SENATE BILL 6402

Sta	te	of W	ashing	gton		66th Legi	lsla	ture	2020	Regular	Session
Ву	Sei	nator	s Rive	ers,	Padden,	Wilson,	L.,	Schoesler,	and	Becker	
Rea	ıd :	first	time	01/1	L6/20.	Referred	to	Committee c	on Lav	w & Just	Lce.

1 AN ACT Relating to the use of a stolen firearm; reenacting and 2 amending RCW 9.94A.515; adding a new section to chapter 9.41 RCW; and 3 prescribing penalties.

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

5 <u>NEW SECTION.</u> Sec. 1. A new section is added to chapter 9.41 RCW 6 to read as follows:

7 (1) It is unlawful for a person, in the commission or furtherance
8 of a felony, to discharge a stolen firearm or to menace or threaten
9 with a stolen firearm, another person.

(2) A violation of this section shall be punished as a class Afelony under chapter 9A.20 RCW.

Sec. 2. RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

 15
 TABLE 2

 16
 CRIMES INCLUDED WITHIN EACH

 17
 SERIOUSNESS LEVEL

 18
 XVI Aggravated Murder 1 (RCW 10.95.020)

1	Use of a stolen firearm in commission	
2	of a felony (section 1 of this act)	
3	XV Homicide by abuse (RCW 9A.32.055)	
4	Malicious explosion 1 (RCW	
5	70.74.280(1))	
6	Murder 1 (RCW 9A.32.030)	
7	XIV Murder 2 (RCW 9A.32.050)	
8	Trafficking 1 (RCW 9A.40.100(1))	
9	XIII Malicious explosion 2 (RCW	
10	70.74.280(2))	
11	Malicious placement of an explosive 1	
12	(RCW 70.74.270(1))	
13	XII Assault 1 (RCW 9A.36.011)	
14	Assault of a Child 1 (RCW 9A.36.120)	
15	Malicious placement of an imitation	
16	device 1 (RCW 70.74.272(1)(a))	
17	Promoting Commercial Sexual Abuse of	
18	a Minor (RCW 9.68A.101)	
19	Rape 1 (RCW 9A.44.040)	
20	Rape of a Child 1 (RCW 9A.44.073)	
21	Trafficking 2 (RCW 9A.40.100(3))	
22	XI Manslaughter 1 (RCW 9A.32.060)	
23	Rape 2 (RCW 9A.44.050)	
24	Rape of a Child 2 (RCW 9A.44.076)	
25	Vehicular Homicide, by being under the	
26	influence of intoxicating liquor or	
27	any drug (RCW 46.61.520)	
28	Vehicular Homicide, by the operation of	
29	any vehicle in a reckless manner	
30	(RCW 46.61.520)	
31	X Child Molestation 1 (RCW 9A.44.083)	
32	Criminal Mistreatment 1 (RCW	
33	9A.42.020)	

1		Indecent Liberties (with forcible
2		compulsion) (RCW
3		9A.44.100(1)(a))
4		Kidnapping 1 (RCW 9A.40.020)
5		Leading Organized Crime (RCW
6		9A.82.060(1)(a))
7		Malicious explosion 3 (RCW
8		70.74.280(3))
9		Sexually Violent Predator Escape (RCW
10		9A.76.115)
11	IX	Abandonment of Dependent Person 1
12		(RCW 9A.42.060)
13		Assault of a Child 2 (RCW 9A.36.130)
14		Explosive devices prohibited (RCW
15		70.74.180)
16		Hit and Run—Death (RCW
17		46.52.020(4)(a))
18		Homicide by Watercraft, by being under
19		the influence of intoxicating liquor
20		or any drug (RCW 79A.60.050)
21		Inciting Criminal Profiteering (RCW
22		9A.82.060(1)(b))
23		Malicious placement of an explosive 2
24		(RCW 70.74.270(2))
25		Robbery 1 (RCW 9A.56.200)
26		Sexual Exploitation (RCW 9.68A.040)
27	VIII	Arson 1 (RCW 9A.48.020)
28		Commercial Sexual Abuse of a Minor
29		(RCW 9.68A.100)
30		Homicide by Watercraft, by the
31		operation of any vessel in a reckless
32		manner (RCW 79A.60.050)
33		Manslaughter 2 (RCW 9A.32.070)
34		Promoting Prostitution 1 (RCW
35		9A.88.070)

1		Theft of Ammonia (RCW 69.55.010)
2	VII	Air bag diagnostic systems (causing
3		bodily injury or death) (RCW
4		46.37.660(2)(b))
5		Air bag replacement requirements
6		(causing bodily injury or death)
7		(RCW 46.37.660(1)(b))
8		Burglary 1 (RCW 9A.52.020)
9		Child Molestation 2 (RCW 9A.44.086)
10		Civil Disorder Training (RCW
11		9A.48.120)
12		Dealing in depictions of minor engaged
13		in sexually explicit conduct 1
14		(RCW 9.68A.050(1))
15		Drive-by Shooting (RCW 9A.36.045)
16		Homicide by Watercraft, by disregard
17		for the safety of others (RCW
18		79A.60.050)
19		Indecent Liberties (without forcible
20		compulsion) (RCW 9A.44.100(1)
21		(b) and (c))
22		Introducing Contraband 1 (RCW
23		9A.76.140)
24		Malicious placement of an explosive 3
25		(RCW 70.74.270(3))
26		Manufacture or import counterfeit,
27		nonfunctional, damaged, or
28		previously deployed air bag
29		(causing bodily injury or death)
30		(RCW 46.37.650(1)(b))
31		Negligently Causing Death By Use of a
32		Signal Preemption Device (RCW
33		46.37.675)

1		Sell, install, or reinstall counterfeit,
2		nonfunctional, damaged, or
3		previously deployed airbag (RCW
4		46.37.650(2)(b))
5		Sending, bringing into state depictions
6		of minor engaged in sexually
7		explicit conduct 1 (RCW
8		9.68A.060(1))
9		Unlawful Possession of a Firearm in the
10		first degree (RCW 9.41.040(1))
11		Use of a Machine Gun or Bump-fire
12		Stock in Commission of a Felony
13		(RCW 9.41.225)
14		Vehicular Homicide, by disregard for
15		the safety of others (RCW
16		46.61.520)
17	VI	Bail Jumping with Murder 1 (RCW
18		9A.76.170(3)(a))
19		Bribery (RCW 9A.68.010)
20		Incest 1 (RCW 9A.64.020(1))
21		Intimidating a Judge (RCW 9A.72.160)
22		Intimidating a Juror/Witness (RCW
23		9A.72.110, 9A.72.130)
24		Malicious placement of an imitation
25		device 2 (RCW 70.74.272(1)(b))
26		Possession of Depictions of a Minor
27		Engaged in Sexually Explicit
28		Conduct 1 (RCW 9.68A.070(1))
29		Rape of a Child 3 (RCW 9A.44.079)
30		Theft of a Firearm (RCW 9A.56.300)
31		Theft from a Vulnerable Adult 1 (RCW
32		9A.56.400(1))
33		Unlawful Storage of Ammonia (RCW
34		69.55.020)
35	V	Abandonment of Dependent Person 2
36		(RCW 9A.42.070)

1	Advancing money or property for
2	extortionate extension of credit
3	(RCW 9A.82.030)
4	Air bag diagnostic systems (RCW
5	46.37.660(2)(c))
6	Air bag replacement requirements
7	(RCW 46.37.660(1)(c))
8	Bail Jumping with class A Felony
9	(RCW 9A.76.170(3)(b))
10	Child Molestation 3 (RCW 9A.44.089)
11	Criminal Mistreatment 2 (RCW
12	9A.42.030)
13	Custodial Sexual Misconduct 1 (RCW
14	9A.44.160)
15	Dealing in Depictions of Minor
16	Engaged in Sexually Explicit
17	Conduct 2 (RCW 9.68A.050(2))
18	Domestic Violence Court Order
19	Violation (RCW 10.99.040,
20	10.99.050, 26.09.300, 26.10.220,
21 22	26.26B.050, 26.50.110, 26.52.070,
	or 74.34.145)
23	Extortion 1 (RCW 9A.56.120)
24	Extortionate Extension of Credit (RCW
25	9A.82.020)
26	Extortionate Means to Collect
27 28	Extensions of Credit (RCW
	9A.82.040)
29	Incest 2 (RCW 9A.64.020(2))
30	Kidnapping 2 (RCW 9A.40.030)
31	Manufacture or import counterfeit,
32	nonfunctional, damaged, or
33 34	previously deployed air bag (RCW
34	46.37.650(1)(c))
35	Perjury 1 (RCW 9A.72.020)

1	Persistent prison misbehavior (RCW
2	9.94.070)
3	Possession of a Stolen Firearm (RCW
4	9A.56.310)
5	Rape 3 (RCW 9A.44.060)
6	Rendering Criminal Assistance 1 (RCW
7	9A.76.070)
8	Sell, install, or reinstall counterfeit,
9	nonfunctional, damaged, or
10	previously deployed airbag (RCW
11	46.37.650(2)(c))
12	Sending, Bringing into State Depictions
13	of Minor Engaged in Sexually
14	Explicit Conduct 2 (RCW
15	9.68A.060(2))
16	Sexual Misconduct with a Minor 1
17	(RCW 9A.44.093)
18	Sexually Violating Human Remains
19	(RCW 9A.44.105)
20	Stalking (RCW 9A.46.110)
21	Taking Motor Vehicle Without
22	Permission 1 (RCW 9A.56.070)
23	IV Arson 2 (RCW 9A.48.030)
24	Assault 2 (RCW 9A.36.021)
25	Assault 3 (of a Peace Officer with a
26	Projectile Stun Gun) (RCW
27	9A.36.031(1)(h))
28	Assault 4 (third domestic violence
29	offense) (RCW 9A.36.041(3))
30	Assault by Watercraft (RCW
31	79A.60.060)
32	Bribing a Witness/Bribe Received by
33	Witness (RCW 9A.72.090,
34	9A.72.100)
35	Cheating 1 (RCW 9.46.1961)
36	Commercial Bribery (RCW 9A.68.060)

1	Counterfeiting (RCW 9.16.035(4))
2	Driving While Under the Influence
3	(RCW 46.61.502(6))
4	Endangerment with a Controlled
5	Substance (RCW 9A.42.100)
6	Escape 1 (RCW 9A.76.110)
7	Hate Crime (RCW 9A.36.080)
8	Hit and Run—Injury (RCW
9	46.52.020(4)(b))
10	Hit and Run with Vessel—Injury
11	Accident (RCW 79A.60.200(3))
12	Identity Theft 1 (RCW 9.35.020(2))
13	Indecent Exposure to Person Under Age
14	Fourteen (subsequent sex offense)
15	(RCW 9A.88.010)
16	Influencing Outcome of Sporting Event
17	(RCW 9A.82.070)
18	Physical Control of a Vehicle While
19	Under the Influence (RCW
20	46.61.504(6))
21	Possession of Depictions of a Minor
22	Engaged in Sexually Explicit
23	Conduct 2 (RCW 9.68A.070(2))
24	Residential Burglary (RCW 9A.52.025)
25	Robbery 2 (RCW 9A.56.210)
26	Theft of Livestock 1 (RCW 9A.56.080)
27	Threats to Bomb (RCW 9.61.160)
28	Trafficking in Stolen Property 1 (RCW
29	9A.82.050)
30	Unlawful factoring of a credit card or
31	payment card transaction (RCW
32	9A.56.290(4)(b))
33	Unlawful transaction of health coverage
34	as a health care service contractor
35	(RCW 48.44.016(3))

1		Unlawful transaction of health coverage
2		as a health maintenance
3		organization (RCW 48.46.033(3))
4		Unlawful transaction of insurance
5		business (RCW 48.15.023(3))
6		Unlicensed practice as an insurance
7		professional (RCW 48.17.063(2))
8		Use of Proceeds of Criminal
9		Profiteering (RCW 9A.82.080 (1)
10		and (2))
11		Vehicle Prowling 2 (third or subsequent
12		offense) (RCW 9A.52.100(3))
13		Vehicular Assault, by being under the
14		influence of intoxicating liquor or
15		any drug, or by the operation or
16		driving of a vehicle in a reckless
17		manner (RCW 46.61.522)
18		Viewing of Depictions of a Minor
19		Engaged in Sexually Explicit
20		Conduct 1 (RCW 9.68A.075(1))
21		Willful Failure to Return from Furlough
22		(RCW 72.66.060)
23	III	Animal Cruelty 1 (Sexual Conduct or
24		Contact) (RCW 16.52.205(3))
25		Assault 3 (Except Assault 3 of a Peace
26		Officer With a Projectile Stun Gun)
27		(RCW 9A.36.031 except subsection
28		(1)(h))
29		Assault of a Child 3 (RCW 9A.36.140)
30		Bail Jumping with class B or C Felony
31		(RCW 9A.76.170(3)(c))
32		Burglary 2 (RCW 9A.52.030)
33		Communication with a Minor for
34		Immoral Purposes (RCW
35		9.68A.090)

1	Criminal Gang Intimidation (RCW
2	9A.46.120)
3	Custodial Assault (RCW 9A.36.100)
4	Cyberstalking (subsequent conviction or
5	threat of death) (RCW 9.61.260(3))
6	Escape 2 (RCW 9A.76.120)
7	Extortion 2 (RCW 9A.56.130)
8	Harassment (RCW 9A.46.020)
9	Intimidating a Public Servant (RCW
10	9A.76.180)
11	Introducing Contraband 2 (RCW
12	9A.76.150)
13	Malicious Injury to Railroad Property
14	(RCW 81.60.070)
15	Manufacture of Untraceable Firearm
16	with Intent to Sell (RCW 9.41.190)
17	Manufacture or Assembly of an
18	Undetectable Firearm or
19	Untraceable Firearm (RCW
20	9.41.325)
21	Mortgage Fraud (RCW 19.144.080)
22	Negligently Causing Substantial Bodily
23	Harm By Use of a Signal
24	Preemption Device (RCW
25	46.37.674)
26	Organized Retail Theft 1 (RCW
27	9A.56.350(2))
28	Perjury 2 (RCW 9A.72.030)
29	Possession of Incendiary Device (RCW
30	9.40.120)
31	Possession of Machine Gun, Bump-Fire
32	Stock, Undetectable Firearm, or
33	Short-Barreled Shotgun or Rifle
34	(RCW 9.41.190)
35	Promoting Prostitution 2 (RCW
36	9A.88.080)

1	Retail Theft with Special Circumstances
2	1 (RCW 9A.56.360(2))
3	Securities Act violation (RCW
4	21.20.400)
5	Tampering with a Witness (RCW
6	9A.72.120)
7	Telephone Harassment (subsequent
8	conviction or threat of death) (RCW
9	9.61.230(2))
10	Theft of Livestock 2 (RCW 9A.56.083)
11	Theft with the Intent to Resell 1 (RCW
12	9A.56.340(2))
13	Trafficking in Stolen Property 2 (RCW
14	9A.82.055)
15	Unlawful Hunting of Big Game 1 (RCW
16	77.15.410(3)(b))
17	Unlawful Imprisonment (RCW
18	9A.40.040)
19	Unlawful Misbranding of Fish or
20	Shellfish 1 (RCW 77.140.060(3))
21	Unlawful possession of firearm in the
22	second degree (RCW 9.41.040(2))
23	Unlawful Taking of Endangered Fish or
24	Wildlife 1 (RCW 77.15.120(3)(b))
25	Unlawful Trafficking in Fish, Shellfish,
26	or Wildlife 1 (RCW
27	77.15.260(3)(b))
28	Unlawful Use of a Nondesignated
29	Vessel (RCW 77.15.530(4))
30	Vehicular Assault, by the operation or
31	driving of a vehicle with disregard
32	for the safety of others (RCW
33	46.61.522)
34	Willful Failure to Return from Work
35	Release (RCW 72.65.070)

1	II	Commercial Fishing Without a License
2		1 (RCW 77.15.500(3)(b))
3		Computer Trespass 1 (RCW 9A.90.040)
4		Counterfeiting (RCW 9.16.035(3))
5		Electronic Data Service Interference
6		(RCW 9A.90.060)
7		Electronic Data Tampering 1 (RCW
8		9A.90.080)
9		Electronic Data Theft (RCW 9A.90.100)
10		Engaging in Fish Dealing Activity
11		Unlicensed 1 (RCW 77.15.620(3))
12		Escape from Community Custody
13		(RCW 72.09.310)
14		Failure to Register as a Sex Offender
15		(second or subsequent offense)
16		(RCW 9A.44.130 prior to June 10,
17		2010, and RCW 9A.44.132)
18		Health Care False Claims (RCW
19		48.80.030)
20		Identity Theft 2 (RCW 9.35.020(3))
21		Improperly Obtaining Financial
22		Information (RCW 9.35.010)
23		Malicious Mischief 1 (RCW 9A.48.070)
24		Organized Retail Theft 2 (RCW
25		9A.56.350(3))
26		Possession of Stolen Property 1 (RCW
27		9A.56.150)
28		Possession of a Stolen Vehicle (RCW
29		9A.56.068)
30		Retail Theft with Special Circumstances
31		2 (RCW 9A.56.360(3))
32		Scrap Processing, Recycling, or
33		Supplying Without a License
34		(second or subsequent offense)
35		(RCW 19.290.100)

1	Theft 1 (RCW 9A.56.030)
2	Theft of a Motor Vehicle (RCW
3	9A.56.065)
4	Theft of Rental, Leased, Lease-
5	purchased, or Loaned Property
6	(valued at five thousand dollars or
7	more) (RCW 9A.56.096(5)(a))
8	Theft with the Intent to Resell 2 (RCW
9	9A.56.340(3))
10	Trafficking in Insurance Claims (RCW
11	48.30A.015)
12	Unlawful factoring of a credit card or
13	payment card transaction (RCW
14	9A.56.290(4)(a))
15	Unlawful Participation of Non-Indians
16	in Indian Fishery (RCW
17	77.15.570(2))
18	Unlawful Practice of Law (RCW
19	2.48.180)
20	Unlawful Purchase or Use of a License
21	(RCW 77.15.650(3)(b))
22	Unlawful Trafficking in Fish, Shellfish,
23	or Wildlife 2 (RCW
24	77.15.260(3)(a))
25	Unlicensed Practice of a Profession or
26	Business (RCW 18.130.190(7))
27	Voyeurism 1 (RCW 9A.44.115)
28 I	Attempting to Elude a Pursuing Police
29	Vehicle (RCW 46.61.024)
30	False Verification for Welfare (RCW
31	74.08.055)
32	Forgery (RCW 9A.60.020)
33	Fraudulent Creation or Revocation of a
34	Mental Health Advance Directive
35	(RCW 9A.60.060)
36	Malicious Mischief 2 (RCW 9A.48.080)

1	Mineral Trespass (RCW 78.44.330)
2	Possession of Stolen Property 2 (RCW
3	9A.56.160)
4	Reckless Burning 1 (RCW 9A.48.040)
5	Spotlighting Big Game 1 (RCW
6	77.15.450(3)(b))
7	Suspension of Department Privileges 1
8	(RCW 77.15.670(3)(b))
9	Taking Motor Vehicle Without
10	Permission 2 (RCW 9A.56.075)
11	Theft 2 (RCW 9A.56.040)
12	Theft from a Vulnerable Adult 2 (RCW
13	9A.56.400(2))
14	Theft of Rental, Leased, Lease-
15	purchased, or Loaned Property
16	(valued at seven hundred fifty
17	dollars or more but less than five
18	thousand dollars) (RCW
19	9A.56.096(5)(b))
20	Transaction of insurance business
21	beyond the scope of licensure
22	(RCW 48.17.063)
23	Unlawful Fish and Shellfish Catch
24	Accounting (RCW 77.15.630(3)(b))
25	Unlawful Issuance of Checks or Drafts
26	(RCW 9A.56.060)
27	Unlawful Possession of Fictitious
28	Identification (RCW 9A.56.320)
29	Unlawful Possession of Instruments of
30	Financial Fraud (RCW 9A.56.320)
31	Unlawful Possession of Payment
32	Instruments (RCW 9A.56.320)
33	Unlawful Possession of a Personal
34	Identification Device (RCW
35	9A.56.320)

1	Unlawful Production of Payment
2	Instruments (RCW 9A.56.320)
3	Unlawful Releasing, Planting,
4	Possessing, or Placing Deleterious
5	Exotic Wildlife (RCW
6	77.15.250(2)(b))
7	Unlawful Trafficking in Food Stamps
8	(RCW 9.91.142)
9	Unlawful Use of Food Stamps (RCW
10	9.91.144)
11	Unlawful Use of Net to Take Fish 1
12	(RCW 77.15.580(3)(b))
13	Unlawful Use of Prohibited Aquatic
14	Animal Species (RCW
15	77.15.253(3))
16	Vehicle Prowl 1 (RCW 9A.52.095)
17	Violating Commercial Fishing Area or
18	Time 1 (RCW 77.15.550(3)(b))

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