

**RCW 9A.36.045 Drive-by shooting.** (1) A person is guilty of drive-by shooting when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Drive-by shooting is a class B felony. [1997 c 338 § 44; 1995 c 129 § 8 (Initiative Measure No. 159); (1994 sp.s. c 7 § 511 repealed by 1995 c 129 § 19 (Initiative Measure No. 159)); 1989 c 271 § 109.]

~~**Finding—Evaluation—Report—1997 c 338:**~~ See note following RCW 13.40.0357.

~~**Severability—Effective dates—1997 c 338:**~~ See notes following RCW 5.60.060.

~~**Findings and intent—Short title—Severability—Captions not law—1995 c 129:**~~ See notes following RCW 9.94A.510.

~~**Finding—Intent—Severability—Effective dates—Contingent expiration date—1994 sp.s. c 7:**~~ See notes following RCW 43.70.540.

~~**Finding—Intent—1989 c 271 §§ 102, 109, and 110:**~~ See note following RCW 9A.36.050.

~~**Application—1989 c 271 §§ 101-111:**~~ See note following RCW 9.94A.510.

~~**Severability—1989 c 271:**~~ See note following RCW 9.94A.510.