

ESB 5992 - H AMD 1183

By Representative Taylor

WITHDRAWN 02/23/2018

1 Strike everything after the enacting clause and insert the
2 following:

3

4 "Sec. 1. RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and
5 amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions
7 in this section apply throughout this chapter.

8 (1) "Antique firearm" means a firearm or replica of a firearm
9 not designed or redesigned for using rim fire or conventional center
10 fire ignition with fixed ammunition and manufactured in or before
11 1898, including any matchlock, flintlock, percussion cap, or similar
12 type of ignition system and also any firearm using fixed ammunition
13 manufactured in or before 1898, for which ammunition is no longer
14 manufactured in the United States and is not readily available in
15 the ordinary channels of commercial trade.

16 (2) "Barrel length" means the distance from the bolt face of a
17 closed action down the length of the axis of the bore to the crown
18 of the muzzle, or in the case of a barrel with attachments to the
19 end of any legal device permanently attached to the end of the
20 muzzle.

21 (3) "Crime of violence" means:

22 (a) Any of the following felonies, as now existing or hereafter
23 amended: Any felony defined under any law as a class A felony or an
24 attempt to commit a class A felony, criminal solicitation of or
25 criminal conspiracy to commit a class A felony, manslaughter in the
26 first degree, manslaughter in the second degree, indecent liberties
27 if committed by forcible compulsion, kidnapping in the second

1 degree, arson in the second degree, assault in the second degree,
2 assault of a child in the second degree, extortion in the first
3 degree, burglary in the second degree, residential burglary, and
4 robbery in the second degree;

5 (b) Any conviction for a felony offense in effect at any time
6 prior to June 6, 1996, which is comparable to a felony classified as
7 a crime of violence in (a) of this subsection; and

8 (c) Any federal or out-of-state conviction for an offense
9 comparable to a felony classified as a crime of violence under (a)
10 or (b) of this subsection.

11 (4) "Curio or relic" has the same meaning as provided in 27
12 C.F.R. Sec. 478.11.

13 (5) "Dealer" means a person engaged in the business of selling
14 firearms at wholesale or retail who has, or is required to have, a
15 federal firearms license under 18 U.S.C. Sec. 923(a). A person who
16 does not have, and is not required to have, a federal firearms
17 license under 18 U.S.C. Sec. 923(a), is not a dealer if that person
18 makes only occasional sales, exchanges, or purchases of firearms for
19 the enhancement of a personal collection or for a hobby, or sells
20 all or part of his or her personal collection of firearms.

21 (6) "Family or household member" means "family" or "household
22 member" as used in RCW 10.99.020.

23 (7) "Felony" means any felony offense under the laws of this
24 state or any federal or out-of-state offense comparable to a felony
25 offense under the laws of this state.

26 (8) "Felony firearm offender" means a person who has previously
27 been convicted or found not guilty by reason of insanity in this
28 state of any felony firearm offense. A person is not a felony
29 firearm offender under this chapter if any and all qualifying
30 offenses have been the subject of an expungement, pardon, annulment,
31 certificate, or rehabilitation, or other equivalent procedure based
32 on a finding of the rehabilitation of the person convicted or a
33 pardon, annulment, or other equivalent procedure based on a finding
34 of innocence.

1 (9) "Felony firearm offense" means:

2 (a) Any felony offense that is a violation of this chapter;

3 (b) A violation of RCW 9A.36.045;

4 (c) A violation of RCW 9A.56.300;

5 (d) A violation of RCW 9A.56.310;

6 (e) Any felony offense if the offender was armed with a firearm
7 in the commission of the offense.

8 (10) "Firearm" means a weapon or device from which a projectile
9 or projectiles may be fired by an explosive such as gunpowder.

10 "Firearm" does not include a flare gun or other pyrotechnic visual
11 distress signaling device, or a powder-actuated tool or other device
12 designed solely to be used for construction purposes.

13 (11) "Gun" has the same meaning as firearm.

14 (12) "Law enforcement officer" includes a general authority
15 Washington peace officer as defined in RCW 10.93.020, or a specially
16 commissioned Washington peace officer as defined in RCW 10.93.020.
17 "Law enforcement officer" also includes a limited authority
18 Washington peace officer as defined in RCW 10.93.020 if such officer
19 is duly authorized by his or her employer to carry a concealed
20 pistol.

21 (13) "Lawful permanent resident" has the same meaning afforded a
22 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
23 1101(a)(20).

24 (14) "Licensed collector" means a person who is federally
25 licensed under 18 U.S.C. Sec. 923(b).

26 (15) "Licensed dealer" means a person who is federally licensed
27 under 18 U.S.C. Sec. 923(a).

28 (16) "Loaded" means:

29 (a) There is a cartridge in the chamber of the firearm;

30 (b) Cartridges are in a clip that is locked in place in the
31 firearm;

32 (c) There is a cartridge in the cylinder of the firearm, if the
33 firearm is a revolver;

34

1 (d) There is a cartridge in the tube or magazine that is
2 inserted in the action; or

3 (e) There is a ball in the barrel and the firearm is capped or
4 primed if the firearm is a muzzle loader.

5 (17) "Machine gun" means any firearm known as a machine gun,
6 mechanical rifle, submachine gun, or any other mechanism or
7 instrument not requiring that the trigger be pressed for each shot
8 and having a reservoir clip, disc, drum, belt, or other separable
9 mechanical device for storing, carrying, or supplying ammunition
10 which can be loaded into the firearm, mechanism, or instrument, and
11 fired therefrom at the rate of five or more shots per second.

12 (18) "Nonimmigrant alien" means a person defined as such in 8
13 U.S.C. Sec. 1101(a)(15).

14 (19) "Person" means any individual, corporation, company,
15 association, firm, partnership, club, organization, society, joint
16 stock company, or other legal entity.

17 (20) "Pistol" means any firearm with a barrel less than sixteen
18 inches in length, or is designed to be held and fired by the use of
19 a single hand.

20 (21) "Rifle" means a weapon designed or redesigned, made or
21 remade, and intended to be fired from the shoulder and designed or
22 redesigned, made or remade, and intended to use the energy of the
23 explosive in a fixed metallic cartridge to fire only a single
24 projectile through a rifled bore for each single pull of the
25 trigger.

26 (22) "Sale" and "sell" mean the actual approval of the delivery
27 of a firearm in consideration of payment or promise of payment.

28 (23) "Serious offense" means any of the following felonies or a
29 felony attempt to commit any of the following felonies, as now
30 existing or hereafter amended:

31 (a) Any crime of violence;

32 (b) Any felony violation of the uniform controlled substances
33 act, chapter 69.50 RCW, that is classified as a class B felony or
34 that has a maximum term of imprisonment of at least ten years;

- 1 (c) Child molestation in the second degree;
- 2 (d) Incest when committed against a child under age fourteen;
- 3 (e) Indecent liberties;
- 4 (f) Leading organized crime;
- 5 (g) Promoting prostitution in the first degree;
- 6 (h) Rape in the third degree;
- 7 (i) Drive-by shooting;
- 8 (j) Sexual exploitation;
- 9 (k) Vehicular assault, when caused by the operation or driving
- 10 of a vehicle by a person while under the influence of intoxicating
- 11 liquor or any drug or by the operation or driving of a vehicle in a
- 12 reckless manner;
- 13 (l) Vehicular homicide, when proximately caused by the driving
- 14 of any vehicle by any person while under the influence of
- 15 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
- 16 the operation of any vehicle in a reckless manner;
- 17 (m) Any other class B felony offense with a finding of sexual
- 18 motivation, as "sexual motivation" is defined under RCW 9.94A.030;
- 19 (n) Any other felony with a deadly weapon verdict under RCW
- 20 9.94A.825;
- 21 (o) Any felony offense in effect at any time prior to June 6,
- 22 1996, that is comparable to a serious offense, or any federal or
- 23 out-of-state conviction for an offense that under the laws of this
- 24 state would be a felony classified as a serious offense; or
- 25 (p) Any felony conviction under RCW 9.41.115.
- 26 (24) "Short-barreled rifle" means a rifle having one or more
- 27 barrels less than sixteen inches in length and any weapon made from
- 28 a rifle by any means of modification if such modified weapon has an
- 29 overall length of less than twenty-six inches.
- 30 (25) "Short-barreled shotgun" means a shotgun having one or more
- 31 barrels less than eighteen inches in length and any weapon made from
- 32 a shotgun by any means of modification if such modified weapon has
- 33 an overall length of less than twenty-six inches.
- 34

1 (26) "Shotgun" means a weapon with one or more barrels, designed
2 or redesigned, made or remade, and intended to be fired from the
3 shoulder and designed or redesigned, made or remade, and intended to
4 use the energy of the explosive in a fixed shotgun shell to fire
5 through a smooth bore either a number of ball shot or a single
6 projectile for each single pull of the trigger.

7 (27) "Transfer" means the intended delivery of a firearm to
8 another person without consideration of payment or promise of
9 payment including, but not limited to, gifts and loans. "Transfer"
10 does not include the delivery of a firearm owned or leased by an
11 entity licensed or qualified to do business in the state of
12 Washington to, or return of such a firearm by, any of that entity's
13 employees or agents, defined to include volunteers participating in
14 an honor guard, for lawful purposes in the ordinary course of
15 business.

16 (28) "Trigger modification device" means any part, or
17 combination of parts, designed or intended to accelerate the rate of
18 fire of a firearm, but does not convert the firearm into a machine
19 gun, including:

20 (a) Any part, or combination of parts, designed or intended for
21 use in modifying a firearm to use the recoil of the firearm to
22 produce a rapid succession of trigger functions; or

23 (b) Any part, or combination of parts, designed or intended for
24 use in modifying a firearm to produce multiple trigger functions
25 through the use of an external mechanism.

26 (29) "Unlicensed person" means any person who is not a licensed
27 dealer under this chapter.

28

29 **Sec. 2.** RCW 9.41.190 and 2016 c 214 s 1 are each amended to
30 read as follows:

31 (1) Except as otherwise provided in this section, it is unlawful
32 for any person to:

33

34

1 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
2 have in possession or under control, any machine gun, short-barreled
3 shotgun, or short-barreled rifle;

4 (b) Manufacture, own, buy, sell, loan, furnish, transport, or
5 have in possession or under control, any part designed and intended
6 solely and exclusively for use in a machine gun, short-barreled
7 shotgun, or short-barreled rifle, or in converting a weapon into a
8 machine gun, short-barreled shotgun, or short-barreled rifle; (~~or~~)

9 (c) Assemble or repair any machine gun, short-barreled shotgun,
10 or short-barreled rifle; or

11 (d) Manufacture or sell any trigger modification device.

12 (2) It is not unlawful for a person to manufacture, own, buy,
13 sell, loan, furnish, transport, assemble, or repair, or have in
14 possession or under control, a short-barreled rifle, or any part
15 designed or intended solely and exclusively for use in a short-
16 barreled rifle or in converting a weapon into a short-barreled
17 rifle, if the person is in compliance with applicable federal law.

18 (3) Subsection (1) of this section shall not apply to:

19 (a) Any peace officer in the discharge of official duty or
20 traveling to or from official duty, or to any officer or member of
21 the armed forces of the United States or the state of Washington in
22 the discharge of official duty or traveling to or from official
23 duty; or

24 (b) A person, including an employee of such person if the
25 employee has undergone fingerprinting and a background check, who or
26 which is exempt from or licensed under federal law, and engaged in
27 the production, manufacture, repair, or testing of machine guns,
28 trigger modification devices, short-barreled shotguns, or short-
29 barreled rifles:

30 (i) To be used or purchased by the armed forces of the United
31 States;

32 (ii) To be used or purchased by federal, state, county, or
33 municipal law enforcement agencies; or

34

1 (iii) For exportation in compliance with all applicable federal
2 laws and regulations.

3 (4) It shall be an affirmative defense to a prosecution brought
4 under this section that the machine gun or short-barreled shotgun
5 was acquired prior to July 1, 1994, and is possessed in compliance
6 with federal law.

7 (5) Any person violating this section is guilty of a class C
8 felony.

9

10 **Sec. 3.** RCW 9.41.190 and 2016 c 214 s 1 are each amended to
11 read as follows:

12 (1) Except as otherwise provided in this section, it is unlawful
13 for any person to:

14 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
15 have in possession or under control, any machine gun, trigger
16 modification device, short-barreled shotgun, or short-barreled
17 rifle;

18 (b) Manufacture, own, buy, sell, loan, furnish, transport, or
19 have in possession or under control, any part designed and intended
20 solely and exclusively for use in a machine gun, short-barreled
21 shotgun, or short-barreled rifle, or in converting a weapon into a
22 machine gun, short-barreled shotgun, or short-barreled rifle; or

23 (c) Assemble or repair any machine gun, trigger modification
24 device, short-barreled shotgun, or short-barreled rifle.

25 (2) It is not unlawful for a person to manufacture, own, buy,
26 sell, loan, furnish, transport, assemble, or repair, or have in
27 possession or under control, a short-barreled rifle, or any part
28 designed or intended solely and exclusively for use in a short-
29 barreled rifle or in converting a weapon into a short-barreled
30 rifle, if the person is in compliance with applicable federal law.

31 (3) Subsection (1) of this section shall not apply to:

32 (a) Any peace officer in the discharge of official duty or
33 traveling to or from official duty, or to any officer or member of
34 the armed forces of the United States or the state of Washington in

1 the discharge of official duty or traveling to or from official
2 duty; or

3 (b) A person, including an employee of such person if the
4 employee has undergone fingerprinting and a background check, who or
5 which is exempt from or licensed under federal law, and engaged in
6 the production, manufacture, repair, or testing of machine guns,
7 trigger modification devices, short-barreled shotguns, or short-
8 barreled rifles:

9 (i) To be used or purchased by the armed forces of the United
10 States;

11 (ii) To be used or purchased by federal, state, county, or
12 municipal law enforcement agencies; or

13 (iii) For exportation in compliance with all applicable federal
14 laws and regulations.

15 (4) It shall be an affirmative defense to a prosecution brought
16 under this section that the machine gun or short-barreled shotgun
17 was acquired prior to July 1, 1994, and is possessed in compliance
18 with federal law.

19 (5) Any person violating this section is guilty of a class C
20 felony.

21

22 **Sec. 4.** RCW 9.41.220 and 1994 sp.s. c 7 s 421 are each amended
23 to read as follows:

24 All machine guns, trigger modification devices, short-barreled
25 shotguns, or short-barreled rifles, or any part designed and
26 intended solely and exclusively for use in a machine gun, short-
27 barreled shotgun, or short-barreled rifle, or in converting a weapon
28 into a machine gun, short-barreled shotgun, or short-barreled rifle,
29 illegally held or illegally possessed are hereby declared to be
30 contraband, and it shall be the duty of all peace officers, and/or
31 any officer or member of the armed forces of the United States or
32 the state of Washington, to seize said machine gun, trigger
33 modification device, short-barreled shotgun, or short-barreled
34 rifle, or parts thereof, wherever and whenever found.

1 **Sec. 5.** RCW 9.41.225 and 1989 c 231 s 3 are each amended to
2 read as follows:

3 (1) It is unlawful for a person, in the commission or
4 furtherance of a felony other than a violation of RCW 9.41.190, to
5 discharge a machine gun or to menace or threaten with a machine gun,
6 another person.

7 (2) It is unlawful for a person, in the commission or
8 furtherance of a felony other than a violation of RCW 9.41.190, to
9 discharge a firearm containing a trigger modification device or to
10 menace or threaten another person with a firearm containing a
11 trigger modification device.

12 (3) A violation of this section shall be punished as a class A
13 felony under chapter 9A.20 RCW.

14

15 **Sec. 6.** RCW 9.94A.475 and 2012 c 183 s 2 are each amended to
16 read as follows:

17 Any and all recommended sentencing agreements or plea agreements
18 and the sentences for any and all felony crimes shall be made and
19 retained as public records if the felony crime involves:

20 (1) Any violent offense as defined in this chapter;

21 (2) Any most serious offense as defined in this chapter;

22 (3) Any felony with a deadly weapon special verdict under RCW
23 9.94A.825;

24 (4) Any felony with any deadly weapon enhancements under RCW
25 9.94A.533 (3) or (4), or both;

26 (5) The felony crimes of possession of a machine gun or trigger
27 modification device, possessing a stolen firearm, drive-by shooting,
28 theft of a firearm, unlawful possession of a firearm in the first or
29 second degree, and/or use of a machine gun or trigger modification
30 device in a felony; or

31 (6) The felony crime of driving a motor vehicle while under the
32 influence of intoxicating liquor or any drug as defined in RCW
33 46.61.502, and felony physical control of a motor vehicle while

34

1 under the influence of intoxicating liquor or any drug as defined in
2 RCW 46.61.504.

3

4 **Sec. 7.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017
5 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to
6 read as follows:

7

TABLE 2

8

CRIMES INCLUDED WITHIN EACH

9

SERIOUSNESS LEVEL

10

XVI Aggravated Murder 1 (RCW 10.95.020)

11

XV Homicide by abuse (RCW 9A.32.055)

12

Malicious explosion 1 (RCW

13

70.74.280(1))

14

Murder 1 (RCW 9A.32.030)

15

XIV Murder 2 (RCW 9A.32.050)

16

Trafficking 1 (RCW 9A.40.100(1))

17

XIII Malicious explosion 2 (RCW

18

70.74.280(2))

19

Malicious placement of an explosive 1

20

(RCW 70.74.270(1))

21

XII Assault 1 (RCW 9A.36.011)

22

Assault of a Child 1 (RCW 9A.36.120)

23

Malicious placement of an imitation

24

device 1 (RCW 70.74.272(1)(a))

25

Promoting Commercial Sexual Abuse of

26

a Minor (RCW 9.68A.101)

27

Rape 1 (RCW 9A.44.040)

28

Rape of a Child 1 (RCW 9A.44.073)

29

Trafficking 2 (RCW 9A.40.100(3))

30

XI Manslaughter 1 (RCW 9A.32.060)

31

Rape 2 (RCW 9A.44.050)

32

Rape of a Child 2 (RCW 9A.44.076)

33

Vehicular Homicide, by being under the

34

influence of intoxicating liquor or

1 any drug (RCW 46.61.520)
2 Vehicular Homicide, by the operation of
3 any vehicle in a reckless manner
4 (RCW 46.61.520)
5 X Child Molestation 1 (RCW 9A.44.083)
6 Criminal Mistreatment 1 (RCW
7 9A.42.020)
8 Indecent Liberties (with forcible
9 compulsion) (RCW
10 9A.44.100(1)(a))
11 Kidnapping 1 (RCW 9A.40.020)
12 Leading Organized Crime (RCW
13 9A.82.060(1)(a))
14 Malicious explosion 3 (RCW
15 70.74.280(3))
16 Sexually Violent Predator Escape (RCW
17 9A.76.115)
18 IX Abandonment of Dependent Person 1
19 (RCW 9A.42.060)
20 Assault of a Child 2 (RCW 9A.36.130)
21 Explosive devices prohibited (RCW
22 70.74.180)
23 Hit and Run—Death (RCW
24 46.52.020(4)(a))
25 Homicide by Watercraft, by being under
26 the influence of intoxicating liquor
27 or any drug (RCW 79A.60.050)
28 Inciting Criminal Profiteering (RCW
29 9A.82.060(1)(b))
30 Malicious placement of an explosive 2
31 (RCW 70.74.270(2))
32 Robbery 1 (RCW 9A.56.200)
33 Sexual Exploitation (RCW 9.68A.040)
34 VIII Arson 1 (RCW 9A.48.020)

1 Commercial Sexual Abuse of a Minor
2 (RCW 9.68A.100)
3 Homicide by Watercraft, by the operation
4 of any vessel in a reckless manner
5 (RCW 79A.60.050)
6 Manslaughter 2 (RCW 9A.32.070)
7 Promoting Prostitution 1 (RCW
8 9A.88.070)
9 Theft of Ammonia (RCW 69.55.010)
10 VII Air bag diagnostic systems (causing
11 bodily injury or death) (RCW
12 46.37.660(2)(b))
13 Air bag replacement requirements
14 (causing bodily injury or death)
15 (RCW 46.37.660(1)(b))
16 Burglary 1 (RCW 9A.52.020)
17 Child Molestation 2 (RCW 9A.44.086)
18 Civil Disorder Training (RCW
19 9A.48.120)
20 Dealing in depictions of minor engaged
21 in sexually explicit conduct 1
22 (RCW 9.68A.050(1))
23 Drive-by Shooting (RCW 9A.36.045)
24 Homicide by Watercraft, by disregard for
25 the safety of others (RCW
26 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1)
29 (b) and (c))
30 Introducing Contraband 1 (RCW
31 9A.76.140)
32 Malicious placement of an explosive 3
33 (RCW 70.74.270(3))
34 Manufacture or import counterfeit,

1 nonfunctional, damaged, or
2 previously deployed air bag
3 (causing bodily injury or death)
4 (RCW 46.37.650(1)(b))
5 Negligently Causing Death By Use of a
6 Signal Preemption Device (RCW
7 46.37.675)
8 ((~~Sale-Of~~)) Sell, install, or reinstall
9 counterfeit, nonfunctional,
10 damaged, or previously deployed
11 airbag (RCW 46.37.650(2)(b))
12 Sending, bringing into state depictions of
13 minor engaged in sexually explicit
14 conduct 1 (RCW 9.68A.060(1))
15 Unlawful Possession of a Firearm in the
16 first degree (RCW 9.41.040(1))
17 Use of a Machine Gun or Trigger
18 Modification Device in
19 Commission of a Felony (RCW
20 9.41.225)
21 Vehicular Homicide, by disregard for the
22 safety of others (RCW 46.61.520)
23 VI Bail Jumping with Murder 1 (RCW
24 9A.76.170(3)(a))
25 Bribery (RCW 9A.68.010)
26 Incest 1 (RCW 9A.64.020(1))
27 Intimidating a Judge (RCW 9A.72.160)
28 Intimidating a Juror/Witness (RCW
29 9A.72.110, 9A.72.130)
30 Malicious placement of an imitation
31 device 2 (RCW 70.74.272(1)(b))
32 Possession of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)
2 Theft of a Firearm (RCW 9A.56.300)
3 Theft from a Vulnerable Adult 1 (RCW
4 9A.56.400(1))
5 Unlawful Storage of Ammonia (RCW
6 69.55.020)
7 V Abandonment of Dependent Person 2
8 (RCW 9A.42.070)
9 Advancing money or property for
10 extortionate extension of credit
11 (RCW 9A.82.030)
12 Air bag diagnostic systems (RCW
13 46.37.660(2)(c))
14 Air bag replacement requirements (RCW
15 46.37.660(1)(c))
16 Bail Jumping with class A Felony (RCW
17 9A.76.170(3)(b))
18 Child Molestation 3 (RCW 9A.44.089)
19 Criminal Mistreatment 2 (RCW
20 9A.42.030)
21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)
23 Dealing in Depictions of Minor Engaged
24 in Sexually Explicit Conduct 2
25 (RCW 9.68A.050(2))
26 Domestic Violence Court Order Violation
27 (RCW 10.99.040, 10.99.050,
28 26.09.300, 26.10.220, 26.26.138,
29 26.50.110, 26.52.070, or
30 74.34.145)
31 Extortion 1 (RCW 9A.56.120)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Extortionate Means to Collect Extensions

1 of Credit (RCW 9A.82.040)
2 Incest 2 (RCW 9A.64.020(2))
3 Kidnapping 2 (RCW 9A.40.030)
4 Manufacture or import counterfeit,
5 nonfunctional, damaged, or
6 previously deployed air bag
7 (RCW 46.37.650(1)(c))
8 Perjury 1 (RCW 9A.72.020)
9 Persistent prison misbehavior (RCW
10 9.94.070)
11 Possession of a Stolen Firearm (RCW
12 9A.56.310)
13 Rape 3 (RCW 9A.44.060)
14 Rendering Criminal Assistance 1 (RCW
15 9A.76.070)
16 ((~~Sale [of]~~)) Sell, install, or reinstall
17 counterfeit, nonfunctional,
18 damaged, or previously deployed
19 airbag (RCW 46.37.650(2)(c))
20 Sending, Bringing into State Depictions
21 of Minor Engaged in Sexually
22 Explicit Conduct 2 (RCW
23 9.68A.060(2))
24 Sexual Misconduct with a Minor 1 (RCW
25 9A.44.093)
26 Sexually Violating Human Remains
27 (RCW 9A.44.105)
28 Stalking (RCW 9A.46.110)
29 Taking Motor Vehicle Without
30 Permission 1 (RCW 9A.56.070)
31 IV Arson 2 (RCW 9A.48.030)
32 Assault 2 (RCW 9A.36.021)
33 Assault 3 (of a Peace Officer with a
34 Projectile Stun Gun) (RCW

1 9A.36.031(1)(h))
2 Assault 4 (third domestic violence
3 offense) (RCW 9A.36.041(3))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW 9A.68.060)
11 Counterfeiting (RCW 9.16.035(4))
12 Driving While Under the Influence
13 (RCW 46.61.502(6))
14 Endangerment with a Controlled
15 Substance (RCW 9A.42.100)
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run—Injury (RCW
18 46.52.020(4)(b))
19 Hit and Run with Vessel—Injury
20 Accident (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2))
22 Indecent Exposure to Person Under Age
23 Fourteen (subsequent sex offense)
24 (RCW 9A.88.010)
25 Influencing Outcome of Sporting Event
26 (RCW 9A.82.070)
27 Malicious Harassment (RCW 9A.36.080)
28 Physical Control of a Vehicle While
29 Under the Influence (RCW
30 46.61.504(6))
31 Possession of Depictions of a Minor
32 Engaged in Sexually Explicit
33 Conduct 2 (RCW 9.68A.070(2))
34 Residential Burglary (RCW 9A.52.025)

1 Robbery 2 (RCW 9A.56.210)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Threats to Bomb (RCW 9.61.160)
4 Trafficking in Stolen Property 1 (RCW
5 9A.82.050)
6 Unlawful factoring of a credit card or
7 payment card transaction (RCW
8 9A.56.290(4)(b))
9 Unlawful transaction of health coverage
10 as a health care service contractor
11 (RCW 48.44.016(3))
12 Unlawful transaction of health coverage
13 as a health maintenance
14 organization (RCW 48.46.033(3))
15 Unlawful transaction of insurance
16 business (RCW 48.15.023(3))
17 Unlicensed practice as an insurance
18 professional (RCW 48.17.063(2))
19 Use of Proceeds of Criminal Profiteering
20 (RCW 9A.82.080 (1) and (2))
21 Vehicle Prowling 2 (third or subsequent
22 offense) (RCW 9A.52.100(3))
23 Vehicular Assault, by being under the
24 influence of intoxicating liquor or
25 any drug, or by the operation or
26 driving of a vehicle in a reckless
27 manner (RCW 46.61.522)
28 Viewing of Depictions of a Minor
29 Engaged in Sexually Explicit
30 Conduct 1 (RCW 9.68A.075(1))
31 Willful Failure to Return from Furlough
32 (RCW 72.66.060)
33 III Animal Cruelty 1 (Sexual Conduct or
34 Contact) (RCW 16.52.205(3))

1 Assault 3 (Except Assault 3 of a Peace
2 Officer With a Projectile Stun
3 Gun) (RCW 9A.36.031 except
4 subsection (1)(h))
5 Assault of a Child 3 (RCW 9A.36.140)
6 Bail Jumping with class B or C Felony
7 (RCW 9A.76.170(3)(c))
8 Burglary 2 (RCW 9A.52.030)
9 Communication with a Minor for
10 Immoral Purposes (RCW
11 9.68A.090)
12 Criminal Gang Intimidation (RCW
13 9A.46.120)
14 Custodial Assault (RCW 9A.36.100)
15 Cyberstalking (subsequent conviction or
16 threat of death) (RCW
17 9.61.260(3))
18 Escape 2 (RCW 9A.76.120)
19 Extortion 2 (RCW 9A.56.130)
20 Harassment (RCW 9A.46.020)
21 Intimidating a Public Servant (RCW
22 9A.76.180)
23 Introducing Contraband 2 (RCW
24 9A.76.150)
25 Malicious Injury to Railroad Property
26 (RCW 81.60.070)
27 Mortgage Fraud (RCW 19.144.080)
28 Negligently Causing Substantial Bodily
29 Harm By Use of a Signal
30 Preemption Device (RCW
31 46.37.674)
32 Organized Retail Theft 1 (RCW
33 9A.56.350(2))
34 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun, Trigger
4 Modification Device, or Short-
5 Barreled Shotgun or Rifle (RCW
6 9.41.190)
7 Promoting Prostitution 2 (RCW
8 9A.88.080)
9 Retail Theft with Special Circumstances
10 1 (RCW 9A.56.360(2))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death)
17 (RCW 9.61.230(2))
18 Theft of Livestock 2 (RCW 9A.56.083)
19 Theft with the Intent to Resell 1 (RCW
20 9A.56.340(2))
21 Trafficking in Stolen Property 2 (RCW
22 9A.82.055)
23 Unlawful Hunting of Big Game 1 (RCW
24 77.15.410(3)(b))
25 Unlawful Imprisonment (RCW
26 9A.40.040)
27 Unlawful Misbranding of Food Fish or
28 Shellfish 1 (RCW 69.04.938(3))
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(2))
31 Unlawful Taking of Endangered Fish or
32 Wildlife 1 (RCW 77.15.120(3)(b))
33 Unlawful Trafficking in Fish, Shellfish,
34 or Wildlife 1 (RCW

1 77.15.260(3)(b))
2 Unlawful Use of a Nondesignated Vessel
3 (RCW 77.15.530(4))
4 Vehicular Assault, by the operation or
5 driving of a vehicle with disregard
6 for the safety of others (RCW
7 46.61.522)
8 Willful Failure to Return from Work
9 Release (RCW 72.65.070)
10 II Commercial Fishing Without a License 1
11 (RCW 77.15.500(3)(b))
12 Computer Trespass 1 (RCW 9A.90.040)
13 Counterfeiting (RCW 9.16.035(3))
14 Electronic Data Service Interference
15 (RCW 9A.90.060)
16 Electronic Data Tampering 1 (RCW
17 9A.90.080)
18 Electronic Data Theft (RCW 9A.90.100)
19 Engaging in Fish Dealing Activity
20 Unlicensed 1 (RCW 77.15.620(3))
21 Escape from Community Custody (RCW
22 72.09.310)
23 Failure to Register as a Sex Offender
24 (second or subsequent offense)
25 (RCW 9A.44.130 prior to June 10,
26 2010, and RCW 9A.44.132)
27 Health Care False Claims (RCW
28 48.80.030)
29 Identity Theft 2 (RCW 9.35.020(3))
30 Improperly Obtaining Financial
31 Information (RCW 9.35.010)
32 Malicious Mischief 1 (RCW 9A.48.070)
33 Organized Retail Theft 2 (RCW
34 9A.56.350(3))

1 Possession of Stolen Property 1 (RCW
2 9A.56.150)
3 Possession of a Stolen Vehicle (RCW
4 9A.56.068)
5 Retail Theft with Special Circumstances
6 2 (RCW 9A.56.360(3))
7 Scrap Processing, Recycling, or
8 Supplying Without a License
9 (second or subsequent offense)
10 (RCW 19.290.100)
11 Theft 1 (RCW 9A.56.030)
12 Theft of a Motor Vehicle (RCW
13 9A.56.065)
14 Theft of Rental, Leased, Lease-
15 purchased, or Loaned Property
16 (valued at five thousand dollars or
17 more) (RCW 9A.56.096(5)(a))
18 Theft with the Intent to Resell 2 (RCW
19 9A.56.340(3))
20 Trafficking in Insurance Claims (RCW
21 48.30A.015)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(a))
25 Unlawful Participation of Non-Indians in
26 Indian Fishery (RCW
27 77.15.570(2))
28 Unlawful Practice of Law (RCW
29 2.48.180)
30 Unlawful Purchase or Use of a License
31 (RCW 77.15.650(3)(b))
32 Unlawful Trafficking in Fish, Shellfish,
33 or Wildlife 2 (RCW
34 77.15.260(3)(a))

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 Voyeurism 1 (RCW 9A.44.115)
4 I Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 False Verification for Welfare (RCW
7 74.08.055)
8 Forgery (RCW 9A.60.020)
9 Fraudulent Creation or Revocation of a
10 Mental Health Advance Directive
11 (RCW 9A.60.060)
12 Malicious Mischief 2 (RCW 9A.48.080)
13 Mineral Trespass (RCW 78.44.330)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Reckless Burning 1 (RCW 9A.48.040)
17 Spotlighting Big Game 1 (RCW
18 77.15.450(3)(b))
19 Suspension of Department Privileges 1
20 (RCW 77.15.670(3)(b))
21 Taking Motor Vehicle Without
22 Permission 2 (RCW 9A.56.075)
23 Theft 2 (RCW 9A.56.040)
24 Theft from a Vulnerable Adult 2 (RCW
25 9A.56.400(2))
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at seven hundred fifty
29 dollars or more but less than five
30 thousand dollars) (RCW
31 9A.56.096(5)(b))
32 Transaction of insurance business beyond
33 the scope of licensure (RCW
34 48.17.063)

1 Unlawful Fish and Shellfish Catch
2 Accounting (RCW
3 77.15.630(3)(b))
4 Unlawful Issuance of Checks or Drafts
5 (RCW 9A.56.060)
6 Unlawful Possession of Fictitious
7 Identification (RCW 9A.56.320)
8 Unlawful Possession of Instruments of
9 Financial Fraud (RCW
10 9A.56.320)
11 Unlawful Possession of Payment
12 Instruments (RCW 9A.56.320)
13 Unlawful Possession of a Personal
14 Identification Device (RCW
15 9A.56.320)
16 Unlawful Production of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Releasing, Planting,
19 Possessing, or Placing Deleterious
20 Exotic Wildlife (RCW
21 77.15.250(2)(b))
22 Unlawful Trafficking in Food Stamps
23 (RCW 9.91.142)
24 Unlawful Use of Food Stamps (RCW
25 9.91.144)
26 Unlawful Use of Net to Take Fish 1
27 (RCW 77.15.580(3)(b))
28 Unlawful Use of Prohibited Aquatic
29 Animal Species (RCW
30 77.15.253(3))
31 Vehicle Prowl 1 (RCW 9A.52.095)
32 Violating Commercial Fishing Area or
33 Time 1 (RCW 77.15.550(3)(b))
34

1 **Sec. 8.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to
2 read as follows:

3 (1) The provisions of this section apply to the standard
4 sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

5 (2) For persons convicted of the anticipatory offenses of
6 criminal attempt, solicitation, or conspiracy under chapter 9A.28
7 RCW, the standard sentence range is determined by locating the
8 sentencing grid sentence range defined by the appropriate offender
9 score and the seriousness level of the completed crime, and
10 multiplying the range by seventy-five percent.

11 (3) The following additional times shall be added to the
12 standard sentence range for felony crimes committed after July 23,
13 1995, if the offender or an accomplice was armed with a firearm as
14 defined in RCW 9.41.010 and the offender is being sentenced for one
15 of the crimes listed in this subsection as eligible for any firearm
16 enhancements based on the classification of the completed felony
17 crime. If the offender is being sentenced for more than one offense,
18 the firearm enhancement or enhancements must be added to the total
19 period of confinement for all offenses, regardless of which
20 underlying offense is subject to a firearm enhancement. If the
21 offender or an accomplice was armed with a firearm as defined in RCW
22 9.41.010 and the offender is being sentenced for an anticipatory
23 offense under chapter 9A.28 RCW to commit one of the crimes listed
24 in this subsection as eligible for any firearm enhancements, the
25 following additional times shall be added to the standard sentence
26 range determined under subsection (2) of this section based on the
27 felony crime of conviction as classified under RCW 9A.28.020:

28 (a) Five years for any felony defined under any law as a class A
29 felony or with a statutory maximum sentence of at least twenty
30 years, or both, and not covered under (f) of this subsection;

31 (b) Three years for any felony defined under any law as a class
32 B felony or with a statutory maximum sentence of ten years, or both,
33 and not covered under (f) of this subsection;

34

1 (c) Eighteen months for any felony defined under any law as a
2 class C felony or with a statutory maximum sentence of five years,
3 or both, and not covered under (f) of this subsection;

4 (d) If the offender is being sentenced for any firearm
5 enhancements under (a), (b), and/or (c) of this subsection and the
6 offender has previously been sentenced for any deadly weapon
7 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
8 subsection or subsection (4)(a), (b), and/or (c) of this section, or
9 both, all firearm enhancements under this subsection shall be twice
10 the amount of the enhancement listed;

11 (e) Notwithstanding any other provision of law, all firearm
12 enhancements under this section are mandatory, shall be served in
13 total confinement, and shall run consecutively to all other
14 sentencing provisions, including other firearm or deadly weapon
15 enhancements, for all offenses sentenced under this chapter.
16 However, whether or not a mandatory minimum term has expired, an
17 offender serving a sentence under this subsection may be:

18 (i) Granted an extraordinary medical placement when authorized
19 under RCW 9.94A.728(1)(c); or

20 (ii) Released under the provisions of RCW 9.94A.730;

21 (f) The firearm enhancements in this section shall apply to all
22 felony crimes except the following: Possession of a machine gun or
23 trigger modification device, possessing a stolen firearm, drive-by
24 shooting, theft of a firearm, unlawful possession of a firearm in
25 the first and second degree, and use of a machine gun or trigger
26 modification device in a felony;

27 (g) If the standard sentence range under this section exceeds
28 the statutory maximum sentence for the offense, the statutory
29 maximum sentence shall be the presumptive sentence unless the
30 offender is a persistent offender. If the addition of a firearm
31 enhancement increases the sentence so that it would exceed the
32 statutory maximum for the offense, the portion of the sentence
33 representing the enhancement may not be reduced.

34

1 (4) The following additional times shall be added to the
2 standard sentence range for felony crimes committed after July 23,
3 1995, if the offender or an accomplice was armed with a deadly
4 weapon other than a firearm as defined in RCW 9.41.010 and the
5 offender is being sentenced for one of the crimes listed in this
6 subsection as eligible for any deadly weapon enhancements based on
7 the classification of the completed felony crime. If the offender is
8 being sentenced for more than one offense, the deadly weapon
9 enhancement or enhancements must be added to the total period of
10 confinement for all offenses, regardless of which underlying offense
11 is subject to a deadly weapon enhancement. If the offender or an
12 accomplice was armed with a deadly weapon other than a firearm as
13 defined in RCW 9.41.010 and the offender is being sentenced for an
14 anticipatory offense under chapter 9A.28 RCW to commit one of the
15 crimes listed in this subsection as eligible for any deadly weapon
16 enhancements, the following additional times shall be added to the
17 standard sentence range determined under subsection (2) of this
18 section based on the felony crime of conviction as classified under
19 RCW 9A.28.020:

20 (a) Two years for any felony defined under any law as a class A
21 felony or with a statutory maximum sentence of at least twenty
22 years, or both, and not covered under (f) of this subsection;

23 (b) One year for any felony defined under any law as a class B
24 felony or with a statutory maximum sentence of ten years, or both,
25 and not covered under (f) of this subsection;

26 (c) Six months for any felony defined under any law as a class C
27 felony or with a statutory maximum sentence of five years, or both,
28 and not covered under (f) of this subsection;

29 (d) If the offender is being sentenced under (a), (b), and/or
30 (c) of this subsection for any deadly weapon enhancements and the
31 offender has previously been sentenced for any deadly weapon
32 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
33 subsection or subsection (3)(a), (b), and/or (c) of this section, or
34

1 both, all deadly weapon enhancements under this subsection shall be
2 twice the amount of the enhancement listed;

3 (e) Notwithstanding any other provision of law, all deadly
4 weapon enhancements under this section are mandatory, shall be
5 served in total confinement, and shall run consecutively to all
6 other sentencing provisions, including other firearm or deadly
7 weapon enhancements, for all offenses sentenced under this chapter.
8 However, whether or not a mandatory minimum term has expired, an
9 offender serving a sentence under this subsection may be:

10 (i) Granted an extraordinary medical placement when authorized
11 under RCW 9.94A.728(1)(c); or

12 (ii) Released under the provisions of RCW 9.94A.730;

13 (f) The deadly weapon enhancements in this section shall apply
14 to all felony crimes except the following: Possession of a machine
15 gun or trigger modification device, possessing a stolen firearm,
16 drive-by shooting, theft of a firearm, unlawful possession of a
17 firearm in the first and second degree, and use of a machine gun or
18 trigger modification device in a felony;

19 (g) If the standard sentence range under this section exceeds
20 the statutory maximum sentence for the offense, the statutory
21 maximum sentence shall be the presumptive sentence unless the
22 offender is a persistent offender. If the addition of a deadly
23 weapon enhancement increases the sentence so that it would exceed
24 the statutory maximum for the offense, the portion of the sentence
25 representing the enhancement may not be reduced.

26 (5) The following additional times shall be added to the
27 standard sentence range if the offender or an accomplice committed
28 the offense while in a county jail or state correctional facility
29 and the offender is being sentenced for one of the crimes listed in
30 this subsection. If the offender or an accomplice committed one of
31 the crimes listed in this subsection while in a county jail or state
32 correctional facility, and the offender is being sentenced for an
33 anticipatory offense under chapter 9A.28 RCW to commit one of the
34 crimes listed in this subsection, the following additional times

1 shall be added to the standard sentence range determined under
2 subsection (2) of this section:

3 (a) Eighteen months for offenses committed under RCW
4 69.50.401(2) (a) or (b) or 69.50.410;

5 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
6 (c), (d), or (e);

7 (c) Twelve months for offenses committed under RCW 69.50.4013.

8 For the purposes of this subsection, all of the real property of
9 a state correctional facility or county jail shall be deemed to be
10 part of that facility or county jail.

11 (6) An additional twenty-four months shall be added to the
12 standard sentence range for any ranked offense involving a violation
13 of chapter 69.50 RCW if the offense was also a violation of RCW
14 69.50.435 or 9.94A.827. All enhancements under this subsection shall
15 run consecutively to all other sentencing provisions, for all
16 offenses sentenced under this chapter.

17 (7) An additional two years shall be added to the standard
18 sentence range for vehicular homicide committed while under the
19 influence of intoxicating liquor or any drug as defined by RCW
20 46.61.502 for each prior offense as defined in RCW 46.61.5055.

21 Notwithstanding any other provision of law, all impaired driving
22 enhancements under this subsection are mandatory, shall be served in
23 total confinement, and shall run consecutively to all other
24 sentencing provisions, including other impaired driving
25 enhancements, for all offenses sentenced under this chapter.

26 An offender serving a sentence under this subsection may be
27 granted an extraordinary medical placement when authorized under RCW
28 9.94A.728(1)(c).

29 (8)(a) The following additional times shall be added to the
30 standard sentence range for felony crimes committed on or after July
31 1, 2006, if the offense was committed with sexual motivation, as
32 that term is defined in RCW 9.94A.030. If the offender is being
33 sentenced for more than one offense, the sexual motivation
34 enhancement must be added to the total period of total confinement

1 for all offenses, regardless of which underlying offense is subject
2 to a sexual motivation enhancement. If the offender committed the
3 offense with sexual motivation and the offender is being sentenced
4 for an anticipatory offense under chapter 9A.28 RCW, the following
5 additional times shall be added to the standard sentence range
6 determined under subsection (2) of this section based on the felony
7 crime of conviction as classified under RCW 9A.28.020:

8 (i) Two years for any felony defined under the law as a class A
9 felony or with a statutory maximum sentence of at least twenty
10 years, or both;

11 (ii) Eighteen months for any felony defined under any law as a
12 class B felony or with a statutory maximum sentence of ten years, or
13 both;

14 (iii) One year for any felony defined under any law as a class C
15 felony or with a statutory maximum sentence of five years, or both;

16 (iv) If the offender is being sentenced for any sexual
17 motivation enhancements under (a)(i), (ii), and/or (iii) of this
18 subsection and the offender has previously been sentenced for any
19 sexual motivation enhancements on or after July 1, 2006, under
20 (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation
21 enhancements under this subsection shall be twice the amount of the
22 enhancement listed;

23 (b) Notwithstanding any other provision of law, all sexual
24 motivation enhancements under this subsection are mandatory, shall
25 be served in total confinement, and shall run consecutively to all
26 other sentencing provisions, including other sexual motivation
27 enhancements, for all offenses sentenced under this chapter.

28 However, whether or not a mandatory minimum term has expired, an
29 offender serving a sentence under this subsection may be:

30 (i) Granted an extraordinary medical placement when authorized
31 under RCW 9.94A.728(1)(c); or

32 (ii) Released under the provisions of RCW 9.94A.730;

33 (c) The sexual motivation enhancements in this subsection apply
34 to all felony crimes;

1 (d) If the standard sentence range under this subsection exceeds
2 the statutory maximum sentence for the offense, the statutory
3 maximum sentence shall be the presumptive sentence unless the
4 offender is a persistent offender. If the addition of a sexual
5 motivation enhancement increases the sentence so that it would
6 exceed the statutory maximum for the offense, the portion of the
7 sentence representing the enhancement may not be reduced;

8 (e) The portion of the total confinement sentence which the
9 offender must serve under this subsection shall be calculated before
10 any earned early release time is credited to the offender;

11 (f) Nothing in this subsection prevents a sentencing court from
12 imposing a sentence outside the standard sentence range pursuant to
13 RCW 9.94A.535.

14 (9) An additional one-year enhancement shall be added to the
15 standard sentence range for the felony crimes of RCW 9A.44.073,
16 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed
17 on or after July 22, 2007, if the offender engaged, agreed, or
18 offered to engage the victim in the sexual conduct in return for a
19 fee. If the offender is being sentenced for more than one offense,
20 the one-year enhancement must be added to the total period of total
21 confinement for all offenses, regardless of which underlying offense
22 is subject to the enhancement. If the offender is being sentenced
23 for an anticipatory offense for the felony crimes of RCW 9A.44.073,
24 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
25 offender attempted, solicited another, or conspired to engage,
26 agree, or offer to engage the victim in the sexual conduct in return
27 for a fee, an additional one-year enhancement shall be added to the
28 standard sentence range determined under subsection (2) of this
29 section. For purposes of this subsection, "sexual conduct" means
30 sexual intercourse or sexual contact, both as defined in chapter
31 9A.44 RCW.

32 (10)(a) For a person age eighteen or older convicted of any
33 criminal street gang-related felony offense for which the person
34 compensated, threatened, or solicited a minor in order to involve

1 the minor in the commission of the felony offense, the standard
2 sentence range is determined by locating the sentencing grid
3 sentence range defined by the appropriate offender score and the
4 seriousness level of the completed crime, and multiplying the range
5 by one hundred twenty-five percent. If the standard sentence range
6 under this subsection exceeds the statutory maximum sentence for the
7 offense, the statutory maximum sentence is the presumptive sentence
8 unless the offender is a persistent offender.

9 (b) This subsection does not apply to any criminal street gang-
10 related felony offense for which involving a minor in the commission
11 of the felony offense is an element of the offense.

12 (c) The increased penalty specified in (a) of this subsection is
13 unavailable in the event that the prosecution gives notice that it
14 will seek an exceptional sentence based on an aggravating factor
15 under RCW 9.94A.535.

16 (11) An additional twelve months and one day shall be added to
17 the standard sentence range for a conviction of attempting to elude
18 a police vehicle as defined by RCW 46.61.024, if the conviction
19 included a finding by special allegation of endangering one or more
20 persons under RCW 9.94A.834.

21 (12) An additional twelve months shall be added to the standard
22 sentence range for an offense that is also a violation of RCW
23 9.94A.831.

24 (13) An additional twelve months shall be added to the standard
25 sentence range for vehicular homicide committed while under the
26 influence of intoxicating liquor or any drug as defined by RCW
27 46.61.520 or for vehicular assault committed while under the
28 influence of intoxicating liquor or any drug as defined by RCW
29 46.61.522, or for any felony driving under the influence (RCW
30 46.61.502(6)) or felony physical control under the influence (RCW
31 46.61.504(6)) for each child passenger under the age of sixteen who
32 is an occupant in the defendant's vehicle. These enhancements shall
33 be mandatory, shall be served in total confinement, and shall run
34 consecutively to all other sentencing provisions. If the addition of

1 a minor child enhancement increases the sentence so that it would
2 exceed the statutory maximum for the offense, the portion of the
3 sentence representing the enhancement may not be reduced.

4 (14) An additional twelve months shall be added to the standard
5 sentence range for an offense that is also a violation of RCW
6 9.94A.832.

7

8 **Sec. 9.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to
9 read as follows:

10 (1) If a respondent is found to have been in possession of a
11 firearm in violation of RCW 9.41.040(2)(a)(~~(iii)~~) (iv), the court
12 shall impose a minimum disposition of ten days of confinement. If
13 the offender's standard range of disposition for the offense as
14 indicated in RCW 13.40.0357 is more than thirty days of confinement,
15 the court shall commit the offender to the department for the
16 standard range disposition. The offender shall not be released until
17 the offender has served a minimum of ten days in confinement.

18 (2)(a) If a respondent is found to have been in possession of a
19 firearm in violation of RCW 9.41.040, the disposition must include a
20 requirement that the respondent participate in a qualifying program
21 as described in (b) of this subsection, when available, unless the
22 court makes a written finding based on the outcome of the juvenile
23 court risk assessment that participation in a qualifying program
24 would not be appropriate.

25 (b) For purposes of this section, "qualifying program" means an
26 aggression replacement training program, a functional family therapy
27 program, or another program applicable to the juvenile firearm
28 offender population that has been identified as evidence-based or
29 research-based and cost-beneficial in the current list prepared at
30 the direction of the legislature by the Washington state institute
31 for public policy.

32 (3) If the court finds that the respondent or an accomplice was
33 armed with a firearm, the court shall determine the standard range
34 disposition for the offense pursuant to RCW 13.40.160. If the

1 offender or an accomplice was armed with a firearm when the offender
2 committed any felony other than possession of a machine gun or
3 trigger modification device, possession of a stolen firearm, drive-
4 by shooting, theft of a firearm, unlawful possession of a firearm in
5 the first and second degree, or use of a machine gun or trigger
6 modification device in a felony, the following periods of total
7 confinement must be added to the sentence: For a class A felony, six
8 months; for a class B felony, four months; and for a class C felony,
9 two months. The additional time shall be imposed regardless of the
10 offense's juvenile disposition offense category as designated in RCW
11 13.40.0357.

12 (4) When a disposition under this section would effectuate a
13 manifest injustice, the court may impose another disposition. When a
14 judge finds a manifest injustice and imposes a disposition of
15 confinement exceeding thirty days, the court shall commit the
16 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
17 shall be used to determine the range. When a judge finds a manifest
18 injustice and imposes a disposition of confinement less than thirty
19 days, the disposition shall be comprised of confinement or community
20 supervision or both.

21 (5) Any term of confinement ordered pursuant to this section
22 shall run consecutively to any term of confinement imposed in the
23 same disposition for other offenses.

24

25 NEW SECTION. Sec. 10. (1) Sections 1 and 2 of this act take
26 effect July 1, 2018.

27 (2) Sections 3 through 9 of this act take effect July 1, 2019.

28

29 NEW SECTION. Sec. 11. Section 2 of this act expires July 1,
30 2019."

31

32 Correct the title.

EFFECT: Applies the criminal and sentencing provisions of
the bill to "trigger modification devices" rather than "bump-fire

stocks." Defines "trigger modification device" to mean any part, or combination of parts, designed or intended to accelerate the rate of fire of a firearm, but does not convert the firearm into a machine gun, including: (a) Any part, or combination of parts, designed or intended for use in modifying a firearm to use the recoil of the firearm to produce a rapid succession of trigger functions; or (b) any part, or combination of parts, designed or intended for use in modifying a firearm to produce multiple trigger functions through the use of an external mechanism.

--- END ---