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ENGROSSED SENATE BILL 5992

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State of Washington

65th Legislature

2018 Regular Session

By Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Lias, Nelson, Billig, Darneille, Palumbo, Carlyle, Frockt, Rolfes, Keiser, Hunt, Wellman, Chase, Ranker, Saldaña, Kuderer, and Mullet

Prefiled 12/04/17. Read first time 01/08/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to bump-fire stock; amending RCW 9.41.190,  
2 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and 13.40.193;  
3 reenacting and amending RCW 9.41.010 and 9.94A.515; prescribing  
4 penalties; providing effective dates; and providing an expiration  
5 date.

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

7 **Sec. 1.** RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and  
8 amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Antique firearm" means a firearm or replica of a firearm not  
12 designed or redesigned for using rim fire or conventional center fire  
13 ignition with fixed ammunition and manufactured in or before 1898,  
14 including any matchlock, flintlock, percussion cap, or similar type  
15 of ignition system and also any firearm using fixed ammunition  
16 manufactured in or before 1898, for which ammunition is no longer  
17 manufactured in the United States and is not readily available in the  
18 ordinary channels of commercial trade.

19 (2) "Barrel length" means the distance from the bolt face of a  
20 closed action down the length of the axis of the bore to the crown of

1 the muzzle, or in the case of a barrel with attachments to the end of  
2 any legal device permanently attached to the end of the muzzle.

3 (3) "Bump-fire stock" means a butt stock designed to be attached  
4 to a semiautomatic firearm with the effect of increasing the rate of  
5 fire achievable with the semiautomatic firearm to that of a fully  
6 automatic firearm by using the energy from the recoil of the firearm  
7 to generate reciprocating action that facilitates repeated activation  
8 of the trigger.

9 (4) "Crime of violence" means:

10 (a) Any of the following felonies, as now existing or hereafter  
11 amended: Any felony defined under any law as a class A felony or an  
12 attempt to commit a class A felony, criminal solicitation of or  
13 criminal conspiracy to commit a class A felony, manslaughter in the  
14 first degree, manslaughter in the second degree, indecent liberties  
15 if committed by forcible compulsion, kidnapping in the second degree,  
16 arson in the second degree, assault in the second degree, assault of  
17 a child in the second degree, extortion in the first degree, burglary  
18 in the second degree, residential burglary, and robbery in the second  
19 degree;

20 (b) Any conviction for a felony offense in effect at any time  
21 prior to June 6, 1996, which is comparable to a felony classified as  
22 a crime of violence in (a) of this subsection; and

23 (c) Any federal or out-of-state conviction for an offense  
24 comparable to a felony classified as a crime of violence under (a) or  
25 (b) of this subsection.

26 ~~((4))~~ (5) "Curio or relic" has the same meaning as provided in  
27 C.F.R. Sec. 478.11.

28 ~~((5))~~ (6) "Dealer" means a person engaged in the business of  
29 selling firearms at wholesale or retail who has, or is required to  
30 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A  
31 person who does not have, and is not required to have, a federal  
32 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that  
33 person makes only occasional sales, exchanges, or purchases of  
34 firearms for the enhancement of a personal collection or for a hobby,  
35 or sells all or part of his or her personal collection of firearms.

36 ~~((6))~~ (7) "Family or household member" means "family" or  
37 "household member" as used in RCW 10.99.020.

38 ~~((7))~~ (8) "Felony" means any felony offense under the laws of  
39 this state or any federal or out-of-state offense comparable to a  
40 felony offense under the laws of this state.

1       ~~((8))~~ (9) "Felony firearm offender" means a person who has  
2 previously been convicted or found not guilty by reason of insanity  
3 in this state of any felony firearm offense. A person is not a felony  
4 firearm offender under this chapter if any and all qualifying  
5 offenses have been the subject of an expungement, pardon, annulment,  
6 certificate, or rehabilitation, or other equivalent procedure based  
7 on a finding of the rehabilitation of the person convicted or a  
8 pardon, annulment, or other equivalent procedure based on a finding  
9 of innocence.

10       ~~((9))~~ (10) "Felony firearm offense" means:

11       (a) Any felony offense that is a violation of this chapter;

12       (b) A violation of RCW 9A.36.045;

13       (c) A violation of RCW 9A.56.300;

14       (d) A violation of RCW 9A.56.310;

15       (e) Any felony offense if the offender was armed with a firearm  
16 in the commission of the offense.

17       ~~((10))~~ (11) "Firearm" means a weapon or device from which a  
18 projectile or projectiles may be fired by an explosive such as  
19 gunpowder. "Firearm" does not include a flare gun or other  
20 pyrotechnic visual distress signaling device, or a powder-actuated  
21 tool or other device designed solely to be used for construction  
22 purposes.

23       ~~((11))~~ (12) "Gun" has the same meaning as firearm.

24       ~~((12))~~ (13) "Law enforcement officer" includes a general  
25 authority Washington peace officer as defined in RCW 10.93.020, or a  
26 specially commissioned Washington peace officer as defined in RCW  
27 10.93.020. "Law enforcement officer" also includes a limited  
28 authority Washington peace officer as defined in RCW 10.93.020 if  
29 such officer is duly authorized by his or her employer to carry a  
30 concealed pistol.

31       ~~((13))~~ (14) "Lawful permanent resident" has the same meaning  
32 afforded a person "lawfully admitted for permanent residence" in 8  
33 U.S.C. Sec. 1101(a)(20).

34       ~~((14))~~ (15) "Licensed collector" means a person who is  
35 federally licensed under 18 U.S.C. Sec. 923(b).

36       ~~((15))~~ (16) "Licensed dealer" means a person who is federally  
37 licensed under 18 U.S.C. Sec. 923(a).

38       ~~((16))~~ (17) "Loaded" means:

39       (a) There is a cartridge in the chamber of the firearm;

1 (b) Cartridges are in a clip that is locked in place in the  
2 firearm;

3 (c) There is a cartridge in the cylinder of the firearm, if the  
4 firearm is a revolver;

5 (d) There is a cartridge in the tube or magazine that is inserted  
6 in the action; or

7 (e) There is a ball in the barrel and the firearm is capped or  
8 primed if the firearm is a muzzle loader.

9 ~~((17))~~ (18) "Machine gun" means any firearm known as a machine  
10 gun, mechanical rifle, submachine gun, or any other mechanism or  
11 instrument not requiring that the trigger be pressed for each shot  
12 and having a reservoir clip, disc, drum, belt, or other separable  
13 mechanical device for storing, carrying, or supplying ammunition  
14 which can be loaded into the firearm, mechanism, or instrument, and  
15 fired therefrom at the rate of five or more shots per second.

16 ~~((18))~~ (19) "Nonimmigrant alien" means a person defined as such  
17 in 8 U.S.C. Sec. 1101(a)(15).

18 ~~((19))~~ (20) "Person" means any individual, corporation,  
19 company, association, firm, partnership, club, organization, society,  
20 joint stock company, or other legal entity.

21 ~~((20))~~ (21) "Pistol" means any firearm with a barrel less than  
22 sixteen inches in length, or is designed to be held and fired by the  
23 use of a single hand.

24 ~~((21))~~ (22) "Rifle" means a weapon designed or redesigned, made  
25 or remade, and intended to be fired from the shoulder and designed or  
26 redesigned, made or remade, and intended to use the energy of the  
27 explosive in a fixed metallic cartridge to fire only a single  
28 projectile through a rifled bore for each single pull of the trigger.

29 ~~((22))~~ (23) "Sale" and "sell" mean the actual approval of the  
30 delivery of a firearm in consideration of payment or promise of  
31 payment.

32 ~~((23))~~ (24) "Serious offense" means any of the following  
33 felonies or a felony attempt to commit any of the following felonies,  
34 as now existing or hereafter amended:

35 (a) Any crime of violence;

36 (b) Any felony violation of the uniform controlled substances  
37 act, chapter 69.50 RCW, that is classified as a class B felony or  
38 that has a maximum term of imprisonment of at least ten years;

39 (c) Child molestation in the second degree;

40 (d) Incest when committed against a child under age fourteen;

1 (e) Indecent liberties;  
2 (f) Leading organized crime;  
3 (g) Promoting prostitution in the first degree;  
4 (h) Rape in the third degree;  
5 (i) Drive-by shooting;  
6 (j) Sexual exploitation;  
7 (k) Vehicular assault, when caused by the operation or driving of  
8 a vehicle by a person while under the influence of intoxicating  
9 liquor or any drug or by the operation or driving of a vehicle in a  
10 reckless manner;  
11 (l) Vehicular homicide, when proximately caused by the driving of  
12 any vehicle by any person while under the influence of intoxicating  
13 liquor or any drug as defined by RCW 46.61.502, or by the operation  
14 of any vehicle in a reckless manner;  
15 (m) Any other class B felony offense with a finding of sexual  
16 motivation, as "sexual motivation" is defined under RCW 9.94A.030;  
17 (n) Any other felony with a deadly weapon verdict under RCW  
18 9.94A.825;  
19 (o) Any felony offense in effect at any time prior to June 6,  
20 1996, that is comparable to a serious offense, or any federal or out-  
21 of-state conviction for an offense that under the laws of this state  
22 would be a felony classified as a serious offense; or  
23 (p) Any felony conviction under RCW 9.41.115.  
24 ~~((+24))~~ (25) "Short-barreled rifle" means a rifle having one or  
25 more barrels less than sixteen inches in length and any weapon made  
26 from a rifle by any means of modification if such modified weapon has  
27 an overall length of less than twenty-six inches.  
28 ~~((+25))~~ (26) "Short-barreled shotgun" means a shotgun having one  
29 or more barrels less than eighteen inches in length and any weapon  
30 made from a shotgun by any means of modification if such modified  
31 weapon has an overall length of less than twenty-six inches.  
32 ~~((+26))~~ (27) "Shotgun" means a weapon with one or more barrels,  
33 designed or redesigned, made or remade, and intended to be fired from  
34 the shoulder and designed or redesigned, made or remade, and intended  
35 to use the energy of the explosive in a fixed shotgun shell to fire  
36 through a smooth bore either a number of ball shot or a single  
37 projectile for each single pull of the trigger.  
38 ~~((+27))~~ (28) "Transfer" means the intended delivery of a firearm  
39 to another person without consideration of payment or promise of  
40 payment including, but not limited to, gifts and loans. "Transfer"

1 does not include the delivery of a firearm owned or leased by an  
2 entity licensed or qualified to do business in the state of  
3 Washington to, or return of such a firearm by, any of that entity's  
4 employees or agents, defined to include volunteers participating in  
5 an honor guard, for lawful purposes in the ordinary course of  
6 business.

7 ~~((28))~~ (29) "Unlicensed person" means any person who is not a  
8 licensed dealer under this chapter.

9 **Sec. 2.** RCW 9.41.190 and 2016 c 214 s 1 are each amended to read  
10 as follows:

11 (1) Except as otherwise provided in this section, it is unlawful  
12 for any person to:

13 (a) Manufacture, own, buy, sell, loan, furnish, transport, or  
14 have in possession or under control, any machine gun, short-barreled  
15 shotgun, or short-barreled rifle;

16 (b) Manufacture, own, buy, sell, loan, furnish, transport, or  
17 have in possession or under control, any part designed and intended  
18 solely and exclusively for use in a machine gun, short-barreled  
19 shotgun, or short-barreled rifle, or in converting a weapon into a  
20 machine gun, short-barreled shotgun, or short-barreled rifle; ~~((e))~~

21 (c) Assemble or repair any machine gun, short-barreled shotgun,  
22 or short-barreled rifle; or

23 (d) Manufacture or sell a bump-fire stock.

24 (2) It is not unlawful for a person to manufacture, own, buy,  
25 sell, loan, furnish, transport, assemble, or repair, or have in  
26 possession or under control, a short-barreled rifle, or any part  
27 designed or intended solely and exclusively for use in a short-  
28 barreled rifle or in converting a weapon into a short-barreled rifle,  
29 if the person is in compliance with applicable federal law.

30 (3) Subsection (1) of this section shall not apply to:

31 (a) Any peace officer in the discharge of official duty or  
32 traveling to or from official duty, or to any officer or member of  
33 the armed forces of the United States or the state of Washington in  
34 the discharge of official duty or traveling to or from official duty;  
35 or

36 (b) A person, including an employee of such person if the  
37 employee has undergone fingerprinting and a background check, who or  
38 which is exempt from or licensed under federal law, and engaged in

1 the production, manufacture, repair, or testing of machine guns,  
2 bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

3 (i) To be used or purchased by the armed forces of the United  
4 States;

5 (ii) To be used or purchased by federal, state, county, or  
6 municipal law enforcement agencies; or

7 (iii) For exportation in compliance with all applicable federal  
8 laws and regulations.

9 (4) It shall be an affirmative defense to a prosecution brought  
10 under this section that the machine gun or short-barreled shotgun was  
11 acquired prior to July 1, 1994, and is possessed in compliance with  
12 federal law.

13 (5) Any person violating this section is guilty of a class C  
14 felony.

15 **Sec. 3.** RCW 9.41.190 and 2016 c 214 s 1 are each amended to read  
16 as follows:

17 (1) Except as otherwise provided in this section, it is unlawful  
18 for any person to:

19 (a) Manufacture, own, buy, sell, loan, furnish, transport, or  
20 have in possession or under control, any machine gun, bump-fire  
21 stock, short-barreled shotgun, or short-barreled rifle;

22 (b) Manufacture, own, buy, sell, loan, furnish, transport, or  
23 have in possession or under control, any part designed and intended  
24 solely and exclusively for use in a machine gun, bump-fire stock,  
25 short-barreled shotgun, or short-barreled rifle, or in converting a  
26 weapon into a machine gun, short-barreled shotgun, or short-barreled  
27 rifle; or

28 (c) Assemble or repair any machine gun, bump-fire stock, short-  
29 barreled shotgun, or short-barreled rifle.

30 (2) It is not unlawful for a person to manufacture, own, buy,  
31 sell, loan, furnish, transport, assemble, or repair, or have in  
32 possession or under control, a short-barreled rifle, or any part  
33 designed or intended solely and exclusively for use in a short-  
34 barreled rifle or in converting a weapon into a short-barreled rifle,  
35 if the person is in compliance with applicable federal law.

36 (3) Subsection (1) of this section shall not apply to:

37 (a) Any peace officer in the discharge of official duty or  
38 traveling to or from official duty, or to any officer or member of  
39 the armed forces of the United States or the state of Washington in

1 the discharge of official duty or traveling to or from official duty;  
2 or

3 (b) A person, including an employee of such person if the  
4 employee has undergone fingerprinting and a background check, who or  
5 which is exempt from or licensed under federal law, and engaged in  
6 the production, manufacture, repair, or testing of machine guns,  
7 bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

8 (i) To be used or purchased by the armed forces of the United  
9 States;

10 (ii) To be used or purchased by federal, state, county, or  
11 municipal law enforcement agencies; or

12 (iii) For exportation in compliance with all applicable federal  
13 laws and regulations.

14 (4) It shall be an affirmative defense to a prosecution brought  
15 under this section that the machine gun or short-barreled shotgun was  
16 acquired prior to July 1, 1994, and is possessed in compliance with  
17 federal law.

18 (5) Any person violating this section is guilty of a class C  
19 felony.

20 **Sec. 4.** RCW 9.41.220 and 1994 sp.s. c 7 s 421 are each amended  
21 to read as follows:

22 All machine guns, bump-fire stocks, short-barreled shotguns, or  
23 short-barreled rifles, or any part designed and intended solely and  
24 exclusively for use in a machine gun, short-barreled shotgun, or  
25 short-barreled rifle, or in converting a weapon into a machine gun,  
26 short-barreled shotgun, or short-barreled rifle, illegally held or  
27 illegally possessed are hereby declared to be contraband, and it  
28 shall be the duty of all peace officers, and/or any officer or member  
29 of the armed forces of the United States or the state of Washington,  
30 to seize said machine gun, bump-fire stock, short-barreled shotgun,  
31 or short-barreled rifle, or parts thereof, wherever and whenever  
32 found.

33 **Sec. 5.** RCW 9.41.225 and 1989 c 231 s 3 are each amended to read  
34 as follows:

35 (1) It is unlawful for a person, in the commission or furtherance  
36 of a felony other than a violation of RCW 9.41.190, to discharge a  
37 machine gun or to menace or threaten with a machine gun, another  
38 person.



1 Malicious explosion 1 (RCW  
2 70.74.280(1))  
3 Murder 1 (RCW 9A.32.030)  
4 XIV Murder 2 (RCW 9A.32.050)  
5 Trafficking 1 (RCW 9A.40.100(1))  
6 XIII Malicious explosion 2 (RCW  
7 70.74.280(2))  
8 Malicious placement of an explosive 1  
9 (RCW 70.74.270(1))  
10 XII Assault 1 (RCW 9A.36.011)  
11 Assault of a Child 1 (RCW 9A.36.120)  
12 Malicious placement of an imitation  
13 device 1 (RCW 70.74.272(1)(a))  
14 Promoting Commercial Sexual Abuse of  
15 a Minor (RCW 9.68A.101)  
16 Rape 1 (RCW 9A.44.040)  
17 Rape of a Child 1 (RCW 9A.44.073)  
18 Trafficking 2 (RCW 9A.40.100(3))  
19 XI Manslaughter 1 (RCW 9A.32.060)  
20 Rape 2 (RCW 9A.44.050)  
21 Rape of a Child 2 (RCW 9A.44.076)  
22 Vehicular Homicide, by being under the  
23 influence of intoxicating liquor or  
24 any drug (RCW 46.61.520)  
25 Vehicular Homicide, by the operation of  
26 any vehicle in a reckless manner  
27 (RCW 46.61.520)  
28 X Child Molestation 1 (RCW 9A.44.083)  
29 Criminal Mistreatment 1 (RCW  
30 9A.42.020)  
31 Indecent Liberties (with forcible  
32 compulsion) (RCW  
33 9A.44.100(1)(a))  
34 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape (RCW  
6 9A.76.115)  
7 IX Abandonment of Dependent Person 1  
8 (RCW 9A.42.060)  
9 Assault of a Child 2 (RCW 9A.36.130)  
10 Explosive devices prohibited (RCW  
11 70.74.180)  
12 Hit and Run—Death (RCW  
13 46.52.020(4)(a))  
14 Homicide by Watercraft, by being under  
15 the influence of intoxicating liquor  
16 or any drug (RCW 79A.60.050)  
17 Inciting Criminal Profiteering (RCW  
18 9A.82.060(1)(b))  
19 Malicious placement of an explosive 2  
20 (RCW 70.74.270(2))  
21 Robbery 1 (RCW 9A.56.200)  
22 Sexual Exploitation (RCW 9.68A.040)  
23 VIII Arson 1 (RCW 9A.48.020)  
24 Commercial Sexual Abuse of a Minor  
25 (RCW 9.68A.100)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a reckless  
28 manner (RCW 79A.60.050)  
29 Manslaughter 2 (RCW 9A.32.070)  
30 Promoting Prostitution 1 (RCW  
31 9A.88.070)  
32 Theft of Ammonia (RCW 69.55.010)  
33 VII Air bag diagnostic systems (causing  
34 bodily injury or death) (RCW  
35 46.37.660(2)(b))

1 Air bag replacement requirements  
2 (causing bodily injury or death)  
3 (RCW 46.37.660(1)(b))  
4 Burglary 1 (RCW 9A.52.020)  
5 Child Molestation 2 (RCW 9A.44.086)  
6 Civil Disorder Training (RCW  
7 9A.48.120)  
8 Dealing in depictions of minor engaged  
9 in sexually explicit conduct 1  
10 (RCW 9.68A.050(1))  
11 Drive-by Shooting (RCW 9A.36.045)  
12 Homicide by Watercraft, by disregard  
13 for the safety of others (RCW  
14 79A.60.050)  
15 Indecent Liberties (without forcible  
16 compulsion) (RCW 9A.44.100(1)  
17 (b) and (c))  
18 Introducing Contraband 1 (RCW  
19 9A.76.140)  
20 Malicious placement of an explosive 3  
21 (RCW 70.74.270(3))  
22 Manufacture or import counterfeit,  
23 nonfunctional, damaged, or  
24 previously deployed air bag  
25 (causing bodily injury or death)  
26 (RCW 46.37.650(1)(b))  
27 Negligently Causing Death By Use of a  
28 Signal Preemption Device (RCW  
29 46.37.675)  
30 ((~~Sale of~~)) Sell, install, or reinstall  
31 counterfeit, nonfunctional,  
32 damaged, or previously deployed  
33 airbag (RCW 46.37.650(2)(b))  
34 Sending, bringing into state depictions  
35 of minor engaged in sexually  
36 explicit conduct 1 (RCW  
37 9.68A.060(1))

1 Unlawful Possession of a Firearm in the  
2 first degree (RCW 9A.10.040(1))  
3 Use of a Machine Gun or Bump-fire  
4 Stock in Commission of a Felony  
5 (RCW 9A.10.225)  
6 Vehicular Homicide, by disregard for  
7 the safety of others (RCW  
8 46.61.520)  
9 VI Bail Jumping with Murder 1 (RCW  
10 9A.76.170(3)(a))  
11 Bribery (RCW 9A.68.010)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Intimidating a Judge (RCW 9A.72.160)  
14 Intimidating a Juror/Witness (RCW  
15 9A.72.110, 9A.72.130)  
16 Malicious placement of an imitation  
17 device 2 (RCW 70.74.272(1)(b))  
18 Possession of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.070(1))  
21 Rape of a Child 3 (RCW 9A.44.079)  
22 Theft of a Firearm (RCW 9A.56.300)  
23 Theft from a Vulnerable Adult 1 (RCW  
24 9A.56.400(1))  
25 Unlawful Storage of Ammonia (RCW  
26 69.55.020)  
27 V Abandonment of Dependent Person 2  
28 (RCW 9A.42.070)  
29 Advancing money or property for  
30 extortionate extension of credit  
31 (RCW 9A.82.030)  
32 Air bag diagnostic systems (RCW  
33 46.37.660(2)(c))  
34 Air bag replacement requirements  
35 (RCW 46.37.660(1)(c))

1 Bail Jumping with class A Felony  
2 (RCW 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 2 (RCW  
5 9A.42.030)  
6 Custodial Sexual Misconduct 1 (RCW  
7 9A.44.160)  
8 Dealing in Depictions of Minor  
9 Engaged in Sexually Explicit  
10 Conduct 2 (RCW 9.68A.050(2))  
11 Domestic Violence Court Order  
12 Violation (RCW 10.99.040,  
13 10.99.050, 26.09.300, 26.10.220,  
14 26.26.138, 26.50.110, 26.52.070, or  
15 74.34.145)  
16 Extortion 1 (RCW 9A.56.120)  
17 Extortionate Extension of Credit (RCW  
18 9A.82.020)  
19 Extortionate Means to Collect  
20 Extensions of Credit (RCW  
21 9A.82.040)  
22 Incest 2 (RCW 9A.64.020(2))  
23 Kidnapping 2 (RCW 9A.40.030)  
24 Manufacture or import counterfeit,  
25 nonfunctional, damaged, or  
26 previously deployed air bag (RCW  
27 46.37.650(1)(c))  
28 Perjury 1 (RCW 9A.72.020)  
29 Persistent prison misbehavior (RCW  
30 9.94.070)  
31 Possession of a Stolen Firearm (RCW  
32 9A.56.310)  
33 Rape 3 (RCW 9A.44.060)  
34 Rendering Criminal Assistance 1 (RCW  
35 9A.76.070)

1 ((~~Sale of~~)) Sell, install, or reinstall  
2 counterfeit, nonfunctional,  
3 damaged, or previously deployed  
4 airbag (RCW 46.37.650(2)(c))  
5 Sending, Bringing into State Depictions  
6 of Minor Engaged in Sexually  
7 Explicit Conduct 2 (RCW  
8 9.68A.060(2))  
9 Sexual Misconduct with a Minor 1  
10 (RCW 9A.44.093)  
11 Sexually Violating Human Remains  
12 (RCW 9A.44.105)  
13 Stalking (RCW 9A.46.110)  
14 Taking Motor Vehicle Without  
15 Permission 1 (RCW 9A.56.070)  
16 IV Arson 2 (RCW 9A.48.030)  
17 Assault 2 (RCW 9A.36.021)  
18 Assault 3 (of a Peace Officer with a  
19 Projectile Stun Gun) (RCW  
20 9A.36.031(1)(h))  
21 Assault 4 (third domestic violence  
22 offense) (RCW 9A.36.041(3))  
23 Assault by Watercraft (RCW  
24 79A.60.060)  
25 Bribing a Witness/Bribe Received by  
26 Witness (RCW 9A.72.090,  
27 9A.72.100)  
28 Cheating 1 (RCW 9.46.1961)  
29 Commercial Bribery (RCW 9A.68.060)  
30 Counterfeiting (RCW 9.16.035(4))  
31 Driving While Under the Influence  
32 (RCW 46.61.502(6))  
33 Endangerment with a Controlled  
34 Substance (RCW 9A.42.100)  
35 Escape 1 (RCW 9A.76.110)

1 Hit and Run—Injury (RCW  
2 46.52.020(4)(b))  
3 Hit and Run with Vessel—Injury  
4 Accident (RCW 79A.60.200(3))  
5 Identity Theft 1 (RCW 9.35.020(2))  
6 Indecent Exposure to Person Under Age  
7 Fourteen (subsequent sex offense)  
8 (RCW 9A.88.010)  
9 Influencing Outcome of Sporting Event  
10 (RCW 9A.82.070)  
11 Malicious Harassment (RCW  
12 9A.36.080)  
13 Physical Control of a Vehicle While  
14 Under the Influence (RCW  
15 46.61.504(6))  
16 Possession of Depictions of a Minor  
17 Engaged in Sexually Explicit  
18 Conduct 2 (RCW 9.68A.070(2))  
19 Residential Burglary (RCW 9A.52.025)  
20 Robbery 2 (RCW 9A.56.210)  
21 Theft of Livestock 1 (RCW 9A.56.080)  
22 Threats to Bomb (RCW 9.61.160)  
23 Trafficking in Stolen Property 1 (RCW  
24 9A.82.050)  
25 Unlawful factoring of a credit card or  
26 payment card transaction (RCW  
27 9A.56.290(4)(b))  
28 Unlawful transaction of health coverage  
29 as a health care service contractor  
30 (RCW 48.44.016(3))  
31 Unlawful transaction of health coverage  
32 as a health maintenance  
33 organization (RCW 48.46.033(3))  
34 Unlawful transaction of insurance  
35 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance  
2 professional (RCW 48.17.063(2))  
3 Use of Proceeds of Criminal  
4 Profiteering (RCW 9A.82.080 (1)  
5 and (2))  
6 Vehicle Prowling 2 (third or subsequent  
7 offense) (RCW 9A.52.100(3))  
8 Vehicular Assault, by being under the  
9 influence of intoxicating liquor or  
10 any drug, or by the operation or  
11 driving of a vehicle in a reckless  
12 manner (RCW 46.61.522)  
13 Viewing of Depictions of a Minor  
14 Engaged in Sexually Explicit  
15 Conduct 1 (RCW 9.68A.075(1))  
16 Willful Failure to Return from Furlough  
17 (RCW 72.66.060)  
18 III Animal Cruelty 1 (Sexual Conduct or  
19 Contact) (RCW 16.52.205(3))  
20 Assault 3 (Except Assault 3 of a Peace  
21 Officer With a Projectile Stun Gun)  
22 (RCW 9A.36.031 except subsection  
23 (1)(h))  
24 Assault of a Child 3 (RCW 9A.36.140)  
25 Bail Jumping with class B or C Felony  
26 (RCW 9A.76.170(3)(c))  
27 Burglary 2 (RCW 9A.52.030)  
28 Communication with a Minor for  
29 Immoral Purposes (RCW  
30 9.68A.090)  
31 Criminal Gang Intimidation (RCW  
32 9A.46.120)  
33 Custodial Assault (RCW 9A.36.100)  
34 Cyberstalking (subsequent conviction or  
35 threat of death) (RCW 9.61.260(3))  
36 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)  
2 Harassment (RCW 9A.46.020)  
3 Intimidating a Public Servant (RCW  
4 9A.76.180)  
5 Introducing Contraband 2 (RCW  
6 9A.76.150)  
7 Malicious Injury to Railroad Property  
8 (RCW 81.60.070)  
9 Mortgage Fraud (RCW 19.144.080)  
10 Negligently Causing Substantial Bodily  
11 Harm By Use of a Signal  
12 Preemption Device (RCW  
13 46.37.674)  
14 Organized Retail Theft 1 (RCW  
15 9A.56.350(2))  
16 Perjury 2 (RCW 9A.72.030)  
17 Possession of Incendiary Device (RCW  
18 9.40.120)  
19 Possession of Machine Gun, Bump-fire  
20 Stock, or Short-Barreled Shotgun or  
21 Rifle (RCW 9.41.190)  
22 Promoting Prostitution 2 (RCW  
23 9A.88.080)  
24 Retail Theft with Special Circumstances  
25 1 (RCW 9A.56.360(2))  
26 Securities Act violation (RCW  
27 21.20.400)  
28 Tampering with a Witness (RCW  
29 9A.72.120)  
30 Telephone Harassment (subsequent  
31 conviction or threat of death) (RCW  
32 9.61.230(2))  
33 Theft of Livestock 2 (RCW 9A.56.083)  
34 Theft with the Intent to Resell 1 (RCW  
35 9A.56.340(2))

1 Trafficking in Stolen Property 2 (RCW  
2 9A.82.055)  
3 Unlawful Hunting of Big Game 1 (RCW  
4 77.15.410(3)(b))  
5 Unlawful Imprisonment (RCW  
6 9A.40.040)  
7 Unlawful Misbranding of Food Fish or  
8 Shellfish 1 (RCW 69.04.938(3))  
9 Unlawful possession of firearm in the  
10 second degree (RCW 9.41.040(2))  
11 Unlawful Taking of Endangered Fish or  
12 Wildlife 1 (RCW 77.15.120(3)(b))  
13 Unlawful Trafficking in Fish, Shellfish,  
14 or Wildlife 1 (RCW  
15 77.15.260(3)(b))  
16 Unlawful Use of a Nondesigned  
17 Vessel (RCW 77.15.530(4))  
18 Vehicular Assault, by the operation or  
19 driving of a vehicle with disregard  
20 for the safety of others (RCW  
21 46.61.522)  
22 Willful Failure to Return from Work  
23 Release (RCW 72.65.070)  
24 II Commercial Fishing Without a License  
25 1 (RCW 77.15.500(3)(b))  
26 Computer Trespass 1 (RCW 9A.90.040)  
27 Counterfeiting (RCW 9.16.035(3))  
28 Electronic Data Service Interference  
29 (RCW 9A.90.060)  
30 Electronic Data Tampering 1 (RCW  
31 9A.90.080)  
32 Electronic Data Theft (RCW 9A.90.100)  
33 Engaging in Fish Dealing Activity  
34 Unlicensed 1 (RCW 77.15.620(3))  
35 Escape from Community Custody  
36 (RCW 72.09.310)

1 Failure to Register as a Sex Offender  
2 (second or subsequent offense)  
3 (RCW 9A.44.130 prior to June 10,  
4 2010, and RCW 9A.44.132)  
5 Health Care False Claims (RCW  
6 48.80.030)  
7 Identity Theft 2 (RCW 9.35.020(3))  
8 Improperly Obtaining Financial  
9 Information (RCW 9.35.010)  
10 Malicious Mischief 1 (RCW 9A.48.070)  
11 Organized Retail Theft 2 (RCW  
12 9A.56.350(3))  
13 Possession of Stolen Property 1 (RCW  
14 9A.56.150)  
15 Possession of a Stolen Vehicle (RCW  
16 9A.56.068)  
17 Retail Theft with Special Circumstances  
18 2 (RCW 9A.56.360(3))  
19 Scrap Processing, Recycling, or  
20 Supplying Without a License  
21 (second or subsequent offense)  
22 (RCW 19.290.100)  
23 Theft 1 (RCW 9A.56.030)  
24 Theft of a Motor Vehicle (RCW  
25 9A.56.065)  
26 Theft of Rental, Leased, Lease-  
27 purchased, or Loaned Property  
28 (valued at five thousand dollars or  
29 more) (RCW 9A.56.096(5)(a))  
30 Theft with the Intent to Resell 2 (RCW  
31 9A.56.340(3))  
32 Trafficking in Insurance Claims (RCW  
33 48.30A.015)  
34 Unlawful factoring of a credit card or  
35 payment card transaction (RCW  
36 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians  
2 in Indian Fishery (RCW  
3 77.15.570(2))  
4 Unlawful Practice of Law (RCW  
5 2.48.180)  
6 Unlawful Purchase or Use of a License  
7 (RCW 77.15.650(3)(b))  
8 Unlawful Trafficking in Fish, Shellfish,  
9 or Wildlife 2 (RCW  
10 77.15.260(3)(a))  
11 Unlicensed Practice of a Profession or  
12 Business (RCW 18.130.190(7))  
13 Voyeurism 1 (RCW 9A.44.115)  
14 I Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 False Verification for Welfare (RCW  
17 74.08.055)  
18 Forgery (RCW 9A.60.020)  
19 Fraudulent Creation or Revocation of a  
20 Mental Health Advance Directive  
21 (RCW 9A.60.060)  
22 Malicious Mischief 2 (RCW 9A.48.080)  
23 Mineral Trespass (RCW 78.44.330)  
24 Possession of Stolen Property 2 (RCW  
25 9A.56.160)  
26 Reckless Burning 1 (RCW 9A.48.040)  
27 Spotlighting Big Game 1 (RCW  
28 77.15.450(3)(b))  
29 Suspension of Department Privileges 1  
30 (RCW 77.15.670(3)(b))  
31 Taking Motor Vehicle Without  
32 Permission 2 (RCW 9A.56.075)  
33 Theft 2 (RCW 9A.56.040)  
34 Theft from a Vulnerable Adult 2 (RCW  
35 9A.56.400(2))

1 Theft of Rental, Leased, Lease-  
2 purchased, or Loaned Property  
3 (valued at seven hundred fifty  
4 dollars or more but less than five  
5 thousand dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063)  
10 Unlawful Fish and Shellfish Catch  
11 Accounting (RCW 77.15.630(3)(b))  
12 Unlawful Issuance of Checks or Drafts  
13 (RCW 9A.56.060)  
14 Unlawful Possession of Fictitious  
15 Identification (RCW 9A.56.320)  
16 Unlawful Possession of Instruments of  
17 Financial Fraud (RCW 9A.56.320)  
18 Unlawful Possession of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Possession of a Personal  
21 Identification Device (RCW  
22 9A.56.320)  
23 Unlawful Production of Payment  
24 Instruments (RCW 9A.56.320)  
25 Unlawful Releasing, Planting,  
26 Possessing, or Placing Deleterious  
27 Exotic Wildlife (RCW  
28 77.15.250(2)(b))  
29 Unlawful Trafficking in Food Stamps  
30 (RCW 9.91.142)  
31 Unlawful Use of Food Stamps (RCW  
32 9.91.144)  
33 Unlawful Use of Net to Take Fish 1  
34 (RCW 77.15.580(3)(b))  
35 Unlawful Use of Prohibited Aquatic  
36 Animal Species (RCW  
37 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)  
Violating Commercial Fishing Area or  
Time 1 (RCW 77.15.550(3)(b))

**Sec. 8.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

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

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

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

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

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

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

4 (d) If the offender is being sentenced for any firearm  
5 enhancements under (a), (b), and/or (c) of this subsection 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 (4)(a), (b), and/or (c) of this section, or  
9 both, all firearm enhancements under this subsection shall be twice  
10 the amount of the enhancement listed;

11 (e) Notwithstanding any other provision of law, all firearm  
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 firearm enhancements in this section shall apply to all  
22 felony crimes except the following: Possession of a machine gun or  
23 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 firearm 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 (4) The following additional times shall be added to the standard  
35 sentence range for felony crimes committed after July 23, 1995, if  
36 the offender or an accomplice was armed with a deadly weapon other  
37 than a firearm as defined in RCW 9.41.010 and the offender is being  
38 sentenced for one of the crimes listed in this subsection as eligible  
39 for any deadly weapon enhancements based on the classification of the  
40 completed felony crime. If the offender is being sentenced for more

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

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

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

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

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

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

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

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

38 (f) The deadly weapon enhancements in this section shall apply to  
39 all felony crimes except the following: Possession of a machine gun  
40 or bump-fire stock, possessing a stolen firearm, drive-by shooting,

1 theft of a firearm, unlawful possession of a firearm in the first and  
2 second degree, and use of a machine gun or bump-fire stock in a  
3 felony;

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

11 (5) The following additional times shall be added to the standard  
12 sentence range if the offender or an accomplice committed the offense  
13 while in a county jail or state correctional facility and the  
14 offender is being sentenced for one of the crimes listed in this  
15 subsection. If the offender or an accomplice committed one of the  
16 crimes listed in this subsection while in a county jail or state  
17 correctional facility, and the offender is being sentenced for an  
18 anticipatory offense under chapter 9A.28 RCW to commit one of the  
19 crimes listed in this subsection, the following additional times  
20 shall be added to the standard sentence range determined under  
21 subsection (2) of this section:

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

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

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

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

30 (6) An additional twenty-four months shall be added to the  
31 standard sentence range for any ranked offense involving a violation  
32 of chapter 69.50 RCW if the offense was also a violation of RCW  
33 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
34 run consecutively to all other sentencing provisions, for all  
35 offenses sentenced under this chapter.

36 (7) An additional two years shall be added to the standard  
37 sentence range for vehicular homicide committed while under the  
38 influence of intoxicating liquor or any drug as defined by RCW  
39 46.61.502 for each prior offense as defined in RCW 46.61.5055.

1 Notwithstanding any other provision of law, all impaired driving  
2 enhancements under this subsection are mandatory, shall be served in  
3 total confinement, and shall run consecutively to all other  
4 sentencing provisions, including other impaired driving enhancements,  
5 for all offenses sentenced under this chapter.

6 An offender serving a sentence under this subsection may be  
7 granted an extraordinary medical placement when authorized under RCW  
8 9.94A.728(1)(c).

9 (8)(a) The following additional times shall be added to the  
10 standard sentence range for felony crimes committed on or after July  
11 1, 2006, if the offense was committed with sexual motivation, as that  
12 term is defined in RCW 9.94A.030. If the offender is being sentenced  
13 for more than one offense, the sexual motivation enhancement must be  
14 added to the total period of total confinement for all offenses,  
15 regardless of which underlying offense is subject to a sexual  
16 motivation enhancement. If the offender committed the offense with  
17 sexual motivation and the offender is being sentenced for an  
18 anticipatory offense under chapter 9A.28 RCW, the following  
19 additional times shall be added to the standard sentence range  
20 determined under subsection (2) of this section based on the felony  
21 crime of conviction as classified under RCW 9A.28.020:

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

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

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

30 (iv) If the offender is being sentenced for any sexual motivation  
31 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
32 the offender has previously been sentenced for any sexual motivation  
33 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
34 (iii) of this subsection, all sexual motivation enhancements under  
35 this subsection shall be twice the amount of the enhancement listed;

36 (b) Notwithstanding any other provision of law, all sexual  
37 motivation enhancements under this subsection are mandatory, shall be  
38 served in total confinement, and shall run consecutively to all other  
39 sentencing provisions, including other sexual motivation  
40 enhancements, for all offenses sentenced under this chapter. However,

1 whether or not a mandatory minimum term has expired, an offender  
2 serving a sentence under this subsection may be:

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

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

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

8 (d) If the standard sentence range under this subsection exceeds  
9 the 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 sexual motivation  
12 enhancement increases the sentence so that it would exceed the  
13 statutory maximum for the offense, the portion of the sentence  
14 representing the enhancement may not be reduced;

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

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

21 (9) An additional one-year enhancement shall be added to the  
22 standard sentence range for the felony crimes of RCW 9A.44.073,  
23 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
24 or after July 22, 2007, if the offender engaged, agreed, or offered  
25 to engage the victim in the sexual conduct in return for a fee. If  
26 the offender is being sentenced for more than one offense, the  
27 one-year enhancement must be added to the total period of total  
28 confinement for all offenses, regardless of which underlying offense  
29 is subject to the enhancement. If the offender is being sentenced for  
30 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
31 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
32 offender attempted, solicited another, or conspired to engage, agree,  
33 or offer to engage the victim in the sexual conduct in return for a  
34 fee, an additional one-year enhancement shall be added to the  
35 standard sentence range determined under subsection (2) of this  
36 section. For purposes of this subsection, "sexual conduct" means  
37 sexual intercourse or sexual contact, both as defined in chapter  
38 9A.44 RCW.

39 (10)(a) For a person age eighteen or older convicted of any  
40 criminal street gang-related felony offense for which the person

1 compensated, threatened, or solicited a minor in order to involve the  
2 minor in the commission of the felony offense, the standard sentence  
3 range is determined by locating the sentencing grid sentence range  
4 defined by the appropriate offender score and the seriousness level  
5 of the completed crime, and multiplying the range by one hundred  
6 twenty-five percent. If the standard sentence range under this  
7 subsection exceeds the statutory maximum sentence for the offense,  
8 the statutory maximum sentence is the presumptive sentence unless the  
9 offender is a persistent offender.

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

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

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

22 (12) An additional twelve months shall be added to the standard  
23 sentence range for an offense that is also a violation of RCW  
24 9.94A.831.

25 (13) An additional twelve months shall be added to the standard  
26 sentence range for vehicular homicide committed while under the  
27 influence of intoxicating liquor or any drug as defined by RCW  
28 46.61.520 or for vehicular assault committed while under the  
29 influence of intoxicating liquor or any drug as defined by RCW  
30 46.61.522, or for any felony driving under the influence (RCW  
31 46.61.502(6)) or felony physical control under the influence (RCW  
32 46.61.504(6)) for each child passenger under the age of sixteen who  
33 is an occupant in the defendant's vehicle. These enhancements shall  
34 be mandatory, shall be served in total confinement, and shall run  
35 consecutively to all other sentencing provisions. If the addition of  
36 a minor child enhancement increases the sentence so that it would  
37 exceed the statutory maximum for the offense, the portion of the  
38 sentence representing the enhancement may not be reduced.

1 (14) An additional twelve months shall be added to the standard  
2 sentence range for an offense that is also a violation of RCW  
3 9.94A.832.

4 **Sec. 9.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to  
5 read as follows:

6 (1) If a respondent is found to have been in possession of a  
7 firearm in violation of RCW 9.41.040(2)(a)(~~(+iii+)~~) (iv), the court  
8 shall impose a minimum disposition of ten days of confinement. If the  
9 offender's standard range of disposition for the offense as indicated  
10 in RCW 13.40.0357 is more than thirty days of confinement, the court  
11 shall commit the offender to the department for the standard range  
12 disposition. The offender shall not be released until the offender  
13 has served a minimum of ten days in confinement.

14 (2)(a) If a respondent is found to have been in possession of a  
15 firearm in violation of RCW 9.41.040, the disposition must include a  
16 requirement that the respondent participate in a qualifying program  
17 as described in (b) of this subsection, when available, unless the  
18 court makes a written finding based on the outcome of the juvenile  
19 court risk assessment that participation in a qualifying program  
20 would not be appropriate.

21 (b) For purposes of this section, "qualifying program" means an  
22 aggression replacement training program, a functional family therapy  
23 program, or another program applicable to the juvenile firearm  
24 offender population that has been identified as evidence-based or  
25 research-based and cost-beneficial in the current list prepared at  
26 the direction of the legislature by the Washington state institute  
27 for public policy.

28 (3) If the court finds that the respondent or an accomplice was  
29 armed with a firearm, the court shall determine the standard range  
30 disposition for the offense pursuant to RCW 13.40.160. If the  
31 offender or an accomplice was armed with a firearm when the offender  
32 committed any felony other than possession of a machine gun or bump-  
33 fire stock, possession of a stolen firearm, drive-by shooting, theft  
34 of a firearm, unlawful possession of a firearm in the first and  
35 second degree, or use of a machine gun or bump-fire stock in a  
36 felony, the following periods of total confinement must be added to  
37 the sentence: For a class A felony, six months; for a class B felony,  
38 four months; and for a class C felony, two months. The additional

1 time shall be imposed regardless of the offense's juvenile  
2 disposition offense category as designated in RCW 13.40.0357.

3 (4) When a disposition under this section would effectuate a  
4 manifest injustice, the court may impose another disposition. When a  
5 judge finds a manifest injustice and imposes a disposition of  
6 confinement exceeding thirty days, the court shall commit the  
7 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
8 shall be used to determine the range. When a judge finds a manifest  
9 injustice and imposes a disposition of confinement less than thirty  
10 days, the disposition shall be comprised of confinement or community  
11 supervision or both.

12 (5) Any term of confinement ordered pursuant to this section  
13 shall run consecutively to any term of confinement imposed in the  
14 same disposition for other offenses.

15 NEW SECTION. **Sec. 10.** (1) Sections 1 and 2 of this act take  
16 effect July 1, 2018.

17 (2) Sections 3 through 9 of this act take effect July 1, 2019.

18 NEW SECTION. **Sec. 11.** Section 2 of this act expires July 1,  
19 2019.

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