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HOUSE BILL 1840

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State of Washington

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2023 Regular Session

By Representatives Cheney, Walen, Graham, Rude, Walsh, Robertson, Hutchins, Schmidt, Chapman, Barnard, Eslick, and McClintock

Read first time 02/21/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to addressing catalytic converter theft; amending  
2 RCW 19.290.020, 19.290.030, 9A.56.410, 9.94A.515, 36.28A.240, and  
3 43.43.885; reenacting and amending RCW 9.94A.533; adding a new  
4 section to chapter 9.94A RCW; making an appropriation; and  
5 prescribing penalties.

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

7 **Sec. 1.** RCW 19.290.020 and 2022 c 221 s 3 are each amended to  
8 read as follows:

9 (1) At the time of a transaction, every scrap metal business  
10 doing business in this state shall produce wherever that business is  
11 conducted an accurate and legible record of each transaction  
12 involving private metal property, precious metals, or nonferrous  
13 metal property. This record must be written in the English language,  
14 documented on a standardized form or in electronic form, and contain  
15 the following information:

16 (a) The signature of the person with whom the transaction is  
17 made;

18 (b) The time, date, location, and value of the transaction;

19 (c) The name of the employee representing the scrap metal  
20 business in the transaction;

1 (d) The name, street address, and telephone number of the person  
2 with whom the transaction is made;

3 (e) The license plate number and state of issuance of the license  
4 plate on the motor vehicle used to deliver the private metal property  
5 or nonferrous metal property subject to the transaction;

6 (f) A description of the motor vehicle used to deliver the  
7 private metal property or nonferrous metal property subject to the  
8 transaction;

9 (g) The current driver's license number or other government-  
10 issued picture identification card number of the seller or a copy of  
11 the seller's government-issued picture identification card;

12 (h) A description of the predominant types of private metal  
13 property or nonferrous metal property subject to the transaction,  
14 utilizing the institute of scrap recycling industries' generally  
15 accepted terminology, and including weight, quantity, or volume; and

16 (i) For every transaction specifically involving a catalytic  
17 converter that has been removed from a vehicle, documentation  
18 indicating that the private metal property in the seller's possession  
19 is the result of the seller replacing private metal property from a  
20 vehicle registered in the seller's name.

21 (2) For every transaction that involves private metal property or  
22 nonferrous metal property, every scrap metal business doing business  
23 in the state shall require the person with whom a transaction is  
24 being made to sign a declaration. The declaration may be included as  
25 part of the transactional record required under subsection (1) of  
26 this section, or on a receipt for the transaction. The declaration  
27 must state substantially the following:

28 "I, the undersigned, affirm under penalty of law that the  
29 property that is subject to this transaction is not to the best of my  
30 knowledge stolen property."

31 The declaration must be signed and dated by the person with whom  
32 the transaction is being made. An employee of the scrap metal  
33 business must witness the signing and dating of the declaration and  
34 sign the declaration accordingly before any transaction may be  
35 consummated.

36 (3) The record and declaration required under this section must  
37 be open to the inspection of any commissioned law enforcement officer  
38 of the state or any of its political subdivisions at all times during  
39 the ordinary hours of business, or at reasonable times if ordinary  
40 hours of business are not kept, and must be maintained wherever that

1 business is conducted for five years following the date of the  
2 transaction.

3 **Sec. 2.** RCW 19.290.030 and 2022 c 221 s 4 are each amended to  
4 read as follows:

5 (1) No scrap metal business may enter into a transaction to  
6 purchase or receive private metal property, precious metals, or  
7 nonferrous metal property from any person who cannot produce at least  
8 one piece of current government-issued picture identification,  
9 including a valid driver's license or identification card issued by  
10 any state.

11 (2) No scrap metal business may enter into a transaction to  
12 purchase or receive private metal property from any person who is not  
13 a commercial enterprise or owner of the vehicle from which the  
14 catalytic converter was removed. No scrap metal business may enter  
15 into a transaction with an owner of a vehicle from which a catalytic  
16 converter was removed unless the owner provides the year, make,  
17 model, and vehicle identification number for the vehicle from which  
18 it was removed.

19 (3) No scrap metal business may purchase or receive private metal  
20 property or commercial metal property unless the seller: (a) Has a  
21 commercial account with the scrap metal business; (b) can prove  
22 ownership of the property by producing written documentation that the  
23 seller is the owner of the property; or (c) can produce written  
24 documentation that the seller is an employee or agent authorized to  
25 sell the property on behalf of a commercial enterprise.

26 ((+3)) (4) No scrap metal business may enter into a transaction  
27 to purchase or receive metallic wire that was burned in whole or in  
28 part to remove insulation unless the seller can produce written proof  
29 to the scrap metal business that the wire was lawfully burned.

30 ((+4)) (5)(a) No transaction involving private metal property or  
31 nonferrous metal property may be made in cash or with any person who  
32 does not provide a street address and photographic identification  
33 under the requirements of RCW 19.290.020(1) (d) and (g) except as  
34 described in (b) and (c) of this subsection. The person with whom the  
35 transaction is being made may only be paid by a nontransferable  
36 check, mailed by the scrap metal business to a street address  
37 provided under RCW 19.290.020, no earlier than ((three)) five  
38 business days after the transaction was made. A transaction occurs on  
39 the date provided in the record required under RCW 19.290.020.

1 (b) A scrap metal business that is in compliance with this  
2 chapter may pay up to a maximum of \$30 in cash, stored value device,  
3 or electronic funds transfer for nonferrous metal property. The  
4 balance of the value of the transaction may be made by  
5 nontransferable check, stored value device, or electronic funds  
6 transfer at the time the transaction is made if the scrap metal  
7 business digitally captures:

8 (i) A copy of one piece of current government-issued picture  
9 identification, including a current driver's license or  
10 identification card issued by any state; and

11 (ii) Either a picture or video of either the material subject to  
12 the transaction in the form received or the material subject to the  
13 transaction within the vehicle which the material was transported to  
14 the scrap metal business.

15 (c) Payment to individual sellers of private metal property as  
16 defined in this chapter may not be made at the time of the  
17 transaction and shall not be paid earlier than ~~((three))~~ five  
18 business days after the transaction was made. Records of payment for  
19 private metal property as defined in this chapter must be kept in the  
20 same file or record as all records collected under this subsection  
21 and retained and be available for review for ~~((two))~~ three years from  
22 the date of the transaction.

23 ~~((+5))~~ (6)(a) A scrap metal business's usage of video  
24 surveillance shall be sufficient to comply with subsection ~~((+4))~~  
25 (5)(b)(ii) of this section so long as the video captures the material  
26 subject to the transaction.

27 (b) A digital image or picture taken under this section must be  
28 available for ~~((two))~~ three years from the date of transaction, while  
29 a video recording must be available for 30 days.

30 ~~((+6))~~ (7) No scrap metal business may purchase or receive beer  
31 kegs from anyone except a manufacturer of beer kegs or licensed  
32 brewery.

33 **Sec. 3.** RCW 9A.56.410 and 2022 c 221 s 5 are each amended to  
34 read as follows:

35 (1) ~~((+1))~~ Except as provided in subsection (2) of this section,  
36 it is a gross misdemeanor under chapter 9A.20 RCW for:

37 (a) Any person to deliberately remove, alter, or obliterate any  
38 manufacturer's make, model, or serial number, personal identification  
39 number, or identifying marks engraved or etched upon an item of

1 private metal property, nonferrous metal property, or commercial  
2 metal property in order to deceive a scrap metal business;

3 (b) Any scrap metal business to enter into a transaction to  
4 purchase or receive any private metal property, nonferrous metal  
5 property, or commercial metal property where the manufacturer's make,  
6 model, or serial number, personal identification number, or  
7 identifying marks engraved or etched upon the property have been  
8 deliberately and conspicuously removed, altered, or obliterated;

9 (c) Any person to knowingly make, cause, or allow to be made any  
10 false entry or misstatement of any material matter in any book,  
11 record, or writing required to be kept under this chapter;

12 (d) Any scrap metal business to enter into a transaction to  
13 purchase or receive private metal property, nonferrous metal  
14 property, or commercial metal property from any person under the age  
15 of 18 years or any person who is discernibly under the influence of  
16 intoxicating liquor or drugs;

17 (e) Any scrap metal business to enter into a transaction to  
18 purchase or receive private metal property, nonferrous metal  
19 property, or commercial metal property with anyone whom the scrap  
20 metal business has been informed by a law enforcement agency to have  
21 been convicted of a crime involving drugs, burglary, robbery, theft,  
22 or possession of or receiving stolen property, manufacturing,  
23 delivering, or possessing with intent to deliver methamphetamine, or  
24 possession of ephedrine or any of its salts or isomers or salts of  
25 isomers, pseudoephedrine or any of its salts or isomers or salts of  
26 isomers, or anhydrous ammonia with intent to manufacture  
27 methamphetamine within the past four years whether the person is  
28 acting in his or her own behalf or as the agent of another;

29 (f) Any person to sign the declaration required under RCW  
30 19.290.020 knowing that the private metal property or nonferrous  
31 metal property subject to the transaction is stolen. The signature of  
32 a person on the declaration required under RCW 19.290.020 constitutes  
33 evidence of intent to defraud a scrap metal business if that person  
34 is found to have known that the private metal property or nonferrous  
35 metal property subject to the transaction was stolen;

36 (g) Any scrap metal business to possess private metal property or  
37 commercial metal property that was not lawfully purchased or received  
38 under the requirements of this chapter;

39 (h) Any scrap metal business to engage in a series of  
40 transactions valued at less than \$30 with the same seller for the

1 purposes of avoiding the requirements of RCW 19.290.030(~~((4))~~) (5);  
2 or

3 (i) Any person to knowingly make a false or fictitious oral or  
4 written statement or to furnish or exhibit any false, fictitious, or  
5 misrepresented identification, with the intent to deceive a scrap  
6 metal business as to the actual seller of the scrap metal.

7 (2) A second or subsequent violation of subsection (1)(a) or (b)  
8 of this section is a class C felony.

9 (3) It is a gross misdemeanor under chapter 9A.20 RCW for any  
10 scrap metal business to purchase or receive private metal property  
11 knowing that the private metal property subject to the transaction is  
12 stolen. It is a gross misdemeanor under chapter 9A.20 RCW for any  
13 owner, partner, or employee of a scrap metal business to purchase or  
14 receive private metal property knowing that the private metal  
15 property subject to the transaction is stolen.

16 (4) Notwithstanding any fines imposed as part of the sentence  
17 under this section, each offense is punishable by a \$1,000 fine per  
18 catalytic converter, 10 percent of which shall be directed to the no-  
19 buy list database program in RCW 43.43.885, and the remainder shall  
20 be directed to the Washington association of sheriffs and police  
21 chiefs solely for grants issued under RCW 36.28A.240.

22 ~~((3))~~ (5)(a) Facilitating the offer of used catalytic  
23 converters for sale without first verifying proof of ownership of the  
24 catalytic converter, or failing to retain verified records of  
25 ownership of used catalytic converters offered for sale for at least  
26 ~~((two))~~ three years, is an unfair or deceptive act or practice or  
27 unfair method of competition in the conduct of trade or commerce for  
28 purposes of the consumer protection act, chapter 19.86 RCW.

29 (b) All damages awarded to the state of Washington under chapter  
30 19.86 RCW shall be distributed as follows:

31 (i) Ninety percent to the grant and training program in RCW  
32 36.28A.240; and

33 (ii) Ten percent to the no-buy list database program in RCW  
34 43.43.885.

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

37

TABLE 2

1 CRIMES INCLUDED WITHIN EACH  
2 SERIOUSNESS LEVEL

3 XVI Aggravated Murder 1 (RCW 10.95.020)

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

5 Malicious explosion 1 (RCW  
6 70.74.280(1))

7 Murder 1 (RCW 9A.32.030)

8 XIV Murder 2 (RCW 9A.32.050)

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

10 XIII Malicious explosion 2 (RCW  
11 70.74.280(2))

12 Malicious placement of an explosive 1  
13 (RCW 70.74.270(1))

14 XII Assault 1 (RCW 9A.36.011)

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

16 Malicious placement of an imitation  
17 device 1 (RCW 70.74.272(1)(a))

18 Promoting Commercial Sexual Abuse of  
19 a Minor (RCW 9.68A.101)

20 Rape 1 (RCW 9A.44.040)

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

22 Trafficking 2 (RCW 9A.40.100(3))

23 XI Manslaughter 1 (RCW 9A.32.060)

24 Rape 2 (RCW 9A.44.050)

25 Rape of a Child 2 (RCW 9A.44.076)

26 Vehicular Homicide, by being under the  
27 influence of intoxicating liquor or  
28 any drug (RCW 46.61.520)

29 Vehicular Homicide, by the operation of  
30 any vehicle in a reckless manner  
31 (RCW 46.61.520)

32 X Child Molestation 1 (RCW 9A.44.083)

33 Criminal Mistreatment 1 (RCW  
34 9A.42.020)

1 Indecent Liberties (with forcible  
2 compulsion) (RCW  
3 9A.44.100(1)(a))  
4 Kidnapping 1 (RCW 9A.40.020)  
5 Leading Organized Crime (RCW  
6 9A.82.060(1)(a))  
7 Malicious explosion 3 (RCW  
8 70.74.280(3))  
9 Sexually Violent Predator Escape (RCW  
10 9A.76.115)  
11 IX Abandonment of Dependent Person 1  
12 (RCW 9A.42.060)  
13 Assault of a Child 2 (RCW 9A.36.130)  
14 Explosive devices prohibited (RCW  
15 70.74.180)  
16 Hit and Run—Death (RCW  
17 46.52.020(4)(a))  
18 Homicide by Watercraft, by being under  
19 the influence of intoxicating liquor  
20 or any drug (RCW 79A.60.050)  
21 Inciting Criminal Profiteering (RCW  
22 9A.82.060(1)(b))  
23 Malicious placement of an explosive 2  
24 (RCW 70.74.270(2))  
25 Robbery 1 (RCW 9A.56.200)  
26 Sexual Exploitation (RCW 9.68A.040)  
27 VIII Arson 1 (RCW 9A.48.020)  
28 Commercial Sexual Abuse of a Minor  
29 (RCW 9.68A.100)  
30 Homicide by Watercraft, by the  
31 operation of any vessel in a reckless  
32 manner (RCW 79A.60.050)  
33 Manslaughter 2 (RCW 9A.32.070)  
34 Promoting Prostitution 1 (RCW  
35 9A.88.070)



1 Theft of Ammonia (RCW 69.55.010)  
2 VII Air bag diagnostic systems (causing  
3 bodily injury or death) (RCW  
4 46.37.660(2)(b))  
5 Air bag replacement requirements  
6 (causing bodily injury or death)  
7 (RCW 46.37.660(1)(b))  
8 Burglary 1 (RCW 9A.52.020)  
9 Child Molestation 2 (RCW 9A.44.086)  
10 Civil Disorder Training (RCW  
11 9A.48.120)  
12 Dealing in depictions of minor engaged  
13 in sexually explicit conduct 1  
14 (RCW 9.68A.050(1))  
15 Drive-by Shooting (RCW 9A.36.045)  
16 False Reporting 1 (RCW  
17 9A.84.040(2)(a))  
18 Homicide by Watercraft, by disregard  
19 for the safety of others (RCW  
20 79A.60.050)  
21 Indecent Liberties (without forcible  
22 compulsion) (RCW 9A.44.100(1)  
23 (b) and (c))  
24 Introducing Contraband 1 (RCW  
25 9A.76.140)  
26 Malicious placement of an explosive 3  
27 (RCW 70.74.270(3))  
28 Manufacture or import counterfeit,  
29 nonfunctional, damaged, or  
30 previously deployed air bag  
31 (causing bodily injury or death)  
32 (RCW 46.37.650(1)(b))  
33 Negligently Causing Death By Use of a  
34 Signal Preemption Device (RCW  
35 46.37.675)

1 Sell, install, or reinstall counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed airbag (RCW  
4 46.37.650(2)(b))  
5 Sending, bringing into state depictions  
6 of minor engaged in sexually  
7 explicit conduct 1 (RCW  
8 9.68A.060(1))  
9 Unlawful Possession of a Firearm in the  
10 first degree (RCW 9.41.040(1))  
11 Use of a Machine Gun or Bump-fire  
12 Stock in Commission of a Felony  
13 (RCW 9.41.225)  
14 Vehicular Homicide, by disregard for  
15 the safety of others (RCW  
16 46.61.520)  
17 VI Bail Jumping with Murder 1 (RCW  
18 9A.76.170(3)(a))  
19 Bribery (RCW 9A.68.010)  
20 Incest 1 (RCW 9A.64.020(1))  
21 Intimidating a Judge (RCW 9A.72.160)  
22 Intimidating a Juror/Witness (RCW  
23 9A.72.110, 9A.72.130)  
24 Malicious placement of an imitation  
25 device 2 (RCW 70.74.272(1)(b))  
26 Possession of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 1 (RCW 9.68A.070(1))  
29 Rape of a Child 3 (RCW 9A.44.079)  
30 Theft of a Firearm (RCW 9A.56.300)  
31 Theft from a Vulnerable Adult 1 (RCW  
32 9A.56.400(1))  
33 Unlawful Storage of Ammonia (RCW  
34 69.55.020)  
35 V Abandonment of Dependent Person 2  
36 (RCW 9A.42.070)

1 Advancing money or property for  
2 extortionate extension of credit  
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW  
5 46.37.660(2)(c))

6 Air bag replacement requirements  
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony  
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW  
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW  
14 9A.44.160)

15 Dealing in Depictions of Minor  
16 Engaged in Sexually Explicit  
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order  
19 Violation (RCW 7.105.450,  
20 10.99.040, 10.99.050, 26.09.300,  
21 26.10.220, 26.26B.050, 26.50.110,  
22 26.52.070, or 74.34.145)

23 Extortion 1 (RCW 9A.56.120)

24 Extortionate Extension of Credit (RCW  
25 9A.82.020)

26 Extortionate Means to Collect  
27 Extensions of Credit (RCW  
28 9A.82.040)

29 Incest 2 (RCW 9A.64.020(2))

30 Kidnapping 2 (RCW 9A.40.030)

31 Manufacture or import counterfeit,  
32 nonfunctional, damaged, or  
33 previously deployed air bag (RCW  
34 46.37.650(1)(c))

35 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Possession of a Stolen Firearm (RCW  
4 9A.56.310)  
5 Rape 3 (RCW 9A.44.060)  
6 Rendering Criminal Assistance 1 (RCW  
7 9A.76.070)  
8 Sell, install, or reinstall counterfeit,  
9 nonfunctional, damaged, or  
10 previously deployed airbag (RCW  
11 46.37.650(2)(c))  
12 Sending, Bringing into State Depictions  
13 of Minor Engaged in Sexually  
14 Explicit Conduct 2 (RCW  
15 9.68A.060(2))  
16 Sexual Misconduct with a Minor 1  
17 (RCW 9A.44.093)  
18 Sexually Violating Human Remains  
19 (RCW 9A.44.105)  
20 Stalking (RCW 9A.46.110)  
21 Taking Motor Vehicle Without  
22 Permission 1 (RCW 9A.56.070)  
23 IV Arson 2 (RCW 9A.48.030)  
24 Assault 2 (RCW 9A.36.021)  
25 Assault 3 (of a Peace Officer with a  
26 Projectile Stun Gun) (RCW  
27 9A.36.031(1)(h))  
28 Assault 4 (third domestic violence  
29 offense) (RCW 9A.36.041(3))  
30 Assault by Watercraft (RCW  
31 79A.60.060)  
32 Bribing a Witness/Bribe Received by  
33 Witness (RCW 9A.72.090,  
34 9A.72.100)  
35 Cheating 1 (RCW 9.46.1961)  
36 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))  
2 Driving While Under the Influence  
3 (RCW 46.61.502(6))  
4 Endangerment with a Controlled  
5 Substance (RCW 9A.42.100)  
6 Escape 1 (RCW 9A.76.110)  
7 Hate Crime (RCW 9A.36.080)  
8 Hit and Run—Injury (RCW  
9 46.52.020(4)(b))  
10 Hit and Run with Vessel—Injury  
11 Accident (RCW 79A.60.200(3))  
12 Identity Theft 1 (RCW 9.35.020(2))  
13 Indecent Exposure to Person Under Age  
14 14 (subsequent sex offense) (RCW  
15 9A.88.010)  
16 Influencing Outcome of Sporting Event  
17 (RCW 9A.82.070)  
18 Physical Control of a Vehicle While  
19 Under the Influence (RCW  
20 46.61.504(6))  
21 Possession of Depictions of a Minor  
22 Engaged in Sexually Explicit  
23 Conduct 2 (RCW 9.68A.070(2))  
24 Residential Burglary (RCW 9A.52.025)  
25 Robbery 2 (RCW 9A.56.210)  
26 Theft of Livestock 1 (RCW 9A.56.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Trafficking in Stolen Property 1 (RCW  
29 9A.82.050)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(b))  
33 Unlawful transaction of health coverage  
34 as a health care service contractor  
35 (RCW 48.44.016(3))

1 Unlawful transaction of health coverage  
2 as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(2))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicle Prowling 2 (third or subsequent  
12 offense) (RCW 9A.52.100(3))  
13 Vehicular Assault, by being under the  
14 influence of intoxicating liquor or  
15 any drug, or by the operation or  
16 driving of a vehicle in a reckless  
17 manner (RCW 46.61.522)  
18 Viewing of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.075(1))  
21 Willful Failure to Return from Furlough  
22 (RCW 72.66.060)  
23 III Animal Cruelty 1 (Sexual Conduct or  
24 Contact) (RCW 16.52.205(3))  
25 Assault 3 (Except Assault 3 of a Peace  
26 Officer With a Projectile Stun Gun)  
27 (RCW 9A.36.031 except subsection  
28 (1)(h))  
29 Assault of a Child 3 (RCW 9A.36.140)  
30 Bail Jumping with class B or C Felony  
31 (RCW 9A.76.170(3)(c))  
32 Burglary 2 (RCW 9A.52.030)  
33 Communication with a Minor for  
34 Immoral Purposes (RCW  
35 9.68A.090)

1 Criminal Gang Intimidation (RCW  
2 9A.46.120)  
3 Custodial Assault (RCW 9A.36.100)  
4 Cyber Harassment (RCW  
5 9A.90.120(2)(b))  
6 Escape 2 (RCW 9A.76.120)  
7 Extortion 2 (RCW 9A.56.130)  
8 False Reporting 2 (RCW  
9 9A.84.040(2)(b))  
10 Harassment (RCW 9A.46.020)  
11 Intimidating a Public Servant (RCW  
12 9A.76.180)  
13 Introducing Contraband 2 (RCW  
14 9A.76.150)  
15 Malicious Injury to Railroad Property  
16 (RCW 81.60.070)  
17 Manufacture of Untraceable Firearm  
18 with Intent to Sell (RCW 9.41.190)  
19 Manufacture or Assembly of an  
20 Undetectable Firearm or  
21 Untraceable Firearm (RCW  
22 9.41.325)  
23 Mortgage Fraud (RCW 19.144.080)  
24 Negligently Causing Substantial Bodily  
25 Harm By Use of a Signal  
26 Preemption Device (RCW  
27 46.37.674)  
28 Organized Retail Theft 1 (RCW  
29 9A.56.350(2))  
30 Perjury 2 (RCW 9A.72.030)  
31 Possession of Incendiary Device (RCW  
32 9.40.120)  
33 Possession of Machine Gun, Bump-Fire  
34 Stock, Undetectable Firearm, or  
35 Short-Barreled Shotgun or Rifle  
36 (RCW 9.41.190)

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



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

1 Scrap Processing, Recycling, or  
2 Supplying Without a License  
3 (second or subsequent offense)  
4 (RCW 19.290.100)

5 Theft 1 (RCW 9A.56.030)

6 Theft 2 (commercial metal property,  
7 nonferrous metal property, or  
8 private metal property, and the  
9 damage to the owner's property  
10 exceeds \$750 but does not exceed  
11 \$5,000) (RCW 9A.56.040(1)(c))

12 Theft of a Motor Vehicle (RCW  
13 9A.56.065)

14 Theft of Rental, Leased, Lease-  
15 purchased, or Loaned Property  
16 (valued at \$5,000 or more) (RCW  
17 9A.56.096(5)(a))

18 Theft with the Intent to Resell 2 (RCW  
19 9A.56.340(3))

20 Trafficking in Insurance Claims (RCW  
21 48.30A.015)

22 Unlawful factoring of a credit card or  
23 payment card transaction (RCW  
24 9A.56.290(4)(a))

25 Unlawful Participation of Non-Indians  
26 in Indian Fishery (RCW  
27 77.15.570(2))

28 Unlawful Practice of Law (RCW  
29 2.48.180)

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

32 Unlawful Removal, Alteration, or  
33 Obliteration of Identifying  
34 Information of Metal Property  
35 (second or subsequent offense)  
36 (RCW 9A.56.410)

1 Unlawful Trafficking in Fish, Shellfish,  
2 or Wildlife 2 (RCW  
3 77.15.260(3)(a))  
4 Unlawful Transaction to Purchase or  
5 Receive Metal Property (second or  
6 subsequent offense) (RCW  
7 9A.56.410)  
8 Unlicensed Practice of a Profession or  
9 Business (RCW 18.130.190(7))  
10 Voyeurism 1 (RCW 9A.44.115)  
11 I Attempting to Elude a Pursuing Police  
12 Vehicle (RCW 46.61.024)  
13 False Verification for Welfare (RCW  
14 74.08.055)  
15 Forgery (RCW 9A.60.020)  
16 Fraudulent Creation or Revocation of a  
17 Mental Health Advance Directive  
18 (RCW 9A.60.060)  
19 Malicious Mischief 2 (RCW 9A.48.080)  
20 Mineral Trespass (RCW 78.44.330)  
21 Possession of Stolen Property 2 (RCW  
22 9A.56.160)  
23 Reckless Burning 1 (RCW 9A.48.040)  
24 Spotlighting Big Game 1 (RCW  
25 77.15.450(3)(b))  
26 Suspension of Department Privileges 1  
27 (RCW 77.15.670(3)(b))  
28 Taking Motor Vehicle Without  
29 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040) (valued at  
2 \$750 or more but less than \$5,000,  
3 and other than a firearm or motor  
4 vehicle; a public record, writing, or  
5 instrument kept, filed, or deposited  
6 according to law with or in the  
7 keeping of any public office or  
8 public servant; or an access device)  
9 Theft from a Vulnerable Adult 2 (RCW  
10 9A.56.400(2))  
11 Theft of Rental, Leased, Lease-  
12 purchased, or Loaned Property  
13 (valued at \$750 or more but less  
14 than \$5,000) (RCW  
15 9A.56.096(5)(b))  
16 Transaction of insurance business  
17 beyond the scope of licensure  
18 (RCW 48.17.063)  
19 Unlawful Fish and Shellfish Catch  
20 Accounting (RCW 77.15.630(3)(b))  
21 Unlawful Issuance of Checks or Drafts  
22 (RCW 9A.56.060)  
23 Unlawful Possession of Fictitious  
24 Identification (RCW 9A.56.320)  
25 Unlawful Possession of Instruments of  
26 Financial Fraud (RCW 9A.56.320)  
27 Unlawful Possession of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Possession of a Personal  
30 Identification Device (RCW  
31 9A.56.320)  
32 Unlawful Production of Payment  
33 Instruments (RCW 9A.56.320)  
34 Unlawful Releasing, Planting,  
35 Possessing, or Placing Deleterious  
36 Exotic Wildlife (RCW  
37 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps  
2 (RCW 9.91.142)  
3 Unlawful Use of Food Stamps (RCW  
4 9.91.144)  
5 Unlawful Use of Net to Take Fish 1  
6 (RCW 77.15.580(3)(b))  
7 Unlawful Use of Prohibited Aquatic  
8 Animal Species (RCW  
9 77.15.253(3))  
10 Vehicle Prowl 1 (RCW 9A.52.095)  
11 Violating Commercial Fishing Area or  
12 Time 1 (RCW 77.15.550(3)(b))

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

15 In a criminal case where:

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

18 (2) There has been a special allegation pleaded and proven beyond  
19 a reasonable doubt that the defendant stole private metal property as  
20 defined in RCW 19.290.010 for the purpose of selling, transferring,  
21 or exchanging it online;

22 the court shall make a finding of fact of the special allegation or,  
23 if a jury is had, the jury shall, if it finds the defendant guilty,  
24 also find a special verdict as to the special allegation.

25 **Sec. 6.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are  
26 each reenacted and amended to read as follows:

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

29 (2) For persons convicted of the anticipatory offenses of  
30 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
31 RCW, the standard sentence range is determined by locating the  
32 sentencing grid sentence range defined by the appropriate offender  
33 score and the seriousness level of the completed crime, and  
34 multiplying the range by seventy-five percent.

35 (3) The following additional times shall be added to the standard  
36 sentence range for felony crimes committed after July 23, 1995, if

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

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

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

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

25 (d) If the offender is being sentenced for any firearm  
26 enhancements under (a), (b), and/or (c) of this subsection and the  
27 offender has previously been sentenced for any deadly weapon  
28 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
29 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
30 both, all firearm enhancements under this subsection shall be twice  
31 the amount of the enhancement listed;

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

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

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

2 (f) The firearm enhancements in this section shall apply to all  
3 felony crimes except the following: Possession of a machine gun or  
4 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
5 theft of a firearm, unlawful possession of a firearm in the first and  
6 second degree, and use of a machine gun or bump-fire stock in a  
7 felony;

8 (g) If the standard sentence range under this section exceeds the  
9 statutory maximum sentence for the offense, the statutory maximum  
10 sentence shall be the presumptive sentence unless the offender is a  
11 persistent offender. If the addition of a firearm enhancement  
12 increases the sentence so that it would exceed the statutory maximum  
13 for the offense, the portion of the sentence representing the  
14 enhancement may not be reduced.

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

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

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

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

4 (d) If the offender is being sentenced under (a), (b), and/or (c)  
5 of this subsection for any deadly weapon enhancements and the  
6 offender has previously been sentenced for any deadly weapon  
7 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
8 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
9 both, all deadly weapon enhancements under this subsection shall be  
10 twice the amount of the enhancement listed;

11 (e) Notwithstanding any other provision of law, all deadly weapon  
12 enhancements under this section are mandatory, shall be served in  
13 total confinement, and shall run consecutively to all other  
14 sentencing provisions, including other firearm or deadly weapon  
15 enhancements, for all offenses sentenced under this chapter. However,  
16 whether or not a mandatory minimum term has expired, an offender  
17 serving a sentence under this subsection may be:

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

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

21 (f) The deadly weapon enhancements in this section shall apply to  
22 all felony crimes except the following: Possession of a machine gun  
23 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
24 theft of a firearm, unlawful possession of a firearm in the first and  
25 second degree, and use of a machine gun or bump-fire stock in a  
26 felony;

27 (g) If the standard sentence range under this section exceeds the  
28 statutory maximum sentence for the offense, the statutory maximum  
29 sentence shall be the presumptive sentence unless the offender is a  
30 persistent offender. If the addition of a deadly weapon enhancement  
31 increases the sentence so that it would exceed the statutory maximum  
32 for the offense, the portion of the sentence representing the  
33 enhancement may not be reduced.

34 (5) The following additional times shall be added to the standard  
35 sentence range if the offender or an accomplice committed the offense  
36 while in a county jail or state correctional facility and the  
37 offender is being sentenced for one of the crimes listed in this  
38 subsection. If the offender or an accomplice committed one of the  
39 crimes listed in this subsection while in a county jail or state  
40 correctional facility, and the offender is being sentenced for an



1 anticipatory offense under chapter 9A.28 RCW to commit one of the  
2 crimes listed in this subsection, the following additional times  
3 shall be added to the standard sentence range determined under  
4 subsection (2) of this section:

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

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

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

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

13 (6) An additional twenty-four months shall be added to the  
14 standard sentence range for any ranked offense involving a violation  
15 of chapter 69.50 RCW if the offense was also a violation of RCW  
16 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
17 run consecutively to all other sentencing provisions, for all  
18 offenses sentenced under this chapter.

19 (7) An additional two years shall be added to the standard  
20 sentence range for vehicular homicide committed while under the  
21 influence of intoxicating liquor or any drug as defined by RCW  
22 46.61.502 for each prior offense as defined in RCW 46.61.5055.

23 Notwithstanding any other provision of law, all impaired driving  
24 enhancements under this subsection are mandatory, shall be served in  
25 total confinement, and shall run consecutively to all other  
26 sentencing provisions, including other impaired driving enhancements,  
27 for all offenses sentenced under this chapter.

28 An offender serving a sentence under this subsection may be  
29 granted an extraordinary medical placement when authorized under RCW  
30 9.94A.728(1)(c).

31 (8)(a) The following additional times shall be added to the  
32 standard sentence range for felony crimes committed on or after July  
33 1, 2006, if the offense was committed with sexual motivation, as that  
34 term is defined in RCW 9.94A.030. If the offender is being sentenced  
35 for more than one offense, the sexual motivation enhancement must be  
36 added to the total period of total confinement for all offenses,  
37 regardless of which underlying offense is subject to a sexual  
38 motivation enhancement. If the offender committed the offense with  
39 sexual motivation and the offender is being sentenced for an  
40 anticipatory offense under chapter 9A.28 RCW, the following

1 additional times shall be added to the standard sentence range  
2 determined under subsection (2) of this section based on the felony  
3 crime of conviction as classified under RCW 9A.28.020:

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

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

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

12 (iv) If the offender is being sentenced for any sexual motivation  
13 enhancements under (a) (i), (ii), and/or (iii) of this subsection and  
14 the offender has previously been sentenced for any sexual motivation  
15 enhancements on or after July 1, 2006, under (a) (i), (ii), and/or  
16 (iii) of this subsection, all sexual motivation enhancements under  
17 this subsection shall be twice the amount of the enhancement listed;

18 (b) Notwithstanding any other provision of law, all sexual  
19 motivation enhancements under this subsection are mandatory, shall be  
20 served in total confinement, and shall run consecutively to all other  
21 sentencing provisions, including other sexual motivation  
22 enhancements, for all offenses sentenced under this chapter. However,  
23 whether or not a mandatory minimum term has expired, an offender  
24 serving a sentence under this subsection may be:

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

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

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

30 (d) If the standard sentence range under this subsection exceeds  
31 the statutory maximum sentence for the offense, the statutory maximum  
32 sentence shall be the presumptive sentence unless the offender is a  
33 persistent offender. If the addition of a sexual motivation  
34 enhancement increases the sentence so that it would exceed the  
35 statutory maximum for the offense, the portion of the sentence  
36 representing the enhancement may not be reduced;

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

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

4 (9) An additional one-year enhancement shall be added to the  
5 standard sentence range for the felony crimes of RCW 9A.44.073,  
6 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
7 or after July 22, 2007, if the offender engaged, agreed, or offered  
8 to engage the victim in the sexual conduct in return for a fee. If  
9 the offender is being sentenced for more than one offense, the  
10 one-year enhancement must be added to the total period of total  
11 confinement for all offenses, regardless of which underlying offense  
12 is subject to the enhancement. If the offender is being sentenced for  
13 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
14 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
15 offender attempted, solicited another, or conspired to engage, agree,  
16 or offer to engage the victim in the sexual conduct in return for a  
17 fee, an additional one-year enhancement shall be added to the  
18 standard sentence range determined under subsection (2) of this  
19 section. For purposes of this subsection, "sexual conduct" means  
20 sexual intercourse or sexual contact, both as defined in chapter  
21 9A.44 RCW.

22 (10)(a) For a person age eighteen or older convicted of any  
23 criminal street gang-related felony offense for which the person  
24 compensated, threatened, or solicited a minor in order to involve the  
25 minor in the commission of the felony offense, the standard sentence  
26 range is determined by locating the sentencing grid sentence range  
27 defined by the appropriate offender score and the seriousness level  
28 of the completed crime, and multiplying the range by one hundred  
29 twenty-five percent. If the standard sentence range under this  
30 subsection exceeds the statutory maximum sentence for the offense,  
31 the statutory maximum sentence is the presumptive sentence unless the  
32 offender is a persistent offender.

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

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

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

6 (12) An additional twelve months shall be added to the standard  
7 sentence range for an offense that is also a violation of RCW  
8 9.94A.831.

9 (13) An additional twelve months shall be added to the standard  
10 sentence range for vehicular homicide committed while under the  
11 influence of intoxicating liquor or any drug as defined by RCW  
12 46.61.520 or for vehicular assault committed while under the  
13 influence of intoxicating liquor or any drug as defined by RCW  
14 46.61.522, or for any felony driving under the influence (RCW  
15 46.61.502(6)) or felony physical control under the influence (RCW  
16 46.61.504(6)) for each child passenger under the age of sixteen who  
17 is an occupant in the defendant's vehicle. These enhancements shall  
18 be mandatory, shall be served in total confinement, and shall run  
19 consecutively to all other sentencing provisions, including other  
20 minor child enhancements, for all offenses sentenced under this  
21 chapter. If the addition of a minor child enhancement increases the  
22 sentence so that it would exceed the statutory maximum for the  
23 offense, the portion of the sentence representing the enhancement  
24 shall be mandatory, shall be served in total confinement, and shall  
25 run consecutively to all other sentencing provisions.

26 (14) An additional twelve months shall be added to the standard  
27 sentence range for an offense that is also a violation of RCW  
28 9.94A.832.

29 (15) An additional 12 months shall be added to the standard  
30 sentence range for an offense that is also a violation of section 5  
31 of this act.

32 (16) Regardless of any provisions in this section, if a person is  
33 being sentenced in adult court for a crime committed under age  
34 eighteen, the court has full discretion to depart from mandatory  
35 sentencing enhancements and to take the particular circumstances  
36 surrounding the defendant's youth into account.

37 **Sec. 7.** RCW 36.28A.240 and 2022 c 221 s 8 are each amended to  
38 read as follows:

1 (1) To the extent funds are appropriated, the Washington  
2 association of sheriffs and police chiefs shall develop a  
3 comprehensive state law enforcement strategy targeting metal theft in  
4 consultation with the criminal justice training commission,  
5 including:

6 (a) Development of best practices for targeting illegal  
7 purchasers and sellers involved in metal theft, with specific  
8 enforcement focus on catalytic converter theft;

9 (b) Strategies for development and maintenance of relationships  
10 between local law enforcement agencies and licensed scrap metal  
11 recyclers, including recommendations for scheduled or regular  
12 interactions, with a focus on deterring unlawful purchases and  
13 identifying individuals suspected of involvement in unlawful metal  
14 theft and individuals who attempt to conduct a transaction while  
15 under the influence of controlled substances; and

16 (c) Establishment of a grant and training program to assist local  
17 law enforcement agencies in the support of special enforcement  
18 targeting metal theft. Grant applications shall be reviewed by the  
19 Washington association of sheriffs and police chiefs in consultation  
20 with other appropriate entities, such as those involved in  
21 enforcement against metal theft. Grant applicants with a demonstrated  
22 increase in metal theft over the previous 24 months are encouraged to  
23 focus solely on metal theft and unlawful purchasing and selling of  
24 unlawfully obtained metal in their jurisdiction, but may coordinate  
25 with other jurisdictions.

26 (2) Each grant applicant shall:

27 (a) Show a significant metal theft problem in the jurisdiction or  
28 jurisdictions receiving the grant;

29 (b) Propose an enforcement program that best suits the specific  
30 metal theft problem in the jurisdiction, including the number of  
31 enforcement stings to be conducted under the program;

32 (c) Demonstrate community coordination focusing on prevention,  
33 intervention, and suppression; and

34 (d) Collect data on performance, including the number of  
35 enforcement stings to be conducted.

36 (3) Grant awards may not be used to supplant preexisting funding  
37 sources for special enforcement targeting metal theft.

38 (4) The Washington association of sheriffs and police chiefs  
39 shall prepare a report each year detailing the following:

1       (a) Any funds received by the Washington association of sheriffs  
2 and police chiefs in the previous one-year period for purposes of the  
3 comprehensive state law enforcement strategy targeting metal theft,  
4 including any funds distributed pursuant to RCW 9A.56.410; and

5       (b) Any expenses related to the comprehensive state law  
6 enforcement strategy targeting metal theft.

7       (5) The Washington association of sheriffs and police chiefs  
8 shall submit the annual report described in subsection (4) of this  
9 section to the governor and the appropriate committees of the  
10 legislature by December 1st of each year.

11       **Sec. 8.** RCW 43.43.885 and 2022 c 221 s 9 are each amended to  
12 read as follows:

13       (1) Beginning on July 1, 2014, to the extent funds are  
14 appropriated, the Washington association of sheriffs and police  
15 chiefs shall implement and operate an ongoing electronic statewide  
16 no-buy list database program.

17       (2) The database must be made available on a secured network or  
18 website.

19       (3) The no-buy list database program shall allow for any scrap  
20 metal business to enter a customer's name and date of birth into the  
21 database. The database must determine if the customer pursuing the  
22 transaction with the scrap metal business has been convicted in  
23 Washington of any crime involving burglary, robbery, theft, or  
24 possession of or receiving stolen property within the past four  
25 years.

26       (4) If the customer has been convicted of any crime involving  
27 burglary, robbery, theft, or possession of or receiving stolen  
28 property within the past four years despite whether the person was  
29 acting in his or her own behalf or as the agent of another then, at a  
30 minimum, the no-buy list database program must immediately send an  
31 alert to the scrap metal business stating: (a) That the customer is  
32 listed on a current no-buy list, (b) the four-year expiration period  
33 for the customer's most recent crime listed, and (c) a notification  
34 that entering into a transaction with the customer is prohibited  
35 under RCW 9A.56.410.

36       (5) The database shall also include individuals who have  
37 attempted to purchase or sell unlawfully obtained metals at licensed  
38 scrap metal recyclers and individuals who attempt to conduct a  
39 transaction while under the influence of controlled substances.

1 (6) Local jurisdictions applying for grants under RCW 36.28A.240  
2 must provide updates to the no-buy list database annually and 120  
3 days after a grant is distributed.

4 (7) The Washington association of sheriffs and police chiefs  
5 shall prepare a report each year detailing the following:

6 (a) Any funds received by the Washington association of sheriffs  
7 and police chiefs in the previous one-year period for purposes of the  
8 no-buy list database program, including any funds distributed  
9 pursuant to RCW 9A.56.410; and

10 (b) Any expenses related to the no-buy list database program.

11 (8) The Washington association of sheriffs and police chiefs  
12 shall submit the report described in subsection (7) of this section  
13 to the governor and the appropriate committees of the legislature by  
14 December 1st of each year.

15 NEW SECTION. Sec. 9. The sum of \$3,000,000, or as much thereof  
16 as may be necessary, is appropriated for the fiscal year ending June  
17 30, 2024, from the general fund to the Washington association of  
18 sheriffs and police chiefs for the purposes of sections 7 and 8 of  
19 this act.

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