
SENATE BILL 5992

State of Washington

65th Legislature

2018 Regular Session

By Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Lias, and Nelson

Prefiled 12/04/17.

1 AN ACT Relating to trigger modification devices; amending RCW
2 9.41.190, 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and
3 13.40.193; reenacting and amending RCW 9.41.010 and 9.94A.515;
4 prescribing penalties; providing effective dates; and providing an
5 expiration 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) "Crime of violence" means:

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

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

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

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

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

30 (6) "Family or household member" means "family" or "household
31 member" as used in RCW 10.99.020.

32 (7) "Felony" means any felony offense under the laws of this
33 state or any federal or out-of-state offense comparable to a felony
34 offense under the laws of this state.

35 (8) "Felony firearm offender" means a person who has previously
36 been convicted or found not guilty by reason of insanity in this
37 state of any felony firearm offense. A person is not a felony firearm
38 offender under this chapter if any and all qualifying offenses have
39 been the subject of an expungement, pardon, annulment, certificate,
40 or rehabilitation, or other equivalent procedure based on a finding

1 of the rehabilitation of the person convicted or a pardon, annulment,
2 or other equivalent procedure based on a finding of innocence.

3 (9) "Felony firearm offense" means:

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

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

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

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

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

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

15 (11) "Gun" has the same meaning as firearm.

16 (12) "Law enforcement officer" includes a general authority
17 Washington peace officer as defined in RCW 10.93.020, or a specially
18 commissioned Washington peace officer as defined in RCW 10.93.020.
19 "Law enforcement officer" also includes a limited authority
20 Washington peace officer as defined in RCW 10.93.020 if such officer
21 is duly authorized by his or her employer to carry a concealed
22 pistol.

23 (13) "Lawful permanent resident" has the same meaning afforded a
24 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
25 1101(a)(20).

26 (14) "Licensed collector" means a person who is federally
27 licensed under 18 U.S.C. Sec. 923(b).

28 (15) "Licensed dealer" means a person who is federally licensed
29 under 18 U.S.C. Sec. 923(a).

30 (16) "Loaded" means:

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

32 (b) Cartridges are in a clip that is locked in place in the
33 firearm;

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

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

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

1 (17) "Machine gun" means any firearm known as a machine gun,
2 mechanical rifle, submachine gun, or any other mechanism or
3 instrument not requiring that the trigger be pressed for each shot
4 and having a reservoir clip, disc, drum, belt, or other separable
5 mechanical device for storing, carrying, or supplying ammunition
6 which can be loaded into the firearm, mechanism, or instrument, and
7 fired therefrom at the rate of five or more shots per second.

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

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

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

16 (21) "Rifle" means a weapon designed or redesigned, made or
17 remade, and intended to be fired from the shoulder and designed or
18 redesigned, made or remade, and intended to use the energy of the
19 explosive in a fixed metallic cartridge to fire only a single
20 projectile through a rifled bore for each single pull of the trigger.

21 (22) "Sale" and "sell" mean the actual approval of the delivery
22 of a firearm in consideration of payment or promise of payment.

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

26 (a) Any crime of violence;

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

30 (c) Child molestation in the second degree;

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

32 (e) Indecent liberties;

33 (f) Leading organized crime;

34 (g) Promoting prostitution in the first degree;

35 (h) Rape in the third degree;

36 (i) Drive-by shooting;

37 (j) Sexual exploitation;

38 (k) Vehicular assault, when caused by the operation or driving of
39 a vehicle by a person while under the influence of intoxicating

1 liquor or any drug or by the operation or driving of a vehicle in a
2 reckless manner;

3 (l) Vehicular homicide, when proximately caused by the driving of
4 any vehicle by any person while under the influence of intoxicating
5 liquor or any drug as defined by RCW 46.61.502, or by the operation
6 of any vehicle in a reckless manner;

7 (m) Any other class B felony offense with a finding of sexual
8 motivation, as "sexual motivation" is defined under RCW 9.94A.030;

9 (n) Any other felony with a deadly weapon verdict under RCW
10 9.94A.825;

11 (o) Any felony offense in effect at any time prior to June 6,
12 1996, that is comparable to a serious offense, or any federal or out-
13 of-state conviction for an offense that under the laws of this state
14 would be a felony classified as a serious offense; or

15 (p) Any felony conviction under RCW 9.41.115.

16 (24) "Short-barreled rifle" means a rifle having one or more
17 barrels less than sixteen inches in length and any weapon made from a
18 rifle by any means of modification if such modified weapon has an
19 overall length of less than twenty-six inches.

20 (25) "Short-barreled shotgun" means a shotgun having one or more
21 barrels less than eighteen inches in length and any weapon made from
22 a shotgun by any means of modification if such modified weapon has an
23 overall length of less than twenty-six inches.

24 (26) "Shotgun" means a weapon with one or more barrels, designed
25 or redesigned, made or remade, and intended to be fired from the
26 shoulder and designed or redesigned, made or remade, and intended to
27 use the energy of the explosive in a fixed shotgun shell to fire
28 through a smooth bore either a number of ball shot or a single
29 projectile for each single pull of the trigger.

30 (27) "Transfer" means the intended delivery of a firearm to
31 another person without consideration of payment or promise of payment
32 including, but not limited to, gifts and loans. "Transfer" does not
33 include the delivery of a firearm owned or leased by an entity
34 licensed or qualified to do business in the state of Washington to,
35 or return of such a firearm by, any of that entity's employees or
36 agents, defined to include volunteers participating in an honor
37 guard, for lawful purposes in the ordinary course of business.

38 (28) "Trigger modification device" means any part, or combination
39 of parts, designed or intended to accelerate the rate of fire of a

1 firearm, but does not convert the firearm into a machine gun,
2 including:

3 (a) Any part, or combination of parts, designed or intended for
4 use in modifying a firearm to use the recoil of the firearm to
5 produce a rapid succession of trigger functions; or

6 (b) Any part, or combination of parts, designed or intended for
7 use in modifying a firearm to produce multiple trigger functions
8 through the use of an external mechanism.

9 (29) "Unlicensed person" means any person who is not a licensed
10 dealer under this chapter.

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

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

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

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

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

25 (d) Manufacture or sell any trigger modification device.

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

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

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

38 (b) A person, including an employee of such person if the
39 employee has undergone fingerprinting and a background check, who or

1 which is exempt from or licensed under federal law, and engaged in
2 the production, manufacture, repair, or testing of machine guns,
3 trigger modification devices, short-barreled shotguns, or short-
4 barreled rifles:

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

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

9 (iii) For exportation in compliance with all applicable federal
10 laws and regulations.

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

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

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

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

21 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
22 have in possession or under control, any machine gun, trigger
23 modification device, short-barreled shotgun, or short-barreled rifle;

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

29 (c) Assemble or repair any machine gun, trigger modification
30 device, short-barreled shotgun, or short-barreled rifle.

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

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

38 (a) Any peace officer in the discharge of official duty or
39 traveling to or from official duty, or to any officer or member of

1 the armed forces of the United States or the state of Washington in
2 the discharge of official duty or traveling to or from official duty;
3 or

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

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

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

14 (iii) For exportation in compliance with all applicable federal
15 laws and regulations.

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

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

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

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

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

37 (1) It is unlawful for a person, in the commission or furtherance
38 of a felony other than a violation of RCW 9.41.190, to discharge a

1 machine gun or to menace or threaten with a machine gun, another
2 person.

3 (2) It is unlawful for a person, in the commission or furtherance
4 of a felony other than a violation of RCW 9.41.190, to discharge a
5 firearm containing a trigger modification device or to menace or
6 threaten another person with a firearm containing a trigger
7 modification device.

8 (3) A violation of this section shall be punished as a class A
9 felony under chapter 9A.20 RCW.

10 **Sec. 6.** RCW 9.94A.475 and 2012 c 183 s 2 are each amended to
11 read as follows:

12 Any and all recommended sentencing agreements or plea agreements
13 and the sentences for any and all felony crimes shall be made and
14 retained as public records if the felony crime involves:

- 15 (1) Any violent offense as defined in this chapter;
16 (2) Any most serious offense as defined in this chapter;
17 (3) Any felony with a deadly weapon special verdict under RCW
18 9.94A.825;

19 (4) Any felony with any deadly weapon enhancements under RCW
20 9.94A.533 (3) or (4), or both;

21 (5) The felony crimes of possession of a machine gun or trigger
22 modification device, possessing a stolen firearm, drive-by shooting,
23 theft of a firearm, unlawful possession of a firearm in the first or
24 second degree, and/or use of a machine gun or trigger modification
25 device in a felony; or

26 (6) The felony crime of driving a motor vehicle while under the
27 influence of intoxicating liquor or any drug as defined in RCW
28 46.61.502, and felony physical control of a motor vehicle while under
29 the influence of intoxicating liquor or any drug as defined in RCW
30 46.61.504.

31 **Sec. 7.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c
32 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read
33 as follows:

34 TABLE 2
35 CRIMES INCLUDED WITHIN EACH
36 SERIOUSNESS LEVEL
37 XVI Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW
3 70.74.280(1))
4 Murder 1 (RCW 9A.32.030)
5 XIV Murder 2 (RCW 9A.32.050)
6 Trafficking 1 (RCW 9A.40.100(1))
7 XIII Malicious explosion 2 (RCW
8 70.74.280(2))
9 Malicious placement of an explosive 1
10 (RCW 70.74.270(1))
11 XII Assault 1 (RCW 9A.36.011)
12 Assault of a Child 1 (RCW 9A.36.120)
13 Malicious placement of an imitation
14 device 1 (RCW 70.74.272(1)(a))
15 Promoting Commercial Sexual Abuse of
16 a Minor (RCW 9.68A.101)
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(3))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 Vehicular Homicide, by the operation of
27 any vehicle in a reckless manner
28 (RCW 46.61.520)
29 X Child Molestation 1 (RCW 9A.44.083)
30 Criminal Mistreatment 1 (RCW
31 9A.42.020)
32 Indecent Liberties (with forcible
33 compulsion) (RCW
34 9A.44.100(1)(a))
35 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 Trigger
4 Modification Device in
5 Commission of a Felony (RCW
6 9A.10.225)
7 Vehicular Homicide, by disregard for
8 the safety of others (RCW
9 46.61.520)
10 VI Bail Jumping with Murder 1 (RCW
11 9A.76.170(3)(a))
12 Bribery (RCW 9A.68.010)
13 Incest 1 (RCW 9A.64.020(1))
14 Intimidating a Judge (RCW 9A.72.160)
15 Intimidating a Juror/Witness (RCW
16 9A.72.110, 9A.72.130)
17 Malicious placement of an imitation
18 device 2 (RCW 70.74.272(1)(b))
19 Possession of Depictions of a Minor
20 Engaged in Sexually Explicit
21 Conduct 1 (RCW 9.68A.070(1))
22 Rape of a Child 3 (RCW 9A.44.079)
23 Theft of a Firearm (RCW 9A.56.300)
24 Theft from a Vulnerable Adult 1 (RCW
25 9A.56.400(1))
26 Unlawful Storage of Ammonia (RCW
27 69.55.020)
28 V Abandonment of Dependent Person 2
29 (RCW 9A.42.070)
30 Advancing money or property for
31 extortionate extension of credit
32 (RCW 9A.82.030)
33 Air bag diagnostic systems (RCW
34 46.37.660(2)(c))
35 Air bag replacement requirements
36 (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, Trigger
20 Modification Device, or Short-
21 Barreled Shotgun or Rifle (RCW
22 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Retail Theft with Special Circumstances
26 1 (RCW 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death) (RCW
33 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 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))

1 Vehicle Prowl 1 (RCW 9A.52.095)

2 Violating Commercial Fishing Area or

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

4 **Sec. 8.** RCW 9.94A.533 and 2016 c 203 s 7 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 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
22 period of confinement for all offenses, regardless of which
23 underlying offense is subject to a firearm enhancement. If the
24 offender or an accomplice was armed with a firearm as defined in RCW
25 9.41.010 and the offender is being sentenced for an anticipatory
26 offense under chapter 9A.28 RCW to commit one of the crimes listed in
27 this subsection as eligible for any firearm enhancements, the
28 following additional times shall be added to the standard sentence
29 range determined under subsection (2) of this section based on the
30 felony crime of conviction as classified under RCW 9A.28.020:

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

34 (b) Three years for any felony defined under any law as a class B
35 felony or with a statutory maximum sentence of ten years, or both,
36 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 trigger modification device, possessing a stolen firearm, drive-by
24 shooting, theft of a firearm, unlawful possession of a firearm in the
25 first and second degree, and use of a machine gun or trigger
26 modification device in a 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 trigger modification device, possessing a stolen firearm, drive-by

1 shooting, theft of a firearm, unlawful possession of a firearm in the
2 first and second degree, and use of a machine gun or trigger
3 modification device in a 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
33 trigger modification device, possession of a stolen firearm, drive-by
34 shooting, theft of a firearm, unlawful possession of a firearm in the
35 first and second degree, or use of a machine gun or trigger
36 modification device in a felony, the following periods of total
37 confinement must be added to the sentence: For a class A felony, six
38 months; for a class B felony, four months; and for a class C felony,
39 two months. The additional time shall be imposed regardless of the

1 offense's juvenile disposition offense category as designated in RCW
2 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.

--- END ---