1990 1st ex.s. c 3 § 11](#); [1947 c 79 § .30.23](#); Rem. Supp. [1947 § 45.30.23](#).]

Date	Sent Total
2000 - 2020	0 (30 cases)
	Less than 1 mo (21 cases)
	1 – 3.9 mos (36 cases)
	4 – 6.9 mos (8 cases)
	7 – 9.9 mos (1 cases)
	10 – 12.0 mos (2 cases)

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
67.70.130	Lottery Fraud	B	40	13	41	6/11/1992

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

Conviction Date      Sent Total

Discussion:

- Could be duplicative of Forgery statute
- Might be helpful tool for investigators to have specific statute to address lottery issues

1999 - 2018	0 (4 cases)
	Less than 1 mo (5 cases)
	1 – 3.9 mos (9 cases)
	4 – 6.9 mos (2 cases)
	7 – 9.9 mos (0 cases)
	10 – 12.0 mos (1 cases)

**RCW [67.70.130](#)**

Prohibited acts—Penalty.

(1) A person shall not alter or forge a lottery ticket. A person shall not claim a lottery prize or share of a lottery prize by means of fraud, deceit, or misrepresentation. A person shall not 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.

(2) A violation of this section is a class B felony punishable according to chapter [9A.20](#) RCW.

[ [2003 c 53 § 304](#); [1982 2nd ex.s. c 7 § 13](#). ]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
68.60.040(1)	Destruction of Tomb, Plot, Marker, or Cemetery Property	C	17	4(Juv) 10(Adlt)	34(Juv) 42(Adlt)	3/19/1990

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

Discussion:

- Possibly duplicative of Malicious Mischief statutes
- Could be damage that greatly offends and warrants a felony conviction but does not rise to the level of Mal Misch 2 value
- Who commits this offense? If teens, perhaps shouldn't be a felony. However, teen felony record would be administratively sealed.
- Leave unranked for some sentencing flexibility

Conviction Year	County	Sent Total
2000	Thurston	1.31
2007	Cowlitz	1.48
2010	Spokane	0.39
2012	Clallam	0
2013	Stevens	22
2014	Clark	1.64
2014	Lincoln	0

### RCW [68.60.040](#)

Protection of cemeteries—Penalties.

(1) Every person who in a cemetery unlawfully or without right willfully destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, 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 is guilty of a class C felony punishable under chapter [9A.20](#) RCW.

(2) Every person who in a cemetery unlawfully or without right willfully destroys, cuts, breaks, removes, or injures any building, statuary, ornamentation, tree, shrub, flower, or plant within the limits of a cemetery is guilty of a gross misdemeanor punishable under chapter [9A.20](#) RCW.

(3) Every person who in a cemetery unlawfully or without right willfully opens a grave; removes personal effects of the decedent; removes all or portions of human remains; removes or damages caskets, surrounds, outer burial containers, or any other device used in making the original burial; transports unlawfully removed human remains from the cemetery; or knowingly receives unlawfully removed human remains from the cemetery is guilty of a class C felony punishable under chapter [9A.20](#) RCW.

[ [1990 c 92 § 4.](#) ]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
70.74.022(1)	Manufacture, Purchase, Sell or Store Explosive Device without License	C	188	0	0	3/22/1988

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

Discussion:

- Offense not duplicative

**RCW 70.74.022**

License required to manufacture, purchase, sell, use, possess, transport, or store explosives—Penalty—Surrender of explosives by unlicensed person—Other relief.

(1) It is unlawful for any person to 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, which license has not been revoked or suspended. Violation of this section is a class C felony.

(2) Upon notice from the department of labor and industries or any law enforcement agency having jurisdiction, a person manufacturing, purchasing, selling, offering for sale, using, possessing, transporting, or storing any explosive, improvised device, or components of explosives or improvised devices without a license shall immediately surrender those explosives, improvised devices, or components to the department or to the respective law enforcement agency.

(3) At any time that the director of labor and industries requests the surrender of explosives, improvised devices, or components of explosives or improvised devices, from any person pursuant to subsection (2) of this section, the director may in addition request the attorney general to make application to the superior court of the county in which the unlawful practice exists for a temporary restraining order or such other relief as appears to be appropriate under the circumstances.

[ [1993 c 293 § 2](#); [1988 c 198 § 10](#).]

Conviction Date      Sent Total

1999 - 2020	0 (4 cases)
	Less than 1 mo (27 cases)
	1 – 3.9 mos (60 cases)
	4 – 6.9 mos (23 cases)
	7 – 9.9 mos (3 cases)
	10 – 12.0 mos (7 cases)
	12.03 mos (3 cases)

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
70.74.275	Intimidation or Harassment with an Explosive	C	18	12(Juv) 34(Adlt)	14(Juv) 37(Adlt)	7/25/1993

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

Discussion:

- Offense not duplicative
- Plea bargain option

**RCW [70.74.275](#)**

Intimidation or harassment with an explosive—Class C felony.

Unless otherwise allowed to do so under this chapter, a person who exhibits a device designed, assembled, fabricated, or manufactured, to convey the appearance of an explosive or improvised device, and who intends to, and does, intimidate or harass a person, is guilty of a class C felony.

[ [1993 c 293 § 4.](#) ]

Conviction Year	County	Sent Total
1999	Spokane	1.02
2000	Benton	6
2005	Snohomish	6
2005	Clark	1
2007	Pierce	12
2007	Snohomish	6
2009	Grant	3.84
2011	Grant	12
2011	Grant	1
2013	Spokane	4
2013	Pierce	3.15
2016	Cowlitz	3
2017	Pierce	0
2019	Lewis	9

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
70A.300.100(1)(b)	Transport, Disposal or Export of Hazardous Waste that Places Another Person's Property in Danger of Harm	C	14	0	0	12/8/1988

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

Discussion:

- Offense not duplicative.
- This was not the most serious offense (i.e. longest confinement term) on any of the 14 causes.

**RCW [70A.300.100](#)**

Violations—Criminal penalties.

(1) Any person who knowingly transports, treats, stores, handles, disposes of, or exports a hazardous substance in violation of this chapter is guilty of: (a) A class B felony punishable according to chapter [9A.20](#) RCW if the person knows at the time that the conduct constituting the violation places another person in imminent danger of death or serious bodily injury; or (b) a class C felony punishable according to chapter [9A.20](#) RCW if the person knows that the conduct constituting the violation places any property of another person or any natural resources owned by the state of Washington or any of its local governments in imminent danger of harm.

(2) As used in this section: (a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced within a reasonable period of time should the danger not be eliminated; and (b) "knowingly" refers to an awareness of facts, not awareness of law.

[ [2003 c 53 § 357](#); [1989 c 2 § 15](#) (Initiative Measure No. 97, approved November 8, 1988). Formerly [RCW 70.105.085](#).]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
76.48.141(2)	Fraudulent Document for Specialized Forest Products Buyer	C	7	1	4	7/26/2009

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

Discussion:

- May be duplicated in RCW 9A.60.050 – False Certification?
- Leave as unranked – regulatory

Conviction Year	County	Sent Total
2009	Skagit	.16
2013	Pacific	1
2017	Grays Harbor	3
2018	Jefferson	2

**RCW [76.48.141](#)**

False, fraudulent, forged, or stolen specialized forest products permit, sales invoice, bill of lading, etc.—Penalty.

(1) It is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to:

(a) Offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, true copy of a permit, authorization, sales invoice, bill of lading, or other document required under this chapter; or

(b) To make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, or to conduct the sale of huckleberries, with knowledge that the representation of authority is in any manner false, fraudulent, forged, or stolen.

**(2) It is unlawful for any person to produce a document for a first or secondary specialized forest products buyer purporting to be a true and genuine permit when delivering or attempting to deliver a specialized forest product with knowledge that the document is in any manner false, fraudulent, forged, or stolen.**

(3) Any person who knowingly or intentionally violates this section is guilty of a class C felony punishable by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both imprisonment and fine.

[ [2009 c 245 § 15](#); [2008 c 191 § 7](#); [2003 c 53 § 373](#); [1995 c 366 § 12](#); [1979 ex.s. c 94 § 14](#); [1977 ex.s. c 147 § 9](#); [1967 ex.s. c 47 § 13](#). Formerly RCW [76.48.120](#).]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
82.24.110(2)	Transportation of more than 10,000 Cigarettes without Proper Stamps	C	12	1(Juv) 8(Adlt)	1(Juv) 8(Adlt)	5/19/1987

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

Discussion:

Conviction Year	County	Sent Total
2001	Kittitas	0.13
2001	Kittitas	0.1
2001	Whitman	0.1
2001	Franklin	0.03
2002	Kittitas	1
2004	Spokane	0.03
2005	Spokane	1
2005	Spokane	0.2
2007	Kitsap	0.46
2010	Thurston	1
2011	Pierce	6
2012	Pierce	0.03

- Tax issue
- This offense is similar in nature to:
  - (1) Manufacture, Sell, or Possess Counterfeit Cigarettes (subsequent violation),
  - (2) Manufacture, Sell, or Possess Counterfeit Cigarettes,
  - (3) Unlawfully Purchase, Sell, Consign, or Distribute Cigarettes, Transportation of more than 10k Cigarettes without Proper Stamp, and
  - (4) Forgery or Counterfeit Cigarette Tax Stamp.
- They all were created to collect on tobacco products sold, used, consumed, handled, or distributed within WA, and collect taxes from the distributor.
- They were requested by cigarette manufacturers because there was a huge increase in counterfeit cigarettes, which were difficult to tell from the real thing.
- The offenses provided enforcement tools and protected a tax revenue.
- There are only 25 convictions between 6 related offenses for what the cigarette manufacturers claimed was a huge problem.
- This seems to be a tax and revenue issue and violations should result in civil penalties or loss of the ability to distribute unless a penalty is paid, and not a criminal offense with loss of liberty.

**RCW [82.24.110](#)**

Other offenses—Penalties.

**(2) It is unlawful for any person knowingly or intentionally to possess or to:**

- (a) Transport in this state a quantity in excess of ten thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (i) Proper notice as required by RCW [82.24.250](#) has been given; (ii) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or**

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case



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

purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state; or

(b) Receive in this state a quantity in excess of ten thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless the person is authorized by this chapter to possess unstamped cigarettes in this state and is in compliance with this chapter.

(3) Violation of subsection (2) of this section is punished as a class C felony under Title [9A](#) RCW.

(4) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter are guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter.

(5) For purposes of this section, "person authorized by this chapter to possess unstamped cigarettes in this state" has the same meaning as in RCW [82.24.250](#).

[ [2012 2nd sp.s. c 4 § 6](#); [2008 c 226 § 4](#); [2003 c 114 § 5](#); [1999 c 193 § 2](#); [1997 c 420 § 4](#); [1995 c 278 § 7](#); [1990 c 216 § 4](#); [1987 c 496 § 1](#); [1975 1st ex.s. c 278 § 63](#); [1961 c 15 § 82.24.110](#). Prior: [1941 c 178 § 15](#); [1935 c 180 § 86](#); Rem. Supp. 1941 § 8370-86.]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

**Sentencing Guidelines Commission**  
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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
82.24.500	Unlawfully Purchase, Sell, Consign or Distribute Cigarettes	C	12	30	55	4/4/1986

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

Discussion:

Conviction Year	County	Sent Total
2016	Pierce	0
2016	Pierce	0
2016	Pierce	0
2016	Pierce	0
2017	King	0.23
2017	Grays Harbor	0

- Tax issue
- This offense is similar in nature to:
  - (1) Manufacture, Sell, or Possess Counterfeit Cigarettes (subsequent violation),
  - (2) Manufacture, Sell, or Possess Counterfeit Cigarettes,
  - (3) Unlawfully Purchase, Sell, Consign, or Distribute Cigarettes, Transportation of more than 10k Cigarettes without Proper Stamp, and
  - (4) Forgery or Counterfeit Cigarette Tax Stamp.
- They all were created to collect on tobacco products sold, used, consumed, handled, or distributed within WA, and collect taxes from the distributor.
- They were requested by cigarette manufacturers because there was a huge increase in counterfeit cigarettes, which were difficult to tell from the real thing.
- The offenses provided enforcement tools and protected a tax revenue.
- There are only 25 convictions between 6 related offenses for what the cigarette manufacturers claimed was a huge problem.
- This seems to be a tax and revenue issue and violations should result in civil penalties or loss of the ability to distribute unless a penalty is paid, and not a criminal offense with loss of liberty.

**RCW [82.24.500](#)**

Business of cigarette purchase, sale, consignment, distribution, or providing access to cigarette-making machines—License required—Penalty.

No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter, or providing consumers with access to a commercial cigarette-making machine without a license under this chapter. A violation of this section is a class C felony.

[ [2012 2nd sp.s. c 4 § 11](#); [2003 c 114 § 10](#); [1986 c 321 § 4](#).]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
82.26.190	Distributors and Retailer of Tobacco Products License Violation	C	1	30	55	4/4/1986

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

Conviction Year	County	Sent Total
2009	Pierce	0

Discussion:

- This offense is similar in nature to:
  - (1) Manufacture, Sell, or Possess Counterfeit Cigarettes (subsequent violation),
  - (2) Manufacture, Sell, or Possess Counterfeit Cigarettes,
  - (3) Unlawfully Purchase, Sell, Consign, or Distribute Cigarettes, Transportation of more than 10k Cigarettes without Proper Stamp, and
  - (4) Forgery or Counterfeit Cigarette Tax Stamp.
- They all were created to collect on tobacco products sold, used, consumed, handled, or distributed within WA, and collect taxes from the distributor.
- They were requested by cigarette manufacturers because there was a huge increase in counterfeit cigarettes, which were difficult to tell from the real thing.
- The offenses provided enforcement tools and protected a tax revenue.
- There are only 25 convictions between 6 related offenses for what the cigarette manufacturers claimed was a huge problem.
- This seems to be a tax and revenue issue and violations should result in civil penalties or loss of the ability to distribute unless a penalty is paid, and not a criminal offense with loss of liberty.
- Assume marijuana statutes got some of its language from these statutes.

**RCW [82.26.190](#)**

Distributors and retailers—Valid license required—Violations—Penalties.

(1)(a) No person may engage in or conduct business as a distributor or retailer in this state after September 30, 2005, without a valid license issued under this chapter. Any person who sells tobacco products to persons other than ultimate consumers or who meets the definition of distributor under RCW [82.26.010](#)(8)(d) must obtain a distributor's license under this chapter. Any person who sells tobacco products to ultimate consumers must obtain a retailer's license under this chapter.

(b) A violation of this subsection (1) is punishable as a class C felony according to chapter [9A.20](#) RCW.

(2)(a) No person engaged in or conducting business as a distributor or retailer in this state may:

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

**Sentencing Guidelines Commission**  
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- (i) Refuse to allow the department or the board, on demand, to make a full inspection of any place of business where any of the tobacco products taxed under this chapter are sold, stored, or handled, or otherwise hinder or prevent such inspection;
- (ii) Make, use, or present or exhibit to the department or the board any invoice for any of the tobacco products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or
- (iii) Fail to produce on demand of the department or the board all invoices of all the tobacco products taxed under this chapter within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(b) No person, other than a licensed distributor or retailer, may transport tobacco products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

- (i) Notice of the transportation has been given as required under RCW [82.26.140](#);
- (ii) The person transporting the tobacco products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of tobacco products being transported; and
- (iii) The tobacco products are consigned to or purchased by a person in this state who is licensed under this chapter.

(c) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, and any person licensed under this chapter as a retailer, may not operate in any other capacity unless the additional appropriate license is first secured. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

[ [2020 c 139 § 34](#); [2009 c 154 § 6](#); [2005 c 180 § 16](#).]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
82.32.290(2)	False Statement to Department of Revenue	C	88	70	324	3/25/1935

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

Discussion:

- Similar to Making a False or Misleading Statement but not duplicative. Doesn't specifically call out DOR.
- Could this be a federal offense?
- Public official position has higher standard to uphold.

RCW [82.32.290](#)

Unlawful acts—Penalties.

\*\*\* CHANGE IN 2022 \*\*\* (SEE [2096.SL](#)) \*\*\* (does not affect (2))

(2)(a) It is unlawful:

(i) For any person to engage in business after revocation of a certificate of registration unless the person's certification of registration has been reinstated;

(ii) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business after revocation of a certificate of registration unless the company's certificate of registration has been reinstated; or

(iii) For any person to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof.

(b) Any person violating any of the provisions of this subsection (2) is guilty of a class C felony in accordance with chapter [9A.20](#) RCW.

[ [2013 c 309 § 2](#); [2010 c 112 § 11](#); [2009 c 563 § 211](#); [1985 c 414 § 2](#); [1975 1st ex.s. c 278 § 89](#); [1961 c 15 § 82.32.290](#). Prior: [1935 c 180 § 207](#); RRS § 8370-207.]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

Conviction Year	County	Sent Total
1999	King	0
2001	Pierce	12
2002	Clark	2
2002	Kitsap	0.03
2002	King	0
2005	King	1
2005	King	1
2006	Clark	1.74
2007	Spokane	8.87
2007	Spokane	2.92
2007	Spokane	0.1
2008	King	0
2010	King	0
2011	Pierce	0
2012	Benton	1
2013	Spokane	1.48
2013	King	0
2013	Snohomish	0
2016	Lewis	6
2016	Yakima	0.03
2017	Chelan	0.6571
2017	King	0
2020	Snohomish	0

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
82.32.290(4)	Phantomware Violation	C	1	0	0	7/28/2013

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

Conviction Year	County	Sent Total
2017	King	0

Discussion:

- Federal tax crime, federal white collar crime
- Seems more appropriately prosecuted as a civil offense by the AGO, or a federal offense due to financial and tax evasion nature of it
- Phantomware is most common type of sale suppression technology

### RCW [82.32.290](#)

#### Unlawful acts—Penalties.

\*\*\* CHANGE IN 2022 \*\*\* (SEE [2096.SL](#)) \*\*\*(does not affect (2))

(4)(a) It is unlawful for any person to knowingly sell, purchase, install, transfer, manufacture, create, design, update, repair, use, possess, or otherwise make available, in this state, any automated sales suppression device or phantom-ware. However, it is not unlawful for persons to possess or use automated sales suppression devices or phantom-ware as authorized in RCW [82.32.670\(6\)](#).

(b) It is unlawful for any person who has been convicted of violating this section to engage in business, or participate in any business as an owner, officer, director, partner, trustee, member, or manager of the business, unless:

(i) All taxes, penalties, and interest lawfully due are paid;

(ii) The person pays in full all penalties and fines imposed on the person for violating this section; and

(iii) The person, if the person is engaging in business subject to tax under this title, or the business in which the person participates, enters into a written agreement with the department for the electronic monitoring of the business's sales, by a method acceptable to the department, for five years at the business's expense.

(c)(i) Any person violating the provisions of this subsection, including material breach of the monitoring agreement under (b)(iii) of this subsection, is guilty of a class C felony in accordance with chapter [9A.20](#) RCW and, as applicable, (c)(ii) of this subsection.

(ii) Any person violating the provisions of this subsection by furnishing an automated sales suppression device or phantom-ware to another person or by updating or repairing another person's automated sales suppression device or phantom-ware is, in addition to the punishments prescribed in chapter [9A.20](#) RCW, subject to a mandatory fine fixed by the court in an amount equal to the greater of ten thousand dollars, the defendant's gain from the commission of the crime, or the state's loss from the commission of the crime. For

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Charges = number of charges filed; can have multiple charges per case

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purposes of this subsection (4)(c)(ii), "loss" means the total of all taxes, penalties, and interest certified by the department to be due, as of the date of sentencing, as a result of any violation of the provisions of this subsection by a person using the automated sales suppression device or phantom-ware obtained from, or updated or repaired by, the defendant, which results in the defendant's conviction for violating the provisions of this subsection.

(d) For the purposes of this subsection (4), the terms "manager," "member," and "officer" have the same meaning as in RCW [82.32.145](#).

(e) The definitions in RCW [82.32.670](#) apply to this subsection (4).

(5) All penalties or punishments provided in this section are in addition to all other penalties provided by law.

[ [2013 c 309 § 2](#); [2010 c 112 § 11](#); [2009 c 563 § 211](#); [1985 c 414 § 2](#); [1975 1st ex.s. c 278 § 89](#); [1961 c 15 § 82.32.290](#). Prior: [1935 c 180 § 207](#); RRS § 8370-207.]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.05.060(2)	Criminal Sabotage	B	19	0	0	3/19/1919

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

Discussion:

- Class B seems excessive
- Unsure if it should be a felony offense.
- Covers a broad range of behaviors (environmental, disgruntled employee, strikes, political).
- Damage to property covered under other statutes

### RCW [9.05.060](#)

Criminal sabotage defined—Penalty.

(1) Whoever, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business or commercial enterprise, wherein any person is employed for wage, shall willfully damage or destroy, or attempt or threaten to damage or destroy, any property whatsoever, or shall unlawfully take or retain, or attempt or threaten unlawfully to take or retain, possession or control of any property, instrumentality, machine, mechanism, or appliance used in such business or enterprise, shall be guilty of criminal sabotage.

(2) Criminal sabotage is a class B felony punishable according to chapter [9A.20](#) RCW.

[ [2003 c 53 § 7](#); [1999 c 191 § 2](#); [1919 c 173 § 1](#); RRS § 2563-3.]

Conviction Year	County	Sent Total
2000	Stevens	3
2004	Clark	12.03
2004	Clark	4.44
2009	Clallam	9
2010	Grant	3.55
2011	Grant	10
2012	Clark	18
2012	Grant	3
2012	Clark	1
2012	Grant	0.16
2013	Grant	6
2013	Grant	3
2013	Grant	0.23
2014	Clark	1.51
2015	Grant	4
2018	Klickitat	0
2019	Skagit	2

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**Sentencing Guidelines Commission**  
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RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.38.060	Digital Signatures Fraud	C	2	0	0	7/22/2001

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

Conviction Year	County	Sent Total
2010	Pierce	1.15

Discussion:

- May be duplicative of RCW 9A.60.020 - Forgery
- Modernizing Forgery statute

**RCW [9.38.060](#)**

Digital signature violations.

(1) A person shall not knowingly misrepresent the person's identity or authorization to obtain a public key certificate used to reference a private key for creating a digital signature.

(2) A person shall not knowingly forge an electronic or digital signature.

(3) A person shall not knowingly present a public key certificate for which the person is not the owner of the corresponding private key in order to obtain unauthorized access to information or engage in an unauthorized transaction.

(4) A person who violates this section is guilty of a class C felony punishable under chapter [9A.20](#) RCW.

(5)(a) "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person who has the initial message and the signer's public key can accurately determine whether the:

- (i) Transformation was created using the private key that corresponds to the signer's public key; and
- (ii) Initial message has been altered since the transformation was made.

(b) "Electronic signature" has the meaning provided in RCW [1.80.010](#).

[ [2020 c 57 § 24](#); [2019 c 132 § 1](#); [2001 c 39 § 1](#).]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.45.270(2)	Fraudulent Filing of Vehicle Report of Sale (Value Exceeds \$250)	C	2	2	2	6/7/2006

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

Discussion:

Conviction Year	County	Sent Total
2014	Snohomish	5
2018	Spokane	1.5

- These offenses implicate the Consumer Protection Act, which is a civil prosecution the AGO could deal with.
- There may be a federal offense that might also better serve the community.
- Can be charged under other statutes (fraud, theft).
- Probably related to Hurricane Katrina.
- Is this charged under civil code by AGO?
- Related to misrepresentation of mileage, trade in price, sale price?

**RCW [9.45.270](#)**

Fraudulent filing of vehicle report of sale.

Every person who files a vehicle report of sale without the knowledge of the transferee shall be guilty of fraudulent filing of vehicle report of sale and shall be punished as follows:

(1) Where the victim incurred damages in an amount less than two hundred fifty dollars, the defendant is guilty of a gross misdemeanor.

(2) Where the victim incurred damages in an amount exceeding two hundred fifty dollars, the defendant is guilty of a class C felony.

(3) Where the victim incurred damages in an amount exceeding one thousand five hundred dollars, the defendant is guilty of a class B felony.

[ [2006 c 291 § 1.](#) ]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.45.270(3)	Fraudulent Filing of Vehicle Report of Sale (Value Exceeds \$1,500)	B	1	1	1	6/7/2006

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

Conviction Year	County	Sent Total
2016	Cowlitz	1.3

Discussion:

- These offenses implicate the Consumer Protection Act, which is a civil prosecution the AGO could deal with.
- There may be a federal offense that might also better serve the community.
- Can be charged under other statutes (fraud, theft).
- Probably related to Hurricane Katrina.
- Is this charged under civil code by AGO?
- Related to misrepresentation of mileage, trade in price, sale price?

**RCW [9.45.270](#)**

Fraudulent filing of vehicle report of sale.

Every person who files a vehicle report of sale without the knowledge of the transferee shall be guilty of fraudulent filing of vehicle report of sale and shall be punished as follows:

- (1) Where the victim incurred damages in an amount less than two hundred fifty dollars, the defendant is guilty of a gross misdemeanor.
- (2) Where the victim incurred damages in an amount exceeding two hundred fifty dollars, the defendant is guilty of a class C felony.
- (3) Where the victim incurred damages in an amount exceeding one thousand five hundred dollars, the defendant is guilty of a class B felony.

[ [2006 c 291 § 1.](#) ]

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case

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

RCW	Offense Title	Class	FY00-20 Count	Cases Filed	Charges	Effective Date
9.62.010(1)	Malicious Prosecution	C	46	18(Juv) 72(Adlt)	20(Juv) 91(Adlt)	7/1/1909

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

Discussion:

- Offense not duplicative

**RCW [9.62.010](#)**

Malicious prosecution.

Every person who shall, maliciously and without probable cause therefor, cause or attempt to cause another to be arrested or proceeded against for any crime of which he or she is innocent:

(1) If such crime be a felony, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years; and

(2) If such crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor.

[ [2003 c 53 § 40](#); [1992 c 7 § 15](#); [1909 c 249 § 117](#); Code 1881 § 899; [1873 p 203 § 98](#); [1854 p 92 § 89](#); RRS § 2369.]

Conviction Date      Sent Total

2001 - 2020	0 (0 cases)
	Less than 1 mo (13 cases)
	1 – 3.9 mos (18 cases)
	4 – 6.9 mos (5 cases)
	7 – 9.9 mos (1 cases)
	10 – 12.0 mos (1 cases)
	12.03 mos (2 cases)

Cases = number of cases filed;

Charges = number of charges filed; can have multiple charges per case