

SHB 1240 - S AMD TO LAW COMM AMD (S-2726.1/23) **371**
By Senator L. Wilson

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 9A.56
3 RCW to read as follows:

4 (1) A person is guilty of theft of an assault weapon from a
5 residence, store, shop, sales outlet, or vehicle if he or she commits
6 a theft of any assault weapon from a residence, store, shop, or sales
7 outlet where firearms are sold, or from any vehicle.

8 (2) This section applies regardless of the value of the assault
9 weapon taken in the theft.

10 (3) Each assault weapon taken in the theft under this section is
11 a separate offense.

12 (4) (a) For the purposes of this section, "theft" has the same
13 meaning as defined in RCW 9A.56.020.

14 (b) The defense allowed against the prosecution for theft under
15 RCW 9A.56.020 shall apply to the crime of theft of a firearm.

16 (5) For the purposes of this section:

17 (a) "Assault weapon" means any assault weapon as defined in RCW
18 9.41.010.

19 (b) "Vehicle" means any vehicle as defined in RCW 46.04.670.

20 (6) Theft of an assault weapon from a residence, store, shop,
21 sales outlet, or vehicle is a class B felony.

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

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH
26 SERIOUSNESS LEVEL

27 XVI Aggravated Murder 1 (RCW 10.95.020)

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

29 Malicious explosion 1 (RCW
30 70.74.280(1))

1 Murder 1 (RCW 9A.32.030)
2 XIV Murder 2 (RCW 9A.32.050)
3 Trafficking 1 (RCW 9A.40.100(1))
4 XIII Malicious explosion 2 (RCW
5 70.74.280(2))
6 Malicious placement of an explosive 1
7 (RCW 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation
11 device 1 (RCW 70.74.272(1)(a))
12 Promoting Commercial Sexual Abuse of
13 a Minor (RCW 9.68A.101)
14 Rape 1 (RCW 9A.44.040)
15 Rape of a Child 1 (RCW 9A.44.073)
16 Trafficking 2 (RCW 9A.40.100(3))
17 XI Manslaughter 1 (RCW 9A.32.060)
18 Rape 2 (RCW 9A.44.050)
19 Rape of a Child 2 (RCW 9A.44.076)
20 Vehicular Homicide, by being under the
21 influence of intoxicating liquor or
22 any drug (RCW 46.61.520)
23 Vehicular Homicide, by the operation of
24 any vehicle in a reckless manner
25 (RCW 46.61.520)
26 X Child Molestation 1 (RCW 9A.44.083)
27 Criminal Mistreatment 1 (RCW
28 9A.42.020)
29 Indecent Liberties (with forcible
30 compulsion) (RCW
31 9A.44.100(1)(a))
32 Kidnapping 1 (RCW 9A.40.020)
33 Leading Organized Crime (RCW
34 9A.82.060(1)(a))

1 Malicious explosion 3 (RCW
2 70.74.280(3))
3 Sexually Violent Predator Escape (RCW
4 9A.76.115)
5 IX Abandonment of Dependent Person 1
6 (RCW 9A.42.060)
7 Assault of a Child 2 (RCW 9A.36.130)
8 Explosive devices prohibited (RCW
9 70.74.180)
10 Hit and Run—Death (RCW
11 46.52.020(4)(a))
12 Homicide by Watercraft, by being under
13 the influence of intoxicating liquor
14 or any drug (RCW 79A.60.050)
15 Inciting Criminal Profiteering (RCW
16 9A.82.060(1)(b))
17 Malicious placement of an explosive 2
18 (RCW 70.74.270(2))
19 Robbery 1 (RCW 9A.56.200)
20 Sexual Exploitation (RCW 9.68A.040)
21 VIII Arson 1 (RCW 9A.48.020)
22 Commercial Sexual Abuse of a Minor
23 (RCW 9.68A.100)
24 Homicide by Watercraft, by the
25 operation of any vessel in a reckless
26 manner (RCW 79A.60.050)
27 Manslaughter 2 (RCW 9A.32.070)
28 Promoting Prostitution 1 (RCW
29 9A.88.070)
30 Theft of Ammonia (RCW 69.55.010)
31 VII Air bag diagnostic systems (causing
32 bodily injury or death) (RCW
33 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))
11 Drive-by Shooting (RCW 9A.36.045)
12 False Reporting 1 (RCW
13 9A.84.040(2)(a))
14 Homicide by Watercraft, by disregard
15 for the safety of others (RCW
16 79A.60.050)
17 Indecent Liberties (without forcible
18 compulsion) (RCW 9A.44.100(1)
19 (b) and (c))
20 Introducing Contraband 1 (RCW
21 9A.76.140)
22 Malicious placement of an explosive 3
23 (RCW 70.74.270(3))
24 Manufacture or import counterfeit,
25 nonfunctional, damaged, or
26 previously deployed air bag
27 (causing bodily injury or death)
28 (RCW 46.37.650(1)(b))
29 Negligently Causing Death By Use of a
30 Signal Preemption Device (RCW
31 46.37.675)
32 Sell, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 46.37.650(2)(b))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct 1 (RCW
4 9.68A.060(1))
5 Theft of an assault weapon from a
6 residence, store, shop, sales outlet,
7 or vehicle (section 5 of this act)
8 Unlawful Possession of a Firearm in the
9 first degree (RCW 9.41.040(1))
10 Use of a Machine Gun or Bump-fire
11 Stock in Commission of a Felony
12 (RCW 9.41.225)
13 Vehicular Homicide, by disregard for
14 the safety of others (RCW
15 46.61.520)
16 VI Bail Jumping with Murder 1 (RCW
17 9A.76.170(3)(a))
18 Bribery (RCW 9A.68.010)
19 Incest 1 (RCW 9A.64.020(1))
20 Intimidating a Judge (RCW 9A.72.160)
21 Intimidating a Juror/Witness (RCW
22 9A.72.110, 9A.72.130)
23 Malicious placement of an imitation
24 device 2 (RCW 70.74.272(1)(b))
25 Possession of Depictions of a Minor
26 Engaged in Sexually Explicit
27 Conduct 1 (RCW 9.68A.070(1))
28 Rape of a Child 3 (RCW 9A.44.079)
29 Theft of a Firearm (RCW 9A.56.300)
30 Theft from a Vulnerable Adult 1 (RCW
31 9A.56.400(1))
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of Dependent Person 2
35 (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 7.105.450,
20 10.99.040, 10.99.050, 26.09.300,
21 26.10.220, 26.26B.050, 26.50.110,
22 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 Extensions of Credit (RCW
28 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 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 14 (subsequent sex offense) (RCW
15 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 Cyber Harassment (RCW
5 9A.90.120(2)(b))
6 Escape 2 (RCW 9A.76.120)
7 Extortion 2 (RCW 9A.56.130)
8 False Reporting 2 (RCW
9 9A.84.040(2)(b))
10 Harassment (RCW 9A.46.020)
11 Intimidating a Public Servant (RCW
12 9A.76.180)
13 Introducing Contraband 2 (RCW
14 9A.76.150)
15 Malicious Injury to Railroad Property
16 (RCW 81.60.070)
17 Manufacture of Untraceable Firearm
18 with Intent to Sell (RCW 9.41.190)
19 Manufacture or Assembly of an
20 Undetectable Firearm or
21 Untraceable Firearm (RCW
22 9.41.325)
23 Mortgage Fraud (RCW 19.144.080)
24 Negligently Causing Substantial Bodily
25 Harm By Use of a Signal
26 Preemption Device (RCW
27 46.37.674)
28 Organized Retail Theft 1 (RCW
29 9A.56.350(2))
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun, Bump-Fire
34 Stock, Undetectable Firearm, or
35 Short-Barreled Shotgun or Rifle
36 (RCW 9.41.190)

1 Promoting Prostitution 2 (RCW
2 9A.88.080)
3 Retail Theft with Special Circumstances
4 1 (RCW 9A.56.360(2))
5 Securities Act violation (RCW
6 21.20.400)
7 Tampering with a Witness (RCW
8 9A.72.120)
9 Telephone Harassment (subsequent
10 conviction or threat of death) (RCW
11 9.61.230(2))
12 Theft of Livestock 2 (RCW 9A.56.083)
13 Theft with the Intent to Resell 1 (RCW
14 9A.56.340(2))
15 Trafficking in Stolen Property 2 (RCW
16 9A.82.055)
17 Unlawful Hunting of Big Game 1 (RCW
18 77.15.410(3)(b))
19 Unlawful Imprisonment (RCW
20 9A.40.040)
21 Unlawful Misbranding of Fish or
22 Shellfish 1 (RCW 77.140.060(3))
23 Unlawful possession of firearm in the
24 second degree (RCW 9.41.040(2))
25 Unlawful Taking of Endangered Fish or
26 Wildlife 1 (RCW 77.15.120(3)(b))
27 Unlawful Trafficking in Fish, Shellfish,
28 or Wildlife 1 (RCW
29 77.15.260(3)(b))
30 Unlawful Use of a Nondesignated
31 Vessel (RCW 77.15.530(4))
32 Vehicular Assault, by the operation or
33 driving of a vehicle with disregard
34 for the safety of others (RCW
35 46.61.522)

1 Willful Failure to Return from Work
2 Release (RCW 72.65.070)
3 II Commercial Fishing Without a License
4 1 (RCW 77.15.500(3)(b))
5 Computer Trespass 1 (RCW 9A.90.040)
6 Counterfeiting (RCW 9.16.035(3))
7 Electronic Data Service Interference
8 (RCW 9A.90.060)
9 Electronic Data Tampering 1 (RCW
10 9A.90.080)
11 Electronic Data Theft (RCW 9A.90.100)
12 Engaging in Fish Dealing Activity
13 Unlicensed 1 (RCW 77.15.620(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.130 prior to June 10,
19 2010, and RCW 9A.44.132)
20 Health Care False Claims (RCW
21 48.80.030)
22 Identity Theft 2 (RCW 9.35.020(3))
23 Improperly Obtaining Financial
24 Information (RCW 9.35.010)
25 Malicious Mischief 1 (RCW 9A.48.070)
26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Possession of a Stolen Vehicle (RCW
31 9A.56.068)
32 Retail Theft with Special Circumstances
33 2 (RCW 9A.56.360(3))

1 Scrap Processing, Recycling, or
2 Supplying Without a License
3 (second or subsequent offense)
4 (RCW 19.290.100)
5 Theft 1 (RCW 9A.56.030)
6 Theft of a Motor Vehicle (RCW
7 9A.56.065)
8 Theft of Rental, Leased, Lease-
9 purchased, or Loaned Property
10 (valued at \$5,000 or more) (RCW
11 9A.56.096(5)(a))
12 Theft with the Intent to Resell 2 (RCW
13 9A.56.340(3))
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlawful factoring of a credit card or
17 payment card transaction (RCW
18 9A.56.290(4)(a))
19 Unlawful Participation of Non-Indians
20 in Indian Fishery (RCW
21 77.15.570(2))
22 Unlawful Practice of Law (RCW
23 2.48.180)
24 Unlawful Purchase or Use of a License
25 (RCW 77.15.650(3)(b))
26 Unlawful Trafficking in Fish, Shellfish,
27 or Wildlife 2 (RCW
28 77.15.260(3)(a))
29 Unlicensed Practice of a Profession or
30 Business (RCW 18.130.190(7))
31 Voyeurism 1 (RCW 9A.44.115)
32 I Attempting to Elude a Pursuing Police
33 Vehicle (RCW 46.61.024)
34 False Verification for Welfare (RCW
35 74.08.055)
36 Forgery (RCW 9A.60.020)

1 Fraudulent Creation or Revocation of a
2 Mental Health Advance Directive
3 (RCW 9A.60.060)
4 Malicious Mischief 2 (RCW 9A.48.080)
5 Mineral Trespass (RCW 78.44.330)
6 Possession of Stolen Property 2 (RCW
7 9A.56.160)
8 Reckless Burning 1 (RCW 9A.48.040)
9 Spotlighting Big Game 1 (RCW
10 77.15.450(3)(b))
11 Suspension of Department Privileges 1
12 (RCW 77.15.670(3)(b))
13 Taking Motor Vehicle Without
14 Permission 2 (RCW 9A.56.075)
15 Theft 2 (RCW 9A.56.040)
16 Theft from a Vulnerable Adult 2 (RCW
17 9A.56.400(2))
18 Theft of Rental, Leased, Lease-
19 purchased, or Loaned Property
20 (valued at \$750 or more but less
21 than \$5,000) (RCW
22 9A.56.096(5)(b))
23 Transaction of insurance business
24 beyond the scope of licensure
25 (RCW 48.17.063)
26 Unlawful Fish and Shellfish Catch
27 Accounting (RCW 77.15.630(3)(b))
28 Unlawful Issuance of Checks or Drafts
29 (RCW 9A.56.060)
30 Unlawful Possession of Fictitious
31 Identification (RCW 9A.56.320)
32 Unlawful Possession of Instruments of
33 Financial Fraud (RCW 9A.56.320)
34 Unlawful Possession of Payment
35 Instruments (RCW 9A.56.320)

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

22 **Sec. 7.** RCW 9.94A.589 and 2020 c 276 s 1 are each amended to
23 read as follows:

24 (1) (a) Except as provided in (b), (c), or (d) of this subsection,
25 whenever a person is to be sentenced for two or more current
26 offenses, the sentence range for each current offense shall be
27 determined by using all other current and prior convictions as if
28 they were prior convictions for the purpose of the offender score:
29 PROVIDED, That if the court enters a finding that some or all of the
30 current offenses encompass the same criminal conduct then those
31 current offenses shall be counted as one crime. Sentences imposed
32 under this subsection shall be served concurrently. Consecutive
33 sentences may only be imposed under the exceptional sentence
34 provisions of RCW 9.94A.535. "Same criminal conduct," as used in this
35 subsection, means two or more crimes that require the same criminal
36 intent, are committed at the same time and place, and involve the
37 same victim. This definition applies in cases involving vehicular

1 assault or vehicular homicide even if the victims occupied the same
2 vehicle.

3 (b) Whenever a person is convicted of two or more serious violent
4 offenses arising from separate and distinct criminal conduct, the
5 standard sentence range for the offense with the highest seriousness
6 level under RCW 9.94A.515 shall be determined using the offender's
7 prior convictions and other current convictions that are not serious
8 violent offenses in the offender score and the standard sentence
9 range for other serious violent offenses shall be determined by using
10 an offender score of zero. The standard sentence range for any
11 offenses that are not serious violent offenses shall be determined
12 according to (a) of this subsection. All sentences imposed under this
13 subsection (1)(b) shall be served consecutively to each other and
14 concurrently with sentences imposed under (a) of this subsection.
15 Even if the court orders the confinement terms to run consecutively
16 to each other, the terms of community custody shall run concurrently
17 to each other, unless the court expressly orders the community
18 custody terms to run consecutively to each other.

19 (c) If an offender is convicted under RCW 9.41.040 for unlawful
20 possession of a firearm in the first or second degree and for ~~((the))~~
21 one or more of the following felony crimes ~~((of theft))~~: (i) Theft of
22 a firearm; or (ii) theft of an assault weapon from a residence,
23 store, shop, sales outlet, or vehicle (section 5 of this act); or
24 (iii) possession of a stolen firearm, ((or both,)) the standard
25 sentence range for each of these current offenses shall be determined
26 by using all other current and prior convictions, except other
27 current convictions for the felony crimes listed in this subsection
28 (1)(c), as if they were prior convictions. The offender shall serve
29 consecutive sentences for each conviction of the felony crimes listed
30 in this subsection (1)(c), and for each firearm unlawfully possessed.

31 (d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6),
32 or 46.61.5055(4) shall be served consecutively to any sentences
33 imposed under RCW 46.20.740 and 46.20.750.

34 (2)(a) Whenever a person while under sentence for conviction of a
35 felony commits another felony and is sentenced to another term of
36 confinement, the latter term of confinement shall not begin until
37 expiration of all prior terms of confinement. However, any terms of
38 community custody shall run concurrently to each other, unless the
39 court pronouncing the current sentence expressly orders that they be
40 served consecutively.

1 (b) Whenever a second or later felony conviction results in
2 consecutive community custody with conditions not currently in
3 effect, under the prior sentence or sentences of community custody,
4 the court may require that the conditions of community custody
5 contained in the second or later sentence begin during the immediate
6 term of community custody and continue throughout the duration of the
7 consecutive term of community custody.

8 (3) Subject to subsections (1) and (2) of this section, whenever
9 a person is sentenced for a felony that was committed while the
10 person was not under sentence for conviction of a felony, the
11 sentence shall run concurrently with any felony sentence which has
12 been imposed by any court in this or another state or by a federal
13 court subsequent to the commission of the crime being sentenced
14 unless the court pronouncing the current sentence expressly orders
15 that the confinement terms be served consecutively to each other.
16 Even if the court orders the confinement terms to run consecutively
17 to each other, the terms of community custody shall run concurrently
18 to each other, unless the court expressly orders the community
19 custody terms to run consecutively to each other.

20 (4) Whenever any person granted probation under RCW 9.95.210 or
21 9.92.060, or both, has the probationary sentence revoked and a prison
22 sentence imposed, that sentence shall run consecutively to any
23 sentence imposed pursuant to this chapter, unless the court
24 pronouncing the subsequent sentence expressly orders that they be
25 served concurrently.

26 (5) In the case of consecutive sentences, all periods of total
27 confinement shall be served before any partial confinement, community
28 restitution, community supervision, or any other requirement or
29 conditions of any of the sentences. Except for exceptional sentences
30 as authorized under RCW 9.94A.535, if two or more sentences that run
31 consecutively include periods of community supervision, the aggregate
32 of the community supervision period shall not exceed twenty-four
33 months."

34 Renumber the remaining sections consecutively and correct any
35 internal references accordingly.

NOT ADOPTED 04/08/2023

1 On page 15, line 6, after "insert" insert "amending RCW 9.94A.515
2 and 9.94A.589;"

3 On page 15, line 7, after "RCW;" insert "adding a new section to
4 chapter 9A.56 RCW;"

EFFECT: Creates the crime of theft of an assault weapon. Each assault weapon taken in theft is a separate offense. Each crime is a ranked class B felony, and the offender shall serve consecutive sentences for each conviction.

--- END ---