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**SENATE BILL 6261**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Warnick

1 AN ACT Relating to the penalties for theft and possession of  
2 stolen property, including theft from first responders; amending RCW  
3 9A.56.150, 9A.56.030, and 9.94A.540; reenacting and amending RCW  
4 9.94A.515; and prescribing penalties.

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

6 **Sec. 1.** RCW 9A.56.150 and 2009 c 431 s 12 are each amended to  
7 read as follows:

8 (1) A person is guilty of possessing stolen property in the first  
9 degree if he or she possesses stolen property, other than a firearm  
10 as defined in RCW 9.41.010 or a motor vehicle, which (~~exceeds~~):

11 (a) Exceeds five thousand dollars in value;

12 (b) Was property or equipment used by firefighters or emergency  
13 medical service providers in the course of duties and taken from a  
14 fire station or emergency medical services building, facility,  
15 structure, or vehicle.

16 (2) Possessing stolen property in the first degree is a class B  
17 felony.

18 **Sec. 2.** RCW 9A.56.030 and 2017 c 266 s 10 are each amended to  
19 read as follows:

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

3 (a) Property or services which exceed(s) five thousand dollars in  
4 value other than a firearm as defined in RCW 9.41.010;

5 (b) Property of any value, other than a firearm as defined in RCW  
6 9.41.010 or a motor vehicle, taken from the person of another;

7 (c) A search and rescue dog, as defined in RCW 9.91.175, while  
8 the search and rescue dog is on duty; (~~or~~)

9 (d) Commercial metal property, nonferrous metal property, or  
10 private metal property, as those terms are defined in RCW 19.290.010,  
11 and the costs of the damage to the owner's property exceed five  
12 thousand dollars in value; or

13 (e) Property or equipment used by firefighters or emergency  
14 medical service providers in the course of duties and taken from a  
15 fire station or emergency medical services building, facility,  
16 structure, or vehicle.

17 (2) Theft in the first degree is a class B felony.

18 **Sec. 3.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are  
19 each reenacted and amended to read as follows:

20 TABLE 2

21 CRIMES INCLUDED WITHIN EACH  
22 SERIOUSNESS LEVEL

23 XVI Aggravated Murder 1 (RCW 10.95.020)

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

25 Malicious explosion 1 (RCW

26 70.74.280(1))

27 Murder 1 (RCW 9A.32.030)

28 XIV Murder 2 (RCW 9A.32.050)

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

30 XIII Malicious explosion 2 (RCW

31 70.74.280(2))

32 Malicious placement of an explosive 1

33 (RCW 70.74.270(1))

34 XII Assault 1 (RCW 9A.36.011)

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

1 Malicious placement of an imitation  
2 device 1 (RCW 70.74.272(1)(a))  
3 Promoting Commercial Sexual Abuse of  
4 a Minor (RCW 9.68A.101)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Trafficking 2 (RCW 9A.40.100(3))  
8 XI Manslaughter 1 (RCW 9A.32.060)  
9 Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Vehicular Homicide, by being under the  
12 influence of intoxicating liquor or  
13 any drug (RCW 46.61.520)  
14 Vehicular Homicide, by the operation of  
15 any vehicle in a reckless manner  
16 (RCW 46.61.520)  
17 X Child Molestation 1 (RCW 9A.44.083)  
18 Criminal Mistreatment 1 (RCW  
19 9A.42.020)  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW  
22 9A.44.100(1)(a))  
23 Kidnapping 1 (RCW 9A.40.020)  
24 Leading Organized Crime (RCW  
25 9A.82.060(1)(a))  
26 Malicious explosion 3 (RCW  
27 70.74.280(3))  
28 Sexually Violent Predator Escape (RCW  
29 9A.76.115)  
30 IX Abandonment of Dependent Person 1  
31 (RCW 9A.42.060)  
32 Assault of a Child 2 (RCW 9A.36.130)  
33 Explosive devices prohibited (RCW  
34 70.74.180)

1 Hit and Run—Death (RCW  
2 46.52.020(4)(a))  
3 Homicide by Watercraft, by being under  
4 the influence of intoxicating liquor  
5 or any drug (RCW 79A.60.050)  
6 Inciting Criminal Profiteering (RCW  
7 9A.82.060(1)(b))  
8 Malicious placement of an explosive 2  
9 (RCW 70.74.270(2))  
10 Robbery 1 (RCW 9A.56.200)  
11 Sexual Exploitation (RCW 9.68A.040)  
12 VIII Arson 1 (RCW 9A.48.020)  
13 Commercial Sexual Abuse of a Minor  
14 (RCW 9.68A.100)  
15 Homicide by Watercraft, by the  
16 operation of any vessel in a reckless  
17 manner (RCW 79A.60.050)  
18 Manslaughter 2 (RCW 9A.32.070)  
19 Promoting Prostitution 1 (RCW  
20 9A.88.070)  
21 Theft of Ammonia (RCW 69.55.010)  
22 VII Air bag diagnostic systems (causing  
23 bodily injury or death) (RCW  
24 46.37.660(2)(b))  
25 Air bag replacement requirements  
26 (causing bodily injury or death)  
27 (RCW 46.37.660(1)(b))  
28 Burglary 1 (RCW 9A.52.020)  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Civil Disorder Training (RCW  
31 9A.48.120)  
32 Custodial Sexual Misconduct 1 (RCW  
33 9A.44.160)

1 Dealing in depictions of minor engaged  
2 in sexually explicit conduct 1  
3 (RCW 9.68A.050(1))  
4 Drive-by Shooting (RCW 9A.36.045)  
5 False Reporting 1 (RCW  
6 9A.84.040(2)(a))  
7 Homicide by Watercraft, by disregard  
8 for the safety of others (RCW  
9 79A.60.050)  
10 Indecent Liberties (without forcible  
11 compulsion) (RCW 9A.44.100(1)  
12 (b) and (c))  
13 Introducing Contraband 1 (RCW  
14 9A.76.140)  
15 Malicious placement of an explosive 3  
16 (RCW 70.74.270(3))  
17 Manufacture or import counterfeit,  
18 nonfunctional, damaged, or  
19 previously deployed air bag  
20 (causing bodily injury or death)  
21 (RCW 46.37.650(1)(b))  
22 Negligently Causing Death By Use of a  
23 Signal Preemption Device (RCW  
24 46.37.675)  
25 Sell, install, or reinstall counterfeit,  
26 nonfunctional, damaged, or  
27 previously deployed airbag (RCW  
28 46.37.650(2)(b))  
29 Sending, bringing into state depictions  
30 of minor engaged in sexually  
31 explicit conduct 1 (RCW  
32 9.68A.060(1))  
33 Unlawful Possession of a Firearm in the  
34 first degree (RCW 9.41.040(1))  
35 Use of a Machine Gun or Bump-fire  
36 Stock in Commission of a Felony  
37 (RCW 9.41.225)

1 Vehicular Homicide, by disregard for  
2 the safety of others (RCW  
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW  
5 9A.76.170(3)(a))  
6 Bribery (RCW 9A.68.010)  
7 Incest 1 (RCW 9A.64.020(1))  
8 Intimidating a Judge (RCW 9A.72.160)  
9 Intimidating a Juror/Witness (RCW  
10 9A.72.110, 9A.72.130)  
11 Malicious placement of an imitation  
12 device 2 (RCW 70.74.272(1)(b))  
13 Possession of Depictions of a Minor  
14 Engaged in Sexually Explicit  
15 Conduct 1 (RCW 9.68A.070(1))  
16 Rape of a Child 3 (RCW 9A.44.079)  
17 Theft of a Firearm (RCW 9A.56.300)  
18 Theft from a Vulnerable Adult 1 (RCW  
19 9A.56.400(1))  
20 Unlawful Storage of Ammonia (RCW  
21 69.55.020)

22 V Abandonment of Dependent Person 2  
23 (RCW 9A.42.070)  
24 Advancing money or property for  
25 extortionate extension of credit  
26 (RCW 9A.82.030)  
27 Air bag diagnostic systems (RCW  
28 46.37.660(2)(c))  
29 Air bag replacement requirements  
30 (RCW 46.37.660(1)(c))  
31 Bail Jumping with class A Felony  
32 (RCW 9A.76.170(3)(b))  
33 Child Molestation 3 (RCW 9A.44.089)  
34 Criminal Mistreatment 2 (RCW  
35 9A.42.030)

1 Custodial Sexual Misconduct 2 (RCW  
2 9A.44.170)  
3 Dealing in Depictions of Minor  
4 Engaged in Sexually Explicit  
5 Conduct 2 (RCW 9.68A.050(2))  
6 Domestic Violence Court Order  
7 Violation (RCW 7.105.450,  
8 10.99.040, 10.99.050, 26.09.300,  
9 26.26B.050, or 26.52.070)  
10 Extortion 1 (RCW 9A.56.120)  
11 Extortionate Extension of Credit (RCW  
12 9A.82.020)  
13 Extortionate Means to Collect  
14 Extensions of Credit (RCW  
15 9A.82.040)  
16 Incest 2 (RCW 9A.64.020(2))  
17 Kidnapping 2 (RCW 9A.40.030)  
18 Manufacture or import counterfeit,  
19 nonfunctional, damaged, or  
20 previously deployed air bag (RCW  
21 46.37.650(1)(c))  
22 Perjury 1 (RCW 9A.72.020)  
23 Persistent prison misbehavior (RCW  
24 9.94.070)  
25 Possession of a Stolen Firearm (RCW  
26 9A.56.310)  
27 Rape 3 (RCW 9A.44.060)  
28 Rendering Criminal Assistance 1 (RCW  
29 9A.76.070)  
30 Sell, install, or reinstall counterfeit,  
31 nonfunctional, damaged, or  
32 previously deployed airbag (RCW  
33 46.37.650(2)(c))

1 Sending, Bringing into State Depictions  
2 of Minor Engaged in Sexually  
3 Explicit Conduct 2 (RCW  
4 9.68A.060(2))  
5 Sexual Misconduct with a Minor 1  
6 (RCW 9A.44.093)  
7 Sexually Violating Human Remains  
8 (RCW 9A.44.105)  
9 Stalking (RCW 9A.46.110)  
10 Taking Motor Vehicle Without  
11 Permission 1 (RCW 9A.56.070)  
12 IV Arson 2 (RCW 9A.48.030)  
13 Assault 2 (RCW 9A.36.021)  
14 Assault 3 (of a Peace Officer with a  
15 Projectile Stun Gun) (RCW  
16 9A.36.031(1)(h))  
17 Assault 4 (third domestic violence  
18 offense) (RCW 9A.36.041(3))  
19 Assault by Watercraft (RCW  
20 79A.60.060)  
21 Bribing a Witness/Bribe Received by  
22 Witness (RCW 9A.72.090,  
23 9A.72.100)  
24 Cheating 1 (RCW 9.46.1961)  
25 Commercial Bribery (RCW 9A.68.060)  
26 Counterfeiting (RCW 9.16.035(4))  
27 Driving While Under the Influence  
28 (RCW 46.61.502(6))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Hate Crime (RCW 9A.36.080)  
33 Hit and Run—Injury (RCW  
34 46.52.020(4)(b))



1 Hit and Run with Vessel—Injury  
2 Accident (RCW 79A.60.200(3))  
3 Identity Theft 1 (RCW 9.35.020(2))  
4 Indecent Exposure to Person Under Age  
5 14 (subsequent sex offense) (RCW  
6 9A.88.010)  
7 Influencing Outcome of Sporting Event  
8 (RCW 9A.82.070)  
9 Physical Control of a Vehicle While  
10 Under the Influence (RCW  
11 46.61.504(6))  
12 Possession of Depictions of a Minor  
13 Engaged in Sexually Explicit  
14 Conduct 2 (RCW 9.68A.070(2))  
15 Residential Burglary (RCW 9A.52.025)  
16 Robbery 2 (RCW 9A.56.210)  
17 Theft of Livestock 1 (RCW 9A.56.080)  
18 Threats to Bomb (RCW 9.61.160)  
19 Trafficking in Stolen Property 1 (RCW  
20 9A.82.050)  
21 Unlawful factoring of a credit card or  
22 payment card transaction (RCW  
23 9A.56.290(4)(b))  
24 Unlawful transaction of health coverage  
25 as a health care service contractor  
26 (RCW 48.44.016(3))  
27 Unlawful transaction of health coverage  
28 as a health maintenance  
29 organization (RCW 48.46.033(3))  
30 Unlawful transaction of insurance  
31 business (RCW 48.15.023(3))  
32 Unlicensed practice as an insurance  
33 professional (RCW 48.17.063(2))  
34 Use of Proceeds of Criminal  
35 Profiteering (RCW 9A.82.080 (1)  
36 and (2))

1 Vehicle Prowling 2 (third or subsequent  
2 offense) (RCW 9A.52.100(3))  
3 Vehicular Assault, by being under the  
4 influence of intoxicating liquor or  
5 any drug, or by the operation or  
6 driving of a vehicle in a reckless  
7 manner (RCW 46.61.522)  
8 Viewing of Depictions of a Minor  
9 Engaged in Sexually Explicit  
10 Conduct 1 (RCW 9.68A.075(1))  
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 Cyber Harassment (RCW  
28 9A.90.120(2)(b))  
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 Hazing (RCW 28B.10.901(2)(b))  
35 Intimidating a Public Servant (RCW  
36 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 Possession of Stolen Property 1 (RCW  
26 9A.56.150)  
27 Promoting Prostitution 2 (RCW  
28 9A.88.080)  
29 Retail Theft with Special Circumstances  
30 1 (RCW 9A.56.360(2))  
31 Securities Act violation (RCW  
32 21.20.400)  
33 Tampering with a Witness (RCW  
34 9A.72.120)

1 Telephone Harassment (subsequent  
2 conviction or threat of death) (RCW  
3 9.61.230(2))  
4 Theft 1 (RCW 9A.56.030)  
5 Theft of Livestock 2 (RCW 9A.56.083)  
6 Theft with the Intent to Resell 1 (RCW  
7 9A.56.340(2))  
8 Trafficking in Stolen Property 2 (RCW  
9 9A.82.055)  
10 Unlawful Hunting of Big Game 1 (RCW  
11 77.15.410(3)(b))  
12 Unlawful Imprisonment (RCW  
13 9A.40.040)  
14 Unlawful Misbranding of Fish or  
15 Shellfish 1 (RCW 77.140.060(3))  
16 Unlawful possession of firearm in the  
17 second degree (RCW 9.41.040(2))  
18 Unlawful Taking of Endangered Fish or  
19 Wildlife 1 (RCW 77.15.120(3)(b))  
20 Unlawful Trafficking in Fish, Shellfish,  
21 or Wildlife 1 (RCW  
22 77.15.260(3)(b))  
23 Unlawful Use of a Nondesignated  
24 Vessel (RCW 77.15.530(4))  
25 Vehicular Assault, by the operation or  
26 driving of a vehicle with disregard  
27 for the safety of others (RCW  
28 46.61.522)  
29 II Commercial Fishing Without a License  
30 1 (RCW 77.15.500(3)(b))  
31 Computer Trespass 1 (RCW 9A.90.040)  
32 Counterfeiting (RCW 9.16.035(3))  
33 Electronic Data Service Interference  
34 (RCW 9A.90.060)  
35 Electronic Data Tampering 1 (RCW  
36 9A.90.080)

1 Electronic Data Theft (RCW 9A.90.100)  
2 Engaging in Fish Dealing Activity  
3 Unlicensed 1 (RCW 77.15.620(3))  
4 Escape from Community Custody  
5 (RCW 72.09.310)  
6 Failure to Register as a Sex Offender  
7 (second or subsequent offense)  
8 (RCW 9A.44.130 prior to June 10,  
9 2010, and RCW 9A.44.132)  
10 Health Care False Claims (RCW  
11 48.80.030)  
12 Identity Theft 2 (RCW 9.35.020(3))  
13 Improperly Obtaining Financial  
14 Information (RCW 9.35.010)  
15 Malicious Mischief 1 (RCW 9A.48.070)  
16 Organized Retail Theft 2 (RCW  
17 9A.56.350(3))  
18 ~~((Possession of Stolen Property 1 (RCW  
19 9A.56.150)))~~  
20 Possession of a Stolen Vehicle (RCW  
21 9A.56.068)  
22 Retail Theft with Special Circumstances  
23 2 (RCW 9A.56.360(3))  
24 Scrap Processing, Recycling, or  
25 Supplying Without a License  
26 (second or subsequent offense)  
27 (RCW 19.290.100)  
28 ~~((Theft 1 (RCW 9A.56.030)))~~  
29 Theft of a Motor Vehicle (RCW  
30 9A.56.065)  
31 Theft of Rental, Leased, Lease-  
32 purchased, or Loaned Property  
33 (valued at \$5,000 or more) (RCW  
34 9A.56.096(5)(a))  
35 Theft with the Intent to Resell 2 (RCW  
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(a))  
6 Unlawful Participation of Non-Indians  
7 in Indian Fishery (RCW  
8 77.15.570(2))  
9 Unlawful Practice of Law (RCW  
10 2.48.180)  
11 Unlawful Purchase or Use of a License  
12 (RCW 77.15.650(3)(b))  
13 Unlawful Trafficking in Fish, Shellfish,  
14 or Wildlife 2 (RCW  
15 77.15.260(3)(a))  
16 Unlicensed Practice of a Profession or  
17 Business (RCW 18.130.190(7))  
18 Voyeurism 1 (RCW 9A.44.115)  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW 9A.48.080)  
28 Mineral Trespass (RCW 78.44.330)  
29 Possession of Stolen Property 2 (RCW  
30 9A.56.160)  
31 Reckless Burning 1 (RCW 9A.48.040)  
32 Spotlighting Big Game 1 (RCW  
33 77.15.450(3)(b))  
34 Suspension of Department Privileges 1  
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without  
2 Permission 2 (RCW 9A.56.075)  
3 Theft 2 (RCW 9A.56.040)  
4 Theft from a Vulnerable Adult 2 (RCW  
5 9A.56.400(2))  
6 Theft of Rental, Leased, Lease-  
7 purchased, or Loaned Property  
8 (valued at \$750 or more but less  
9 than \$5,000) (RCW  
10 9A.56.096(5)(b))  
11 Transaction of insurance business  
12 beyond the scope of licensure  
13 (RCW 48.17.063)  
14 Unlawful Fish and Shellfish Catch  
15 Accounting (RCW 77.15.630(3)(b))  
16 Unlawful Issuance of Checks or Drafts  
17 (RCW 9A.56.060)  
18 Unlawful Possession of Fictitious  
19 Identification (RCW 9A.56.320)  
20 Unlawful Possession of Instruments of  
21 Financial Fraud (RCW 9A.56.320)  
22 Unlawful Possession of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Possession of a Personal  
25 Identification Device (RCW  
26 9A.56.320)  
27 Unlawful Production of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Releasing, Planting,  
30 Possessing, or Placing Deleterious  
31 Exotic Wildlife (RCW  
32 77.15.250(2)(b))  
33 Unlawful Trafficking in Food Stamps  
34 (RCW 9.91.142)  
35 Unlawful Use of Food Stamps (RCW  
36 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Vehicle Prowl 1 (RCW 9A.52.095)

4 Violating Commercial Fishing Area or

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

6 **Sec. 4.** RCW 9.94A.540 and 2014 c 130 s 2 are each amended to  
7 read as follows:

8 (1) Except to the extent provided in subsection (3) of this  
9 section, the following minimum terms of total confinement are  
10 mandatory and shall not be varied or modified under RCW 9.94A.535:

11 (a) An offender convicted of the crime of murder in the first  
12 degree shall be sentenced to a term of total confinement not less  
13 than twenty years.

14 (b) An offender convicted of the crime of assault in the first  
15 degree or assault of a child in the first degree where the offender  
16 used force or means likely to result in death or intended to kill the  
17 victim shall be sentenced to a term of total confinement not less  
18 than five years.

19 (c) An offender convicted of the crime of rape in the first  
20 degree shall be sentenced to a term of total confinement not less  
21 than five years.

22 (d) An offender convicted of the crime of sexually violent  
23 predator escape shall be sentenced to a minimum term of total  
24 confinement not less than sixty months.

25 (e) An offender convicted of the crime of aggravated first degree  
26 murder for a murder that was committed prior to the offender's  
27 eighteenth birthday shall be sentenced to a term of total confinement  
28 not less than (~~twenty-five~~) 25 years.

29 (f) An offender convicted of the crime of possession of stolen  
30 property in the first degree shall be sentenced to a term of total  
31 confinement not less than six months if convicted for illegally  
32 possessing property or equipment used by firefighters or emergency  
33 medical service providers in the course of duties and taken from a  
34 fire station or emergency medical services building, facility,  
35 structure, or vehicle.

36 (g) An offender convicted of the crime of theft in the first  
37 degree shall be sentenced to a term of total confinement not less  
38 than six months if convicted for illegally possessing property or



1 equipment used by firefighters or emergency medical service providers  
2 in the course of duties and taken from a fire station or emergency  
3 medical services building, facility, structure, or vehicle.

4 (2) During such minimum terms of total confinement, no offender  
5 subject to the provisions of this section is eligible for community  
6 custody, earned release time, furlough, home detention, partial  
7 confinement, work crew, work release, or any other form of early  
8 release authorized under RCW 9.94A.728, or any other form of  
9 authorized leave of absence from the correctional facility while not  
10 in the direct custody of a corrections officer. The provisions of  
11 this subsection shall not apply: (a) In the case of an offender in  
12 need of emergency medical treatment; (b) for the purpose of  
13 commitment to an inpatient treatment facility in the case of an  
14 offender convicted of the crime of rape in the first degree; or (c)  
15 for an extraordinary medical placement when authorized under RCW  
16 9.94A.728(~~(+3)~~) (1)(c).

17 (3)(a) Subsection (1)(a) through (d) of this section shall not be  
18 applied in sentencing of juveniles tried as adults pursuant to RCW  
19 13.04.030(1)(e)(i).

20 (b) This subsection (3) applies only to crimes committed on or  
21 after July 24, 2005.

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