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**HOUSE BILL 1994**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Young, Sutherland, and Jacobsen

Read first time 01/14/22. Referred to Committee on Public Safety.

1 AN ACT Relating to crimes involving catalytic converter theft;  
2 amending RCW 9A.56.040, 9.94A.515, and 9.94A.515; reenacting and  
3 amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW;  
4 prescribing penalties; providing an effective date; and providing an  
5 expiration date.

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

7 **Sec. 1.** RCW 9A.56.040 and 2017 c 266 s 11 are each amended to  
8 read as follows:

9 (1) Except as provided in RCW 9A.56.400, a person is guilty of  
10 theft in the second degree if he or she commits theft of:

11 (a) Property or services which exceed(s) (~~seven hundred fifty~~  
12 ~~dollars~~) \$750 in value but does not exceed (~~five thousand dollars~~)  
13 \$5,000 in value, other than a firearm as defined in RCW 9.41.010 or a  
14 motor vehicle;

15 (b) A public record, writing, or instrument kept, filed, or  
16 deposited according to law with or in the keeping of any public  
17 office or public servant;

18 (c) Commercial metal property, nonferrous metal property, or  
19 private metal property, as those terms are defined in RCW 19.290.010,  
20 and the costs of the damage to the owner's property exceed (~~seven~~

1 ~~hundred fifty dollars))~~ \$750 but does not exceed (~~five thousand~~  
2 ~~dollars))~~ \$5,000 in value; or

3 (d) An access device.

4 (2) (~~Theft~~) Except as provided in subsection (3) of this  
5 section, theft in the second degree is a class C felony.

6 (3) A second or subsequent violation of subsection (1)(c) of this  
7 section is a class B felony. For the purposes of this subsection, a  
8 first violation includes a conviction for a violation of RCW  
9 9A.56.050 or an equivalent local ordinance if the conviction is the  
10 result of a charge that was originally filed as a violation of  
11 subsection (1)(c) of this section.

12 **Sec. 2.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
13 read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH  
16 SERIOUSNESS LEVEL

17 XVI Aggravated Murder 1 (RCW 10.95.020)

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

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

21 Murder 1 (RCW 9A.32.030)

22 XIV Murder 2 (RCW 9A.32.050)

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

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

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

28 XII Assault 1 (RCW 9A.36.011)

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

30 Malicious placement of an imitation  
31 device 1 (RCW 70.74.272(1)(a))

32 Promoting Commercial Sexual Abuse of  
33 a Minor (RCW 9.68A.101)

34 Rape 1 (RCW 9A.44.040)

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

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

1 Malicious placement of an explosive 2  
2 (RCW 70.74.270(2))  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 VIII Arson 1 (RCW 9A.48.020)  
6 Commercial Sexual Abuse of a Minor  
7 (RCW 9.68A.100)  
8 Homicide by Watercraft, by the  
9 operation of any vessel in a reckless  
10 manner (RCW 79A.60.050)  
11 Manslaughter 2 (RCW 9A.32.070)  
12 Promoting Prostitution 1 (RCW  
13 9A.88.070)  
14 Theft of Ammonia (RCW 69.55.010)  
15 VII Air bag diagnostic systems (causing  
16 bodily injury or death) (RCW  
17 46.37.660(2)(b))  
18 Air bag replacement requirements  
19 (causing bodily injury or death)  
20 (RCW 46.37.660(1)(b))  
21 Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor engaged  
26 in sexually explicit conduct 1  
27 (RCW 9.68A.050(1))  
28 Drive-by Shooting (RCW 9A.36.045)  
29 False Reporting 1 (RCW  
30 9A.84.040(2)(a))  
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 Sell, install, or reinstall counterfeit,  
17 nonfunctional, damaged, or  
18 previously deployed airbag (RCW  
19 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 26.26B.050, 26.50.110, 26.52.070,  
5 or 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 Sell, install, or reinstall counterfeit,  
27 nonfunctional, damaged, or  
28 previously deployed airbag (RCW  
29 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 Hate Crime (RCW 9A.36.080)  
27 Hit and Run—Injury (RCW  
28 46.52.020(4)(b))  
29 Hit and Run with Vessel—Injury  
30 Accident (RCW 79A.60.200(3))  
31 Identity Theft 1 (RCW 9.35.020(2))  
32 Indecent Exposure to Person Under Age  
33 ((~~Fourteen~~)) 14 (subsequent sex  
34 offense) (RCW 9A.88.010)



1 Influencing Outcome of Sporting Event  
2 (RCW 9A.82.070)  
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 False Reporting 2 (RCW  
32 9A.84.040(2)(b))

33 Harassment (RCW 9A.46.020)

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

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

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Theft 2 (second or subsequent offense)  
(commercial metal property,  
nonferrous metal property, or  
private metal property, and the  
damage to the owner's property  
exceeds \$750 but does not exceed  
\$5,000) (RCW 9A.56.040(3))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW  
9A.56.340(2))

Trafficking in Stolen Property 2 (RCW  
9A.82.055)

Unlawful Hunting of Big Game 1 (RCW  
77.15.410(3)(b))

Unlawful Imprisonment (RCW  
9A.40.040)

Unlawful Misbranding of Fish or  
Shellfish 1 (RCW 77.140.060(3))

Unlawful possession of firearm in the  
second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or  
Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish,  
or Wildlife 1 (RCW  
77.15.260(3)(b))

Unlawful Use of a Nondesignated  
Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or  
driving of a vehicle with disregard  
for the safety of others (RCW  
46.61.522)

Willful Failure to Return from Work  
Release (RCW 72.65.070)

II Commercial Fishing Without a License  
1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)

1 Counterfeiting (RCW 9.16.035(3))  
2 Electronic Data Service Interference  
3 (RCW 9A.90.060)  
4 Electronic Data Tampering 1 (RCW  
5 9A.90.080)  
6 Electronic Data Theft (RCW 9A.90.100)  
7 Engaging in Fish Dealing Activity  
8 Unlicensed 1 (RCW 77.15.620(3))  
9 Escape from Community Custody  
10 (RCW 72.09.310)  
11 Failure to Register as a Sex Offender  
12 (second or subsequent offense)  
13 (RCW 9A.44.130 prior to June 10,  
14 2010, and RCW 9A.44.132)  
15 Health Care False Claims (RCW  
16 48.80.030)  
17 Identity Theft 2 (RCW 9.35.020(3))  
18 Improperly Obtaining Financial  
19 Information (RCW 9.35.010)  
20 Malicious Mischief 1 (RCW 9A.48.070)  
21 Organized Retail Theft 2 (RCW  
22 9A.56.350(3))  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Possession of a Stolen Vehicle (RCW  
26 9A.56.068)  
27 Retail Theft with Special Circumstances  
28 2 (RCW 9A.56.360(3))  
29 Scrap Processing, Recycling, or  
30 Supplying Without a License  
31 (second or subsequent offense)  
32 (RCW 19.290.100)  
33 Theft 1 (RCW 9A.56.030)

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Theft 2 (commercial metal property, nonferrous metal property, or private metal property, and the damage to the owner's property exceeds \$750 but does not exceed \$5,000) (RCW 9A.56.040(1)(c))

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at ~~((five thousand dollars))~~ \$5,000 or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism 1 (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

1 Forgery (RCW 9A.60.020)  
2 Fraudulent Creation or Revocation of a  
3 Mental Health Advance Directive  
4 (RCW 9A.60.060)  
5 Malicious Mischief 2 (RCW 9A.48.080)  
6 Mineral Trespass (RCW 78.44.330)  
7 Possession of Stolen Property 2 (RCW  
8 9A.56.160)  
9 Reckless Burning 1 (RCW 9A.48.040)  
10 Spotlighting Big Game 1 (RCW  
11 77.15.450(3)(b))  
12 Suspension of Department Privileges 1  
13 (RCW 77.15.670(3)(b))  
14 Taking Motor Vehicle Without  
15 Permission 2 (RCW 9A.56.075)  
16 Theft 2 (valued at \$750 or more but less  
17 than \$5,000, and other than a  
18 firearm or motor vehicle; a public  
19 record, writing, or instrument kept,  
20 filed, or deposited according to law  
21 with or in the keeping of any public  
22 office or public servant; or an  
23 access device) (RCW 9A.56.040(1)  
24 (a), (b), or (d))  
25 Theft from a Vulnerable Adult 2 (RCW  
26 9A.56.400(2))  
27 Theft of Rental, Leased, Lease-  
28 purchased, or Loaned Property  
29 (valued at (~~seven hundred fifty~~  
30 ~~dollars~~) \$750 or more but less than  
31 (~~five thousand dollars~~) \$5,000)  
32 (RCW 9A.56.096(5)(b))  
33 Transaction of insurance business  
34 beyond the scope of licensure  
35 (RCW 48.17.063)  
36 Unlawful Fish and Shellfish Catch  
37 Accounting (RCW 77.15.630(3)(b))

1 Unlawful Issuance of Checks or Drafts  
 2 (RCW 9A.56.060)

3 Unlawful Possession of Fictitious  
 4 Identification (RCW 9A.56.320)

5 Unlawful Possession of Instruments of  
 6 Financial Fraud (RCW 9A.56.320)

7 Unlawful Possession of Payment  
 8 Instruments (RCW 9A.56.320)

9 Unlawful Possession of a Personal  
 10 Identification Device (RCW  
 11 9A.56.320)

12 Unlawful Production of Payment  
 13 Instruments (RCW 9A.56.320)

14 Unlawful Releasing, Planting,  
 15 Possessing, or Placing Deleterious  
 16 Exotic Wildlife (RCW  
 17 77.15.250(2)(b))

18 Unlawful Trafficking in Food Stamps  
 19 (RCW 9.91.142)

20 Unlawful Use of Food Stamps (RCW  
 21 9.91.144)

22 Unlawful Use of Net to Take Fish 1  
 23 (RCW 77.15.580(3)(b))

24 Unlawful Use of Prohibited Aquatic  
 25 Animal Species (RCW  
 26 77.15.253(3))

27 Vehicle Prowl 1 (RCW 9A.52.095)

28 Violating Commercial Fishing Area or  
 29 Time 1 (RCW 77.15.550(3)(b))

30 **Sec. 3.** RCW 9.94A.515 and 2021 c 215 s 99 are each amended to  
 31 read as follows:

32 TABLE 2  
 33 CRIMES INCLUDED WITHIN EACH  
 34 SERIOUSNESS LEVEL

35 XVI Aggravated Murder 1 (RCW 10.95.020)



1 XV Homicide by abuse (RCW 9A.32.055)  
2 Malicious explosion 1 (RCW  
3 70.74.280(1))  
4 Murder 1 (RCW 9A.32.030)  
5 XIV Murder 2 (RCW 9A.32.050)  
6 Trafficking 1 (RCW 9A.40.100(1))  
7 XIII Malicious explosion 2 (RCW  
8 70.74.280(2))  
9 Malicious placement of an explosive 1  
10 (RCW 70.74.270(1))  
11 XII Assault 1 (RCW 9A.36.011)  
12 Assault of a Child 1 (RCW 9A.36.120)  
13 Malicious placement of an imitation  
14 device 1 (RCW 70.74.272(1)(a))  
15 Promoting Commercial Sexual Abuse of  
16 a Minor (RCW 9.68A.101)  
17 Rape 1 (RCW 9A.44.040)  
18 Rape of a Child 1 (RCW 9A.44.073)  
19 Trafficking 2 (RCW 9A.40.100(3))  
20 XI Manslaughter 1 (RCW 9A.32.060)  
21 Rape 2 (RCW 9A.44.050)  
22 Rape of a Child 2 (RCW 9A.44.076)  
23 Vehicular Homicide, by being under the  
24 influence of intoxicating liquor or  
25 any drug (RCW 46.61.520)  
26 Vehicular Homicide, by the operation of  
27 any vehicle in a reckless manner  
28 (RCW 46.61.520)  
29 X Child Molestation 1 (RCW 9A.44.083)  
30 Criminal Mistreatment 1 (RCW  
31 9A.42.020)  
32 Indecent Liberties (with forcible  
33 compulsion) (RCW  
34 9A.44.100(1)(a))  
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape (RCW  
6 9A.76.115)  
7 IX Abandonment of Dependent Person 1  
8 (RCW 9A.42.060)  
9 Assault of a Child 2 (RCW 9A.36.130)  
10 Explosive devices prohibited (RCW  
11 70.74.180)  
12 Hit and Run—Death (RCW  
13 46.52.020(4)(a))  
14 Homicide by Watercraft, by being under  
15 the influence of intoxicating liquor  
16 or any drug (RCW 79A.60.050)  
17 Inciting Criminal Profiteering (RCW  
18 9A.82.060(1)(b))  
19 Malicious placement of an explosive 2  
20 (RCW 70.74.270(2))  
21 Robbery 1 (RCW 9A.56.200)  
22 Sexual Exploitation (RCW 9.68A.040)  
23 VIII Arson 1 (RCW 9A.48.020)  
24 Commercial Sexual Abuse of a Minor  
25 (RCW 9.68A.100)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a reckless  
28 manner (RCW 79A.60.050)  
29 Manslaughter 2 (RCW 9A.32.070)  
30 Promoting Prostitution 1 (RCW  
31 9A.88.070)  
32 Theft of Ammonia (RCW 69.55.010)  
33 VII Air bag diagnostic systems (causing  
34 bodily injury or death) (RCW  
35 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 Unlawful Possession of a Firearm in the  
6 first degree (RCW 9.41.040(1))  
7 Use of a Machine Gun or Bump-fire  
8 Stock in Commission of a Felony  
9 (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for  
11 the safety of others (RCW  
12 46.61.520)  
13 VI Bail Jumping with Murder 1 (RCW  
14 9A.76.170(3)(a))  
15 Bribery (RCW 9A.68.010)  
16 Incest 1 (RCW 9A.64.020(1))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Theft from a Vulnerable Adult 1 (RCW  
28 9A.56.400(1))  
29 Unlawful Storage of Ammonia (RCW  
30 69.55.020)  
31 V Abandonment of Dependent Person 2  
32 (RCW 9A.42.070)  
33 Advancing money or property for  
34 extortionate extension of credit  
35 (RCW 9A.82.030)

1 Air bag diagnostic systems (RCW  
2 46.37.660(2)(c))  
3 Air bag replacement requirements  
4 (RCW 46.37.660(1)(c))  
5 Bail Jumping with class A Felony  
6 (RCW 9A.76.170(3)(b))  
7 Child Molestation 3 (RCW 9A.44.089)  
8 Criminal Mistreatment 2 (RCW  
9 9A.42.030)  
10 Custodial Sexual Misconduct 1 (RCW  
11 9A.44.160)  
12 Dealing in Depictions of Minor  
13 Engaged in Sexually Explicit  
14 Conduct 2 (RCW 9.68A.050(2))  
15 Domestic Violence Court Order  
16 Violation (RCW 7.105.450,  
17 10.99.040, 10.99.050, 26.09.300,  
18 26.10.220, 26.26B.050, 26.50.110,  
19 26.52.070, or 74.34.145)  
20 Extortion 1 (RCW 9A.56.120)  
21 Extortionate Extension of Credit (RCW  
22 9A.82.020)  
23 Extortionate Means to Collect  
24 Extensions of Credit (RCW  
25 9A.82.040)  
26 Incest 2 (RCW 9A.64.020(2))  
27 Kidnapping 2 (RCW 9A.40.030)  
28 Manufacture or import counterfeit,  
29 nonfunctional, damaged, or  
30 previously deployed air bag (RCW  
31 46.37.650(1)(c))  
32 Perjury 1 (RCW 9A.72.020)  
33 Persistent prison misbehavior (RCW  
34 9.94.070)  
35 Possession of a Stolen Firearm (RCW  
36 9A.56.310)

1 Rape 3 (RCW 9A.44.060)  
2 Rendering Criminal Assistance 1 (RCW  
3 9A.76.070)  
4 Sell, install, or reinstall counterfeit,  
5 nonfunctional, damaged, or  
6 previously deployed airbag (RCW  
7 46.37.650(2)(c))  
8 Sending, Bringing into State Depictions  
9 of Minor Engaged in Sexually  
10 Explicit Conduct 2 (RCW  
11 9.68A.060(2))  
12 Sexual Misconduct with a Minor 1  
13 (RCW 9A.44.093)  
14 Sexually Violating Human Remains  
15 (RCW 9A.44.105)  
16 Stalking (RCW 9A.46.110)  
17 Taking Motor Vehicle Without  
18 Permission 1 (RCW 9A.56.070)  
19 IV Arson 2 (RCW 9A.48.030)  
20 Assault 2 (RCW 9A.36.021)  
21 Assault 3 (of a Peace Officer with a  
22 Projectile Stun Gun) (RCW  
23 9A.36.031(1)(h))  
24 Assault 4 (third domestic violence  
25 offense) (RCW 9A.36.041(3))  
26 Assault by Watercraft (RCW  
27 79A.60.060)  
28 Bribing a Witness/Bribe Received by  
29 Witness (RCW 9A.72.090,  
30 9A.72.100)  
31 Cheating 1 (RCW 9.46.1961)  
32 Commercial Bribery (RCW 9A.68.060)  
33 Counterfeiting (RCW 9.16.035(4))  
34 Driving While Under the Influence  
35 (RCW 46.61.502(6))

1 Endangerment with a Controlled  
2 Substance (RCW 9A.42.100)  
3 Escape 1 (RCW 9A.76.110)  
4 Hate Crime (RCW 9A.36.080)  
5 Hit and Run—Injury (RCW  
6 46.52.020(4)(b))  
7 Hit and Run with Vessel—Injury  
8 Accident (RCW 79A.60.200(3))  
9 Identity Theft 1 (RCW 9.35.020(2))  
10 Indecent Exposure to Person Under Age  
11 ((~~Fourteen~~) 14 (subsequent sex  
12 offense) (RCW 9A.88.010)  
13 Influencing Outcome of Sporting Event  
14 (RCW 9A.82.070)  
15 Physical Control of a Vehicle While  
16 Under the Influence (RCW  
17 46.61.504(6))  
18 Possession of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 2 (RCW 9.68A.070(2))  
21 Residential Burglary (RCW 9A.52.025)  
22 Robbery 2 (RCW 9A.56.210)  
23 Theft of Livestock 1 (RCW 9A.56.080)  
24 Threats to Bomb (RCW 9.61.160)  
25 Trafficking in Stolen Property 1 (RCW  
26 9A.82.050)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(b))  
30 Unlawful transaction of health coverage  
31 as a health care service contractor  
32 (RCW 48.44.016(3))  
33 Unlawful transaction of health coverage  
34 as a health maintenance  
35 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance  
2 business (RCW 48.15.023(3))  
3 Unlicensed practice as an insurance  
4 professional (RCW 48.17.063(2))  
5 Use of Proceeds of Criminal  
6 Profiteering (RCW 9A.82.080 (1)  
7 and (2))  
8 Vehicle Prowling 2 (third or subsequent  
9 offense) (RCW 9A.52.100(3))  
10 Vehicular Assault, by being under the  
11 influence of intoxicating liquor or  
12 any drug, or by the operation or  
13 driving of a vehicle in a reckless  
14 manner (RCW 46.61.522)  
15 Viewing of Depictions of a Minor  
16 Engaged in Sexually Explicit  
17 Conduct 1 (RCW 9.68A.075(1))  
18 Willful Failure to Return from Furlough  
19 (RCW 72.66.060)  
20 III Animal Cruelty 1 (Sexual Conduct or  
21 Contact) (RCW 16.52.205(3))  
22 Assault 3 (Except Assault 3 of a Peace  
23 Officer With a Projectile Stun Gun)  
24 (RCW 9A.36.031 except subsection  
25 (1)(h))  
26 Assault of a Child 3 (RCW 9A.36.140)  
27 Bail Jumping with class B or C Felony  
28 (RCW 9A.76.170(3)(c))  
29 Burglary 2 (RCW 9A.52.030)  
30 Communication with a Minor for  
31 Immoral Purposes (RCW  
32 9.68A.090)  
33 Criminal Gang Intimidation (RCW  
34 9A.46.120)  
35 Custodial Assault (RCW 9A.36.100)



1 Cyberstalking (subsequent conviction or  
2 threat of death) (RCW 9.61.260(3))  
3 Escape 2 (RCW 9A.76.120)  
4 Extortion 2 (RCW 9A.56.130)  
5 False Reporting 2 (RCW  
6 9A.84.040(2)(b))  
7 Harassment (RCW 9A.46.020)  
8 Intimidating a Public Servant (RCW  
9 9A.76.180)  
10 Introducing Contraband 2 (RCW  
11 9A.76.150)  
12 Malicious Injury to Railroad Property  
13 (RCW 81.60.070)  
14 Manufacture of Untraceable Firearm  
15 with Intent to Sell (RCW 9.41.190)  
16 Manufacture or Assembly of an  
17 Undetectable Firearm or  
18 Untraceable Firearm (RCW  
19 9.41.325)  
20 Mortgage Fraud (RCW 19.144.080)  
21 Negligently Causing Substantial Bodily  
22 Harm By Use of a Signal  
23 Preemption Device (RCW  
24 46.37.674)  
25 Organized Retail Theft 1 (RCW  
26 9A.56.350(2))  
27 Perjury 2 (RCW 9A.72.030)  
28 Possession of Incendiary Device (RCW  
29 9.40.120)  
30 Possession of Machine Gun, Bump-Fire  
31 Stock, Undetectable Firearm, or  
32 Short-Barreled Shotgun or Rifle  
33 (RCW 9.41.190)  
34 Promoting Prostitution 2 (RCW  
35 9A.88.080)

1 Retail Theft with Special Circumstances  
2 1 (RCW 9A.56.360(2))  
3 Securities Act violation (RCW  
4 21.20.400)  
5 Tampering with a Witness (RCW  
6 9A.72.120)  
7 Telephone Harassment (subsequent  
8 conviction or threat of death) (RCW  
9 9.61.230(2))  
10 Theft 2 (second or subsequent offense)  
11 (commercial metal property,  
12 nonferrous metal property, or  
13 private metal property, and the  
14 damage to the owner's property  
15 exceeds \$750 but does not exceed  
16 \$5,000) (RCW 9A.56.040(3))  
17 Theft of Livestock 2 (RCW 9A.56.083)  
18 Theft with the Intent to Resell 1 (RCW  
19 9A.56.340(2))  
20 Trafficking in Stolen Property 2 (RCW  
21 9A.82.055)  
22 Unlawful Hunting of Big Game 1 (RCW  
23 77.15.410(3)(b))  
24 Unlawful Imprisonment (RCW  
25 9A.40.040)  
26 Unlawful Misbranding of Fish or  
27 Shellfish 1 (RCW 77.140.060(3))  
28 Unlawful possession of firearm in the  
29 second degree (RCW 9.41.040(2))  
30 Unlawful Taking of Endangered Fish or  
31 Wildlife 1 (RCW 77.15.120(3)(b))  
32 Unlawful Trafficking in Fish, Shellfish,  
33 or Wildlife 1 (RCW  
34 77.15.260(3)(b))  
35 Unlawful Use of a Nondesignated  
36 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or  
2 driving of a vehicle with disregard  
3 for the safety of others (RCW  
4 46.61.522)

5 Willful Failure to Return from Work  
6 Release (RCW 72.65.070)

7 II Commercial Fishing Without a License  
8 1 (RCW 77.15.500(3)(b))

9 Computer Trespass 1 (RCW 9A.90.040)

10 Counterfeiting (RCW 9.16.035(3))

11 Electronic Data Service Interference  
12 (RCW 9A.90.060)

13 Electronic Data Tampering 1 (RCW  
14 9A.90.080)

15 Electronic Data Theft (RCW 9A.90.100)

16 Engaging in Fish Dealing Activity  
17 Unlicensed 1 (RCW 77.15.620(3))

18 Escape from Community Custody  
19 (RCW 72.09.310)

20 Failure to Register as a Sex Offender  
21 (second or subsequent offense)  
22 (RCW 9A.44.130 prior to June 10,  
23 2010, and RCW 9A.44.132)

24 Health Care False Claims (RCW  
25 48.80.030)

26 Identity Theft 2 (RCW 9.35.020(3))

27 Improperly Obtaining Financial  
28 Information (RCW 9.35.010)

29 Malicious Mischief 1 (RCW 9A.48.070)

30 Organized Retail Theft 2 (RCW  
31 9A.56.350(3))

32 Possession of Stolen Property 1 (RCW  
33 9A.56.150)

34 Possession of a Stolen Vehicle (RCW  
35 9A.56.068)

1 Retail Theft with Special Circumstances  
2 2 (RCW 9A.56.360(3))  
3 Scrap Processing, Recycling, or  
4 Supplying Without a License  
5 (second or subsequent offense)  
6 (RCW 19.290.100)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft 2 (commercial metal property,  
9 nonferrous metal property, or  
10 private metal property, and the  
11 damage to the owner's property  
12 exceeds \$750 but does not exceed  
13 \$5,000) (RCW 9A.56.040(1)(c))  
14 Theft of a Motor Vehicle (RCW  
15 9A.56.065)  
16 Theft of Rental, Leased, Lease-  
17 purchased, or Loaned Property  
18 (valued at (~~five thousand dollars~~)  
19 \$5,000 or more) (RCW  
20 9A.56.096(5)(a))  
21 Theft with the Intent to Resell 2 (RCW  
22 9A.56.340(3))  
23 Trafficking in Insurance Claims (RCW  
24 48.30A.015)  
25 Unlawful factoring of a credit card or  
26 payment card transaction (RCW  
27 9A.56.290(4)(a))  
28 Unlawful Participation of Non-Indians  
29 in Indian Fishery (RCW  
30 77.15.570(2))  
31 Unlawful Practice of Law (RCW  
32 2.48.180)  
33 Unlawful Purchase or Use of a License  
34 (RCW 77.15.650(3)(b))  
35 Unlawful Trafficking in Fish, Shellfish,  
36 or Wildlife 2 (RCW  
37 77.15.260(3)(a))

1 Unlicensed Practice of a Profession or  
2 Business (RCW 18.130.190(7))  
3 Voyeurism 1 (RCW 9A.44.115)  
4 I Attempting to Elude a Pursuing Police  
5 Vehicle (RCW 46.61.024)  
6 False Verification for Welfare (RCW  
7 74.08.055)  
8 Forgery (RCW 9A.60.020)  
9 Fraudulent Creation or Revocation of a  
10 Mental Health Advance Directive  
11 (RCW 9A.60.060)  
12 Malicious Mischief 2 (RCW 9A.48.080)  
13 Mineral Trespass (RCW 78.44.330)  
14 Possession of Stolen Property 2 (RCW  
15 9A.56.160)  
16 Reckless Burning 1 (RCW 9A.48.040)  
17 Spotlighting Big Game 1 (RCW  
18 77.15.450(3)(b))  
19 Suspension of Department Privileges 1  
20 (RCW 77.15.670(3)(b))  
21 Taking Motor Vehicle Without  
22 Permission 2 (RCW 9A.56.075)  
23 Theft 2 (valued at \$750 or more but less  
24 than \$5,000, and other than a  
25 firearm or motor vehicle; a public  
26 record, writing, or instrument kept,  
27 filed, or deposited according to law  
28 with or in the keeping of any public  
29 office or public servant; or an  
30 access device) (RCW 9A.56.040(1))  
31 (a), (b), or (d)  
32 Theft from a Vulnerable Adult 2 (RCW  
33 9A.56.400(2))

1 Theft of Rental, Leased, Lease-  
2 purchased, or Loaned Property  
3 (valued at (~~seven hundred fifty~~  
4 ~~dollars~~) \$750 or more but less than  
5 (~~five thousand dollars~~) \$5,000)  
6 (RCW 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063)  
10 Unlawful Fish and Shellfish Catch  
11 Accounting (RCW 77.15.630(3)(b))  
12 Unlawful Issuance of Checks or Drafts  
13 (RCW 9A.56.060)  
14 Unlawful Possession of Fictitious  
15 Identification (RCW 9A.56.320)  
16 Unlawful Possession of Instruments of  
17 Financial Fraud (RCW 9A.56.320)  
18 Unlawful Possession of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Possession of a Personal  
21 Identification Device (RCW  
22 9A.56.320)  
23 Unlawful Production of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Releasing, Planting,  
26 Possessing, or Placing Deleterious  
27 Exotic Wildlife (RCW  
28 77.15.250(2)(b))  
29 Unlawful Trafficking in Food Stamps  
30 (RCW 9.91.142)  
31 Unlawful Use of Food Stamps (RCW  
32 9.91.144)  
33 Unlawful Use of Net to Take Fish 1  
34 (RCW 77.15.580(3)(b))  
35 Unlawful Use of Prohibited Aquatic  
36 Animal Species (RCW  
37 77.15.253(3))

1 Vehicle Prowl 1 (RCW 9A.52.095)

2 Violating Commercial Fishing Area or

3 Time 1 (RCW 77.15.550(3)(b))

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A  
5 RCW to read as follows:

6 In a criminal case where:

7 (1) The defendant has been convicted of theft in the second  
8 degree; and

9 (2) There has been a special allegation pleaded and proven beyond  
10 a reasonable doubt that, during the commission of the theft, the  
11 defendant engaged in a confrontation with the property owner or a  
12 third party attempting to prevent the theft from occurring;  
13 the court shall make a finding of fact of the special allegation, or  
14 if a jury is had, the jury shall, if it finds the defendant guilty,  
15 also find a special verdict as to the special allegation.

16 **Sec. 5.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are  
17 each reenacted and amended to read as follows:

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

20 (2) For persons convicted of the anticipatory offenses of  
21 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
22 RCW, the standard sentence range is determined by locating the  
23 sentencing grid sentence range defined by the appropriate offender  
24 score and the seriousness level of the completed crime, and  
25 multiplying the range by (~~seventy-five~~) 75 percent.

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

1 offense under chapter 9A.28 RCW to commit one of the crimes listed in  
2 this subsection as eligible for any firearm enhancements, the  
3 following additional times shall be added to the standard sentence  
4 range determined under subsection (2) of this section based on the  
5 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

15 (d) If the offender is being sentenced for any firearm  
16 enhancements under (a), (b), and/or (c) of this subsection and the  
17 offender has previously been sentenced for any deadly weapon  
18 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
19 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
20 both, all firearm enhancements under this subsection shall be twice  
21 the amount of the enhancement listed;

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

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

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

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

38 (g) If the standard sentence range under this section exceeds the  
39 statutory maximum sentence for the offense, the statutory maximum  
40 sentence shall be the presumptive sentence unless the offender is a



1 persistent offender. If the addition of a firearm enhancement  
2 increases the sentence so that it would exceed the statutory maximum  
3 for the offense, the portion of the sentence representing the  
4 enhancement may not be reduced.

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

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

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

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

32 (d) If the offender is being sentenced under (a), (b), and/or (c)  
33 of this subsection for any deadly weapon enhancements and the  
34 offender has previously been sentenced for any deadly weapon  
35 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
36 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
37 both, all deadly weapon enhancements under this subsection shall be  
38 twice the amount of the enhancement listed;

39 (e) Notwithstanding any other provision of law, all deadly weapon  
40 enhancements under this section are mandatory, shall be served in

1 total confinement, and shall run consecutively to all other  
2 sentencing provisions, including other firearm or deadly weapon  
3 enhancements, for all offenses sentenced under this chapter. However,  
4 whether or not a mandatory minimum term has expired, an offender  
5 serving a sentence under this subsection may be:

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

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

9 (f) The deadly weapon enhancements in this section shall apply to  
10 all felony crimes except the following: Possession of a machine gun  
11 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
12 theft of a firearm, unlawful possession of a firearm in the first and  
13 second degree, and use of a machine gun or bump-fire stock in a  
14 felony;

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

22 (5) The following additional times shall be added to the standard  
23 sentence range if the offender or an accomplice committed the offense  
24 while in a county jail or state correctional facility and the  
25 offender is being sentenced for one of the crimes listed in this  
26 subsection. If the offender or an accomplice committed one of the  
27 crimes listed in this subsection while in a county jail or state  
28 correctional facility, and the offender is being sentenced for an  
29 anticipatory offense under chapter 9A.28 RCW to commit one of the  
30 crimes listed in this subsection, the following additional times  
31 shall be added to the standard sentence range determined under  
32 subsection (2) of this section:

33 (a) Eighteen months for offenses committed under RCW 69.50.401(2)

34 (a) or (b) or 69.50.410;

35 (b) Fifteen months for offenses committed under RCW 69.50.401(2)

36 (c), (d), or (e);

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

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

1 (6) An additional (~~twenty-four~~) 24 months shall be added to the  
2 standard sentence range for any ranked offense involving a violation  
3 of chapter 69.50 RCW if the offense was also a violation of RCW  
4 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
5 run consecutively to all other sentencing provisions, for all  
6 offenses sentenced under this chapter.

7 (7) An additional two years shall be added to the standard  
8 sentence range for vehicular homicide committed while under the  
9 influence of intoxicating liquor or any drug as defined by RCW  
10 46.61.502 for each prior offense as defined in RCW 46.61.5055.

11 Notwithstanding any other provision of law, all impaired driving  
12 enhancements under this subsection are mandatory, shall be served in  
13 total confinement, and shall run consecutively to all other  
14 sentencing provisions, including other impaired driving enhancements,  
15 for all offenses sentenced under this chapter.

16 An offender serving a sentence under this subsection may be  
17 granted an extraordinary medical placement when authorized under RCW  
18 9.94A.728(1)(c).

19 (8)(a) The following additional times shall be added to the  
20 standard sentence range for felony crimes committed on or after July  
21 1, 2006, if the offense was committed with sexual motivation, as that  
22 term is defined in RCW 9.94A.030. If the offender is being sentenced  
23 for more than one offense, the sexual motivation enhancement must be  
24 added to the total period of total confinement for all offenses,  
25 regardless of which underlying offense is subject to a sexual  
26 motivation enhancement. If the offender committed the offense with  
27 sexual motivation and the offender is being sentenced for an  
28 anticipatory offense under chapter 9A.28 RCW, the following  
29 additional times shall be added to the standard sentence range  
30 determined under subsection (2) of this section based on the felony  
31 crime of conviction as classified under RCW 9A.28.020:

32 (i) Two years for any felony defined under the law as a class A  
33 felony or with a statutory maximum sentence of at least (~~twenty~~) 20  
34 years, or both;

35 (ii) Eighteen months for any felony defined under any law as a  
36 class B felony or with a statutory maximum sentence of (~~ten~~) 10  
37 years, or both;

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

1 (iv) If the offender is being sentenced for any sexual motivation  
2 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
3 the offender has previously been sentenced for any sexual motivation  
4 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
5 (iii) of this subsection, all sexual motivation enhancements under  
6 this subsection shall be twice the amount of the enhancement listed;

7 (b) Notwithstanding any other provision of law, all sexual  
8 motivation enhancements under this subsection are mandatory, shall be  
9 served in total confinement, and shall run consecutively to all other  
10 sentencing provisions, including other sexual motivation  
11 enhancements, for all offenses sentenced under this chapter. However,  
12 whether or not a mandatory minimum term has expired, an offender  
13 serving a sentence under this subsection may be:

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

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

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

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

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

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

32 (9) An additional one-year enhancement shall be added to the  
33 standard sentence range for the felony crimes of RCW 9A.44.073,  
34 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
35 or after July 22, 2007, if the offender engaged, agreed, or offered  
36 to engage the victim in the sexual conduct in return for a fee. If  
37 the offender is being sentenced for more than one offense, the  
38 one-year enhancement must be added to the total period of total  
39 confinement for all offenses, regardless of which underlying offense  
40 is subject to the enhancement. If the offender is being sentenced for

1 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
2 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
3 offender attempted, solicited another, or conspired to engage, agree,  
4 or offer to engage the victim in the sexual conduct in return for a  
5 fee, an additional one-year enhancement shall be added to the  
6 standard sentence range determined under subsection (2) of this  
7 section. For purposes of this subsection, "sexual conduct" means  
8 sexual intercourse or sexual contact, both as defined in chapter  
9 9A.44 RCW.

10 (10)(a) For a person age (~~(eighteen)~~) 18 or older convicted of  
11 any criminal street gang-related felony offense for which the person  
12 compensated, threatened, or solicited a minor in order to involve the  
13 minor in the commission of the felony offense, the standard sentence  
14 range is determined by locating the sentencing grid sentence range  
15 defined by the appropriate offender score and the seriousness level  
16 of the completed crime, and multiplying the range by (~~(one hundred~~  
17 ~~twenty-five)~~) 125 percent. If the standard sentence range under this  
18 subsection exceeds the statutory maximum sentence for the offense,  
19 the statutory maximum sentence is the presumptive sentence unless the  
20 offender is a persistent offender.

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

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

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

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

36 (13) An additional (~~(twelve)~~) 12 months shall be added to the  
37 standard sentence range for vehicular homicide committed while under  
38 the influence of intoxicating liquor or any drug as defined by RCW  
39 46.61.520 or for vehicular assault committed while under the  
40 influence of intoxicating liquor or any drug as defined by RCW

1 46.61.522, or for any felony driving under the influence (RCW  
2 46.61.502(6)) or felony physical control under the influence (RCW  
3 46.61.504(6)) for each child passenger under the age of (~~sixteen~~)  
4 16 who is an occupant in the defendant's vehicle. These enhancements  
5 shall be mandatory, shall be served in total confinement, and shall  
6 run consecutively to all other sentencing provisions, including other  
7 minor child enhancements, for all offenses sentenced under this  
8 chapter. If the addition of a minor child enhancement increases the  
9 sentence so that it would exceed the statutory maximum for the  
10 offense, the portion of the sentence representing the enhancement  
11 shall be mandatory, shall be served in total confinement, and shall  
12 run consecutively to all other sentencing provisions.

13 (14) An additional (~~twelve~~) 12 months shall be added to the  
14 standard sentence range for an offense that is also a violation of  
15 RCW 9.94A.832.

16 (15) An additional 12 months shall be added to the standard  
17 sentence range for an offense that is also a violation of section 4  
18 of this act.

19 (16) Regardless of any provisions in this section, if a person is  
20 being sentenced in adult court for a crime committed under age  
21 (~~eighteen~~) 18, the court has full discretion to depart from  
22 mandatory sentencing enhancements and to take the particular  
23 circumstances surrounding the defendant's youth into account.

24 NEW SECTION. **Sec. 6.** Section 2 of this act expires July 1,  
25 2022.

26 NEW SECTION. **Sec. 7.** Section 3 of this act takes effect July 1,  
27 2022.

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