
SUBSTITUTE SENATE BILL 5061

State of Washington

66th Legislature

2019 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Pedersen, Frockt, Wellman, Hunt, Kuderer, Saldaña, and Liias; by request of Attorney General)

1 AN ACT Relating to undetectable or untraceable firearms; amending
2 RCW 9.41.010, 9.41.190, 9.41.220, and 9.41.225; reenacting and
3 amending RCW 9.94A.515; creating a new section; prescribing
4 penalties; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 9.41.010 and 2019 c 3 s 16 (Initiative Measure No.
7 1639) are each amended to read as follows:

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

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

18 (2) "Barrel length" means the distance from the bolt face of a
19 closed action down the length of the axis of the bore to the crown of
20 the muzzle, or in the case of a barrel with attachments to the end of
21 any legal device permanently attached to the end of the muzzle.

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

7 (4) "Crime of violence" means:

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

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

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

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

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

34 (7) "Family or household member" means "family" or "household
35 member" as used in RCW 10.99.020.

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

39 (9) "Felony firearm offender" means a person who has previously
40 been convicted or found not guilty by reason of insanity in this

1 state of any felony firearm offense. A person is not a felony firearm
2 offender under this chapter if any and all qualifying offenses have
3 been the subject of an expungement, pardon, annulment, certificate,
4 or rehabilitation, or other equivalent procedure based on a finding
5 of the rehabilitation of the person convicted or a pardon, annulment,
6 or other equivalent procedure based on a finding of innocence.

7 (10) "Felony firearm offense" means:

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

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

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

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

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

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

19 (12) "Gun" has the same meaning as firearm.

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

27 (14) "Lawful permanent resident" has the same meaning afforded a
28 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.
29 1101(a)(20).

30 (15) "Licensed collector" means a person who is federally
31 licensed under 18 U.S.C. Sec. 923(b).

32 (16) "Licensed dealer" means a person who is federally licensed
33 under 18 U.S.C. Sec. 923(a).

34 (17) "Loaded" means:

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

36 (b) Cartridges are in a clip that is locked in place in the
37 firearm;

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

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

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

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

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

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

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

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

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

27 (24) "Secure gun storage" means:

28 (a) A locked box, gun safe, or other secure locked storage space
29 that is designed to prevent unauthorized use or discharge of a
30 firearm; and

31 (b) The act of keeping an unloaded firearm stored by such means.

32 (25) "Semiautomatic assault rifle" means any rifle which utilizes
33 a portion of the energy of a firing cartridge to extract the fired
34 cartridge case and chamber the next round, and which requires a
35 separate pull of the trigger to fire each cartridge.

36 "Semiautomatic assault rifle" does not include antique firearms,
37 any firearm that has been made permanently inoperable, or any firearm
38 that is manually operated by bolt, pump, lever, or slide action.

1 (26) "Serious offense" means any of the following felonies or a
2 felony attempt to commit any of the following felonies, as now
3 existing or hereafter amended:

4 (a) Any crime of violence;

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

8 (c) Child molestation in the second degree;

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

10 (e) Indecent liberties;

11 (f) Leading organized crime;

12 (g) Promoting prostitution in the first degree;

13 (h) Rape in the third degree;

14 (i) Drive-by shooting;

15 (j) Sexual exploitation;

16 (k) Vehicular assault, when caused by the operation or driving of
17 a vehicle by a person while under the influence of intoxicating
18 liquor or any drug or by the operation or driving of a vehicle in a
19 reckless manner;

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

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

26 (n) Any other felony with a deadly weapon verdict under RCW
27 9.94A.825;

28 (o) Any felony offense in effect at any time prior to June 6,
29 1996, that is comparable to a serious offense, or any federal or out-
30 of-state conviction for an offense that under the laws of this state
31 would be a felony classified as a serious offense; or

32 (p) Any felony conviction under RCW 9.41.115.

33 (27) "Short-barreled rifle" means a rifle having one or more
34 barrels less than sixteen inches in length and any weapon made from a
35 rifle by any means of modification if such modified weapon has an
36 overall length of less than twenty-six inches.

37 (28) "Short-barreled shotgun" means a shotgun having one or more
38 barrels less than eighteen inches in length and any weapon made from
39 a shotgun by any means of modification if such modified weapon has an
40 overall length of less than twenty-six inches.

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

7 (30) "Transfer" means the intended delivery of a firearm to
8 another person without consideration of payment or promise of payment
9 including, but not limited to, gifts and loans. "Transfer" does not
10 include the delivery of a firearm owned or leased by an entity
11 licensed or qualified to do business in the state of Washington to,
12 or return of such a firearm by, any of that entity's employees or
13 agents, defined to include volunteers participating in an honor
14 guard, for lawful purposes in the ordinary course of business.

15 (31) "Unlicensed person" means any person who is not a licensed
16 dealer under this chapter.

17 (32) "Assemble" means to fit together component parts to
18 construct a weapon or device covered by this chapter.

19 (33) "Major component" means, with respect to a firearm, the
20 slide or cylinder or the frame or receiver of the firearm, and in the
21 case of a firearm that is not a pistol, includes the barrel of the
22 firearm.

23 (34) "Manufacture" means the fabrication or construction of a
24 weapon or device covered by this chapter.

25 (35) "Undetectable firearm" means any firearm that does not
26 contain sufficient metal to be reliably detectable by commonly used
27 walk-through metal detectors or magnetometers, or any firearm that,
28 if the firearm or any major component were subjected to inspection by
29 the types of X-ray machines commonly used at airports, would not
30 generate an image that accurately depicts the shape of the firearm or
31 component. A firearm is per se undetectable if any major component is
32 made of polymer plastic or other nonmetal material and the firearm
33 does not contain at least 3.7 ounces of steel or steel alloy.

34 (36) "Untraceable firearm" means any firearm manufactured after
35 July 1, 2019, which does not have a serial number registered with a
36 federally licensed manufacturer imprinted on its major component.
37 Untraceable firearm does not include an antique firearm that lacks
38 either a serial number registered with a federally licensed
39 manufacturer imprinted on its major component, a reliable way to

1 determine the date the antique firearm was manufactured, or both, due
2 to the age or manufacturing process of the antique firearm.

3 NEW SECTION. **Sec. 2.** (1) No person may knowingly or recklessly
4 allow, facilitate, aid, or abet the manufacture or assembly of an
5 undetectable firearm or untraceable firearm by a person who: (a) Is
6 ineligible under RCW 9.41.040 to possess a firearm; or (b) has signed
7 a valid voluntary waiver of firearm rights that has not been revoked
8 under RCW 9.41.350. For purposes of this provision, the failure to
9 conduct a background check as provided in RCW 9.41.113 shall be prima
10 facie evidence of recklessness.

11 (2) (a) Any person violating this section is guilty of a gross
12 misdemeanor punishable under chapter 9A.20 RCW.

13 (b) If a person previously has been found guilty under this
14 section, then the person is guilty of a class C felony punishable
15 under chapter 9A.20 RCW for each subsequent knowing violation of this
16 section.

17 (c) A person is guilty of a separate offense for each and every
18 firearm to which this section applies.

19 **Sec. 3.** RCW 9.41.190 and 2018 c 7 s 3 are each amended to read
20 as follows:

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

23 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
24 have in possession or under control, any machine gun, bump-fire
25 stock, undetectable firearm, untraceable firearm, short-barreled
26 shotgun, or short-barreled rifle;

27 (b) Manufacture, own, buy, sell, loan, furnish, transport, or
28 have in possession or under control, any part designed and intended
29 solely and exclusively for use in a machine gun, bump-fire stock,
30 undetectable firearm, untraceable firearm, short-barreled shotgun, or
31 short-barreled rifle, or in converting a weapon into a machine gun,
32 short-barreled shotgun, or short-barreled rifle; or

33 (c) Assemble or repair any machine gun, bump-fire stock,
34 undetectable firearm, untraceable firearm, short-barreled shotgun, or
35 short-barreled rifle.

36 (2) It is not unlawful for a person to manufacture, own, buy,
37 sell, loan, furnish, transport, assemble, or repair, or have in
38 possession or under control, a short-barreled rifle, or any part

1 designed or intended solely and exclusively for use in a short-
2 barreled rifle or in converting a weapon into a short-barreled rifle,
3 if the person is in compliance with applicable federal law.

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

5 (a) Any peace officer in the discharge of official duty or
6 traveling to or from official duty, or to any officer or member of
7 the armed forces of the United States or the state of Washington in
8 the discharge of official duty or traveling to or from official duty;
9 or

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

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

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

19 (iii) For exportation in compliance with all applicable federal
20 laws and regulations.

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

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

27 **Sec. 4.** RCW 9.41.220 and 2018 c 7 s 4 are each amended to read
28 as follows:

29 All machine guns, bump-fire stocks, undetectable firearms,
30 untraceable firearms, short-barreled shotguns, or short-barreled
31 rifles, or any part designed and intended solely and exclusively for
32 use in a machine gun, short-barreled shotgun, or short-barreled
33 rifle, or in converting a weapon into a machine gun, short-barreled
34 shotgun, or short-barreled rifle, illegally held or illegally
35 possessed are hereby declared to be contraband, and it shall be the
36 duty of all peace officers, and/or any officer or member of the armed
37 forces of the United States or the state of Washington, to seize said
38 machine gun, bump-fire stock, undetectable firearm, untraceable

1 firearm, short-barreled shotgun, or short-barreled rifle, or parts
2 thereof, wherever and whenever found.

3 **Sec. 5.** RCW 9.41.225 and 2018 c 7 s 5 are each amended to read
4 as follows:

5 (1) It is unlawful for a person, in the commission or furtherance
6 of a felony other than a violation of RCW 9.41.190, to discharge a
7 machine gun or to menace or threaten with a machine gun, another
8 person.

9 (2) It is unlawful for a person, in the commission or furtherance
10 of a felony other than a violation of RCW 9.41.190, to discharge a
11 firearm containing a bump-fire stock or to menace or threaten another
12 person with a firearm containing a bump-fire stock.

13 (3) It is unlawful for a person, in the commission or furtherance
14 of a felony other than a violation of RCW 9.41.190, to discharge a
15 firearm or to menace or threaten another person with a firearm if
16 that firearm is an undetectable firearm or an untraceable firearm.

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

19 **Sec. 6.** RCW 9.94A.515 and 2018 c 236 s 721 and 2018 c 7 s 7 are
20 each reenacted and amended to read as follows:

21 TABLE 2

22 CRIMES INCLUDED WITHIN EACH
23 SERIOUSNESS LEVEL

- 24 XVI Aggravated Murder 1 (RCW 10.95.020)
25 XV Homicide by abuse (RCW 9A.32.055)
26 Malicious explosion 1 (RCW
27 70.74.280(1))
28 Murder 1 (RCW 9A.32.030)
29 XIV Murder 2 (RCW 9A.32.050)
30 Trafficking 1 (RCW 9A.40.100(1))
31 XIII Malicious explosion 2 (RCW
32 70.74.280(2))
33 Malicious placement of an explosive 1
34 (RCW 70.74.270(1))
35 XII Assault 1 (RCW 9A.36.011)

1 Assault of a Child 1 (RCW 9A.36.120)
2 Malicious placement of an imitation
3 device 1 (RCW 70.74.272(1)(a))
4 Promoting Commercial Sexual Abuse of
5 a Minor (RCW 9.68A.101)
6 Rape 1 (RCW 9A.44.040)
7 Rape of a Child 1 (RCW 9A.44.073)
8 Trafficking 2 (RCW 9A.40.100(3))
9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)
12 Vehicular Homicide, by being under the
13 influence of intoxicating liquor or
14 any drug (RCW 46.61.520)
15 Vehicular Homicide, by the operation of
16 any vehicle in a reckless manner
17 (RCW 46.61.520)
18 X Child Molestation 1 (RCW 9A.44.083)
19 Criminal Mistreatment 1 (RCW
20 9A.42.020)
21 Indecent Liberties (with forcible
22 compulsion) (RCW
23 9A.44.100(1)(a))
24 Kidnapping 1 (RCW 9A.40.020)
25 Leading Organized Crime (RCW
26 9A.82.060(1)(a))
27 Malicious explosion 3 (RCW
28 70.74.280(3))
29 Sexually Violent Predator Escape (RCW
30 9A.76.115)
31 IX Abandonment of Dependent Person 1
32 (RCW 9A.42.060)
33 Assault of a Child 2 (RCW 9A.36.130)
34 Explosive devices prohibited (RCW
35 70.74.180)

1 Hit and Run—Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being under
4 the influence of intoxicating liquor
5 or any drug (RCW 79A.60.050)
6 Inciting Criminal Profiteering (RCW
7 9A.82.060(1)(b))
8 Malicious placement of an explosive 2
9 (RCW 70.74.270(2))
10 Robbery 1 (RCW 9A.56.200)
11 Sexual Exploitation (RCW 9.68A.040)
12 VIII Arson 1 (RCW 9A.48.020)
13 Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)
15 Homicide by Watercraft, by the
16 operation of any vessel in a reckless
17 manner (RCW 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Promoting Prostitution 1 (RCW
20 9A.88.070)
21 Theft of Ammonia (RCW 69.55.010)
22 VII Air bag diagnostic systems (causing
23 bodily injury or death) (RCW
24 46.37.660(2)(b))
25 Air bag replacement requirements
26 (causing bodily injury or death)
27 (RCW 46.37.660(1)(b))
28 Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct 1
34 (RCW 9.68A.050(1))
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)

4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))

7 Introducing Contraband 1 (RCW
8 9A.76.140)

9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag
14 (causing bodily injury or death)
15 (RCW 46.37.650(1)(b))

16 Negligently Causing Death By Use of a
17 Signal Preemption Device (RCW
18 46.37.675)

19 Sell, install, or reinstall counterfeit,
20 nonfunctional, damaged, or
21 previously deployed airbag (RCW
22 46.37.650(2)(b))

23 Sending, bringing into state depictions
24 of minor engaged in sexually
25 explicit conduct 1 (RCW
26 9.68A.060(1))

27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1))

29 Use of a Machine Gun ((~~or~~),² Bump-fire
30 Stock, Undetectable Firearm, or
31 Untraceable Firearm in
32 Commission of a Felony (RCW
33 9.41.225)

34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Theft from a Vulnerable Adult 1 (RCW
16 9A.56.400(1))
17 Unlawful Storage of Ammonia (RCW
18 69.55.020)
19 V Abandonment of Dependent Person 2
20 (RCW 9A.42.070)
21 Advancing money or property for
22 extortionate extension of credit
23 (RCW 9A.82.030)
24 Air bag diagnostic systems (RCW
25 46.37.660(2)(c))
26 Air bag replacement requirements
27 (RCW 46.37.660(1)(c))
28 Bail Jumping with class A Felony
29 (RCW 9A.76.170(3)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 Criminal Mistreatment 2 (RCW
32 9A.42.030)
33 Custodial Sexual Misconduct 1 (RCW
34 9A.44.160)

1 Dealing in Depictions of Minor
2 Engaged in Sexually Explicit
3 Conduct 2 (RCW 9.68A.050(2))
4 Domestic Violence Court Order
5 Violation (RCW 10.99.040,
6 10.99.050, 26.09.300, 26.10.220,
7 ((~~26.26.138~~)) 26.26B.050,
8 26.50.110, 26.52.070, or 74.34.145)
9 Extortion 1 (RCW 9A.56.120)
10 Extortionate Extension of Credit (RCW
11 9A.82.020)
12 Extortionate Means to Collect
13 Extensions of Credit (RCW
14 9A.82.040)
15 Incest 2 (RCW 9A.64.020(2))
16 Kidnapping 2 (RCW 9A.40.030)
17 Manufacture or import counterfeit,
18 nonfunctional, damaged, or
19 previously deployed air bag (RCW
20 46.37.650(1)(c))
21 Perjury 1 (RCW 9A.72.020)
22 Persistent prison misbehavior (RCW
23 9.94.070)
24 Possession of a Stolen Firearm (RCW
25 9A.56.310)
26 Rape 3 (RCW 9A.44.060)
27 Rendering Criminal Assistance 1 (RCW
28 9A.76.070)
29 Sell, install, or reinstall counterfeit,
30 nonfunctional, damaged, or
31 previously deployed airbag (RCW
32 46.37.650(2)(c))
33 Sending, Bringing into State Depictions
34 of Minor Engaged in Sexually
35 Explicit Conduct 2 (RCW
36 9.68A.060(2))

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault 3 (of a Peace Officer with a
11 Projectile Stun Gun) (RCW
12 9A.36.031(1)(h))
13 Assault 4 (third domestic violence
14 offense) (RCW 9A.36.041(3))
15 Assault by Watercraft (RCW
16 79A.60.060)
17 Bribing a Witness/Bribe Received by
18 Witness (RCW 9A.72.090,
19 9A.72.100)
20 Cheating 1 (RCW 9A.46.1961)
21 Commercial Bribery (RCW 9A.68.060)
22 Counterfeiting (RCW 9A.16.035(4))
23 Driving While Under the Influence
24 (RCW 46.61.502(6))
25 Endangerment with a Controlled
26 Substance (RCW 9A.42.100)
27 Escape 1 (RCW 9A.76.110)
28 Hit and Run—Injury (RCW
29 46.52.020(4)(b))
30 Hit and Run with Vessel—Injury
31 Accident (RCW 79A.60.200(3))
32 Identity Theft 1 (RCW 9A.35.020(2))
33 Indecent Exposure to Person Under Age
34 Fourteen (subsequent sex offense)
35 (RCW 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Malicious Harassment (RCW
4 9A.36.080)
5 Physical Control of a Vehicle While
6 Under the Influence (RCW
7 46.61.504(6))
8 Possession of Depictions of a Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.070(2))
11 Residential Burglary (RCW 9A.52.025)
12 Robbery 2 (RCW 9A.56.210)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Threats to Bomb (RCW 9.61.160)
15 Trafficking in Stolen Property 1 (RCW
16 9A.82.050)
17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(b))
20 Unlawful transaction of health coverage
21 as a health care service contractor
22 (RCW 48.44.016(3))
23 Unlawful transaction of health coverage
24 as a health maintenance
25 organization (RCW 48.46.033(3))
26 Unlawful transaction of insurance
27 business (RCW 48.15.023(3))
28 Unlicensed practice as an insurance
29 professional (RCW 48.17.063(2))
30 Use of Proceeds of Criminal
31 Profiteering (RCW 9A.82.080 (1)
32 and (2))
33 Vehicle Prowling 2 (third or subsequent
34 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for
22 Immoral Purposes (RCW
23 9.68A.090)

24 Criminal Gang Intimidation (RCW
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Manufacture or Assembly of an
4 Undetectable Firearm or
5 Untraceable Firearm (section 2 of
6 this act)
7 Mortgage Fraud (RCW 19.144.080)
8 Negligently Causing Substantial Bodily
9 Harm By Use of a Signal
10 Preemption Device (RCW
11 46.37.674)
12 Organized Retail Theft 1 (RCW
13 9A.56.350(2))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device (RCW
16 9.40.120)
17 Possession of Machine Gun, Bump-fire
18 Stock, Undetectable Firearm,
19 Untraceable Firearm, or Short-
20 Barreled Shotgun or Rifle (RCW
21 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
8 or Shellfish 1 (RCW 77.140.060(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 Nondesignated
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 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of
6 the state government and its existing public institutions, and takes
7 effect July 1, 2019.

--- **END** ---