

SHB 1240 - S AMD TO LAW COMM AMD (S-2726.1/23) 378
By Senator Rivers

NOT ADOPTED 04/08/2023

1 On page 14, after line 33, insert the following:

2 "NEW SECTION. **Sec. 5.** A new section is added to chapter 9.41
3 RCW to read as follows:

4 (1) It is unlawful for a person, in the commission or furtherance
5 of a felony, to discharge a stolen assault weapon or to menace or
6 threaten with a stolen assault weapon, another person.

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

9 **Sec. 6.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
10 read as follows:

11 TABLE 2

12 CRIMES INCLUDED WITHIN EACH
13 SERIOUSNESS LEVEL

14 XVI Aggravated Murder 1 (RCW 10.95.020)

15 Use of a Stolen Assault Weapon in
16 Commission of a Felony (section 5
17 of this act)

18 XV Homicide by abuse (RCW 9A.32.055)

19 Malicious explosion 1 (RCW
20 70.74.280(1))

21 Murder 1 (RCW 9A.32.030)

22 XIV Murder 2 (RCW 9A.32.050)

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

24 XIII Malicious explosion 2 (RCW
25 70.74.280(2))

26 Malicious placement of an explosive 1
27 (RCW 70.74.270(1))

28 XII Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)
2 Malicious placement of an imitation
3 device 1 (RCW 70.74.272(1)(a))
4 Promoting Commercial Sexual Abuse of
5 a Minor (RCW 9.68A.101)
6 Rape 1 (RCW 9A.44.040)
7 Rape of a Child 1 (RCW 9A.44.073)
8 Trafficking 2 (RCW 9A.40.100(3))
9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)
12 Vehicular Homicide, by being under the
13 influence of intoxicating liquor or
14 any drug (RCW 46.61.520)
15 Vehicular Homicide, by the operation of
16 any vehicle in a reckless manner
17 (RCW 46.61.520)
18 X Child Molestation 1 (RCW 9A.44.083)
19 Criminal Mistreatment 1 (RCW
20 9A.42.020)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape (RCW
30 9A.76.115)
31 IX Abandonment of Dependent Person 1
32 (RCW 9A.42.060)
33 Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)

1 Hit and Run—Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being under
4 the influence of intoxicating liquor
5 or any drug (RCW 79A.60.050)
6 Inciting Criminal Profiteering (RCW
7 9A.82.060(1)(b))
8 Malicious placement of an explosive 2
9 (RCW 70.74.270(2))
10 Robbery 1 (RCW 9A.56.200)
11 Sexual Exploitation (RCW 9.68A.040)
12 VIII Arson 1 (RCW 9A.48.020)
13 Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)
15 Homicide by Watercraft, by the
16 operation of any vessel in a reckless
17 manner (RCW 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Promoting Prostitution 1 (RCW
20 9A.88.070)
21 Theft of Ammonia (RCW 69.55.010)
22 VII Air bag diagnostic systems (causing
23 bodily injury or death) (RCW
24 46.37.660(2)(b))
25 Air bag replacement requirements
26 (causing bodily injury or death)
27 (RCW 46.37.660(1)(b))
28 Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 False Reporting 1 (RCW
2 9A.84.040(2)(a))
3 Homicide by Watercraft, by disregard
4 for the safety of others (RCW
5 79A.60.050)
6 Indecent Liberties (without forcible
7 compulsion) (RCW 9A.44.100(1)
8 (b) and (c))
9 Introducing Contraband 1 (RCW
10 9A.76.140)
11 Malicious placement of an explosive 3
12 (RCW 70.74.270(3))
13 Manufacture or import counterfeit,
14 nonfunctional, damaged, or
15 previously deployed air bag
16 (causing bodily injury or death)
17 (RCW 46.37.650(1)(b))
18 Negligently Causing Death By Use of a
19 Signal Preemption Device (RCW
20 46.37.675)
21 Sell, install, or reinstall counterfeit,
22 nonfunctional, damaged, or
23 previously deployed airbag (RCW
24 46.37.650(2)(b))
25 Sending, bringing into state depictions
26 of minor engaged in sexually
27 explicit conduct 1 (RCW
28 9.68A.060(1))
29 Unlawful Possession of a Firearm in the
30 first degree (RCW 9.41.040(1))
31 Use of a Machine Gun or Bump-fire
32 Stock in Commission of a Felony
33 (RCW 9.41.225)
34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Theft from a Vulnerable Adult 1 (RCW
16 9A.56.400(1))
17 Unlawful Storage of Ammonia (RCW
18 69.55.020)
19 V Abandonment of Dependent Person 2
20 (RCW 9A.42.070)
21 Advancing money or property for
22 extortionate extension of credit
23 (RCW 9A.82.030)
24 Air bag diagnostic systems (RCW
25 46.37.660(2)(c))
26 Air bag replacement requirements
27 (RCW 46.37.660(1)(c))
28 Bail Jumping with class A Felony
29 (RCW 9A.76.170(3)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 Criminal Mistreatment 2 (RCW
32 9A.42.030)
33 Custodial Sexual Misconduct 1 (RCW
34 9A.44.160)

1 Dealing in Depictions of Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.050(2))
4 Domestic Violence Court Order
5 Violation (RCW 7.105.450,
6 10.99.040, 10.99.050, 26.09.300,
7 26.10.220, 26.26B.050, 26.50.110,
8 26.52.070, or 74.34.145)
9 Extortion 1 (RCW 9A.56.120)
10 Extortionate Extension of Credit (RCW
11 9A.82.020)
12 Extortionate Means to Collect
13 Extensions of Credit (RCW
14 9A.82.040)
15 Incest 2 (RCW 9A.64.020(2))
16 Kidnapping 2 (RCW 9A.40.030)
17 Manufacture or import counterfeit,
18 nonfunctional, damaged, or
19 previously deployed air bag (RCW
20 46.37.650(1)(c))
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Possession of a Stolen Firearm (RCW
25 9A.56.310)
26 Rape 3 (RCW 9A.44.060)
27 Rendering Criminal Assistance 1 (RCW
28 9A.76.070)
29 Sell, install, or reinstall counterfeit,
30 nonfunctional, damaged, or
31 previously deployed airbag (RCW
32 46.37.650(2)(c))
33 Sending, Bringing into State Depictions
34 of Minor Engaged in Sexually
35 Explicit Conduct 2 (RCW
36 9.68A.060(2))

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault 3 (of a Peace Officer with a
11 Projectile Stun Gun) (RCW
12 9A.36.031(1)(h))
13 Assault 4 (third domestic violence
14 offense) (RCW 9A.36.041(3))
15 Assault by Watercraft (RCW
16 79A.60.060)
17 Bribing a Witness/Bribe Received by
18 Witness (RCW 9A.72.090,
19 9A.72.100)
20 Cheating 1 (RCW 9A.46.1961)
21 Commercial Bribery (RCW 9A.68.060)
22 Counterfeiting (RCW 9A.16.035(4))
23 Driving While Under the Influence
24 (RCW 46.61.502(6))
25 Endangerment with a Controlled
26 Substance (RCW 9A.42.100)
27 Escape 1 (RCW 9A.76.110)
28 Hate Crime (RCW 9A.36.080)
29 Hit and Run—Injury (RCW
30 46.52.020(4)(b))
31 Hit and Run with Vessel—Injury
32 Accident (RCW 79A.60.200(3))
33 Identity Theft 1 (RCW 9A.35.020(2))

1 Indecent Exposure to Person Under Age
2 14 (subsequent sex offense) (RCW
3 9A.88.010)
4 Influencing Outcome of Sporting Event
5 (RCW 9A.82.070)
6 Physical Control of a Vehicle While
7 Under the Influence (RCW
8 46.61.504(6))
9 Possession of Depictions of a Minor
10 Engaged in Sexually Explicit
11 Conduct 2 (RCW 9.68A.070(2))
12 Residential Burglary (RCW 9A.52.025)
13 Robbery 2 (RCW 9A.56.210)
14 Theft of Livestock 1 (RCW 9A.56.080)
15 Threats to Bomb (RCW 9.61.160)
16 Trafficking in Stolen Property 1 (RCW
17 9A.82.050)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(b))
21 Unlawful transaction of health coverage
22 as a health care service contractor
23 (RCW 48.44.016(3))
24 Unlawful transaction of health coverage
25 as a health maintenance
26 organization (RCW 48.46.033(3))
27 Unlawful transaction of insurance
28 business (RCW 48.15.023(3))
29 Unlicensed practice as an insurance
30 professional (RCW 48.17.063(2))
31 Use of Proceeds of Criminal
32 Profiteering (RCW 9A.82.080 (1)
33 and (2))
34 Vehicle Prowling 2 (third or subsequent
35 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyber Harassment (RCW
28 9A.90.120(2)(b))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 False Reporting 2 (RCW
32 9A.84.040(2)(b))

33 Harassment (RCW 9A.46.020)

34 Intimidating a Public Servant (RCW
35 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Manufacture of Untraceable Firearm
6 with Intent to Sell (RCW 9.41.190)
7 Manufacture or Assembly of an
8 Undetectable Firearm or
9 Untraceable Firearm (RCW
10 9.41.325)
11 Mortgage Fraud (RCW 19.144.080)
12 Negligently Causing Substantial Bodily
13 Harm By Use of a Signal
14 Preemption Device (RCW
15 46.37.674)
16 Organized Retail Theft 1 (RCW
17 9A.56.350(2))
18 Perjury 2 (RCW 9A.72.030)
19 Possession of Incendiary Device (RCW
20 9.40.120)
21 Possession of Machine Gun, Bump-Fire
22 Stock, Undetectable Firearm, or
23 Short-Barreled Shotgun or Rifle
24 (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Retail Theft with Special Circumstances
28 1 (RCW 9A.56.360(2))
29 Securities Act violation (RCW
30 21.20.400)
31 Tampering with a Witness (RCW
32 9A.72.120)
33 Telephone Harassment (subsequent
34 conviction or threat of death) (RCW
35 9.61.230(2))
36 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with the Intent to Resell 1 (RCW
2 9A.56.340(2))
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1 (RCW
6 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Fish or
10 Shellfish 1 (RCW 77.140.060(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 II Commercial Fishing Without a License
27 1 (RCW 77.15.500(3)(b))
28 Computer Trespass 1 (RCW 9A.90.040)
29 Counterfeiting (RCW 9.16.035(3))
30 Electronic Data Service Interference
31 (RCW 9A.90.060)
32 Electronic Data Tampering 1 (RCW
33 9A.90.080)
34 Electronic Data Theft (RCW 9A.90.100)
35 Engaging in Fish Dealing Activity
36 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 9A.48.070)
13 Organized Retail Theft 2 (RCW
14 9A.56.350(3))
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 Possession of a Stolen Vehicle (RCW
18 9A.56.068)
19 Retail Theft with Special Circumstances
20 2 (RCW 9A.56.360(3))
21 Scrap Processing, Recycling, or
22 Supplying Without a License
23 (second or subsequent offense)
24 (RCW 19.290.100)
25 Theft 1 (RCW 9A.56.030)
26 Theft of a Motor Vehicle (RCW
27 9A.56.065)
28 Theft of Rental, Leased, Lease-
29 purchased, or Loaned Property
30 (valued at \$5,000 or more) (RCW
31 9A.56.096(5)(a))
32 Theft with the Intent to Resell 2 (RCW
33 9A.56.340(3))
34 Trafficking in Insurance Claims (RCW
35 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Participation of Non-Indians
5 in Indian Fishery (RCW
6 77.15.570(2))
7 Unlawful Practice of Law (RCW
8 2.48.180)
9 Unlawful Purchase or Use of a License
10 (RCW 77.15.650(3)(b))
11 Unlawful Trafficking in Fish, Shellfish,
12 or Wildlife 2 (RCW
13 77.15.260(3)(a))
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism 1 (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW 9A.48.080)
26 Mineral Trespass (RCW 78.44.330)
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Reckless Burning 1 (RCW 9A.48.040)
30 Spotlighting Big Game 1 (RCW
31 77.15.450(3)(b))
32 Suspension of Department Privileges 1
33 (RCW 77.15.670(3)(b))
34 Taking Motor Vehicle Without
35 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)
2 Theft from a Vulnerable Adult 2 (RCW
3 9A.56.400(2))
4 Theft of Rental, Leased, Lease-
5 purchased, or Loaned Property
6 (valued at \$750 or more but less
7 than \$5,000) (RCW
8 9A.56.096(5)(b))
9 Transaction of insurance business
10 beyond the scope of licensure
11 (RCW 48.17.063)
12 Unlawful Fish and Shellfish Catch
13 Accounting (RCW 77.15.630(3)(b))
14 Unlawful Issuance of Checks or Drafts
15 (RCW 9A.56.060)
16 Unlawful Possession of Fictitious
17 Identification (RCW 9A.56.320)
18 Unlawful Possession of Instruments of
19 Financial Fraud (RCW 9A.56.320)
20 Unlawful Possession of Payment
21 Instruments (RCW 9A.56.320)
22 Unlawful Possession of a Personal
23 Identification Device (RCW
24 9A.56.320)
25 Unlawful Production of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Releasing, Planting,
28 Possessing, or Placing Deleterious
29 Exotic Wildlife (RCW
30 77.15.250(2)(b))
31 Unlawful Trafficking in Food Stamps
32 (RCW 9.91.142)
33 Unlawful Use of Food Stamps (RCW
34 9.91.144)
35 Unlawful Use of Net to Take Fish 1
36 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic
2 Animal Species (RCW
3 77.15.253(3))
4 Vehicle Prowl 1 (RCW 9A.52.095)
5 Violating Commercial Fishing Area or
6 Time 1 (RCW 77.15.550(3)(b))"

7 Renumber the remaining sections consecutively and correct any
8 internal references accordingly.

9 On page 15, line 6, after "insert" insert "amending RCW
10 9.94A.515;"

EFFECT: Creates the crime of use of a stolen assault weapon in
the commission of a felony. Each crime is a ranked class A felony.

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