

SHB 1268 - S AMD TO LAW COMM AMD (S-2717.1/23) 355
By Senator Padden

NOT CONSIDERED 05/17/2023

1 Beginning on page 17, line 19, strike all material through "(B)"
2 page 19, line 11, and insert the following:

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

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

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

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

19 (g) If the standard sentence range under this section exceeds the
20 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 firearm enhancement
23 increases the sentence so that it would exceed the statutory maximum
24 for the offense, the portion of the sentence representing the
25 enhancement may not be reduced.

26 (4) 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 deadly weapon other
29 than a firearm as defined in RCW 9.41.010 and the offender is being
30 sentenced for one of the crimes listed in this subsection as eligible
31 for any deadly weapon enhancements based on the classification of the
32 completed felony crime. If the offender is being sentenced for more
33 than one offense, the deadly weapon enhancement or enhancements must

1 be added to the total period of confinement for all offenses,
2 regardless of which underlying offense is subject to a deadly weapon
3 enhancement. If the offender or an accomplice was armed with a deadly
4 weapon other than a firearm as defined in RCW 9.41.010 and the
5 offender is being sentenced for an anticipatory offense under chapter
6 9A.28 RCW to commit one of the crimes listed in this subsection as
7 eligible for any deadly weapon enhancements, the following additional
8 times shall be added to the standard sentence range determined under
9 subsection (2) of this section based on the felony crime of
10 conviction as classified under RCW 9A.28.020:

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

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

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

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

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

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

36 (ii)"

37 Beginning on page 23, line 36, strike all of section 3

1 Renumber the remaining sections consecutively and correct any
2 internal references accordingly.

3 On page 30, line 7, after "9.94A.030," strike "9.94A.599,"

EFFECT: Restores all current law provisions regarding the firearm
enhancement and deadly weapon enhancement.

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