

**SB 5992 - S AMD 372**  
By Senator Zeiger

ADOPTED 01/25/2018

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

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

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

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

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

19 (3) "Bump-fire stock" means a butt stock designed to be attached  
20 to a semiautomatic firearm with the effect of increasing the rate of  
21 fire achievable with the semiautomatic firearm to that of a fully  
22 automatic firearm by using the energy from the recoil of the firearm  
23 to generate reciprocating action that facilitates repeated activation  
24 of the trigger.

25 (4) "Crime of violence" means:

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

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

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

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

10 ~~((4))~~ (5) "Curio or relic" has the same meaning as provided in  
11 27 C.F.R. Sec. 478.11.

12 ~~((5))~~ (6) "Dealer" means a person engaged in the business of  
13 selling firearms at wholesale or retail who has, or is required to  
14 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A  
15 person who does not have, and is not required to have, a federal  
16 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that  
17 person makes only occasional sales, exchanges, or purchases of  
18 firearms for the enhancement of a personal collection or for a hobby,  
19 or sells all or part of his or her personal collection of firearms.

20 ~~((6))~~ (7) "Family or household member" means "family" or  
21 "household member" as used in RCW 10.99.020.

22 ~~((7))~~ (8) "Felony" means any felony offense under the laws of  
23 this state or any federal or out-of-state offense comparable to a  
24 felony offense under the laws of this state.

25 ~~((8))~~ (9) "Felony firearm offender" means a person who has  
26 previously been convicted or found not guilty by reason of insanity  
27 in this state of any felony firearm offense. A person is not a felony  
28 firearm offender under this chapter if any and all qualifying  
29 offenses have been the subject of an expungement, pardon, annulment,  
30 certificate, or rehabilitation, or other equivalent procedure based  
31 on a finding of the rehabilitation of the person convicted or a  
32 pardon, annulment, or other equivalent procedure based on a finding  
33 of innocence.

34 ~~((9))~~ (10) "Felony firearm offense" means:

- 35 (a) Any felony offense that is a violation of this chapter;
- 36 (b) A violation of RCW 9A.36.045;
- 37 (c) A violation of RCW 9A.56.300;
- 38 (d) A violation of RCW 9A.56.310;
- 39 (e) Any felony offense if the offender was armed with a firearm  
40 in the commission of the offense.

1       (~~(10)~~) (11) "Firearm" means a weapon or device from which a  
2 projectile or projectiles may be fired by an explosive such as  
3 gunpowder. "Firearm" does not include a flare gun or other  
4 pyrotechnic visual distress signaling device, or a powder-actuated  
5 tool or other device designed solely to be used for construction  
6 purposes.

7       (~~(11)~~) (12) "Gun" has the same meaning as firearm.

8       (~~(12)~~) (13) "Law enforcement officer" includes a general  
9 authority Washington peace officer as defined in RCW 10.93.020, or a  
10 specially commissioned Washington peace officer as defined in RCW  
11 10.93.020. "Law enforcement officer" also includes a limited  
12 authority Washington peace officer as defined in RCW 10.93.020 if  
13 such officer is duly authorized by his or her employer to carry a  
14 concealed pistol.

15       (~~(13)~~) (14) "Lawful permanent resident" has the same meaning  
16 afforded a person "lawfully admitted for permanent residence" in 8  
17 U.S.C. Sec. 1101(a)(20).

18       (~~(14)~~) (15) "Licensed collector" means a person who is  
19 federally licensed under 18 U.S.C. Sec. 923(b).

20       (~~(15)~~) (16) "Licensed dealer" means a person who is federally  
21 licensed under 18 U.S.C. Sec. 923(a).

22       (~~(16)~~) (17) "Loaded" means:

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

24       (b) Cartridges are in a clip that is locked in place in the  
25 firearm;

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

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

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

32       (~~(17)~~) (18) "Machine gun" means any firearm known as a machine  
33 gun, mechanical rifle, submachine gun, or any other mechanism or  
34 instrument not requiring that the trigger be pressed for each shot  
35 and having a reservoir clip, disc, drum, belt, or other separable  
36 mechanical device for storing, carrying, or supplying ammunition  
37 which can be loaded into the firearm, mechanism, or instrument, and  
38 fired therefrom at the rate of five or more shots per second.

39       (~~(18)~~) (19) "Nonimmigrant alien" means a person defined as such  
40 in 8 U.S.C. Sec. 1101(a)(15).

1       (~~(19)~~) (20) "Person" means any individual, corporation,  
2 company, association, firm, partnership, club, organization, society,  
3 joint stock company, or other legal entity.

4       (~~(20)~~) (21) "Pistol" means any firearm with a barrel less than  
5 sixteen inches in length, or is designed to be held and fired by the  
6 use of a single hand.

7       (~~(21)~~) (22) "Rifle" means a weapon designed or redesigned, made  
8 or remade, and intended to be fired from the shoulder and designed or  
9 redesigned, made or remade, and intended to use the energy of the  
10 explosive in a fixed metallic cartridge to fire only a single  
11 projectile through a rifled bore for each single pull of the trigger.

12       (~~(22)~~) (23) "Sale" and "sell" mean the actual approval of the  
13 delivery of a firearm in consideration of payment or promise of  
14 payment.

15       (~~(23)~~) (24) "Serious offense" means any of the following  
16 felonies or a felony attempt to commit any of the following felonies,  
17 as now existing or hereafter amended:

18       (a) Any crime of violence;

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

22       (c) Child molestation in the second degree;

23       (d) Incest when committed against a child under age fourteen;

24       (e) Indecent liberties;

25       (f) Leading organized crime;

26       (g) Promoting prostitution in the first degree;

27       (h) Rape in the third degree;

28       (i) Drive-by shooting;

29       (j) Sexual exploitation;

30       (k) Vehicular assault, when caused by the operation or driving of  
31 a vehicle by a person while under the influence of intoxicating  
32 liquor or any drug or by the operation or driving of a vehicle in a  
33 reckless manner;

34       (l) Vehicular homicide, when proximately caused by the driving of  
35 any vehicle by any person while under the influence of intoxicating  
36 liquor or any drug as defined by RCW 46.61.502, or by the operation  
37 of any vehicle in a reckless manner;

38       (m) Any other class B felony offense with a finding of sexual  
39 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

1 (n) Any other felony with a deadly weapon verdict under RCW  
2 9.94A.825;

3 (o) Any felony offense in effect at any time prior to June 6,  
4 1996, that is comparable to a serious offense, or any federal or out-  
5 of-state conviction for an offense that under the laws of this state  
6 would be a felony classified as a serious offense; or

7 (p) Any felony conviction under RCW 9.41.115.

8 ~~((+24))~~ (25) "Short-barreled rifle" means a rifle having one or  
9 more barrels less than sixteen inches in length and any weapon made  
10 from a rifle by any means of modification if such modified weapon has  
11 an overall length of less than twenty-six inches.

12 ~~((+25))~~ (26) "Short-barreled shotgun" means a shotgun having one  
13 or more barrels less than eighteen inches in length and any weapon  
14 made from a shotgun by any means of modification if such modified  
15 weapon has an overall length of less than twenty-six inches.

16 ~~((+26))~~ (27) "Shotgun" means a weapon with one or more barrels,  
17 designed or redesigned, made or remade, and intended to be fired from  
18 the shoulder and designed or redesigned, made or remade, and intended  
19 to use the energy of the explosive in a fixed shotgun shell to fire  
20 through a smooth bore either a number of ball shot or a single  
21 projectile for each single pull of the trigger.

22 ~~((+27))~~ (28) "Transfer" means the intended delivery of a firearm  
23 to another person without consideration of payment or promise of  
24 payment including, but not limited to, gifts and loans. "Transfer"  
25 does not include the delivery of a firearm owned or leased by an  
26 entity licensed or qualified to do business in the state of  
27 Washington to, or return of such a firearm by, any of that entity's  
28 employees or agents, defined to include volunteers participating in  
29 an honor guard, for lawful purposes in the ordinary course of  
30 business.

31 ~~((+28))~~ (29) "Unlicensed person" means any person who is not a  
32 licensed dealer under this chapter.

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

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

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

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

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

8 (d) Manufacture or sell a bump-fire stock.

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

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

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

21 (b) A person, including an employee of such person if the  
22 employee has undergone fingerprinting and a background check, who or  
23 which is exempt from or licensed under federal law, and engaged in  
24 the production, manufacture, repair, or testing of machine guns,  
25 bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

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

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

30 (iii) For exportation in compliance with all applicable federal  
31 laws and regulations.

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

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

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

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

3 (a) Manufacture, own, buy, sell, loan, furnish, transport, or  
4 have in possession or under control, any machine gun, bump-fire  
5 stock, short-barreled shotgun, or short-barreled rifle;

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

12 (c) Assemble or repair any machine gun, bump-fire stock, short-  
13 barreled shotgun, or short-barreled rifle.

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

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

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

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

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

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

35 (iii) For exportation in compliance with all applicable federal  
36 laws and regulations.

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

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

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

5 All machine guns, bump-fire stocks, short-barreled shotguns, or  
6 short-barreled rifles, or any part designed and intended solely and  
7 exclusively for use in a machine gun, short-barreled shotgun, or  
8 short-barreled rifle, or in converting a weapon into a machine gun,  
9 short-barreled shotgun, or short-barreled rifle, illegally held or  
10 illegally possessed are hereby declared to be contraband, and it  
11 shall be the duty of all peace officers, and/or any officer or member  
12 of the armed forces of the United States or the state of Washington,  
13 to seize said machine gun, bump-fire stock, short-barreled shotgun,  
14 or short-barreled rifle, or parts thereof, wherever and whenever  
15 found.

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

18 (1) It is unlawful for a person, in the commission or furtherance  
19 of a felony other than a violation of RCW 9.41.190, to discharge a  
20 machine gun or to menace or threaten with a machine gun, another  
21 person.

22 (2) It is unlawful for a person, in the commission or furtherance  
23 of a felony other than a violation of RCW 9.41.190, to discharge a  
24 firearm containing a bump-fire stock or to menace or threaten another  
25 person with a firearm containing a bump-fire stock.

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

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

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

- 33 (1) Any violent offense as defined in this chapter;  
34 (2) Any most serious offense as defined in this chapter;  
35 (3) Any felony with a deadly weapon special verdict under RCW  
36 9.94A.825;



1 (4) Any felony with any deadly weapon enhancements under RCW  
2 9.94A.533 (3) or (4), or both;

3 (5) The felony crimes of possession of a machine gun or bump-fire  
4 stock, possessing a stolen firearm, drive-by shooting, theft of a  
5 firearm, unlawful possession of a firearm in the first or second  
6 degree, and/or use of a machine gun or bump-fire stock in a felony;  
7 or

8 (6) The felony crime of driving a motor vehicle while under the  
9 influence of intoxicating liquor or any drug as defined in RCW  
10 46.61.502, and felony physical control of a motor vehicle while under  
11 the influence of intoxicating liquor or any drug as defined in RCW  
12 46.61.504.

13 **Sec. 7.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c  
14 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read  
15 as follows:

16 TABLE 2

17 CRIMES INCLUDED WITHIN EACH  
18 SERIOUSNESS LEVEL

- 19 XVI Aggravated Murder 1 (RCW 10.95.020)  
20 XV Homicide by abuse (RCW 9A.32.055)  
21 Malicious explosion 1 (RCW  
22 70.74.280(1))  
23 Murder 1 (RCW 9A.32.030)  
24 XIV Murder 2 (RCW 9A.32.050)  
25 Trafficking 1 (RCW 9A.40.100(1))  
26 XIII Malicious explosion 2 (RCW  
27 70.74.280(2))  
28 Malicious placement of an explosive 1  
29 (RCW 70.74.270(1))  
30 XII Assault 1 (RCW 9A.36.011)  
31 Assault of a Child 1 (RCW 9A.36.120)  
32 Malicious placement of an imitation  
33 device 1 (RCW 70.74.272(1)(a))  
34 Promoting Commercial Sexual Abuse of  
35 a Minor (RCW 9.68A.101)

1 Rape 1 (RCW 9A.44.040)  
2 Rape of a Child 1 (RCW 9A.44.073)  
3 Trafficking 2 (RCW 9A.40.100(3))  
4 XI Manslaughter 1 (RCW 9A.32.060)  
5 Rape 2 (RCW 9A.44.050)  
6 Rape of a Child 2 (RCW 9A.44.076)  
7 Vehicular Homicide, by being under the  
8 influence of intoxicating liquor or  
9 any drug (RCW 46.61.520)  
10 Vehicular Homicide, by the operation of  
11 any vehicle in a reckless manner  
12 (RCW 46.61.520)  
13 X Child Molestation 1 (RCW 9A.44.083)  
14 Criminal Mistreatment 1 (RCW  
15 9A.42.020)  
16 Indecent Liberties (with forcible  
17 compulsion) (RCW  
18 9A.44.100(1)(a))  
19 Kidnapping 1 (RCW 9A.40.020)  
20 Leading Organized Crime (RCW  
21 9A.82.060(1)(a))  
22 Malicious explosion 3 (RCW  
23 70.74.280(3))  
24 Sexually Violent Predator Escape (RCW  
25 9A.76.115)  
26 IX Abandonment of Dependent Person 1  
27 (RCW 9A.42.060)  
28 Assault of a Child 2 (RCW 9A.36.130)  
29 Explosive devices prohibited (RCW  
30 70.74.180)  
31 Hit and Run—Death (RCW  
32 46.52.020(4)(a))  
33 Homicide by Watercraft, by being under  
34 the influence of intoxicating liquor  
35 or any drug (RCW 79A.60.050)

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

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1)  
3 (b) and (c))  
4 Introducing Contraband 1 (RCW  
5 9A.76.140)  
6 Malicious placement of an explosive 3  
7 (RCW 70.74.270(3))  
8 Manufacture or import counterfeit,  
9 nonfunctional, damaged, or  
10 previously deployed air bag  
11 (causing bodily injury or death)  
12 (RCW 46.37.650(1)(b))  
13 Negligently Causing Death By Use of a  
14 Signal Preemption Device (RCW  
15 46.37.675)  
16 ((~~Sale~~ ~~off~~)) Sell, install, or reinstall  
17 counterfeit, nonfunctional,  
18 damaged, or previously deployed  
19 airbag (RCW 46.37.650(2)(b))  
20 Sending, bringing into state depictions  
21 of minor engaged in sexually  
22 explicit conduct 1 (RCW  
23 9.68A.060(1))  
24 Unlawful Possession of a Firearm in the  
25 first degree (RCW 9.41.040(1))  
26 Use of a Machine Gun or Bump-fire  
27 Stock in Commission of a Felony  
28 (RCW 9.41.225)  
29 Vehicular Homicide, by disregard for  
30 the safety of others (RCW  
31 46.61.520)  
32 VI Bail Jumping with Murder 1 (RCW  
33 9A.76.170(3)(a))  
34 Bribery (RCW 9A.68.010)  
35 Incest 1 (RCW 9A.64.020(1))  
36 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW  
2 9A.72.110, 9A.72.130)  
3 Malicious placement of an imitation  
4 device 2 (RCW 70.74.272(1)(b))  
5 Possession of Depictions of a Minor  
6 Engaged in Sexually Explicit  
7 Conduct 1 (RCW 9.68A.070(1))  
8 Rape of a Child 3 (RCW 9A.44.079)  
9 Theft of a Firearm (RCW 9A.56.300)  
10 Theft from a Vulnerable Adult 1 (RCW  
11 9A.56.400(1))  
12 Unlawful Storage of Ammonia (RCW  
13 69.55.020)  
14 V Abandonment of Dependent Person 2  
15 (RCW 9A.42.070)  
16 Advancing money or property for  
17 extortionate extension of credit  
18 (RCW 9A.82.030)  
19 Air bag diagnostic systems (RCW  
20 46.37.660(2)(c))  
21 Air bag replacement requirements  
22 (RCW 46.37.660(1)(c))  
23 Bail Jumping with class A Felony  
24 (RCW 9A.76.170(3)(b))  
25 Child Molestation 3 (RCW 9A.44.089)  
26 Criminal Mistreatment 2 (RCW  
27 9A.42.030)  
28 Custodial Sexual Misconduct 1 (RCW  
29 9A.44.160)  
30 Dealing in Depictions of Minor  
31 Engaged in Sexually Explicit  
32 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order  
2 Violation (RCW 10.99.040,  
3 10.99.050, 26.09.300, 26.10.220,  
4 26.26.138, 26.50.110, 26.52.070, or  
5 74.34.145)  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit (RCW  
8 9A.82.020)  
9 Extortionate Means to Collect  
10 Extensions of Credit (RCW  
11 9A.82.040)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Kidnapping 2 (RCW 9A.40.030)  
14 Manufacture or import counterfeit,  
15 nonfunctional, damaged, or  
16 previously deployed air bag (RCW  
17 46.37.650(1)(c))  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1 (RCW  
25 9A.76.070)  
26 ~~((Sale {of}))~~ Sell, install, or reinstall  
27 counterfeit, nonfunctional,  
28 damaged, or previously deployed  
29 airbag (RCW 46.37.650(2)(c))  
30 Sending, Bringing into State Depictions  
31 of Minor Engaged in Sexually  
32 Explicit Conduct 2 (RCW  
33 9.68A.060(2))  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault 4 (third domestic violence  
12 offense) (RCW 9A.36.041(3))  
13 Assault by Watercraft (RCW  
14 79A.60.060)  
15 Bribing a Witness/Bribe Received by  
16 Witness (RCW 9A.72.090,  
17 9A.72.100)  
18 Cheating 1 (RCW 9A.46.1961)  
19 Commercial Bribery (RCW 9A.68.060)  
20 Counterfeiting (RCW 9.16.035(4))  
21 Driving While Under the Influence  
22 (RCW 46.61.502(6))  
23 Endangerment with a Controlled  
24 Substance (RCW 9A.42.100)  
25 Escape 1 (RCW 9A.76.110)  
26 Hit and Run—Injury (RCW  
27 46.52.020(4)(b))  
28 Hit and Run with Vessel—Injury  
29 Accident (RCW 79A.60.200(3))  
30 Identity Theft 1 (RCW 9.35.020(2))  
31 Indecent Exposure to Person Under Age  
32 Fourteen (subsequent sex offense)  
33 (RCW 9A.88.010)  
34 Influencing Outcome of Sporting Event  
35 (RCW 9A.82.070)

1 Malicious Harassment (RCW  
2 9A.36.080)  
3 Physical Control of a Vehicle While  
4 Under the Influence (RCW  
5 46.61.504(6))  
6 Possession of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 2 (RCW 9.68A.070(2))  
9 Residential Burglary (RCW 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health coverage  
19 as a health care service contractor  
20 (RCW 48.44.016(3))  
21 Unlawful transaction of health coverage  
22 as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(2))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicle Prowling 2 (third or subsequent  
32 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 Cyberstalking (subsequent conviction or  
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW  
33 9A.76.180)

34 Introducing Contraband 2 (RCW  
35 9A.76.150)

1 Malicious Injury to Railroad Property  
2 (RCW 81.60.070)  
3 Mortgage Fraud (RCW 19.144.080)  
4 Negligently Causing Substantial Bodily  
5 Harm By Use of a Signal  
6 Preemption Device (RCW  
7 46.37.674)  
8 Organized Retail Theft 1 (RCW  
9 9A.56.350(2))  
10 Perjury 2 (RCW 9A.72.030)  
11 Possession of Incendiary Device (RCW  
12 9.40.120)  
13 Possession of Machine Gun, Bump-fire  
14 Stock, or Short-Barreled Shotgun or  
15 Rifle (RCW 9.41.190)  
16 Promoting Prostitution 2 (RCW  
17 9A.88.080)  
18 Retail Theft with Special Circumstances  
19 1 (RCW 9A.56.360(2))  
20 Securities Act violation (RCW  
21 21.20.400)  
22 Tampering with a Witness (RCW  
23 9A.72.120)  
24 Telephone Harassment (subsequent  
25 conviction or threat of death) (RCW  
26 9.61.230(2))  
27 Theft of Livestock 2 (RCW 9A.56.083)  
28 Theft with the Intent to Resell 1 (RCW  
29 9A.56.340(2))  
30 Trafficking in Stolen Property 2 (RCW  
31 9A.82.055)  
32 Unlawful Hunting of Big Game 1 (RCW  
33 77.15.410(3)(b))  
34 Unlawful Imprisonment (RCW  
35 9A.40.040)

1 Unlawful Misbranding of Food Fish or  
2 Shellfish 1 (RCW 69.04.938(3))  
3 Unlawful possession of firearm in the  
4 second degree (RCW 9.41.040(2))  
5 Unlawful Taking of Endangered Fish or  
6 Wildlife 1 (RCW 77.15.120(3)(b))  
7 Unlawful Trafficking in Fish, Shellfish,  
8 or Wildlife 1 (RCW  
9 77.15.260(3)(b))  
10 Unlawful Use of a Nondesignated  
11 Vessel (RCW 77.15.530(4))  
12 Vehicular Assault, by the operation or  
13 driving of a vehicle with disregard  
14 for the safety of others (RCW  
15 46.61.522)  
16 Willful Failure to Return from Work  
17 Release (RCW 72.65.070)  
18 II Commercial Fishing Without a License  
19 1 (RCW 77.15.500(3)(b))  
20 Computer Trespass 1 (RCW 9A.90.040)  
21 Counterfeiting (RCW 9.16.035(3))  
22 Electronic Data Service Interference  
23 (RCW 9A.90.060)  
24 Electronic Data Tampering 1 (RCW  
25 9A.90.080)  
26 Electronic Data Theft (RCW 9A.90.100)  
27 Engaging in Fish Dealing Activity  
28 Unlicensed 1 (RCW 77.15.620(3))  
29 Escape from Community Custody  
30 (RCW 72.09.310)  
31 Failure to Register as a Sex Offender  
32 (second or subsequent offense)  
33 (RCW 9A.44.130 prior to June 10,  
34 2010, and RCW 9A.44.132)  
35 Health Care False Claims (RCW  
36 48.80.030)

1 Identity Theft 2 (RCW 9.35.020(3))  
2 Improperly Obtaining Financial  
3 Information (RCW 9.35.010)  
4 Malicious Mischief 1 (RCW 9A.48.070)  
5 Organized Retail Theft 2 (RCW  
6 9A.56.350(3))  
7 Possession of Stolen Property 1 (RCW  
8 9A.56.150)  
9 Possession of a Stolen Vehicle (RCW  
10 9A.56.068)  
11 Retail Theft with Special Circumstances  
12 2 (RCW 9A.56.360(3))  
13 Scrap Processing, Recycling, or  
14 Supplying Without a License  
15 (second or subsequent offense)  
16 (RCW 19.290.100)  
17 Theft 1 (RCW 9A.56.030)  
18 Theft of a Motor Vehicle (RCW  
19 9A.56.065)  
20 Theft of Rental, Leased, Lease-  
21 purchased, or Loaned Property  
22 (valued at five thousand dollars or  
23 more) (RCW 9A.56.096(5)(a))  
24 Theft with the Intent to Resell 2 (RCW  
25 9A.56.340(3))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlawful factoring of a credit card or  
29 payment card transaction (RCW  
30 9A.56.290(4)(a))  
31 Unlawful Participation of Non-Indians  
32 in Indian Fishery (RCW  
33 77.15.570(2))  
34 Unlawful Practice of Law (RCW  
35 2.48.180)

1 Unlawful Purchase or Use of a License  
2 (RCW 77.15.650(3)(b))  
3 Unlawful Trafficking in Fish, Shellfish,  
4 or Wildlife 2 (RCW  
5 77.15.260(3)(a))  
6 Unlicensed Practice of a Profession or  
7 Business (RCW 18.130.190(7))  
8 Voyeurism 1 (RCW 9A.44.115)  
9 I Attempting to Elude a Pursuing Police  
10 Vehicle (RCW 46.61.024)  
11 False Verification for Welfare (RCW  
12 74.08.055)  
13 Forgery (RCW 9A.60.020)  
14 Fraudulent Creation or Revocation of a  
15 Mental Health Advance Directive  
16 (RCW 9A.60.060)  
17 Malicious Mischief 2 (RCW 9A.48.080)  
18 Mineral Trespass (RCW 78.44.330)  
19 Possession of Stolen Property 2 (RCW  
20 9A.56.160)  
21 Reckless Burning 1 (RCW 9A.48.040)  
22 Spotlighting Big Game 1 (RCW  
23 77.15.450(3)(b))  
24 Suspension of Department Privileges 1  
25 (RCW 77.15.670(3)(b))  
26 Taking Motor Vehicle Without  
27 Permission 2 (RCW 9A.56.075)  
28 Theft 2 (RCW 9A.56.040)  
29 Theft from a Vulnerable Adult 2 (RCW  
30 9A.56.400(2))  
31 Theft of Rental, Leased, Lease-  
32 purchased, or Loaned Property  
33 (valued at seven hundred fifty  
34 dollars or more but less than five  
35 thousand dollars) (RCW  
36 9A.56.096(5)(b))

1 Transaction of insurance business  
2 beyond the scope of licensure  
3 (RCW 48.17.063)  
4 Unlawful Fish and Shellfish Catch  
5 Accounting (RCW 77.15.630(3)(b))  
6 Unlawful Issuance of Checks or Drafts  
7 (RCW 9A.56.060)  
8 Unlawful Possession of Fictitious  
9 Identification (RCW 9A.56.320)  
10 Unlawful Possession of Instruments of  
11 Financial Fraud (RCW 9A.56.320)  
12 Unlawful Possession of Payment  
13 Instruments (RCW 9A.56.320)  
14 Unlawful Possession of a Personal  
15 Identification Device (RCW  
16 9A.56.320)  
17 Unlawful Production of Payment  
18 Instruments (RCW 9A.56.320)  
19 Unlawful Releasing, Planting,  
20 Possessing, or Placing Deleterious  
21 Exotic Wildlife (RCW  
22 77.15.250(2)(b))  
23 Unlawful Trafficking in Food Stamps  
24 (RCW 9.91.142)  
25 Unlawful Use of Food Stamps (RCW  
26 9.91.144)  
27 Unlawful Use of Net to Take Fish 1  
28 (RCW 77.15.580(3)(b))  
29 Unlawful Use of Prohibited Aquatic  
30 Animal Species (RCW  
31 77.15.253(3))  
32 Vehicle Prowl 1 (RCW 9A.52.095)  
33 Violating Commercial Fishing Area or  
34 Time 1 (RCW 77.15.550(3)(b))

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 sentence  
4 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 standard  
12 sentence range for felony crimes committed after July 23, 1995, if  
13 the offender or an accomplice was armed with a firearm as defined in  
14 RCW 9.41.010 and the offender is being sentenced for one of the  
15 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 in  
24 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 years,  
30 or both, and not covered under (f) of this subsection;

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

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

37       (d) If the offender is being sentenced for any firearm  
38 enhancements under (a), (b), and/or (c) of this subsection and the  
39 offender has previously been sentenced for any deadly weapon  
40 enhancements after July 23, 1995, under (a), (b), and/or (c) of this

1 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
2 both, all firearm enhancements under this subsection shall be twice  
3 the amount of the enhancement listed;

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

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

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

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

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

27 (4) The following additional times shall be added to the standard  
28 sentence range for felony crimes committed after July 23, 1995, if  
29 the offender or an accomplice was armed with a deadly weapon other  
30 than a firearm as defined in RCW 9.41.010 and the offender is being  
31 sentenced for one of the crimes listed in this subsection as eligible  
32 for any deadly weapon enhancements based on the classification of the  
33 completed felony crime. If the offender is being sentenced for more  
34 than one offense, the deadly weapon enhancement or enhancements must  
35 be added to the total period of confinement for all offenses,  
36 regardless of which underlying offense is subject to a deadly weapon  
37 enhancement. If the offender or an accomplice was armed with a deadly  
38 weapon other than a firearm as defined in RCW 9.41.010 and the  
39 offender is being sentenced for an anticipatory offense under chapter  
40 9A.28 RCW to commit one of the crimes listed in this subsection as



1 eligible for any deadly weapon enhancements, the following additional  
2 times shall be added to the standard sentence range determined under  
3 subsection (2) of this section based on the felony crime of  
4 conviction as classified under RCW 9A.28.020:

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

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

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

14 (d) If the offender is being sentenced under (a), (b), and/or (c)  
15 of this subsection for any deadly weapon enhancements and the  
16 offender has previously been sentenced for any deadly weapon  
17 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
18 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
19 both, all deadly weapon enhancements under this subsection shall be  
20 twice the amount of the enhancement listed;

21 (e) Notwithstanding any other provision of law, all deadly weapon  
22 enhancements under this section are mandatory, shall be served in  
23 total confinement, and shall run consecutively to all other  
24 sentencing provisions, including other firearm or deadly weapon  
25 enhancements, for all offenses sentenced under this chapter. However,  
26 whether or not a mandatory minimum term has expired, an offender  
27 serving a sentence under this subsection may be:

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

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

31 (f) The deadly weapon enhancements in this section shall apply to  
32 all felony crimes except the following: Possession of a machine gun  
33 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
34 theft of a firearm, unlawful possession of a firearm in the first and  
35 second degree, and use of a machine gun or bump-fire stock in a  
36 felony;

37 (g) If the standard sentence range under this section exceeds the  
38 statutory maximum sentence for the offense, the statutory maximum  
39 sentence shall be the presumptive sentence unless the offender is a  
40 persistent offender. If the addition of a deadly weapon enhancement

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

4 (5) The following additional times shall be added to the standard  
5 sentence range if the offender or an accomplice committed the offense  
6 while in a county jail or state correctional facility and the  
7 offender is being sentenced for one of the crimes listed in this  
8 subsection. If the offender or an accomplice committed one of the  
9 crimes listed in this subsection while in a county jail or state  
10 correctional facility, and the offender is being sentenced for an  
11 anticipatory offense under chapter 9A.28 RCW to commit one of the  
12 crimes listed in this subsection, the following additional times  
13 shall be added to the standard sentence range determined under  
14 subsection (2) of this section:

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

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

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

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

23 (6) An additional twenty-four months shall be added to the  
24 standard sentence range for any ranked offense involving a violation  
25 of chapter 69.50 RCW if the offense was also a violation of RCW  
26 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
27 run consecutively to all other sentencing provisions, for all  
28 offenses sentenced under this chapter.

29 (7) An additional two years shall be added to the standard  
30 sentence range for vehicular homicide committed while under the  
31 influence of intoxicating liquor or any drug as defined by RCW  
32 46.61.502 for each prior offense as defined in RCW 46.61.5055.

33 Notwithstanding any other provision of law, all impaired driving  
34 enhancements under this subsection are mandatory, shall be served in  
35 total confinement, and shall run consecutively to all other  
36 sentencing provisions, including other impaired driving enhancements,  
37 for all offenses sentenced under this chapter.

38 An offender serving a sentence under this subsection may be  
39 granted an extraordinary medical placement when authorized under RCW  
40 9.94A.728(1)(c).

1 (8)(a) The following additional times shall be added to the  
2 standard sentence range for felony crimes committed on or after July  
3 1, 2006, if the offense was committed with sexual motivation, as that  
4 term is defined in RCW 9.94A.030. If the offender is being sentenced  
5 for more than one offense, the sexual motivation enhancement must be  
6 added to the total period of total confinement for all offenses,  
7 regardless of which underlying offense is subject to a sexual  
8 motivation enhancement. If the offender committed the offense with  
9 sexual motivation and the offender is being sentenced for an  
10 anticipatory offense under chapter 9A.28 RCW, the following  
11 additional times shall be added to the standard sentence range  
12 determined under subsection (2) of this section based on the felony  
13 crime of conviction as classified under RCW 9A.28.020:

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

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

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

22 (iv) If the offender is being sentenced for any sexual motivation  
23 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
24 the offender has previously been sentenced for any sexual motivation  
25 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
26 (iii) of this subsection, all sexual motivation enhancements under  
27 this subsection shall be twice the amount of the enhancement listed;

28 (b) Notwithstanding any other provision of law, all sexual  
29 motivation enhancements under this subsection are mandatory, shall be  
30 served in total confinement, and shall run consecutively to all other  
31 sentencing provisions, including other sexual motivation  
32 enhancements, for all offenses sentenced under this chapter. However,  
33 whether or not a mandatory minimum term has expired, an offender  
34 serving a sentence under this subsection may be:

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

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

38 (c) The sexual motivation enhancements in this subsection apply  
39 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 maximum  
3 sentence shall be the presumptive sentence unless the offender is a  
4 persistent offender. If the addition of a sexual motivation  
5 enhancement increases the sentence so that it would exceed the  
6 statutory maximum for the offense, the portion of the sentence  
7 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 on  
17 or after July 22, 2007, if the offender engaged, agreed, or offered  
18 to engage the victim in the sexual conduct in return for a fee. If  
19 the offender is being sentenced for more than one offense, the  
20 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 for  
23 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, agree,  
26 or offer to engage the victim in the sexual conduct in return for a  
27 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 the  
35 minor in the commission of the felony offense, the standard sentence  
36 range is determined by locating the sentencing grid sentence range  
37 defined by the appropriate offender score and the seriousness level  
38 of the completed crime, and multiplying the range by one hundred  
39 twenty-five percent. If the standard sentence range under this  
40 subsection exceeds the statutory maximum sentence for the offense,

1 the statutory maximum sentence is the presumptive sentence unless the  
2 offender is a persistent offender.

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

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

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

15 (12) An additional twelve months shall be added to the standard  
16 sentence range for an offense that is also a violation of RCW  
17 9.94A.831.

18 (13) An additional twelve months shall be added to the standard  
19 sentence range for vehicular homicide committed while under the  
20 influence of intoxicating liquor or any drug as defined by RCW  
21 46.61.520 or for vehicular assault committed while under the  
22 influence of intoxicating liquor or any drug as defined by RCW  
23 46.61.522, or for any felony driving under the influence (RCW  
24 46.61.502(6)) or felony physical control under the influence (RCW  
25 46.61.504(6)) for each child passenger under the age of sixteen who  
26 is an occupant in the defendant's vehicle. These enhancements shall  
27 be mandatory, shall be served in total confinement, and shall run  
28 consecutively to all other sentencing provisions. If the addition of  
29 a minor child enhancement increases the sentence so that it would  
30 exceed the statutory maximum for the offense, the portion of the  
31 sentence representing the enhancement may not be reduced.

32 (14) An additional twelve months shall be added to the standard  
33 sentence range for an offense that is also a violation of RCW  
34 9.94A.832.

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

37 (1) If a respondent is found to have been in possession of a  
38 firearm in violation of RCW 9.41.040(2)(a)(~~(iii)~~) (iv), the court  
39 shall impose a minimum disposition of ten days of confinement. If the

1 offender's standard range of disposition for the offense as indicated  
2 in RCW 13.40.0357 is more than thirty days of confinement, the court  
3 shall commit the offender to the department for the standard range  
4 disposition. The offender shall not be released until the offender  
5 has served a minimum of ten days in confinement.

6 (2)(a) If a respondent is found to have been in possession of a  
7 firearm in violation of RCW 9.41.040, the disposition must include a  
8 requirement that the respondent participate in a qualifying program  
9 as described in (b) of this subsection, when available, unless the  
10 court makes a written finding based on the outcome of the juvenile  
11 court risk assessment that participation in a qualifying program  
12 would not be appropriate.

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

20 (3) If the court finds that the respondent or an accomplice was  
21 armed with a firearm, the court shall determine the standard range  
22 disposition for the offense pursuant to RCW 13.40.160. If the  
23 offender or an accomplice was armed with a firearm when the offender  
24 committed any felony other than possession of a machine gun or bump-  
25 fire stock, possession of a stolen firearm, drive-by shooting, theft  
26 of a firearm, unlawful possession of a firearm in the first and  
27 second degree, or use of a machine gun or bump-fire stock in a  
28 felony, the following periods of total confinement must be added to  
29 the sentence: For a class A felony, six months; for a class B felony,  
30 four months; and for a class C felony, two months. The additional  
31 time shall be imposed regardless of the offense's juvenile  
32 disposition offense category as designated in RCW 13.40.0357.

33 (4) When a disposition under this section would effectuate a  
34 manifest injustice, the court may impose another disposition. When a  
35 judge finds a manifest injustice and imposes a disposition of  
36 confinement exceeding thirty days, the court shall commit the  
37 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
38 shall be used to determine the range. When a judge finds a manifest  
39 injustice and imposes a disposition of confinement less than thirty

1 days, the disposition shall be comprised of confinement or community  
2 supervision or both.

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

6 NEW SECTION. **Sec. 10.** (1) Sections 1 and 2 of this act take  
7 effect July 1, 2018.

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

9 NEW SECTION. **Sec. 11.** Section 2 of this act expires July 1,  
10 2019."

**SB 5992 - S AMD 372**  
By Senator Zeiger

**ADOPTED 01/25/2018**

11 On page 1, line 1 of the title, after "to" strike the remainder  
12 of the title and insert "bump-fire stock; amending RCW 9.41.190,  
13 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and 13.40.193;  
14 reenacting and amending RCW 9.41.010 and 9.94A.515; prescribing  
15 penalties; providing effective dates; and providing an expiration  
16 date."

EFFECT: Replaces "trigger modification device" with the term  
"bump-fire stock;" defines bump-fire stock as a butt stock designed  
to be attached to a semiautomatic firearm with the effect of  
increasing the rate of fire achievable with the semiautomatic firearm  
to that of a fully automatic firearm by using the energy from the  
recoil of the firearm to generate reciprocating action that  
facilitates repeated activation of the trigger.

--- END ---