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SENATE BILL 6197

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Miloscia and Roach

Read first time 01/12/16. Referred to Committee on Law & Justice.

1            AN ACT Relating to cybercrime; amending RCW 9.94A.515; reenacting  
2 and amending RCW 9A.52.010; adding a new chapter to Title 9A RCW;  
3 creating new sections; repealing RCW 9A.52.110, 9A.52.120, and  
4 9A.52.130; and prescribing penalties.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that the rapid pace  
7 of technological change and information computerization in the  
8 digital age generates a never ending sequence of anxiety inducing  
9 reports highlighting how the latest device or innovation is being  
10 used to harm consumers. The legislature finds that this generates an  
11 ongoing pattern of legislation being proposed to regulate each new  
12 technology. The legislature finds that a more systemic approach is  
13 needed to better protect consumers and address these rapidly  
14 advancing technologies. The legislature finds that the application of  
15 traditional criminal enforcement measures that apply long-standing  
16 concepts of trespass, fraud, and theft to activities in the  
17 electronic frontier has not provided the essential clarity,  
18 certainty, and predictability that regulators, entrepreneurs, and  
19 innovators need. The legislature finds that an integrated,  
20 comprehensive methodology, rather than a piecemeal approach, will  
21 provide significant economic development benefits by providing

1 certainty to the innovation community about the actions and  
2 activities that are prohibited. Therefore, the legislature intends to  
3 create a new chapter of crimes to the criminal code to punish and  
4 deter misuse or abuse of technology, rather than the perceived  
5 threats of individual technologies. This new chapter of crimes has  
6 been developed from an existing and proven system of computer  
7 security threat modeling known as the STRIDE system.

8 NEW SECTION. **Sec. 2.** This act may be known and cited as the  
9 Washington cybercrime act.

10 **Sec. 3.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted  
11 and amended to read as follows:

12 The following definitions apply in this chapter:

13 (1) (~~"Access" means to approach, instruct, communicate with,~~  
14 ~~store data in, retrieve data from, or otherwise make use of any~~  
15 ~~resources of a computer, directly or by electronic means.~~

16 (2) ~~"Computer program" means an ordered set of data representing~~  
17 ~~coded instructions or statements that when executed by a computer~~  
18 ~~cause the computer to process data.~~

19 (3) ~~"Data" means a representation of information, knowledge,~~  
20 ~~facts, concepts, or instructions that are being prepared or have been~~  
21 ~~prepared in a formalized manner and are intended for use in a~~  
22 ~~computer.~~

23 (4)) "Enter." The word "enter" when constituting an element or  
24 part of a crime, shall include the entrance of the person, or the  
25 insertion of any part of his or her body, or any instrument or weapon  
26 held in his or her hand and used or intended to be used to threaten  
27 or intimidate a person or to detach or remove property((+)).

28 ((+5)) (2) "Enters or remains unlawfully." A person "enters or  
29 remains unlawfully" in or upon premises when he or she is not then  
30 licensed, invited, or otherwise privileged to so enter or remain.

31 A license or privilege to enter or remain in a building which is  
32 only partly open to the public is not a license or privilege to enter  
33 or remain in that part of a building which is not open to the public.  
34 A person who enters or remains upon unimproved and apparently unused  
35 land, which is neither fenced nor otherwise enclosed in a manner  
36 designed to exclude intruders, does so with license and privilege  
37 unless notice against trespass is personally communicated to him or  
38 her by the owner of the land or some other authorized person, or

1 unless notice is given by posting in a conspicuous manner. Land that  
2 is used for commercial aquaculture or for growing an agricultural  
3 crop or crops, other than timber, is not unimproved and apparently  
4 unused land if a crop or any other sign of cultivation is clearly  
5 visible or if notice is given by posting in a conspicuous manner.  
6 Similarly, a field fenced in any manner is not unimproved and  
7 apparently unused land. A license or privilege to enter or remain on  
8 improved and apparently used land that is open to the public at  
9 particular times, which is neither fenced nor otherwise enclosed in a  
10 manner to exclude intruders, is not a license or privilege to enter  
11 or remain on the land at other times if notice of prohibited times of  
12 entry is posted in a conspicuous manner.

13 ((+6+)) (3) "Premises" includes any building, dwelling, structure  
14 used for commercial aquaculture, or any real property.

15 **Sec. 4.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to  
16 read as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN  
19 EACH SERIOUSNESS LEVEL

20	XVI	Aggravated Murder 1 (RCW
21		10.95.020)
22	XV	Homicide by abuse (RCW 9A.32.055)
23		Malicious explosion 1 (RCW
24		70.74.280(1))
25		Murder 1 (RCW 9A.32.030)
26	XIV	Murder 2 (RCW 9A.32.050)
27		Trafficking 1 (RCW 9A.40.100(1))
28	XIII	Malicious explosion 2 (RCW
29		70.74.280(2))
30		Malicious placement of an explosive 1
31		(RCW 70.74.270(1))
32	XII	Assault 1 (RCW 9A.36.011)
33		Assault of a Child 1 (RCW 9A.36.120)
34		Malicious placement of an imitation
35		device 1 (RCW 70.74.272(1)(a))

1 Promoting Commercial Sexual Abuse  
2 of a Minor (RCW 9.68A.101)  
3 Rape 1 (RCW 9A.44.040)  
4 Rape of a Child 1 (RCW 9A.44.073)  
5 Trafficking 2 (RCW 9A.40.100(3))  
6 XI Manslaughter 1 (RCW 9A.32.060)  
7 Rape 2 (RCW 9A.44.050)  
8 Rape of a Child 2 (RCW 9A.44.076)  
9 Vehicular Homicide, by being under  
10 the influence of intoxicating liquor  
11 or any drug (RCW 46.61.520)  
12 X Child Molestation 1 (RCW 9A.44.083)  
13 Criminal Mistreatment 1 (RCW  
14 9A.42.020)  
15 Indecent Liberties (with forcible  
16 compulsion) (RCW  
17 9A.44.100(1)(a))  
18 Kidnapping 1 (RCW 9A.40.020)  
19 Leading Organized Crime (RCW  
20 9A.82.060(1)(a))  
21 Malicious explosion 3 (RCW  
22 70.74.280(3))  
23 Sexually Violent Predator Escape  
24 (RCW 9A.76.115)  
25 IX Abandonment of Dependent Person 1  
26 (RCW 9A.42.060)  
27 Assault of a Child 2 (RCW 9A.36.130)  
28 Explosive devices prohibited (RCW  
29 70.74.180)  
30 Hit and Run—Death (RCW  
31 46.52.020(4)(a))  
32 Homicide by Watercraft, by being  
33 under the influence of intoxicating  
34 liquor or any drug (RCW  
35 79A.60.050)

1 Inciting Criminal Profiteering (RCW  
2 9A.82.060(1)(b))  
3 Malicious placement of an explosive 2  
4 (RCW 70.74.270(2))  
5 Robbery 1 (RCW 9A.56.200)  
6 Sexual Exploitation (RCW 9.68A.040)  
7 VIII Arson 1 (RCW 9A.48.020)  
8 Commercial Sexual Abuse of a Minor  
9 (RCW 9.68A.100)  
10 Homicide by Watercraft, by the  
11 operation of any vessel in a  
12 reckless manner (RCW  
13 79A.60.050)  
14 Manslaughter 2 (RCW 9A.32.070)  
15 Promoting Prostitution 1 (RCW  
16 9A.88.070)  
17 Theft of Ammonia (RCW 69.55.010)  
18 Vehicular Homicide, by the operation  
19 of any vehicle in a reckless  
20 manner (RCW 46.61.520)  
21 VII Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor engaged  
26 in sexually explicit conduct 1  
27 (RCW 9.68A.050(1))  
28 Drive-by Shooting (RCW 9A.36.045)  
29 Homicide by Watercraft, by disregard  
30 for the safety of others (RCW  
31 79A.60.050)  
32 Indecent Liberties (without forcible  
33 compulsion) (RCW 9A.44.100(1)  
34 (b) and (c))

1 Introducing Contraband 1 (RCW  
2 9A.76.140)  
3 Malicious placement of an explosive 3  
4 (RCW 70.74.270(3))  
5 Negligently Causing Death By Use of a  
6 Signal Preemption Device (RCW  
7 46.37.675)  
8 Sending, bringing into state depictions  
9 of minor engaged in sexually  
10 explicit conduct 1 (RCW  
11 9.68A.060(1))  
12 Unlawful Possession of a Firearm in  
13 the first degree (RCW  
14 9.41.040(1))  
15 Use of a Machine Gun in Commission  
16 of a Felony (RCW 9.41.225)  
17 Vehicular Homicide, by disregard for  
18 the safety of others (RCW  
19 46.61.520)  
20 VI Bail Jumping with Murder 1 (RCW  
21 9A.76.170(3)(a))  
22 Bribery (RCW 9A.68.010)  
23 Incest 1 (RCW 9A.64.020(1))  
24 Intimidating a Judge (RCW 9A.72.160)  
25 Intimidating a Juror/Witness (RCW  
26 9A.72.110, 9A.72.130)  
27 Malicious placement of an imitation  
28 device 2 (RCW 70.74.272(1)(b))  
29 Possession of Depictions of a Minor  
30 Engaged in Sexually Explicit  
31 Conduct 1 (RCW 9.68A.070(1))  
32 Rape of a Child 3 (RCW 9A.44.079)  
33 Theft of a Firearm (RCW 9A.56.300)  
34 Unlawful Storage of Ammonia (RCW  
35 69.55.020)

1 V Abandonment of Dependent Person 2  
2 (RCW 9A.42.070)  
3 Advancing money or property for  
4 extortionate extension of credit  
5 (RCW 9A.82.030)  
6 Bail Jumping with class A Felony  
7 (RCW 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 2 (RCW  
10 9A.42.030)  
11 Custodial Sexual Misconduct 1 (RCW  
12 9A.44.160)  
13 Dealing in Depictions of Minor  
14 Engaged in Sexually Explicit  
15 Conduct 2 (RCW 9.68A.050(2))  
16 Domestic Violence Court Order  
17 Violation (RCW 10.99.040,  
18 10.99.050, 26.09.300, 26.10.220,  
19 26.26.138, 26.50.110, 26.52.070,  
20 or 74.34.145)  
21 Driving While Under the Influence  
22 (RCW 46.61.502(6))  
23 Extortion 1 (RCW 9A.56.120)  
24 Extortionate Extension of Credit (RCW  
25 9A.82.020)  
26 Extortionate Means to Collect  
27 Extensions of Credit (RCW  
28 9A.82.040)  
29 Incest 2 (RCW 9A.64.020(2))  
30 Kidnapping 2 (RCW 9A.40.030)  
31 Perjury 1 (RCW 9A.72.020)  
32 Persistent prison misbehavior (RCW  
33 9.94.070)  
34 Physical Control of a Vehicle While  
35 Under the Influence (RCW  
36 46.61.504(6))

1 Possession of a Stolen Firearm (RCW  
2 9A.56.310)  
3 Rape 3 (RCW 9A.44.060)  
4 Rendering Criminal Assistance 1  
5 (RCW 9A.76.070)  
6 Sending, Bringing into State  
7 Depictions of Minor Engaged in  
8 Sexually Explicit Conduct 2  
9 (RCW 9.68A.060(2))  
10 Sexual Misconduct with a Minor 1  
11 (RCW 9A.44.093)  
12 Sexually Violating Human Remains  
13 (RCW 9A.44.105)  
14 Stalking (RCW 9A.46.110)  
15 Taking Motor Vehicle Without  
16 Permission 1 (RCW 9A.56.070)  
17 IV Arson 2 (RCW 9A.48.030)  
18 Assault 2 (RCW 9A.36.021)  
19 Assault 3 (of a Peace Officer with a  
20 Projectile Stun Gun) (RCW  
21 9A.36.031(1)(h))  
22 Assault by Watercraft (RCW  
23 79A.60.060)  
24 Bribing a Witness/Bribe Received by  
25 Witness (RCW 9A.72.090,  
26 9A.72.100)  
27 Cheating 1 (RCW 9.46.1961)  
28 Commercial Bribery (RCW  
29 9A.68.060)  
30 Counterfeiting (RCW 9.16.035(4))  
31 Endangerment with a Controlled  
32 Substance (RCW 9A.42.100)  
33 Escape 1 (RCW 9A.76.110)  
34 Hit and Run—Injury (RCW  
35 46.52.020(4)(b))



1 Hit and Run with Vessel—Injury  
2 Accident (RCW 79A.60.200(3))  
3 Identity Theft 1 (RCW 9.35.020(2))  
4 Indecent Exposure to Person Under  
5 Age Fourteen (subsequent sex  
6 offense) (RCW 9A.88.010)  
7 Influencing Outcome of Sporting Event  
8 (RCW 9A.82.070)  
9 Malicious Harassment (RCW  
10 9A.36.080)  
11 Possession of Depictions of a Minor  
12 Engaged in Sexually Explicit  
13 Conduct 2 (RCW 9.68A.070(2))  
14 Residential Burglary (RCW  
15 9A.52.025)  
16 Robbery 2 (RCW 9A.56.210)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Threats to Bomb (RCW 9.61.160)  
19 Trafficking in Stolen Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(b))  
24 Unlawful transaction of health  
25 coverage as a health care service  
26 contractor (RCW 48.44.016(3))  
27 Unlawful transaction of health  
28 coverage as a health maintenance  
29 organization (RCW 48.46.033(3))  
30 Unlawful transaction of insurance  
31 business (RCW 48.15.023(3))  
32 Unlicensed practice as an insurance  
33 professional (RCW 48.17.063(2))  
34 Use of Proceeds of Criminal  
35 Profiteering (RCW 9A.82.080 (1)  
36 and (2))

1 Vehicle Prowling 2 (third or  
2 subsequent offense) (RCW  
3 9A.52.100(3))  
4 Vehicular Assault, by being under the  
5 influence of intoxicating liquor or  
6 any drug, or by the operation or  
7 driving of a vehicle in a reckless  
8 manner (RCW 46.61.522)  
9 Viewing of Depictions of a Minor  
10 Engaged in Sexually Explicit  
11 Conduct 1 (RCW 9.68A.075(1))  
12 Willful Failure to Return from  
13 Furlough (RCW 72.66.060)  
14 III Animal Cruelty 1 (Sexual Conduct or  
15 Contact) (RCW 16.52.205(3))  
16 Assault 3 (Except Assault 3 of a Peace  
17 Officer With a Projectile Stun  
18 Gun) (RCW 9A.36.031 except  
19 subsection (1)(h))  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Bail Jumping with class B or C Felony  
22 (RCW 9A.76.170(3)(c))  
23 Burglary 2 (RCW 9A.52.030)  
24 Communication with a Minor for  
25 Immoral Purposes (RCW  
26 9.68A.090)  
27 Criminal Gang Intimidation (RCW  
28 9A.46.120)  
29 Custodial Assault (RCW 9A.36.100)  
30 Cyberstalking (subsequent conviction  
31 or threat of death) (RCW  
32 9.61.260(3))  
33 Escape 2 (RCW 9A.76.120)  
34 Extortion 2 (RCW 9A.56.130)  
35 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Introducing Contraband 2 (RCW  
4 9A.76.150)  
5 Malicious Injury to Railroad Property  
6 (RCW 81.60.070)  
7 Mortgage Fraud (RCW 19.144.080)  
8 Negligently Causing Substantial  
9 Bodily Harm By Use of a Signal  
10 Preemption Device (RCW  
11 46.37.674)  
12 Organized Retail Theft 1 (RCW  
13 9A.56.350(2))  
14 Perjury 2 (RCW 9A.72.030)  
15 Possession of Incendiary Device (RCW  
16 9.40.120)  
17 Possession of Machine Gun or Short-  
18 Barreled Shotgun or Rifle (RCW  
19 9.41.190)  
20 Promoting Prostitution 2 (RCW  
21 9A.88.080)  
22 Retail Theft with Special  
23 Circumstances 1 (RCW  
24 9A.56.360(2))  
25 Securities Act violation (RCW  
26 21.20.400)  
27 Tampering with a Witness (RCW  
28 9A.72.120)  
29 Telephone Harassment (subsequent  
30 conviction or threat of death)  
31 (RCW 9.61.230(2))  
32 Theft of Livestock 2 (RCW 9A.56.083)  
33 Theft with the Intent to Resell 1 (RCW  
34 9A.56.340(2))  
35 Trafficking in Stolen Property 2 (RCW  
36 9A.82.055)

1 Unlawful Hunting of Big Game 1  
2 (RCW 77.15.410(3)(b))  
3 Unlawful Imprisonment (RCW  
4 9A.40.040)  
5 Unlawful Misbranding of Food Fish or  
6 Shellfish 1 (RCW 69.04.938(3))  
7 Unlawful possession of firearm in the  
8 second degree (RCW 9.41.040(2))  
9 Unlawful Taking of Endangered Fish  
10 or Wildlife 1 (RCW  
11 77.15.120(3)(b))  
12 Unlawful Trafficking in Fish, Shellfish,  
13 or Wildlife 1 (RCW  
14 77.15.260(3)(b))  
15 Unlawful Use of a Nondesignated  
16 Vessel (RCW 77.15.530(4))  
17 Vehicular Assault, by the operation or  
18 driving of a vehicle with disregard  
19 for the safety of others (RCW  
20 46.61.522)  
21 Willful Failure to Return from Work  
22 Release (RCW 72.65.070)  
23 II Commercial Fishing Without a License  
24 1 (RCW 77.15.500(3)(b))  
25 Computer Trespass 1 (~~RCW~~  
26 9A.52.110)) section 6 of this act)  
27 Counterfeiting (RCW 9.16.035(3))  
28 Electronic Data Service Interference  
29 (section 8 of this act)  
30 Electronic Data Tampering 1 (section  
31 10 of this act)  
32 Electronic Data Theft (section 12 of  
33 this act)  
34 Engaging in Fish Dealing Activity  
35 Unlicensed 1 (RCW 77.15.620(3))

1 Escape from Community Custody  
2 (RCW 72.09.310)

3 Failure to Register as a Sex Offender  
4 (second or subsequent offense)  
5 (RCW 9A.44.130 prior to June 10,  
6 2010, and RCW 9A.44.132)

7 Health Care False Claims (RCW  
8 48.80.030)

9 Identity Theft 2 (RCW 9.35.020(3))

10 Improperly Obtaining Financial  
11 Information (RCW 9.35.010)

12 Malicious Mischief 1 (RCW  
13 9A.48.070)

14 Organized Retail Theft 2 (RCW  
15 9A.56.350(3))

16 Possession of Stolen Property 1 (RCW  
17 9A.56.150)

18 Possession of a Stolen Vehicle (RCW  
19 9A.56.068)

20 Retail Theft with Special  
21 Circumstances 2 (RCW  
22 9A.56.360(3))

23 Scrap Processing, Recycling, or  
24 Supplying Without a License  
25 (second or subsequent offense)  
26 (RCW 19.290.100)

27 Theft 1 (RCW 9A.56.030)

28 Theft of a Motor Vehicle (RCW  
29 9A.56.065)

30 Theft of Rental, Leased, ~~((or))~~ Lease-  
31 purchased, or Loaned Property  
32 (valued at ~~((one))~~ five thousand  
33 ~~((five hundred))~~ dollars or more)  
34 (RCW 9A.56.096(5)(a))

35 Theft with the Intent to Resell 2 (RCW  
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(a))  
6 Unlawful Participation of Non-Indians  
7 in Indian Fishery (RCW  
8 77.15.570(2))  
9 Unlawful Practice of Law (RCW  
10 2.48.180)  
11 Unlawful Purchase or Use of a License  
12 (RCW 77.15.650(3)(b))  
13 Unlawful Trafficking in Fish, Shellfish,  
14 or Wildlife 2 (RCW  
15 77.15.260(3)(a))  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 Voyeurism (RCW 9A.44.115)  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW  
28 9A.48.080)  
29 Mineral Trespass (RCW 78.44.330)  
30 Possession of Stolen Property 2 (RCW  
31 9A.56.160)  
32 Reckless Burning 1 (RCW 9A.48.040)  
33 Spotlighting Big Game 1 (RCW  
34 77.15.450(3)(b))  
35 Suspension of Department Privileges 1  
36 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft of Rental, Leased, ~~((one))~~ Lease-  
5 purchased, or Loaned Property  
6 (valued at ~~((two))~~ seven hundred  
7 fifty dollars or more but less than  
8 ~~((one))~~ five thousand ~~((five~~  
9 ~~hundred))~~ dollars) (RCW  
10 9A.56.096(5)(b))  
11 Transaction of insurance business  
12 beyond the scope of licensure  
13 (RCW 48.17.063)  
14 Unlawful Fish and Shellfish Catch  
15 Accounting (RCW  
16 77.15.630(3)(b))  
17 Unlawful Issuance of Checks or Drafts  
18 (RCW 9A.56.060)  
19 Unlawful Possession of Fictitious  
20 Identification (RCW 9A.56.320)  
21 Unlawful Possession of Instruments of  
22 Financial Fraud (RCW 9A.56.320)  
23 Unlawful Possession of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Possession of a Personal  
26 Identification Device (RCW  
27 9A.56.320)  
28 Unlawful Production of Payment  
29 Instruments (RCW 9A.56.320)  
30 Unlawful Releasing, Planting,  
31 Possessing, or Placing Deleterious  
32 Exotic Wildlife (RCW  
33 77.15.250(2)(b))  
34 Unlawful Trafficking in Food Stamps  
35 (RCW 9.91.142)  
36 Unlawful Use of Food Stamps (RCW  
37 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Unlawful Use of Prohibited Aquatic

4 Animal Species (RCW

5 77.15.253(3))

6 Vehicle Prowl 1 (RCW 9A.52.095)

7 Violating Commercial Fishing Area or

8 Time 1 (RCW 77.15.550(3)(b))

9 NEW SECTION. **Sec. 5.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires  
11 otherwise.

12 (1) "Access" means to gain entry to, instruct, communicate with,  
13 store data in, retrieve data from, or otherwise make use of any  
14 resources of electronic data, data network, or data system, including  
15 via electronic means.

16 (2) "Contaminant" means any set of data instructions that are  
17 designed, with malicious intent, to modify, damage, destroy, record,  
18 or transmit information within a data, data system, or data network  
19 without the permission of the owner of the data, data system, or data  
20 network. They include, but are not limited to, a group of data  
21 instructions commonly called viruses or worms, that are self-  
22 replicating or self-propagating and are designed to infect other data  
23 programs or data, consume data resources, modify, destroy, record, or  
24 transmit data, or in some other fashion usurp the normal operation of  
25 the data, data system, or data network.

26 (3) "Cybercrime" includes crimes of this chapter.

27 (4) "Data" means a digital representation of information,  
28 knowledge, facts, concepts, data software, data programs, or  
29 instructions that are being prepared or have been prepared in a  
30 formalized manner and are intended for use in a data network, data  
31 program, data services, or data system.

32 (5) "Data network" means any system that provides digital  
33 communications between one or more data systems or other digital  
34 input/output devices including, but not limited to, display  
35 terminals, remote systems, mobile devices, and printers.

36 (6) "Data program" means an ordered set of electronic data  
37 representing coded instructions or statements that when executed by a  
38 computer causes the device to process electronic data.



1 (7) "Data services" includes data processing, storage functions,  
2 internet services, email services, electronic message services, web  
3 site access, internet-based electronic gaming services, and other  
4 similar system, network, or internet-based services.

5 (8) "Data system" means an electronic device or collection of  
6 electronic devices, including support devices one or more of which  
7 contain data programs, input data, and output data, and that performs  
8 functions including, but not limited to, logic, arithmetic, data  
9 storage and retrieval, communication, and control. This term does not  
10 include calculators that are not programmable and incapable of being  
11 used in conjunction with external files.

12 NEW SECTION. **Sec. 6.** (1) A person is guilty of computer  
13 trespass in the first degree if the person, without authorization,  
14 intentionally gains access to a computer system or electronic  
15 database of another; and

16 (a) The access is made with the intent to commit another crime;  
17 or

18 (b) The violation involves a computer or database maintained by a  
19 government agency.

20 (2) Computer trespass in the first degree is a class C felony.

21 NEW SECTION. **Sec. 7.** (1) A person is guilty of computer  
22 trespass in the second degree if the person, without authorization,  
23 intentionally gains access to a computer system or electronic  
24 database of another under circumstances not constituting the offense  
25 in the first degree.

26 (2) Computer trespass in the second degree is a gross  
27 misdemeanor.

28 NEW SECTION. **Sec. 8.** (1) A person is guilty of electronic data  
29 service interference if the person maliciously and without  
30 authorization causes the transmission of data, data program, or other  
31 electronic command designed to interrupt or suspend access to or use  
32 of a data network or data service.

33 (2) Electronic data service interference is a class C felony.

34 NEW SECTION. **Sec. 9.** (1) A person is guilty of spoofing if he  
35 or she, without authorization, knowingly initiates the transmission,  
36 display, or receipt of another person's or fictitious person's

1 electronic data for the purpose of gaining unauthorized access to  
2 electronic data, a data system, or a data network, and with the  
3 intent to commit another crime.

4 (2) Spoofing is a gross misdemeanor.

5 NEW SECTION. **Sec. 10.** (1) A person is guilty of electronic data  
6 tampering in the first degree if he or she intentionally, without  
7 authorization, and without reasonable grounds to believe that he or  
8 she has such authorization:

9 (a)(i) Adds, alters, damages, deletes, or destroys any electronic  
10 data, data system, or data network; or

11 (ii) Introduces any contaminant into any electronic data, data  
12 system, or data network; and

13 (b)(i) Doing so is for the purpose of devising or executing any  
14 scheme to defraud, deceive, or extort, or commit any other crime, or  
15 of wrongfully controlling, gaining access to, or obtaining money,  
16 property, or electronic data; or

17 (ii) The electronic data, data system, or data network is  
18 maintained by a governmental agency.

19 (2) Electronic data tampering in the first degree is a class C  
20 felony.

21 NEW SECTION. **Sec. 11.** (1) A person is guilty of electronic data  
22 tampering in the second degree if he or she intentionally, without  
23 authorization, and without reasonable grounds to believe that he or  
24 she has such authorization:

25 (a) Adds, alters, damages, deletes, or destroys any electronic  
26 data, data system, or data network under circumstances not  
27 constituting the offense in the first degree; or

28 (b) Introduces any contaminant into any electronic data, data  
29 system, or data network under circumstances not constituting the  
30 offense in the first degree.

31 (2) Electronic data tampering in the second degree is a gross  
32 misdemeanor.

33 NEW SECTION. **Sec. 12.** (1) A person is guilty of electronic data  
34 theft if he or she intentionally, without authorization, and without  
35 reasonable grounds to believe that he or she has such authorization,  
36 obtains any electronic data with the intent to:

1 (a) Devise or execute any scheme to defraud, deceive, extort, or  
2 commit any other crime; or

3 (b) Wrongfully control, gain access to, or obtain money,  
4 property, or electronic data.

5 (2) Electronic data theft is a class C felony.

6 NEW SECTION. **Sec. 13.** A person who, in the commission of a  
7 crime under this chapter, commits any other crime may be punished for  
8 that other crime as well as for the crime under this chapter and may  
9 be prosecuted for each crime separately.

10 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
11 each repealed:

12 (1) RCW 9A.52.110 (Computer trespass in the first degree) and  
13 1984 c 273 s 1;

14 (2) RCW 9A.52.120 (Computer trespass in the second degree) and  
15 1984 c 273 s 2; and

16 (3) RCW 9A.52.130 (Computer trespass—Commission of other crime)  
17 and 1984 c 273 s 3.

18 NEW SECTION. **Sec. 15.** Sections 5 through 13 of this act  
19 constitute a new chapter in Title 9A RCW.

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