

**RCW 9.94A.829 Special allegation—Offense committed by criminal street gang member or associate—Procedures.** In a criminal case in which the defendant has been convicted of unlawful possession of a firearm under RCW 9.41.040, and there has been a special allegation pleaded and proven by a preponderance of the evidence that the accused is a criminal street gang member or associate as defined in RCW 9.94A.030, the court shall make a finding of fact of the special allegation, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not the accused was a criminal street gang member or associate during the commission of the crime. [2009 c 28 s 16.]

**Effective date—2009 c 28:** See note following RCW 2.24.040.