6298 AMH RODN ADAM 266

**SB 6298** - H AMD TO JUDI COMM AMD (H-5026.1/18) **1259**

By Representative Rodne

**NOT ADOPTED 02/27/2018**

On page 1, beginning on line 30 of the striking amendment, after "harassment" strike all material through "section" on line 32 and insert ", committed on or after the effective date of this section, where a special allegation was proven under section 2 of this act that the offense was committed by one family or household member against another and the person used or threatened use of a firearm in the commission of the offense"

On page 5, after line 2 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.46 RCW to read as follows:

In any prosecution for harassment under RCW 9A.46.020 that was committed on or after the effective date of this section, when there has been a special allegation pleaded and proven beyond a reasonable doubt that the offense was committed by one family or household member against another and the defendant used or threatened use of a firearm in the commission of the offense, 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 the special allegation."

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|  | EFFECT:   Provides that a conviction for the crime of Harassment prohibits a person from possessing a firearm only if a special allegation is proven that the Harassment offense was committed by one family or household member against another and the person used or threatened use of a firearm in the commission of the offense. Creates a new provision allowing for a special allegation and finding, which must be proven beyond a reasonable doubt, that a Harassment offense was committed by one family or household member against another and the defendant used or threatened use of a firearm in the commission of the offense. |

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