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HOUSE BILL 1276

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State of Washington

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2025 Regular Session

By Representatives Leavitt, Griffey, Marshall, Couture, Bronoske, Nance, Caldier, Timmons, and Pollet

Read first time 01/14/25. Referred to Committee on Community Safety.

1 AN ACT Relating to organized retail theft; and amending RCW  
2 9.94A.533.

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

4 **Sec. 1.** RCW 9.94A.533 and 2024 c 301 s 28 are each amended to  
5 read as follows:

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

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

14 (3) The following additional times shall be added to the standard  
15 sentence range for felony crimes committed after July 23, 1995, if  
16 the offender or an accomplice was armed with a firearm as defined in  
17 RCW 9.41.010 and the offender is being sentenced for one of the  
18 crimes listed in this subsection as eligible for any firearm  
19 enhancements based on the classification of the completed felony  
20 crime. If the offender is being sentenced for more than one offense,  
21 the firearm enhancement or enhancements must be added to the total

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

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

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

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

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

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

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

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

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

1 second degree, and use of a machine gun or bump-fire stock in a  
2 felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (6) An additional (~~twenty-four~~) 24 months shall be added to the  
8 standard sentence range for any ranked offense involving a violation  
9 of chapter 69.50 RCW if the offense was also a violation of RCW  
10 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
11 run consecutively to all other sentencing provisions, for all  
12 offenses sentenced under this chapter.

13 (7) An additional two years shall be added to the standard  
14 sentence range for vehicular homicide committed while under the  
15 influence of intoxicating liquor or any drug as defined by RCW  
16 46.61.502 for each prior offense as defined in RCW 46.61.5055.

17 Notwithstanding any other provision of law, all impaired driving  
18 enhancements under this subsection are mandatory, shall be served in  
19 total confinement, and shall run consecutively to all other  
20 sentencing provisions, including other impaired driving enhancements,  
21 for all offenses sentenced under this chapter.

22 An offender serving a sentence under this subsection may be  
23 granted an extraordinary medical placement when authorized under RCW  
24 9.94A.728(1)(c).

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

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

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

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

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

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

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

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

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

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

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

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

37 (9) An additional one-year enhancement shall be added to the  
38 standard sentence range for the felony crimes of RCW 9A.44.073,  
39 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
40 or after July 22, 2007, if the offender engaged, agreed, or offered

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

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

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

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

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

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

1           (13) An additional (~~twelve~~) 12 months shall be added to the  
2 standard sentence range for vehicular homicide committed while under  
3 the influence of intoxicating liquor or any drug as defined by RCW  
4 46.61.520 or for vehicular assault committed while under the  
5 influence of intoxicating liquor or any drug as defined by RCW  
6 46.61.522, or for any felony driving under the influence (RCW  
7 46.61.502(6)) or felony physical control under the influence (RCW  
8 46.61.504(6)) for each child passenger under the age of (~~sixteen~~)  
9 16 who is an occupant in the defendant's vehicle. These enhancements  
10 shall be mandatory, shall be served in total confinement, and shall  
11 run consecutively to all other sentencing provisions, including other  
12 minor child enhancements, for all offenses sentenced under this  
13 chapter. If the addition of a minor child enhancement increases the  
14 sentence so that it would exceed the statutory maximum for the  
15 offense, the portion of the sentence representing the enhancement  
16 shall be mandatory, shall be served in total confinement, and shall  
17 run consecutively to all other sentencing provisions.

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

21           (15) An additional 12 months may, at the discretion of the court,  
22 be added to the standard sentence range for an offense that is also a  
23 violation of RCW 9.94A.828.

24           (16) The following additional times shall be added to the  
25 standard sentence range if a person committed the offense of  
26 organized retail theft as defined by RCW 9A.56.350 and the property  
27 stolen or possessed has a value of the following:

28           (a) Twelve months if the property stolen or possessed has a value  
29 of \$20,000 or more; and

30           (b) Twenty-four months if the property stolen or possessed has a  
31 value of \$50,000 or more.

32           (17) 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~~) 18, the court has full discretion to depart from  
35 mandatory sentencing enhancements and to take the particular  
36 circumstances surrounding the defendant's youth into account.

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