

HOUSE BILL 1770

State of Washington

68th Legislature

2023 Regular Session

By Representatives Cheney, Chapman, Hutchins, Walsh, Waters, Sandlin, Volz, McClintock, Connors, Corry, Low, Dent, Goehner, Christian, and Schmidt

Read first time 02/06/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to increasing the seriousness level of the crime
2 of unlawful possession of a firearm; and amending RCW 9.94A.515.

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

4 **Sec. 1.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
5 read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH
8 SERIOUSNESS LEVEL

9 XVI Aggravated Murder 1 (RCW 10.95.020)

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

11 Malicious explosion 1 (RCW
12 70.74.280(1))

13 Murder 1 (RCW 9A.32.030)

14 XIV Murder 2 (RCW 9A.32.050)

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

16 XIII Malicious explosion 2 (RCW
17 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Promoting Commercial Sexual Abuse of
8 a Minor (RCW 9.68A.101)
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(3))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)
18 Vehicular Homicide, by the operation of
19 any vehicle in a reckless manner
20 (RCW 46.61.520)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Criminal Mistreatment 1 (RCW
23 9A.42.020)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape (RCW
33 9A.76.115)
34 IX Abandonment of Dependent Person 1
35 (RCW 9A.42.060)

1 Assault of a Child 2 (RCW 9A.36.130)
2 Explosive devices prohibited (RCW
3 70.74.180)
4 Hit and Run—Death (RCW
5 46.52.020(4)(a))
6 Homicide by Watercraft, by being under
7 the influence of intoxicating liquor
8 or any drug (RCW 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 VIII Arson 1 (RCW 9A.48.020)
16 Commercial Sexual Abuse of a Minor
17 (RCW 9.68A.100)
18 Homicide by Watercraft, by the
19 operation of any vessel in a reckless
20 manner (RCW 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 Unlawful Possession of a Firearm in the
26 first degree (RCW 9.41.040(1))
27 VII Air bag diagnostic systems (causing
28 bodily injury or death) (RCW
29 46.37.660(2)(b))
30 Air bag replacement requirements
31 (causing bodily injury or death)
32 (RCW 46.37.660(1)(b))
33 Burglary 1 (RCW 9A.52.020)
34 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)
3 Dealing in depictions of minor engaged
4 in sexually explicit conduct 1
5 (RCW 9.68A.050(1))
6 Drive-by Shooting (RCW 9A.36.045)
7 False Reporting 1 (RCW
8 9A.84.040(2)(a))
9 Homicide by Watercraft, by disregard
10 for the safety of others (RCW
11 79A.60.050)
12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1)
14 (b) and (c))
15 Introducing Contraband 1 (RCW
16 9A.76.140)
17 Malicious placement of an explosive 3
18 (RCW 70.74.270(3))
19 Manufacture or import counterfeit,
20 nonfunctional, damaged, or
21 previously deployed air bag
22 (causing bodily injury or death)
23 (RCW 46.37.650(1)(b))
24 Negligently Causing Death By Use of a
25 Signal Preemption Device (RCW
26 46.37.675)
27 Sell, install, or reinstall counterfeit,
28 nonfunctional, damaged, or
29 previously deployed airbag (RCW
30 46.37.650(2)(b))
31 Sending, bringing into state depictions
32 of minor engaged in sexually
33 explicit conduct 1 (RCW
34 9.68A.060(1))
35 ~~((Unlawful Possession of a Firearm in
36 the first degree (RCW
37 9.41.040(1))))~~

1 Use of a Machine Gun or Bump-fire
2 Stock in Commission of a Felony
3 (RCW 9A.41.225)
4 Vehicular Homicide, by disregard for
5 the safety of others (RCW
6 46.61.520)
7 VI Bail Jumping with Murder 1 (RCW
8 9A.76.170(3)(a))
9 Bribery (RCW 9A.68.010)
10 Incest 1 (RCW 9A.64.020(1))
11 Intimidating a Judge (RCW 9A.72.160)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Malicious placement of an imitation
15 device 2 (RCW 70.74.272(1)(b))
16 Possession of Depictions of a Minor
17 Engaged in Sexually Explicit
18 Conduct 1 (RCW 9.68A.070(1))
19 Rape of a Child 3 (RCW 9A.44.079)
20 Theft of a Firearm (RCW 9A.56.300)
21 Theft from a Vulnerable Adult 1 (RCW
22 9A.56.400(1))
23 Unlawful Storage of Ammonia (RCW
24 69.55.020)
25 V Abandonment of Dependent Person 2
26 (RCW 9A.42.070)
27 Advancing money or property for
28 extortionate extension of credit
29 (RCW 9A.82.030)
30 Air bag diagnostic systems (RCW
31 46.37.660(2)(c))
32 Air bag replacement requirements
33 (RCW 46.37.660(1)(c))
34 Bail Jumping with class A Felony
35 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)
2 Criminal Mistreatment 2 (RCW
3 9A.42.030)
4 Custodial Sexual Misconduct 1 (RCW
5 9A.44.160)
6 Dealing in Depictions of Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.050(2))
9 Domestic Violence Court Order
10 Violation (RCW 7.105.450,
11 10.99.040, 10.99.050, 26.09.300,
12 26.10.220, 26.26B.050, 26.50.110,
13 26.52.070, or 74.34.145)
14 Extortion 1 (RCW 9A.56.120)
15 Extortionate Extension of Credit (RCW
16 9A.82.020)
17 Extortionate Means to Collect
18 Extensions of Credit (RCW
19 9A.82.040)
20 Incest 2 (RCW 9A.64.020(2))
21 Kidnapping 2 (RCW 9A.40.030)
22 Manufacture or import counterfeit,
23 nonfunctional, damaged, or
24 previously deployed air bag (RCW
25 46.37.650(1)(c))
26 Perjury 1 (RCW 9A.72.020)
27 Persistent prison misbehavior (RCW
28 9.94.070)
29 Possession of a Stolen Firearm (RCW
30 9A.56.310)
31 Rape 3 (RCW 9A.44.060)
32 Rendering Criminal Assistance 1 (RCW
33 9A.76.070)

1 Sell, install, or reinstall counterfeit,
2 nonfunctional, damaged, or
3 previously deployed airbag (RCW
4 46.37.650(2)(c))
5 Sending, Bringing into State Depictions
6 of Minor Engaged in Sexually
7 Explicit Conduct 2 (RCW
8 9.68A.060(2))
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Arson 2 (RCW 9A.48.030)
17 Assault 2 (RCW 9A.36.021)
18 Assault 3 (of a Peace Officer with a
19 Projectile Stun Gun) (RCW
20 9A.36.031(1)(h))
21 Assault 4 (third domestic violence
22 offense) (RCW 9A.36.041(3))
23 Assault by Watercraft (RCW
24 79A.60.060)
25 Bribing a Witness/Bribe Received by
26 Witness (RCW 9A.72.090,
27 9A.72.100)
28 Cheating 1 (RCW 9.46.1961)
29 Commercial Bribery (RCW 9A.68.060)
30 Counterfeiting (RCW 9.16.035(4))
31 Driving While Under the Influence
32 (RCW 46.61.502(6))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)

1 Hate Crime (RCW 9A.36.080)
2 Hit and Run—Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel—Injury
5 Accident (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2))
7 Indecent Exposure to Person Under Age
8 14 (subsequent sex offense) (RCW
9 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Physical Control of a Vehicle While
13 Under the Influence (RCW
14 46.61.504(6))
15 Possession of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.070(2))
18 Residential Burglary (RCW 9A.52.025)
19 Robbery 2 (RCW 9A.56.210)
20 Theft of Livestock 1 (RCW 9A.56.080)
21 Threats to Bomb (RCW 9.61.160)
22 Trafficking in Stolen Property 1 (RCW
23 9A.82.050)
24 Unlawful factoring of a credit card or
25 payment card transaction (RCW
26 9A.56.290(4)(b))
27 Unlawful Possession of a Firearm in the
28 second degree (RCW 9.41.040(2))
29 Unlawful transaction of health coverage
30 as a health care service contractor
31 (RCW 48.44.016(3))
32 Unlawful transaction of health coverage
33 as a health maintenance
34 organization (RCW 48.46.033(3))
35 Unlawful transaction of insurance
36 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(2))
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicle Prowling 2 (third or subsequent
7 offense) (RCW 9A.52.100(3))
8 Vehicular Assault, by being under the
9 influence of intoxicating liquor or
10 any drug, or by the operation or
11 driving of a vehicle in a reckless
12 manner (RCW 46.61.522)
13 Viewing of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.075(1))
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)
18 III Animal Cruelty 1 (Sexual Conduct or
19 Contact) (RCW 16.52.205(3))
20 Assault 3 (Except Assault 3 of a Peace
21 Officer With a Projectile Stun Gun)
22 (RCW 9A.36.031 except subsection
23 (1)(h))
24 Assault of a Child 3 (RCW 9A.36.140)
25 Bail Jumping with class B or C Felony
26 (RCW 9A.76.170(3)(c))
27 Burglary 2 (RCW 9A.52.030)
28 Communication with a Minor for
29 Immoral Purposes (RCW
30 9.68A.090)
31 Criminal Gang Intimidation (RCW
32 9A.46.120)
33 Custodial Assault (RCW 9A.36.100)
34 Cyber Harassment (RCW
35 9A.90.120(2)(b))
36 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)
2 False Reporting 2 (RCW
3 9A.84.040(2)(b))
4 Harassment (RCW 9A.46.020)
5 Intimidating a Public Servant (RCW
6 9A.76.180)
7 Introducing Contraband 2 (RCW
8 9A.76.150)
9 Malicious Injury to Railroad Property
10 (RCW 81.60.070)
11 Manufacture of Untraceable Firearm
12 with Intent to Sell (RCW 9.41.190)
13 Manufacture or Assembly of an
14 Undetectable Firearm or
15 Untraceable Firearm (RCW
16 9.41.325)
17 Mortgage Fraud (RCW 19.144.080)
18 Negligently Causing Substantial Bodily
19 Harm By Use of a Signal
20 Preemption Device (RCW
21 46.37.674)
22 Organized Retail Theft 1 (RCW
23 9A.56.350(2))
24 Perjury 2 (RCW 9A.72.030)
25 Possession of Incendiary Device (RCW
26 9.40.120)
27 Possession of Machine Gun, Bump-Fire
28 Stock, Undetectable Firearm, or
29 Short-Barreled Shotgun or Rifle
30 (RCW 9.41.190)
31 Promoting Prostitution 2 (RCW
32 9A.88.080)
33 Retail Theft with Special Circumstances
34 1 (RCW 9A.56.360(2))
35 Securities Act violation (RCW
36 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death) (RCW
5 9.61.230(2))
6 Theft of Livestock 2 (RCW 9A.56.083)
7 Theft with the Intent to Resell 1 (RCW
8 9A.56.340(2))
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1 (RCW
12 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Fish or
16 Shellfish 1 (RCW 77.140.060(3))
17 ~~((Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))))~~
19 Unlawful Taking of Endangered Fish or
20 Wildlife 1 (RCW 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 Willful Failure to Return from Work
31 Release (RCW 72.65.070)
32 II Commercial Fishing Without a License
33 1 (RCW 77.15.500(3)(b))
34 Computer Trespass 1 (RCW 9A.90.040)
35 Counterfeiting (RCW 9.16.035(3))

1 Electronic Data Service Interference
2 (RCW 9A.90.060)
3 Electronic Data Tampering 1 (RCW
4 9A.90.080)
5 Electronic Data Theft (RCW 9A.90.100)
6 Engaging in Fish Dealing Activity
7 Unlicensed 1 (RCW 77.15.620(3))
8 Escape from Community Custody
9 (RCW 72.09.310)
10 Failure to Register as a Sex Offender
11 (second or subsequent offense)
12 (RCW 9A.44.130 prior to June 10,
13 2010, and RCW 9A.44.132)
14 Health Care False Claims (RCW
15 48.80.030)
16 Identity Theft 2 (RCW 9.35.020(3))
17 Improperly Obtaining Financial
18 Information (RCW 9.35.010)
19 Malicious Mischief 1 (RCW 9A.48.070)
20 Organized Retail Theft 2 (RCW
21 9A.56.350(3))
22 Possession of Stolen Property 1 (RCW
23 9A.56.150)
24 Possession of a Stolen Vehicle (RCW
25 9A.56.068)
26 Retail Theft with Special Circumstances
27 2 (RCW 9A.56.360(3))
28 Scrap Processing, Recycling, or
29 Supplying Without a License
30 (second or subsequent offense)
31 (RCW 19.290.100)
32 Theft 1 (RCW 9A.56.030)
33 Theft of a Motor Vehicle (RCW
34 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$5,000 or more) (RCW
4 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW 9A.48.080)
34 Mineral Trespass (RCW 78.44.330)
35 Possession of Stolen Property 2 (RCW
36 9A.56.160)

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

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

--- **END** ---