
SUBSTITUTE HOUSE BILL 2906

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Ballasiotes, J. Kohl, Long, L. Johnson, Cooke, Thibaudeau, Lemmon, Morris, Caver, Jones and Dunshee)

Read first time 02/08/94.

1 AN ACT Relating to violence prevention; amending RCW 9.41.045,
2 9.41.050, 9.41.060, 9.41.070, 9.41.080, 9.41.090, 9.41.098, 9.41.100,
3 9.41.110, 9.41.140, 9.41.170, 9.41.190, 9.41.220, 9.41.230, 9.41.250,
4 9.41.260, 9.41.270, 9.41.280, 9.41.290, 9.41.300, 9.41.310, 13.40.265,
5 13.64.060, 42.17.318, 46.20.265, 71.05.450, 71.12.560, 72.23.080,
6 82.04.300, 82.32.030, 13.04.030, 26.12.010, 13.04.021, 72.76.010,
7 9A.56.040, 9A.56.160, 9A.36.045, and 9.94A.310; amending 1993 c 415 s
8 8 (uncodified); reenacting and amending RCW 9.41.010, 9.41.040,
9 26.28.080, 9.94A.030, and 9.94A.320; adding new sections to chapter
10 9.41 RCW; adding a new section to chapter 13.40 RCW; adding a new
11 section to chapter 9A.56 RCW; adding a new section to chapter 9.91 RCW;
12 creating new sections; recodifying RCW 19.70.010, 19.70.020, and
13 9.41.160; repealing RCW 9.41.030, 9.41.093, 9.41.130, 9.41.150,
14 9.41.180, 9.41.200, 9.41.210, and 9.41.240; prescribing penalties;
15 providing an effective date; and declaring an emergency.

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

1

TABLE OF CONTENTS

2 PART I - FIREARMS AND DANGEROUS WEAPONS 3

3 PART II - SUPERIOR AND JUVENILE COURT JURISDICTION 47

4 PART III - THEFT OF FIREARMS 67

5 PART IV - RECKLESS ENDANGERMENT 68

6 PART V - ADULT SENTENCING 68

7 PART VI - PERSONAL PROTECTION SPRAYS 78

8 PART VII - TECHNICAL PROVISIONS 79

1 for storing, carrying, or supplying ammunition which can be loaded into
2 the firearm, mechanism, or instrument, and fired therefrom at the rate
3 of five or more shots per second.

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

12 (9) "Loaded" means:

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

14 (b) Bullets are in a clip that is locked in place in the firearm;

15 or

16 (c) There is a cartridge in the cylinder of the firearm, if the
17 firearm is a revolver.

18 (10) "Dealer" means a person engaged in the business of selling
19 firearms at wholesale or retail who has, or is required to have, a
20 federal firearms license under 18 U.S.C. Sec. 923(1). A person who
21 does not have, and is not required to have, a federal firearms license
22 under 18 U.S.C. Sec. 923(1), is not a dealer if that person makes only
23 occasional sales, exchanges, or purchases of firearms for the
24 enhancement of a personal collection or for a hobby, or sells all or
25 part of his or her personal collection of firearms.

26 (11) "Crime of violence" ((as used in this chapter)) means:

27 (a) Any of the following felonies, as now existing or hereafter
28 amended: Any felony defined under any law as a class A felony or an
29 attempt to commit a class A felony, criminal solicitation of or
30 criminal conspiracy to commit a class A felony, manslaughter in the
31 first degree, manslaughter in the second degree, indecent liberties if
32 committed by forcible compulsion, rape in the second degree, kidnapping
33 in the second degree, arson in the second degree, assault in the second
34 degree, assault of a child in the second degree, extortion in the first
35 degree, burglary in the second degree, and robbery in the second
36 degree;

37 (b) Any conviction or adjudication for a felony offense in effect
38 at any time prior to July 1, 1976, which is comparable to a felony

1 classified as a crime of violence in (~~(subsection (2))~~)(a) of this
2 (~~(section)~~) subsection; and

3 (c) Any federal or out-of-state conviction or adjudication for an
4 offense comparable to a felony classified as a crime of violence under
5 (~~(subsection (2))~~) (a) or (b) of this (~~(section)~~.

6 (3) ~~"Firearm" as used in this chapter means a weapon or device from
7 which a projectile may be fired by an explosive such as gunpowder.~~

8 (4) ~~"Commercial seller" as used in this chapter means a person who
9 has a federal firearms license)~~ subsection.

10 **Sec. 102.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are
11 each reenacted and amended to read as follows:

12 (1) A person is guilty of the crime of unlawful possession of a
13 (~~(short)~~) firearm (~~(or pistol,~~) if(~~(, having previously been convicted
14 or, as a juvenile, adjudicated in this state or elsewhere of a crime of
15 violence or of a felony in which a firearm was used or displayed,~~) the
16 person owns (~~(or)~~), has in his or her possession, or has in his or her
17 control any (~~(short)~~) firearm (~~(or pistol)~~):

18 (a) After having previously been convicted or, as a juvenile,
19 adjudicated delinquent in this state or elsewhere of a crime of
20 violence or of a felony in which a firearm was used or displayed,
21 except as otherwise provided in subsection (4) of this section;

22 (b) After having previously been convicted of or adjudicated
23 delinquent for any felony violation of the uniform controlled
24 substances act, chapter 69.50 RCW, or equivalent statutes of another
25 jurisdiction, except as otherwise provided in subsection (4) of this
26 section;

27 (c) After having previously been convicted on three occasions of
28 driving a motor vehicle or operating a vessel while under the influence
29 of intoxicating liquor or any drug;

30 (d) After having previously been committed for mental health
31 treatment, either voluntarily for a period exceeding fourteen
32 continuous days, or involuntarily under RCW 71.05.320, chapter 10.77
33 RCW, or equivalent statutes of another jurisdiction, unless his or her
34 right to own, possess, or control a firearm has been restored as
35 provided in section 104 of this act; or

36 (e) If the person is under eighteen years of age, except as
37 provided in section 103 of this act.

1 (2) Unlawful possession of a ~~((short))~~ firearm ~~((or pistol shall be~~
2 ~~punished as))~~ is a class C felony, punishable under chapter 9A.20 RCW.

3 (3) As used in this section, a person has been "convicted or
4 adjudicated" at such time as a plea of guilty has been accepted or a
5 verdict of guilty has been filed, notwithstanding the pendency of any
6 future proceedings including but not limited to sentencing or
7 disposition, post-trial or post-factfinding motions, and appeals. A
8 person shall not be precluded from ownership, possession, or control of
9 a firearm if the conviction or adjudication has been the subject of a
10 pardon, annulment, certificate of rehabilitation, or other equivalent
11 procedure based on a finding of the rehabilitation of the person
12 convicted or adjudicated or the conviction or disposition has been the
13 subject of a pardon, annulment, or other equivalent procedure based on
14 a finding of innocence.

15 ~~((Except as provided in subsection (5) of this section, a~~
16 ~~person is guilty of the crime of unlawful possession of a short firearm~~
17 ~~or pistol if, after having been convicted or adjudicated of any felony~~
18 ~~violation of the uniform controlled substances act, chapter 69.50 RCW,~~
19 ~~or equivalent statutes of another jurisdiction, the person owns or has~~
20 ~~in his or her possession or under his or her control any short firearm~~
21 ~~or pistol.~~

22 ~~((5))~~) Notwithstanding subsection (1) of this section, a person
23 convicted of an offense other than murder, manslaughter, robbery, rape,
24 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
25 violations with respect to controlled substances under RCW 69.50.401(a)
26 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
27 and who received a dismissal of the charge under RCW 9.95.240, shall
28 not be precluded from ownership, possession, or control of a firearm as
29 a result of the conviction.

30 ~~((6)(a) A person who has been committed by court order for~~
31 ~~treatment of mental illness under RCW 71.05.320 or chapter 10.77 RCW,~~
32 ~~or equivalent statutes of another jurisdiction, may not possess, in any~~
33 ~~manner, a firearm as defined in RCW 9.41.010.~~

34 ~~(b) At the time of commitment, the court shall specifically state~~
35 ~~to the person under (a) of this subsection and give the person notice~~
36 ~~in writing that the person is barred from possession of firearms.~~

37 ~~(c) The secretary of social and health services shall develop~~
38 ~~appropriate rules to create an approval process under this subsection.~~
39 ~~The rules must provide for the immediate restoration of the right to~~

1 possess a firearm upon a showing in a court of competent jurisdiction
2 that a person no longer is required to participate in an inpatient or
3 outpatient treatment program, and is no longer required to take
4 medication to treat any condition related to the commitment. Unlawful
5 possession of a firearm under this subsection shall be punished as a
6 class C felony under chapter 9A.20 RCW.))

7 (5) In addition to any other penalty provided for by law, if a
8 person under the age of eighteen years is found by a court to have
9 possessed a firearm in a vehicle in violation of subsection (1) of this
10 section or to have committed an offense while armed with a firearm
11 during which offense a motor vehicle served an integral function, the
12 court shall notify the department of licensing within twenty-four hours
13 and the person's privilege to drive shall be revoked under RCW
14 46.20.265.

15 NEW SECTION. Sec. 103. A new section is added to chapter 9.41 RCW
16 to read as follows:

17 RCW 9.41.040(1)(e) shall not apply to any person under the age of
18 eighteen years who is:

19 (1) In attendance at a hunter's safety course or a firearms safety
20 course;

21 (2) Engaging in practice in the use of a firearm or target shooting
22 at an established range authorized by the governing body of the
23 jurisdiction in which such range is located or any other area where the
24 discharge of a firearm is not prohibited;

25 (3) Engaging in an organized competition involving the use of a
26 firearm, or participating in or practicing for a performance by an
27 organized group that uses firearms as a part of the performance;

28 (4) Hunting or trapping under a valid license issued to the person
29 under Title 77 RCW;

30 (5) In an area where the discharge of a firearm is permitted, is
31 not trespassing, and the person either: (a) Is at least fifteen years
32 of age, has been issued a hunter safety certificate, and is using a
33 lawful firearm other than a pistol; or (b) is under the supervision of
34 a parent, guardian, or other adult approved for the purpose by the
35 parent or guardian;

36 (6) Traveling with any unloaded firearm in the person's possession
37 to or from any activity described in subsection (1), (2), (3), (4), or
38 (5) of this section;

1 (7) On real property under the control of his or her parent, other
2 relative, or legal guardian and who has the permission of the parent or
3 legal guardian to possess a firearm;

4 (8) At his or her residence and who, with the permission of his or
5 her parent or legal guardian, possesses a firearm for the purpose of
6 exercising the rights specified in RCW 9A.16.020(3); or

7 (9) Is a member of the armed forces of the United States, national
8 guard, or organized reserves, when on duty.

9 NEW SECTION. **Sec. 104.** A new section is added to chapter 9.41 RCW
10 to read as follows:

11 (1)(a) At the time a person is convicted of, or adjudicated
12 delinquent for, an offense making the person ineligible to own,
13 possess, or control a firearm, or at the time a person is committed by
14 court order under RCW 71.05.320 or chapter 10.77 RCW for mental health
15 treatment, the convicting or committing court shall notify the person,
16 orally and in writing, that the person may not own, possess, or control
17 a firearm unless his or her right to do so is restored by a court of
18 record.

19 The convicting or committing court also shall forward a copy of the
20 person's driver's license or identicard, or comparable information, to
21 the department of licensing, along with the date of conviction or
22 commitment.

23 (b) Upon the expiration of fourteen days of treatment of a person
24 voluntarily committed, if the period of voluntary commitment is to
25 continue, the institution, hospital, or sanitarium shall notify the
26 person, orally and in writing, that the person may not own, possess, or
27 control a firearm unless his or her right to do so is restored by a
28 court of record.

29 Following fourteen continuous days of treatment, the institution,
30 hospital, or sanitarium also shall forward a copy of the person's
31 driver's license or identicard, or comparable information, to the
32 department of licensing, along with the date of voluntary commitment.

33 (2) Upon receipt of the information provided for by subsection (1)
34 of this section, the department of licensing shall determine if the
35 convicted or committed person has a concealed pistol license. If the
36 person does have a concealed pistol license, the department of
37 licensing shall immediately notify the license-issuing authority.

1 (3) A person who is prohibited from owning, possessing, or having
2 in his or her control a firearm, by reason of having been either:

3 (a) Voluntarily committed for mental health treatment for a period
4 exceeding fourteen continuous days; or

5 (b) Involuntarily committed for mental health treatment under RCW
6 71.05.320, chapter 10.77 RCW, or equivalent statutes of another
7 jurisdiction,
8 may, upon discharge, petition a court of record to have his or her
9 right to own, possess, or control a firearm restored.

10 (4) At a minimum, a petition under this section shall include the
11 following:

12 (a) The fact, date, and place of commitment;

13 (b) The place of treatment;

14 (c) The fact and date of release from commitment;

15 (d) A certified copy of the most recent order, if one exists, of
16 commitment, with the findings of fact and conclusions of law; and

17 (e) A statement by the person that he or she is no longer required
18 to participate in an inpatient or outpatient treatment program, is no
19 longer required to take medication to treat any condition related to
20 the commitment, and does not present a substantial danger to himself or
21 herself, to others, or to the public safety.

22 (5) A person petitioning the court under this section shall bear
23 the burden of proving by a preponderance of the evidence that the
24 circumstances resulting in the commitment no longer exist and are not
25 reasonably likely to recur.

26 NEW SECTION. **Sec. 105.** A new section is added to chapter 9.41 RCW
27 to read as follows:

28 Except as provided in section 104(4)(c) of this act, the department
29 of licensing and the license-issuing authority shall hold the
30 information provided for by section 104(1) of this act confidential,
31 and shall use the information solely to determine the person's
32 eligibility to own, possess, control, or purchase a firearm, or
33 eligibility for a concealed pistol license.

34 **Sec. 106.** RCW 9.41.045 and 1991 c 221 s 1 are each amended to read
35 as follows:

36 As a sentence condition and requirement, offenders under the
37 supervision of the department of corrections pursuant to chapter 9.94A

1 RCW shall not own, use, or possess firearms (~~or ammunition~~). In
2 addition to any penalty imposed pursuant to RCW 9.41.040 when
3 applicable, offenders found to be in actual or constructive possession
4 of firearms (~~or ammunition~~) shall be subject to the appropriate
5 violation process and sanctions as provided for in RCW 9.94A.200.
6 Firearms (~~or ammunition~~) owned, used, or possessed by offenders may
7 be confiscated by community corrections officers and turned over to the
8 Washington state patrol for disposal as provided in RCW 9.41.098.

9 **Sec. 107.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each
10 amended to read as follows:

11 (1) Except in the person's place of abode or fixed place of
12 business, a person shall not carry a pistol concealed on his or her
13 person without a license to carry a concealed weapon.

14 (2) A person who is in possession of an unloaded pistol shall not
15 leave the unloaded pistol in a vehicle unless the unloaded pistol is
16 locked within the vehicle and concealed from view from outside the
17 vehicle.

18 (3) A person shall not carry or place a loaded pistol in any
19 vehicle unless the person has a license to carry a concealed weapon
20 and: (a) The pistol is on the licensee's person, (b) the licensee is
21 within the vehicle at all times that the pistol is there, or (c) the
22 licensee is away from the vehicle and the pistol is locked within the
23 vehicle and concealed from view from outside the vehicle.

24 (4) Unless an exception under section 103 of this act applies, a
25 person at least eighteen years of age, but less than twenty-one years
26 of age, may possess a pistol only:

27 (a) In the person's place of abode;

28 (b) At the person's fixed place of business; or

29 (c) On real property under his or her control.

30 (5) Nothing in this section permits the possession of firearms
31 illegal to possess under state or federal law.

32 **Sec. 108.** RCW 9.41.060 and 1961 c 124 s 5 are each amended to read
33 as follows:

34 (1) The provisions of RCW 9.41.050 shall not apply to:

35 (a) Marshals, sheriffs, prison or jail wardens or their deputies,
36 (~~police~~) or other law enforcement officers(~~, or to~~);

1 (b) Law enforcement officers retired for service or retired for
2 physical disability;

3 (c) Members of the ((~~army, navy or marine corps~~)) armed forces of
4 the United States or of the national guard or organized reserves, when
5 on duty((~~, or to~~));

6 (d) Officers or employees of the United States duly authorized to
7 carry a concealed pistol;

8 (e) Any person engaged in the business of manufacturing, repairing,
9 or dealing in firearms, or the agent or representative of the person,
10 if possessing, using, or carrying a pistol in the usual or ordinary
11 course of the business;

12 (f) Regularly enrolled members of any organization duly authorized
13 to purchase or receive ((~~such weapons~~)) pistols from the United States
14 or from this state((~~, or to~~));

15 (g) Regularly enrolled members of clubs organized for the purpose
16 of target shooting ((~~or~~)), when those members are at or are going to or
17 from their places of target practice;

18 (h) Regularly enrolled members of clubs organized for the purpose
19 of modern and antique firearm collecting ((~~or to~~)), when those members
20 are at or are going to or from their collector's gun shows and
21 exhibits;

22 (i) Individual hunters((~~: PROVIDED, Such members are at, or are~~
23 going to or from their places of target practice, or their collector's
24 gun shows and exhibits, or are on a hunting, camping or fishing trip,
25 or to officers or employees of the United States duly authorized to
26 carry a concealed pistol, or to any person engaged in the business of
27 manufacturing, repairing, or dealing in firearms or the agent or
28 representative of any such person having in his possession, using, or
29 carrying a pistol in the usual or ordinary course of such business, or
30 to)) when on a hunting, camping, or fishing trip; or

31 (j) Any person while carrying a pistol unloaded and in a closed
32 opaque case or secure wrapper ((~~from the place of purchase to his home~~
33 or place of business or to a place of repair or back to his home or
34 place of business or in moving from one place of abode or business to
35 another)).

36 (2) Any firearm other than a pistol shall be carried unloaded in a
37 closed, opaque case or secure wrapper. This subsection does not apply
38 to an unloaded firearm locked in the trunk or other compartment of a

1 vehicle, secured in a gun rack, or otherwise secured in place in a
2 vehicle.

3 **Sec. 109.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read
4 as follows:

5 (1) The judge of a court of record, the chief of police of a
6 municipality, or the sheriff of a county, shall within thirty days
7 after the filing of an application of any person issue a license to
8 such person to carry a pistol concealed on his or her person within
9 this state for four years from date of issue, for the purposes of
10 protection or while engaged in business, sport, or while traveling.
11 However, if the applicant does not have a valid permanent Washington
12 driver's license or Washington state identification card or has not
13 been a resident of the state for the previous consecutive ninety days,
14 the issuing authority shall have up to sixty days after the filing of
15 the application to issue a license. The issuing authority shall accept
16 applications for concealed pistol licenses during normal business
17 hours.

18 ((Such)) The applicant's constitutional right to bear arms shall
19 not be denied, unless he or she:

20 (a) Is ineligible to own a ((pistol)) firearm under the provisions
21 of RCW 9.41.040; ((or))

22 (b) Is under twenty-one years of age; ((or))

23 (c) Has failed to present evidence of competence with a pistol.
24 Any of the following items shall suffice as evidence of competence with
25 a pistol:

26 (i) Evidence of completion of a hunter education or hunter safety
27 course approved by the department of fish and wildlife or a similar
28 agency of another state if pistol safety was a component of the course;

29 (ii) Evidence of completion of a national rifle association firearm
30 safety training course if pistol safety was a component of the course;

31 (iii) Evidence of completion of a firearm safety training course
32 conducted by a firearm instructor certified by a law enforcement agency
33 or the national rifle association if pistol safety was a component of
34 the course;

35 (iv) Evidence of completion of a firearm safety training course
36 offered by the criminal justice training commission for security
37 guards, investigators, or law enforcement officers, if pistol safety
38 was a component of the course;

1 (v) Evidence of equivalent experience with a pistol through
2 participation in organized shooting competition or military experience.
3 A determination by the issuing authority whether an applicant has had
4 equivalent experience shall be conclusive; or

5 (vi) Evidence of a satisfactory score on a written test, approved
6 by the department of fish and wildlife and administered by a local law
7 enforcement agency, taken in lieu of a firearm safety training course.
8 The test shall cover the safe storage, handling, and use of pistols,
9 and laws concerning firearms, including the legal use of deadly force.
10 A law enforcement agency may charge a fee sufficient to defray the
11 costs of administering the test.

12 This subsection (1)(c) does not apply to applicants for license
13 renewals;

14 (d) Is subject to a court order or injunction regarding firearms
15 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; (~~(e)~~

16 ~~(d))~~ (e) Is free on bond or personal recognizance pending trial,
17 appeal, or sentencing for a crime of violence; (~~(e)~~

18 ~~(e))~~ (f) Has an outstanding warrant for his or her arrest from any
19 court of competent jurisdiction for a felony or misdemeanor; (~~(e)~~

20 ~~(f))~~ (g) Has been ordered to forfeit a firearm under RCW
21 9.41.098(1)(d) within one year before filing an application to carry a
22 pistol concealed on his or her person; or

23 ~~((g))~~ (h)(i) Has been convicted or as a juvenile adjudicated
24 delinquent of any (~~of the following offenses: Assault in the third~~
25 degree, indecent liberties, malicious mischief in the first degree,
26 possession of stolen property in the first or second degree, or theft
27 in the first or second degree. Any)) crime against a child or other
28 person listed in RCW 43.43.830(5).

29 (ii) Except as provided in (h)(iii) of this subsection, any person
30 who becomes ineligible for a concealed pistol permit as a result of a
31 conviction for a crime listed in (~~this subsection (1)(g)) (h)(i) of~~
32 this subsection and then successfully completes all terms of his or her
33 sentence, as evidenced by a certificate of discharge issued under RCW
34 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has
35 not again been convicted of any crime and is not under indictment for
36 any crime, may, one year or longer after such successful sentence
37 completion, petition (~~the district~~) a court of record for a
38 declaration that the person is no longer ineligible for a concealed

1 pistol permit under ~~((this subsection (1)(g)))~~ (h)(i) of this
2 subsection.

3 (iii) No person convicted of a crime of violence as defined in RCW
4 9.41.010 may have his or her right to own, possess, or control firearms
5 restored, unless the person has been granted relief from disabilities
6 by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW
7 9.41.040(4) applies.

8 (2) The issuing authority shall check with the Washington state
9 patrol electronic data base, the department of social and health
10 services electronic data base, and with other agencies or resources as
11 appropriate, to determine whether the applicant is ineligible under RCW
12 9.41.040 to own, possess, or control a pistol and therefore ineligible
13 for a concealed pistol license. This subsection applies whether the
14 applicant is applying for a new concealed pistol license or to renew a
15 concealed pistol license.

16 (3) Any person whose firearms rights have been restricted and who
17 has been granted relief from disabilities by the secretary of the
18 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.
19 Sec. 921(a)(20)(A) shall have his or her right to acquire, receive,
20 transfer, ship, transport, carry, and possess firearms in accordance
21 with Washington state law restored except as otherwise prohibited by
22 this chapter.

23 ~~((3) The license shall be revoked by the issuing authority~~
24 ~~immediately upon conviction of a crime which makes such a person~~
25 ~~ineligible to own a pistol or upon the third conviction for a violation~~
26 ~~of this chapter within five calendar years.~~

27 ~~(4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the~~
28 ~~issuing authority shall:~~

29 ~~(a) On the first forfeiture, revoke the license for one year;~~

30 ~~(b) On the second forfeiture, revoke the license for two years;~~

31 ~~(c) On the third or subsequent forfeiture, revoke the license for~~
32 ~~five years.~~

33 ~~Any person whose license is revoked as a result of a forfeiture of a~~
34 ~~firearm under RCW 9.41.098(1)(d) may not reapply for a new license~~
35 ~~until the end of the revocation period. The issuing authority shall~~
36 ~~notify, in writing, the department of licensing upon revocation of a~~
37 ~~license. The department of licensing shall record the revocation.~~

38 ~~(5))~~ (4) The license shall be in triplicate, in form to be
39 prescribed by the department of licensing, and shall bear the name,

1 address, and description, fingerprints, and signature of the licensee,
2 and the licensee's driver's license number or state identification card
3 number if used for identification in applying for the license. A
4 signed application for a concealed pistol license shall constitute a
5 waiver of confidentiality and written request that the department of
6 social and health services, mental health institutions, and other
7 health care facilities release information relevant to the applicant's
8 eligibility for a concealed pistol license to an inquiring court or law
9 enforcement agency.

10 The license application shall contain a warning substantially as
11 follows:

12 CAUTION: Although state and local laws do not differ, federal
13 law and state law on the possession of firearms differ. If you
14 are prohibited by federal law from possessing a firearm, you
15 may be prosecuted in federal court. A state license is not a
16 defense to a federal prosecution.

17 The license application shall contain a description of the major
18 differences between state and federal law and an explanation of the
19 fact that local laws and ordinances on firearms are preempted by state
20 law and must be consistent with state law. The application shall
21 contain questions about the applicant's eligibility under RCW 9.41.040
22 to own, possess, or control a pistol, the applicant's place of birth,
23 whether the applicant is a United States citizen, and if not a citizen
24 whether the applicant has declared the intent to become a citizen and
25 whether he or she has been required to register with the state or
26 federal government and any identification or registration number, if
27 applicable. The applicant shall not be required to produce a birth
28 certificate or other evidence of citizenship. An applicant who is not
29 a citizen shall provide documentation showing resident alien status and
30 the applicant's intent to become a citizen. ((A person who makes a
31 false statement regarding citizenship on the application is guilty of
32 a misdemeanor.)) A person who is not a citizen of the United States,
33 or has not declared his or her intention to become a citizen shall meet
34 the additional requirements of RCW 9.41.170.

35 The original thereof shall be delivered to the licensee, the
36 duplicate shall within seven days be sent by registered mail to the
37 director of licensing and the triplicate shall be preserved for six
38 years, by the authority issuing said license.

1 (~~(6)~~) (5) The fee for the original issuance of a four-year
2 license shall be (~~twenty-three~~) sixty-five dollars(~~(:—PROVIDED,~~
3 ~~That)~~). No other (~~additional charges by any~~) branch or unit of
4 government (~~shall be borne by~~) may impose any additional charges on
5 the applicant for the issuance of the license(~~(:—PROVIDED FURTHER,~~
6 ~~That)~~). The fee shall be distributed as follows:

7 (a) (~~Four~~) Twenty-five dollars shall be paid to the state general
8 fund;

9 (b) (~~Four~~) Ten dollars shall be paid to the agency taking the
10 fingerprints of the person licensed;

11 (c) (~~Twelve~~) Twenty dollars shall be paid to the issuing
12 authority for the purpose of enforcing this chapter; and

13 (d) (~~Three~~) Ten dollars to the firearms range account in the
14 general fund.

15 (~~(7)~~) (6) The fee for the renewal of such license shall be
16 (~~fifteen~~) fifty-five dollars(~~(:—PROVIDED, That)~~). No other
17 (~~additional charges by any~~) branch or unit of government (~~shall be~~
18 ~~borne by~~) may impose any additional charges on the applicant for the
19 renewal of the license(~~(:—PROVIDED FURTHER, That)~~). The renewal fee
20 shall be distributed as follows:

21 (a) (~~Four~~) Twenty-five dollars shall be paid to the state general
22 fund;

23 (b) (~~Eight~~) Twenty dollars shall be paid to the issuing authority
24 for the purpose of enforcing this chapter; and

25 (c) (~~Three~~) Ten dollars to the firearms range account in the
26 general fund.

27 (~~(8)~~) (7) Payment shall be by cash, check, or money order at the
28 option of the applicant. Additional methods of payment may be allowed
29 at the option of the issuing authority.

30 (~~(9)~~) (8) A licensee may renew a license if the licensee applies
31 for renewal within ninety days before or after the expiration date of
32 the license. A license so renewed shall take effect on the expiration
33 date of the prior license. A licensee renewing after the expiration
34 date of the license must pay a late renewal penalty of (~~ten~~) twenty
35 dollars in addition to the renewal fee specified in subsection (~~(7)~~)
36 (6) of this section. The fee shall be distributed as follows:

37 (a) (~~Three~~) Ten dollars shall be deposited in the state wildlife
38 fund and used exclusively for the printing and distribution of a
39 pamphlet on the legal limits of the use of firearms, firearms safety,

1 and the preemptive nature of state law. The pamphlet shall be given to
2 each applicant for a license; and

3 (b) (~~Seven~~) Ten dollars shall be paid to the issuing authority
4 for the purpose of enforcing this chapter.

5 (~~(10)~~) (9) Notwithstanding the requirements of subsections (1)
6 through (~~(9)~~) (8) of this section, the chief of police of the
7 municipality or the sheriff of the county of the applicant's residence
8 may issue a temporary emergency license for good cause pending review
9 under subsection (1) of this section.

10 (~~(11)~~) (10) A political subdivision of the state shall not modify
11 the requirements of this section or chapter, nor may a political
12 subdivision ask the applicant to voluntarily submit any information not
13 required by this section. (~~A civil suit may be brought to enjoin a~~
14 ~~wrongful refusal to issue a license or a wrongful modification of the~~
15 ~~requirements of this section or chapter. The civil suit may be brought~~
16 ~~in the county in which the application was made or in Thurston county~~
17 ~~at the discretion of the petitioner. Any person who prevails against~~
18 ~~a public agency in any action in the courts for a violation of this~~
19 ~~chapter shall be awarded costs, including reasonable attorneys' fees,~~
20 ~~incurred in connection with such legal action.))~~

21 (11) A person who knowingly makes a false statement regarding
22 citizenship, identity, or eligibility requirements on an application
23 for a concealed pistol license is guilty of false swearing under RCW
24 9A.72.040. In addition to any other penalty provided for by law, the
25 concealed pistol license of a person who knowingly makes a false
26 statement shall be revoked, and the person shall be permanently
27 ineligible for a concealed pistol license.

28 NEW SECTION. Sec. 110. A new section is added to chapter 9.41 RCW
29 to read as follows:

30 (1) The license shall be revoked by the license-issuing authority
31 immediately upon:

32 (a) Discovery by the issuing authority that the person was
33 ineligible under RCW 9.41.040 for a concealed pistol license when
34 applying for the license or license renewal;

35 (b) Conviction of the licensee of an offense, or commitment of the
36 licensee for mental health treatment, that makes a person ineligible
37 under RCW 9.41.040 to own, possess, or control a firearm;

1 (c) Conviction of the licensee for a third violation of this
2 chapter within five calendar years; or

3 (d) An order that the licensee forfeit a firearm under RCW
4 9.41.098(1)(d).

5 (2)(a) Unless the person may lawfully possess a pistol without a
6 concealed pistol license, an ineligible person to whom a concealed
7 pistol license was issued shall, within fourteen days of license
8 revocation, lawfully transfer ownership of any pistol acquired while
9 the person was in possession of the license.

10 (b) Upon discovering a person issued a concealed pistol license was
11 ineligible for the license, the issuing authority shall contact the
12 department of licensing to determine whether the person purchased a
13 pistol while in possession of the license. If the person did purchase
14 a pistol while in possession of the concealed pistol license, if the
15 person may not lawfully possess a pistol without a concealed pistol
16 license, the issuing authority shall require the person to present
17 satisfactory evidence of having lawfully transferred ownership of the
18 pistol. The issuing authority shall require the person to produce the
19 evidence within fifteen days of the revocation of the license.

20 (3) When a licensee is ordered to forfeit a firearm under RCW
21 9.41.098(1)(d), the issuing authority shall:

22 (a) On the first forfeiture, revoke the license for one year;

23 (b) On the second forfeiture, revoke the license for two years; or

24 (c) On the third or subsequent forfeiture, revoke the license for
25 five years.

26 Any person whose license is revoked as a result of a forfeiture of
27 a firearm under RCW 9.41.098(1)(d) may not reapply for a new license
28 until the end of the revocation period.

29 (4) The issuing authority shall notify, in writing, the department
30 of licensing of the revocation of a license. The department of
31 licensing shall record the revocation.

32 **Sec. 111.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read
33 as follows:

34 No person shall deliver a pistol to any person (~~under the age of~~
35 ~~twenty one or to one~~) who he or she has reasonable cause to believe
36 (~~has been convicted of a crime of violence, or is a drug addict, an~~
37 ~~habitual drunkard, or of unsound mind~~) is ineligible under RCW
38 9.41.040 to own, possess, or control a firearm. Any person violating

1 this section is guilty of a class C felony, punishable under chapter
2 9A.20 RCW.

3 **Sec. 112.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read
4 as follows:

5 (1) In addition to the other requirements of this chapter, no
6 ~~((commercial seller shall))~~ dealer may deliver a pistol to the
7 purchaser thereof until:

8 (a) The purchaser produces a valid concealed pistol license and the
9 ~~((commercial seller))~~ dealer has recorded the purchaser's name, license
10 number, and issuing agency, such record to be made in triplicate and
11 processed as provided in subsection ~~((+4))~~ (5) of this section; ~~((or))~~

12 (b) The ~~((seller))~~ dealer is notified in writing by the chief of
13 police of the municipality or the sheriff of the county that the
14 purchaser ~~((meets the requirements of))~~ is eligible to possess a pistol
15 under RCW 9.41.040 and that the application to purchase is granted.
16 However, if the purchaser is under twenty-one years of age, the dealer
17 shall deliver the pistol to the purchaser unloaded and securely
18 wrapped; or

19 (c) Five ~~((consecutive))~~ business days ~~((including Saturday, Sunday~~
20 ~~and holidays))~~, meaning days on which state offices are open, have
21 elapsed from the time of receipt of the application for the purchase
22 thereof as provided herein by the chief of police or sheriff designated
23 in subsection ~~((+4))~~ (5) of this section, and, when delivered, said
24 pistol shall be securely wrapped and shall be unloaded. However, if
25 the purchaser does not have a valid permanent Washington driver's
26 license or state identification card or has not been a resident of the
27 state for the previous consecutive ninety days, the waiting period
28 under this subsection (1)(c) shall be up to sixty days.

29 (2)(a) Except as provided in (b) of this subsection, in determining
30 whether the purchaser meets the requirements of RCW 9.41.040, the chief
31 of police or sheriff, or the designee of either, shall check with the
32 Washington state patrol electronic data base, the department of social
33 and health services electronic data base, and with other agencies or
34 resources as appropriate, to determine whether the applicant is
35 ineligible under RCW 9.41.040 to own, possess, or control a pistol.

36 (b) Once the system is established, a dealer shall use the national
37 instant criminal background check system, provided for by the Brady
38 Handgun Control Act (H.R. 1025, 103rd Cong., 1st Sess. (1993)), to make

1 criminal background checks of applicants to purchase pistols. However,
2 a chief of police or sheriff, or a designee of either, shall continue
3 to check the department of social and health services' electronic data
4 base and with other agencies or resources as appropriate, to determine
5 whether applicants are ineligible under RCW 9.41.040 to own, possess,
6 or control a pistol.

7 (c) Information obtained under this subsection (2) shall be used
8 exclusively to determine the eligibility of a person to own, possess,
9 or control a pistol, and shall not be made available for public
10 inspection except by the person who is the subject of the information.

11 (3) In any case under subsection (1)(c) of this section where the
12 applicant has an outstanding warrant for his or her arrest from any
13 court of competent jurisdiction for a felony or misdemeanor, the
14 ((seller)) dealer shall hold the delivery of the pistol until the
15 warrant for arrest is served and satisfied by appropriate court
16 appearance. The local jurisdiction for purposes of the sale shall
17 confirm the existence of outstanding warrants within seventy-two hours
18 after notification of the application to purchase a pistol is received.
19 The local jurisdiction shall also immediately confirm the satisfaction
20 of the warrant on request of the ((seller)) dealer so that the hold may
21 be released if the warrant was for ((a crime other than a crime of
22 violence)) an offense other than an offense making a person ineligible
23 under RCW 9.41.040 to possess a pistol.

24 ((+3)) (4) In any case where the chief or sheriff of the local
25 jurisdiction has reasonable grounds based on the following
26 circumstances: (a) Open criminal charges, (b) pending criminal
27 proceedings, (c) pending commitment proceedings, (d) an outstanding
28 warrant for ((a crime of violence, or (e) an arrest for a crime of
29 violence)) an offense making a person ineligible under RCW 9.41.040 to
30 possess a pistol, or (e) an arrest for an offense making a person
31 ineligible under RCW 9.41.040 to possess a pistol, if the records of
32 disposition have not yet been reported or entered sufficiently to
33 determine eligibility to purchase a pistol, the local jurisdiction may
34 hold the sale and delivery of the pistol beyond five days up to thirty
35 days in order to confirm existing records in this state or elsewhere.
36 After thirty days, the hold will be lifted unless an extension of the
37 thirty days is approved by a local district court or municipal court
38 for good cause shown. An applicant shall be notified of each hold
39 placed on the sale by local law enforcement and of any application to

1 the court for additional hold period to confirm records or confirm the
2 identity of the applicant.

3 ~~((4))~~ (5) At the time of applying for the purchase of a pistol,
4 the purchaser shall sign in triplicate and deliver to the ~~((seller))~~
5 dealer an application containing his or her full name, address, place
6 of birth, and the date and hour of the application; the applicant's
7 driver's license number or state identification card number; and a
8 description of the weapon including, the make, model, caliber and
9 manufacturer's number; and a statement that the purchaser is eligible
10 to own a pistol under RCW 9.41.040.

11 The application shall contain a warning substantially as follows:

12 CAUTION: Although state and local laws do not differ, federal
13 law and state law on the possession of firearms differ. If you
14 are prohibited by federal law from possessing a firearm, you
15 may be prosecuted in federal court. State permission to
16 purchase a firearm is not a defense to a federal prosecution.

17 The purchaser shall be given a copy of the department of fish and
18 wildlife pamphlet on the legal limits of the use of firearms, firearms
19 safety, and the fact that local laws and ordinances on firearms are
20 preempted by state law and must be consistent with state law.

21 The ~~((seller))~~ dealer shall, by the end of the business day, sign
22 and attach his or her address and deliver the original of the
23 application and such other documentation as required under subsection
24 (1) of this section to the chief of police of the municipality or the
25 sheriff of the county of which the ~~((seller))~~ dealer is a resident.
26 The ~~((seller))~~ dealer shall deliver the pistol to the purchaser
27 following the period of time specified in this section unless the
28 ~~((seller))~~ dealer is notified in writing by the chief of police of the
29 municipality or the sheriff of the county, whichever is applicable,
30 denying the purchaser's application to purchase and the grounds
31 thereof. The application shall not be denied unless the purchaser
32 fails to meet the requirements specified in RCW 9.41.040. ~~((The chief
33 of police of the municipality or the county sheriff shall maintain a
34 file containing the original of the application to purchase a pistol.))~~

35 The chief of police of the municipality or the sheriff of the
36 county shall retain or destroy applications to purchase a pistol in
37 accordance with the requirements of 18 U.S.C. Sec. 922.

1 (6) A person who knowingly makes a false statement regarding
2 identity or eligibility requirements on the application to purchase a
3 pistol is guilty of false swearing under RCW 9A.72.040.

4 (7) This section does not apply to sales to licensed dealers for
5 resale or to the sale of antique firearms.

6 NEW SECTION. Sec. 113. A new section is added to chapter 9.41 RCW
7 to read as follows:

8 A signed application to purchase a pistol shall constitute a waiver
9 of confidentiality and written request that the department of social
10 and health services, mental health institutions, and other health care
11 facilities release, to an inquiring court or law enforcement agency,
12 information relevant to the applicant's eligibility to purchase a
13 pistol to an inquiring court or law enforcement agency.

14 NEW SECTION. Sec. 114. A new section is added to chapter 9.41 RCW
15 to follow RCW 9.41.097 to read as follows:

16 (1) The state, local governmental entities, any public or private
17 agency, and the employees of any state or local governmental entity or
18 public or private agency, acting in good faith, are immune from
19 liability:

20 (a) For failure to prevent the sale or transfer of a firearm to a
21 person whose receipt or possession of the firearm is unlawful;

22 (b) For preventing the sale or transfer of a firearm to a person
23 who may lawfully receive or possess a firearm;

24 (c) For issuing a concealed pistol license to a person ineligible
25 for such a license;

26 (d) For failing to issue a concealed pistol license to a person
27 eligible for such a license;

28 (e) For revoking or failing to revoke an issued concealed pistol
29 license; or

30 (f) For errors in preparing or transmitting information as part of
31 determining a person's eligibility to receive or possess a firearm, or
32 eligibility for a concealed pistol license.

33 (2) A suit may be brought for a writ of mandamus:

34 (a) Directing an issuing agency to issue a concealed pistol license
35 wrongfully refused; or

1 (b) Directing that erroneous information resulting either in the
2 wrongful refusal to issue a concealed pistol license or in the wrongful
3 denial of a purchase application be corrected.

4 The suit may be brought in the county in which the application for
5 a concealed pistol license or to purchase a pistol was made, or in
6 Thurston county, at the discretion of the petitioner. A person who
7 prevails against a public agency in a suit brought under this
8 subsection (2) shall be awarded reasonable attorneys' fees and costs.

9 **Sec. 115.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read
10 as follows:

11 (1) The superior courts and the courts of limited jurisdiction of
12 the state may order forfeiture of a firearm which is proven to be:

13 (a) Found concealed on a person not authorized by RCW 9.41.060 or
14 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute
15 defense to forfeiture if the person possessed a valid Washington
16 concealed pistol license within the preceding two years and has not
17 become ineligible for a concealed pistol license in the interim.
18 Before the firearm may be returned, the person must pay the past due
19 renewal fee and the current renewal fee;

20 (b) Commercially sold to any person without an application as
21 required by RCW 9.41.090;

22 (c) Found in the possession of a person prohibited from possessing
23 the firearm under RCW 9.41.040;

24 (d) Found in the possession or under the control of a person at the
25 time the person committed or was arrested for committing a crime of
26 violence or a crime in which a firearm was used or displayed or a
27 felony violation of the Uniform Controlled Substances Act, chapter
28 69.50 RCW;

29 (~~((d))~~) (e) Found concealed on a person who is in any place in
30 which a concealed pistol license is required, and who is under the
31 influence of any drug or under the influence of intoxicating liquor,
32 (~~((having 0.10 grams or more of alcohol per two hundred ten liters of~~
33 ~~breath or 0.10 percent or more by weight of alcohol in the person's~~
34 ~~blood, as shown by analysis of the person's breath, blood, or other~~
35 ~~bodily substance)) as defined in chapter 46.61 RCW;~~

36 (~~((e) Found in the possession of a person prohibited from~~
37 ~~possessing the firearm under RCW 9.41.040;))~~

1 (f) Found in the possession of a person free on bail or personal
2 recognizance pending trial, appeal, or sentencing for a crime of
3 violence or a crime in which a firearm was used or displayed, except
4 that violations of Title 77 RCW shall not result in forfeiture under
5 this section;

6 (g) Found in the possession of a person found to have been mentally
7 incompetent while in possession of a firearm when apprehended or who is
8 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

9 (h) Known to have been used or displayed by a person in the
10 violation of a proper written order of a court of general jurisdiction;
11 or

12 (i) Known to have been used in the commission of a crime of
13 violence or a crime in which a firearm was used or displayed or a
14 felony violation of the ((Uniformed-[Uniform])) Uniform Controlled
15 Substances Act, chapter 69.50 RCW.

16 (2) Upon order of forfeiture, the court in its discretion shall
17 order destruction of any firearm that is illegal for any person to
18 possess. A court may temporarily retain forfeited firearms needed for
19 evidence.

20 (a) Except as provided in (b), (c), and (d) of this subsection,
21 firearms that are: (i) Judicially forfeited and no longer needed for
22 evidence; or (ii) forfeited due to a failure to make a claim under RCW
23 63.32.010 or 63.40.010; may be disposed of in any manner determined by
24 the local legislative authority. Any proceeds of an auction or trade
25 may be retained by the legislative authority. This subsection (2)(a)
26 applies only to firearms that come into the possession of the law
27 enforcement agency after June 30, 1993, and applies only if the law
28 enforcement agency has complied with (b) of this subsection.

29 By midnight, June 30, 1993, every law enforcement agency shall
30 prepare an inventory, under oath, of every firearm that has been
31 judicially forfeited, has been seized and may be subject to judicial
32 forfeiture, or that has been, or may be, forfeited due to a failure to
33 make a claim under RCW 63.32.010 or 63.40.010.

34 (b) Except as provided in (c) of this subsection, of the
35 inventoried firearms a law enforcement agency shall destroy illegal
36 firearms, may retain a maximum of ten percent of legal forfeited
37 firearms for agency use, and shall either:

38 (i) Comply with the provisions for the auction of firearms in RCW
39 9.41.098 that were in effect immediately preceding May 7, 1993; or

1 (ii) Trade, auction, or arrange for the auction of, rifles and
2 shotguns. In addition, the law enforcement agency shall either trade,
3 auction, or arrange for the auction of, short firearms, or shall pay a
4 fee of twenty-five dollars to the state treasurer for every short
5 firearm neither auctioned nor traded, to a maximum of fifty thousand
6 dollars. The fees shall be accompanied by an inventory, under oath, of
7 every short firearm listed in the inventory required by (a) of this
8 subsection, that has been neither traded nor auctioned. The state
9 treasurer shall credit the fees to the firearms range account
10 established in RCW 77.12.720. All trades or auctions of firearms under
11 this subsection shall be to (~~commercial sellers~~) licensed dealers.
12 Proceeds of any auction less costs, including actual costs of storage
13 and sale, shall be forwarded to the firearms range account established
14 in RCW 77.12.720.

15 (c) Antique firearms (~~as defined by RCW 9.41.150~~) and firearms
16 recognized as curios, relics, and firearms of particular historical
17 significance by the United States treasury department bureau of
18 alcohol, tobacco, and firearms are exempt from destruction and shall be
19 disposed of by auction or trade to (~~commercial sellers~~) licensed
20 dealers.

21 (d) Firearms in the possession of the Washington state patrol on or
22 after May 7, 1993, that are judicially forfeited and no longer needed
23 for evidence, or forfeited due to a failure to make a claim under RCW
24 63.35.020, must be disposed of as follows: (i) Firearms illegal for
25 any person to possess must be destroyed; (ii) the Washington state
26 patrol may retain a maximum of ten percent of legal firearms for agency
27 use; and (iii) all other legal firearms must be auctioned or traded to
28 (~~commercial sellers~~) licensed dealers. The Washington state patrol
29 may retain any proceeds of an auction or trade.

30 (3) The court shall order the firearm returned to the owner upon a
31 showing that there is no probable cause to believe a violation of
32 subsection (1) of this section existed or the firearm was stolen from
33 the owner or the owner neither had knowledge of nor consented to the
34 act or omission involving the firearm which resulted in its forfeiture.

35 (4) A law enforcement officer of the state or of any county or
36 municipality may confiscate a firearm found to be in the possession of
37 a person under circumstances specified in subsection (1) of this
38 section. After confiscation, the firearm shall not be surrendered
39 except: (a) To the prosecuting attorney for use in subsequent legal

1 proceedings; (b) for disposition according to an order of a court
2 having jurisdiction as provided in subsection (1) of this section; or
3 (c) to the owner if the proceedings are dismissed or as directed in
4 subsection (3) of this section.

5 **Sec. 116.** RCW 9.41.100 and 1935 c 172 s 10 are each amended to
6 read as follows:

7 ~~((No retail))~~ Every dealer shall ((sell or otherwise transfer, or
8 expose for sale or transfer, or have in his possession with intent to
9 sell, or otherwise transfer, any pistol without being)) be licensed as
10 ((hereinafter)) provided in RCW 9.41.110 and shall register with the
11 department of revenue as provided in chapters 82.04 and 82.32 RCW.

12 **Sec. 117.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read
13 as follows:

14 The duly constituted licensing authorities of any city, town, or
15 political subdivision of this state shall grant licenses in forms
16 prescribed by the director of licensing effective for not more than one
17 year from the date of issue permitting the licensee to sell ~~((pistols))~~
18 firearms within this state subject to the following conditions, for
19 breach of any of which the license shall be forfeited and the licensee
20 subject to punishment as provided in RCW 9.41.010 through 9.41.160 (as
21 recodified by this act). A licensing authority shall forward a copy of
22 each license granted to the department of licensing. The department of
23 licensing shall notify the department of revenue of the name and
24 address of each dealer licensed under this section.

25 (1)(a) A licensing authority shall, within thirty days after the
26 filing of an application of any person for a dealer's license,
27 determine whether to grant the license. However, if the applicant does
28 not have a valid permanent Washington driver's license or Washington
29 state identification card, or has not been a resident of the state for
30 the previous consecutive ninety days, the licensing authority shall
31 have up to sixty days to determine whether to issue a license. No
32 person shall qualify for a license under this section without first
33 receiving a federal firearms license and undergoing fingerprinting and
34 a background check. In addition, no person ineligible to possess a
35 firearm under RCW 9.41.040 or ineligible for a concealed pistol license
36 under RCW 9.41.070 shall qualify for a dealer's license.

1 (b) A dealer shall require every employee who may sell a firearm in
2 the course of his or her employment to undergo fingerprinting and a
3 background check. An employee must be eligible to own, possess, or
4 control a firearm, and eligible for a concealed pistol license, before
5 being permitted to sell a firearm. Every employee shall comply with
6 requirements concerning purchase applications and restrictions on
7 delivery of pistols that are applicable to dealers.

8 (2)(a) Except as otherwise provided in (b) of this subsection, the
9 business shall be carried on only in the building designated in the
10 license. For the purpose of this section, advertising firearms for
11 sale shall not be considered the carrying on of business.

12 ((+2)) (b) A dealer may conduct business temporarily at a location
13 other than the building designated in the license, if the temporary
14 location is within Washington state and is the location of a gun show
15 sponsored by a national, state, or local organization, or an affiliate
16 of any such organization, devoted to the collection, competitive use,
17 or other sporting use of firearms in the community. Nothing in this
18 subsection (2)(b) authorizes a dealer to conduct business in or from a
19 motorized or towed vehicle.

20 In conducting business temporarily at a location other than the
21 building designated in the license, the dealer shall comply with all
22 other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and
23 9.41.110. The license of a dealer who fails to comply with the
24 requirements of RCW 9.41.080, 9.41.090, and 9.41.110(4) while
25 conducting business at a temporary location shall be revoked, and the
26 dealer shall be permanently ineligible for a dealer's license.

27 (3) The license or a copy thereof, certified by the issuing
28 authority, shall be displayed on the premises in the area where
29 firearms are sold, or at the temporary location, where it can easily be
30 read.

31 ((+3)) (4)(a) No pistol shall be sold ((+a)): (i) In violation
32 of any provisions of RCW 9.41.010 through 9.41.160((+)) (as recodified
33 by this act); nor ((+b)) (ii) shall a pistol be sold under any
34 circumstances unless the purchaser is personally known to the
35 ((seller)) dealer or shall present clear evidence of his or her
36 identity.

37 ((+4)) (b) A dealer who knowingly sells or delivers any firearm in
38 violation of RCW 9.41.080 is guilty of a class C felony. In addition
39 to any other penalty provided for by law, the dealer is subject to

1 mandatory permanent revocation of his or her dealer's license and
2 permanent ineligibility for a dealer's license.

3 (5)(a) A true record in triplicate shall be made of every pistol
4 sold, in a book kept for the purpose, the form of which may be
5 prescribed by the director of licensing and shall be personally signed
6 by the purchaser and by the person effecting the sale, each in the
7 presence of the other, and shall contain the date of sale, the caliber,
8 make, model and manufacturer's number of the weapon, the name, address,
9 occupation, ~~((color))~~ and place of birth of the purchaser and a
10 statement signed by the purchaser that he ~~((has never been convicted in~~
11 ~~this state or elsewhere of a crime of violence))~~ or she is not
12 ineligible under RCW 9.41.040 to possess a firearm.

13 (b) One copy shall within six hours be sent by ~~((registered))~~
14 certified mail to the chief of police of the municipality or the
15 sheriff of the county of which the dealer is a resident; the duplicate
16 the dealer shall within seven days send to the director of licensing;
17 the triplicate the dealer shall retain for six years.

18 ~~((+5))~~ (6) Subsections (2) through (5) of this section shall not
19 apply to sales at wholesale.

20 ~~((+6))~~ (7) The dealer's licenses authorized to be issued by this
21 section are general licenses covering all sales by the licensee within
22 the effective period of the licenses.

23 ~~((+7))~~ (8) Except as provided in RCW 9.41.090 ~~((as now or~~
24 ~~hereinafter amended))~~, every city, town and political subdivision of
25 this state is prohibited from requiring the purchaser to secure a
26 permit to purchase or from requiring the dealer to secure an individual
27 permit for each sale.

28 The fee paid for issuing said license shall be ~~((five))~~ twenty-five
29 dollars which fee shall be paid into the state treasury.

30 NEW SECTION. Sec. 118. A new section is added to chapter 9.41 RCW
31 to read as follows:

32 The department of licensing may keep copies of purchasing
33 applications or records of pistol transfers. The applications or
34 records shall be exempt from public disclosure except as provided in
35 RCW 42.17.318.

36 NEW SECTION. Sec. 119. A new section is added to chapter 9.41 RCW
37 to read as follows:

1 (1) At least once every twelve months, the department of licensing
2 shall obtain a list of federally licensed dealers with business
3 premises in the state of Washington from the United States bureau of
4 alcohol, tobacco, and firearms. The department of licensing shall
5 verify that all dealers on the list provided by the bureau of alcohol,
6 tobacco, and firearms are licensed and registered as required by RCW
7 9.41.100.

8 (2) At least once every twelve months, the department of licensing
9 shall obtain from the department of revenue a list of dealers
10 registered with the department of revenue whose gross proceeds of sales
11 are below the reporting threshold provided in RCW 82.04.300, and a list
12 of dealers whose names and addresses were forwarded to the department
13 of revenue by the department of licensing under RCW 9.41.110, who
14 failed to register with the department of revenue as required by RCW
15 9.41.100.

16 (3) At least once every twelve months, the department of licensing
17 shall notify the bureau of alcohol, tobacco, and firearms of any
18 federally licensed dealer with business premises in the state of
19 Washington: (a) Who is not licensed or not registered as required by
20 RCW 9.41.100; or (b) whose gross proceeds of sales are below the
21 reporting threshold provided in RCW 82.04.300.

22 **Sec. 120.** RCW 9.41.140 and 1961 c 124 s 10 are each amended to
23 read as follows:

24 No person shall change, alter, remove, or obliterate the name of
25 the maker, model, manufacturer's number, or other mark of
26 identification on any (~~pistol~~) firearm. Possession of any (~~pistol~~)
27 firearm upon which any such mark shall have been changed, altered,
28 removed, or obliterated, shall be prima facie evidence that the
29 possessor has changed, altered, removed, or obliterated the same. This
30 section shall not apply to replacement barrels in old revolvers, which
31 barrels are produced by current manufacturers and therefor do not have
32 the markings on the barrels of the original manufacturers who are no
33 longer in business.

34 **Sec. 121.** RCW 9.41.170 and 1979 c 158 s 3 are each amended to read
35 as follows:

36 (1) It shall be unlawful for any person who is not a citizen of the
37 United States, or who has not declared his or her intention to become

1 a citizen of the United States, to carry or have in his or her
2 possession at any time any shotgun, rifle, or other firearm, without
3 first having obtained a license from the director of licensing, and
4 such license is not to be issued by the director of licensing except
5 upon the certificate of the consul domiciled in the state and
6 representing the country of such alien, that ((he)) the alien is a
7 responsible person ((and upon the payment for the license of the sum of
8 ~~fifteen dollars:— PROVIDED, That~~)). The fee for the license shall be
9 twenty-five dollars, and the license shall be valid for four years from
10 the date of issue.

11 (2) This section shall not apply to Canadian citizens resident in
12 a province which has an enactment or public policy providing
13 substantially similar privilege to residents of the state of Washington
14 and who are carrying or possessing weapons for the purpose of using
15 them in the hunting of game while such persons are in the act of
16 hunting, or while on a hunting trip, or while such persons are
17 competing in a bona fide trap or skeet shoot or any other organized
18 contest where rifles, pistols, or shotguns are used as ((~~to~~)) weapons
19 ((~~used~~)) in such contest.

20 (3) Nothing in this section shall be construed to allow aliens to
21 hunt or fish in this state without first having obtained a regular
22 hunting or fishing license.

23 (4) Any person violating the provisions of this section shall be
24 guilty of a misdemeanor.

25 **Sec. 122.** RCW 9.41.190 and 1982 1st ex.s. c 47 s 2 are each
26 amended to read as follows:

27 (1) It is unlawful for any person to manufacture, own, buy, sell,
28 loan, furnish, transport, or have in possession or under control, any
29 machine gun, short-barreled shotgun, or short-barreled rifle, or any
30 part thereof capable of use; or assembling or repairing any machine
31 gun((~~:— PROVIDED, HOWEVER, That such limitation~~)), short-barreled
32 shotgun, or short-barreled rifle.

33 (2) This section shall not apply to:

34 (a) Any peace officer in the discharge of official duty, or to any
35 officer or member of the armed forces of the United States or the state
36 of Washington((~~:— PROVIDED FURTHER, That this section does not apply~~
37 to)) in the discharge of official duty; or

1 **(b)** A person, including an employee of such person, who or which is
2 exempt from or licensed under the National Firearms Act (26 U.S.C.
3 section 5801 et seq.), and engaged in the production, manufacture,
4 repair, or testing of weapons or equipment (~~(to be used or purchased by~~
5 ~~the armed forces of the United States, and having a United States~~
6 ~~government industrial security clearance)~~):

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

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

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

13 **(3)** Nothing in subsection (2) of this section shall be construed as
14 permitting the possession, use, or control of a machine gun, short-
15 barreled rifle, or short-barreled shotgun by a person or entity not
16 otherwise authorized by law to do so.

17 **(4)** Any person violating this section is guilty of a class C
18 felony.

19 **Sec. 123.** RCW 9.41.220 and 1933 c 64 s 4 are each amended to read
20 as follows:

21 All machine guns, short-barreled shotguns, or short-barreled
22 rifles, or parts thereof, illegally held or illegally possessed are
23 hereby declared to be contraband, and it shall be the duty of all peace
24 officers, and/or any officer or member of the armed forces of the
25 United States or the state of Washington, to seize said machine gun, or
26 parts thereof, wherever and whenever found.

27 **Sec. 124.** RCW 9.41.230 and 1909 c 249 s 307 are each amended to
28 read as follows:

29 ~~((Every))~~ **(1)** For conduct not amounting to a violation of chapter
30 9A.36 RCW, any person who (~~shall~~):

31 **(a)** Aims any (~~gun, pistol, revolver or other~~) firearm, whether
32 loaded or not, at or towards any human being(~~(, or who shall)~~);

33 **(b)** Willfully discharges any firearm, air gun, or other weapon, or
34 throws any deadly missile in a public place, or in any place where any
35 person might be endangered thereby(~~(, although no injury result, shall~~
36 ~~be))~~); or

1 (c) Except as provided in RCW 9.41.185, sets a so-called trap,
2 spring pistol, rifle, or other dangerous weapon,
3 although no injury results, is guilty of a gross misdemeanor punishable
4 under chapter 9A.20 RCW.

5 (2) If an injury results from a violation of subsection (1) of this
6 section, the person violating subsection (1) of this section shall be
7 subject to the applicable provisions of chapters 9A.32 and 9A.36 RCW.

8 **Sec. 125.** RCW 9.41.250 and 1959 c 143 s 1 are each amended to read
9 as follows:

10 Every person who ~~((shall))~~:

11 (1) Manufactures, sells, or disposes of or ~~((have in his~~
12 possession)) possesses any instrument or weapon of the kind usually
13 known as slung shot, sand club, or metal knuckles, or spring blade
14 knife, or any knife the blade of which is automatically released by a
15 spring mechanism or other mechanical device, or any knife having a
16 blade which opens, or falls, or is ejected into position by the force
17 of gravity, or by an outward, downward, or centrifugal thrust or
18 movement; ~~((who shall))~~

19 (2) Furtively ~~((carry)) carries with intent to conceal any dagger,~~
20 dirk, pistol, or other dangerous weapon; or ~~((who shall))~~

21 (3) Uses any contrivance or device for suppressing the noise of any
22 firearm, ~~((shall be))~~
23 is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

24 **Sec. 126.** RCW 9.41.260 and 1909 c 249 s 283 are each amended to
25 read as follows:

26 Every proprietor, lessee, or occupant of any place of amusement, or
27 any plat of ground or building, who ~~((shall))~~ allows it to be used for
28 the exhibition of skill in throwing any sharp instrument or in shooting
29 any bow gun~~((, pistol))~~ or firearm of any description, at or toward any
30 human being, ~~((shall be))~~ is guilty of a misdemeanor punishable under
31 chapter 9A.20 RCW.

32 **Sec. 127.** RCW 9.41.270 and 1969 c 8 s 1 are each amended to read
33 as follows:

34 (1) It shall be unlawful for ~~((anyone))~~ any person to carry,
35 exhibit, display, or draw any firearm, dagger, sword, knife or other
36 cutting or stabbing instrument, club, or any other weapon apparently

1 capable of producing bodily harm, in a manner, under circumstances, and
2 at a time and place that either manifests an intent to intimidate
3 another or that warrants alarm for the safety of other persons.

4 (2) Any person violating the provisions of subsection (1) above
5 shall be guilty of a gross misdemeanor.

6 (3) Subsection (1) of this section shall not apply to or affect the
7 following:

8 (a) Any act committed by a person while in his or her place of
9 abode or fixed place of business;

10 (b) Any person who by virtue of his or her office or public
11 employment is vested by law with a duty to preserve public safety,
12 maintain public order, or to make arrests for offenses, while in the
13 performance of such duty;

14 (c) Any person acting for the purpose of protecting himself or
15 herself against the use of presently threatened unlawful force by
16 another, or for the purpose of protecting another against the use of
17 such unlawful force by a third person;

18 (d) Any person making or assisting in making a lawful arrest for
19 the commission of a felony; or

20 (e) Any person engaged in military activities sponsored by the
21 federal or state governments.

22 **Sec. 128.** RCW 9.41.280 and 1993 c 347 s 1 are each amended to read
23 as follows:

24 (1) It is unlawful for a person to carry onto, or to possess on,
25 public or private elementary or secondary school premises, school-
26 provided transportation, or areas of facilities while being used
27 exclusively by public or private schools:

28 (a) Any firearm; (~~(or)~~)

29 (b) Any other dangerous weapon as defined in RCW 9.41.250; (~~(or)~~)

30 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
31 two or more lengths of wood, metal, plastic, or similar substance
32 connected with wire, rope, or other means; (~~(or)~~)

33 (d) Any device, commonly known as "throwing stars", which are
34 multi-pointed, metal objects designed to embed upon impact from any
35 aspect; or

36 (e) Any air gun, including any air pistol or air rifle, designed to
37 propel a BB, pellet, or other projectile by the discharge of compressed
38 air, carbon dioxide, or other gas.

1 (2) Any such person violating subsection (1) of this section is
2 guilty of a gross misdemeanor.

3 Any violation of subsection (1) of this section by elementary or
4 secondary school students constitutes grounds for expulsion from the
5 state's public schools in accordance with RCW 28A.600.010. However,
6 any violation of subsection (1)(a) of this section by an elementary or
7 secondary school student shall result in expulsion for an indefinite
8 period of time in accordance with RCW 28A.600.010. An appropriate
9 school authority shall promptly notify law enforcement and the
10 student's parent or guardian regarding any allegation or indication of
11 such violation.

12 (3) Subsection (1) of this section does not apply to:

13 (a) Any student or employee of a private military academy when on
14 the property of the academy;

15 (b) Any person engaged in military, law enforcement, or school
16 district security activities;

17 (c) Any person who is involved in a convention, showing,
18 demonstration, lecture, or firearms safety course authorized by school
19 authorities in which the firearms of collectors or instructors are
20 handled or displayed;

21 ~~((Any person who possesses nun-chu-ka sticks, throwing stars,~~
22 ~~or other dangerous weapons to be used in martial arts classes~~
23 ~~authorized to be conducted on the school premises;~~

24 ~~(e))~~ Any person while the person is participating in a firearms or
25 air gun competition approved by the school or school district;

26 ~~((f))~~ (e) Any person in possession of a pistol who has been
27 issued a license under RCW 9.41.070, or is exempt from the licensing
28 requirement by RCW 9.41.060,, while picking up or dropping off a
29 student;

30 ~~((g))~~ (f) Any ~~((person))~~ nonstudent at least eighteen years of
31 age legally in possession of a firearm or dangerous weapon that is
32 secured within an attended vehicle or concealed from view within a
33 locked unattended vehicle while conducting legitimate business at the
34 school;

35 ~~((h))~~ (g) Any ~~((person))~~ nonstudent at least eighteen years of
36 age who is in lawful possession of an unloaded firearm, secured in a
37 vehicle while conducting legitimate business at the school; or

38 ~~((i))~~ (h) Any law enforcement officer of the federal, state, or
39 local government agency.

1 (4) Subsections (1) (c) and (d) of this section do not apply to any
2 person who possesses nun-chu-ka sticks, throwing stars, or other
3 dangerous weapons to be used in martial arts classes authorized to be
4 conducted on the school premises.

5 (5) Except as provided in subsection (3)(b), (c), ~~((e))~~ (f), and
6 ~~((i))~~ (h) of this section, firearms are not permitted in a public or
7 private school building.

8 ~~((5))~~ (6) "GUN-FREE ZONE" signs shall be posted around school
9 facilities giving warning of the prohibition of the possession of
10 firearms on school grounds.

11 **Sec. 129.** RCW 9.41.290 and 1985 c 428 s 1 are each amended to read
12 as follows:

13 The state of Washington hereby fully occupies and preempts the
14 entire field of firearms regulation within the boundaries of the state,
15 including the registration, licensing, possession, purchase, sale,
16 acquisition, transfer, discharge, and transportation of firearms, or
17 any other element relating to firearms or parts thereof, including
18 ammunition and reloader components. Cities, towns, and counties or
19 other municipalities may enact only those laws and ordinances relating
20 to firearms that are specifically authorized by state law, as in RCW
21 9.41.300, and are consistent with this chapter. Such local ordinances
22 shall have the same ~~((or lesser))~~ penalty as provided for by state law.
23 Local laws and ordinances that are inconsistent with, more restrictive
24 than, or exceed the requirements of state law shall not be enacted and
25 are preempted and repealed, regardless of the nature of the code,
26 charter, or home rule status of such city, town, county, or
27 municipality.

28 **Sec. 130.** RCW 9.41.300 and 1993 c 396 s 1 are each amended to read
29 as follows:

30 (1) It is unlawful for any person to enter the following places
31 when he or she knowingly possesses or knowingly has under his or her
32 control a weapon:

33 (a) The restricted access areas of a jail, or of a law enforcement
34 facility, or any place used for the confinement of a person (i)
35 arrested for, charged with, or convicted of an offense, (ii) charged
36 with being or adjudicated to be a juvenile offender as defined in RCW
37 13.40.020, (iii) held for extradition or as a material witness, or (iv)

1 otherwise confined pursuant to an order of a court, except an order
2 under chapter 13.32A or 13.34 RCW. Restricted access areas do not
3 include common areas of egress or ingress open to the general public;

4 (b) Those areas in any building which are used in connection with
5 court proceedings, including courtrooms, jury rooms, judge's chambers,
6 offices and areas used to conduct court business, waiting areas, and
7 corridors adjacent to areas used in connection with court proceedings.
8 The restricted areas do not include common areas of ingress and egress
9 to the building that is used in connection with court proceedings, when
10 it is possible to protect court areas without restricting ingress and
11 egress to the building. The restricted areas shall be the minimum
12 necessary to fulfill the objective of this subsection (1)(b).

13 In addition, the local legislative authority shall provide either
14 a stationary locked box sufficient in size for (~~short firearms~~)
15 pistols and key to a weapon owner for weapon storage, or shall
16 designate an official to receive weapons for safekeeping, during the
17 owner's visit to restricted areas of the building. The locked box or
18 designated official shall be located within the same building used in
19 connection with court proceedings. The local legislative authority
20 shall be liable for any negligence causing damage to or loss of a
21 weapon either placed in a locked box or left with an official during
22 the owner's visit to restricted areas of the building.

23 The local judicial authority shall designate and clearly mark those
24 areas where weapons are prohibited, and shall post notices at each
25 entrance to the building of the prohibition against weapons in the
26 restricted areas;

27 (c) The restricted access areas of a public mental health facility
28 certified by the department of social and health services for inpatient
29 hospital care and state institutions for the care of the mentally ill,
30 excluding those facilities solely for evaluation and treatment.
31 Restricted access areas do not include common areas of egress and
32 ingress open to the general public; or

33 (d) That portion of an establishment classified by the state liquor
34 control board as off-limits to persons under twenty-one years of age.

35 (2) (~~Notwithstanding RCW 9.41.290,~~) Cities, towns, counties, and
36 other municipalities may enact laws and ordinances:

37 (a) Restricting the discharge of firearms in any portion of their
38 respective jurisdictions where there is a reasonable likelihood that
39 humans, domestic animals, or property will be jeopardized. Such laws

1 and ordinances shall not abridge the right of the individual guaranteed
2 by Article I, section 24 of the state Constitution to bear arms in
3 defense of self or others; and

4 (b) Restricting the possession of firearms in any stadium or
5 convention center, operated by a city, town, county, or other
6 municipality, except that such restrictions shall not apply to:

7 (i) Any (~~(firearm)~~) pistol in the possession of a person licensed
8 under RCW 9.41.070 or exempt from the licensing requirement by RCW
9 9.41.060; or

10 (ii) Any showing, demonstration, or lecture involving the
11 exhibition of firearms.

12 (3) Cities, towns, and counties may enact ordinances restricting
13 the areas in their respective jurisdictions in which firearms may be
14 sold.

15 (4) Violations of local ordinances adopted under subsection (2) or
16 (3) of this section must have the same penalty as provided for by state
17 law.

18 (5) The perimeter of the premises of any specific location covered
19 by subsection (1) of this section shall be posted at reasonable
20 intervals to alert the public as to the existence of any law
21 restricting the possession of firearms on the premises.

22 (~~(+4)~~) (6) Subsection (1) of this section does not apply to:

23 (a) A person engaged in military activities sponsored by the
24 federal or state governments, while engaged in official duties;

25 (b) Law enforcement personnel; or

26 (c) Security personnel while engaged in official duties.

27 (~~(+5)~~) (7) Subsection (1)(a) of this section does not apply to a
28 person licensed pursuant to RCW 9.41.070 who, upon entering the place
29 or facility, directly and promptly proceeds to the administrator of the
30 facility or the administrator's designee and obtains written permission
31 to possess the firearm while on the premises or checks his or her
32 firearm. The person may reclaim the firearms upon leaving but must
33 immediately and directly depart from the place or facility.

34 (~~(+6)~~) (8) Subsection (1)(c) of this section does not apply to any
35 administrator or employee of the facility or to any person who, upon
36 entering the place or facility, directly and promptly proceeds to the
37 administrator of the facility or the administrator's designee and
38 obtains written permission to possess the firearm while on the
39 premises.

1 (~~(7)~~) (9) Subsection (1)(d) of this section does not apply to the
2 proprietor of the premises or his or her employees while engaged in
3 their employment.

4 (~~(8)~~) (10) Any person violating subsection (1) of this section is
5 guilty of a gross misdemeanor.

6 (~~(9)~~) (11) "Weapon" as used in this section means any firearm,
7 explosive as defined in RCW 70.74.010, or instrument or weapon listed
8 in RCW 9.41.250.

9 **Sec. 131.** RCW 9.41.310 and 1988 c 36 s 4 are each amended to read
10 as follows:

11 (1) After a public hearing, the department of fish and wildlife
12 shall publish a pamphlet on firearms safety and the legal limits of the
13 use of firearms. The pamphlet shall include current information on
14 firearms laws and regulations and state preemption of local firearms
15 laws. This pamphlet may be used in the department's hunter safety
16 education program and shall be provided to the department of licensing
17 for distribution to firearms dealers and persons authorized to issue
18 concealed pistol licenses. The department of fish and wildlife shall
19 reimburse the department of licensing for costs associated with
20 distribution of the pamphlet.

21 (2) The department of fish and wildlife shall approve a written
22 test an applicant for a concealed pistol license may take, at the
23 applicant's option, in lieu of a safety training course. In addition
24 to matters regarding the safe storage, handling, and use of pistols,
25 the test shall cover laws concerning firearms, including the legal use
26 of deadly force. The test shall be administered by local law
27 enforcement agencies.

28 NEW SECTION. **Sec. 132.** A new section is added to chapter 9.41 RCW
29 to read as follows:

30 (1) The Washington advisory panel on firearms is established.

31 (2) The panel shall advise the governor and the legislature on
32 current technology, information, and data related to firearms and the
33 use of firearms in crime and shall make recommendations to the
34 legislature regarding proposed changes to current law in the area of
35 licensing, sales, or restrictions on the use or possession of any
36 firearms in accordance with Article I, section 24 of the state
37 Constitution.

1 (3) The panel shall consist of thirteen members appointed by the
2 governor.

3 (4) The members of the panel shall include:

4 (a) A representative of the Washington association of sheriffs and
5 police chiefs, who will serve as the nonvoting chair;

6 (b) A representative of the Washington state council of police
7 officers;

8 (c) A representative of the national rifle association or its
9 affiliated state organization, or of a similar group, who resides in
10 Washington state;

11 (d) A representative of Washington cease fire, or of a similar
12 group, who resides in Washington state;

13 (e) A representative of handgun dealers, manufacturers, or
14 gunsmiths;

15 (f) Two state representatives appointed by the speaker of the house
16 of representatives, representing the two largest caucuses, one of whom
17 is an advocate of firearms' control and one of whom is an advocate of
18 the right to bear firearms;

19 (g) Two state senators appointed by the president of the senate,
20 representing the two largest caucuses, one of whom is an advocate of
21 firearms' control and one of whom is an advocate of the right to bear
22 firearms;

23 (h) A representative of the governor; and

24 (i) Three citizens, representing different geographical regions of
25 the state, who shall have no known affiliation with advocacy of
26 firearms control or with advocacy of the right to bear firearms and no
27 known strong sentiment on the firearms issue, and who shall be chosen
28 from an agreed upon list developed by Washington cease fire and the
29 national rifle association or its affiliated state organization.

30 (5) The panel shall meet at least twice annually at the request of
31 the chair or by request of a majority of the members.

32 (6) The panel shall consider need and desirability for change in
33 firearm laws consistent with Article I, section 24 of the state
34 Constitution and public health and safety.

35 (7) Nothing in this section shall be construed as requiring the
36 panel to test any firearm or have any firearm tested at the panel's
37 expense.

1 **Sec. 133.** RCW 13.40.265 and 1989 c 271 s 116 are each amended to
2 read as follows:

3 (1)(a) If a juvenile thirteen years of age or older is found by
4 juvenile court to have committed an offense while armed with a firearm
5 or an offense that is a violation of RCW 9.41.040(1)(e) or chapter
6 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the
7 department of licensing within twenty-four hours after entry of the
8 judgment.

9 (b) Except as otherwise provided in (c) of this subsection, upon
10 petition of a juvenile who has been found by the court to have
11 committed an offense that is a violation of chapter 66.44, 69.41,
12 69.50, or 69.52 RCW, the court may at any time the court deems
13 appropriate notify the department of licensing that the juvenile's
14 driving privileges should be reinstated.

15 (c) If the offense is the juvenile's first violation of chapter
16 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
17 court for reinstatement of the juvenile's privilege to drive revoked
18 pursuant to RCW 46.20.265 until ninety days after the date the juvenile
19 turns sixteen or ninety days after the judgment was entered, whichever
20 is later. If the offense is the juvenile's second or subsequent
21 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile
22 may not petition the court for reinstatement of the juvenile's
23 privilege to drive revoked pursuant to RCW 46.20.265 until the date the
24 juvenile turns seventeen or one year after the date judgment was
25 entered, whichever is later.

26 (2)(a) If a juvenile enters into a diversion agreement with a
27 diversion unit pursuant to RCW 13.40.080 concerning an offense that is
28 a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion
29 unit shall notify the department of licensing within twenty-four hours
30 after the diversion agreement is signed.

31 (b) If a diversion unit has notified the department pursuant to (a)
32 of this subsection, the diversion unit shall notify the department of
33 licensing when the juvenile has completed the agreement.

34 **Sec. 134.** RCW 13.64.060 and 1993 c 294 s 6 are each amended to
35 read as follows:

36 (1) An emancipated minor shall be considered to have the power and
37 capacity of an adult, except as provided in subsection (2) of this

1 section. A minor shall be considered emancipated for the purposes of,
2 but not limited to:

3 (a) The termination of parental obligations of financial support,
4 care, supervision, and any other obligation the parent may have by
5 virtue of the parent-child relationship, including obligations imposed
6 because of marital dissolution;

7 (b) The right to sue or be sued in his or her own name;

8 (c) The right to retain his or her own earnings;

9 (d) The right to establish a separate residence or domicile;

10 (e) The right to enter into nonvoidable contracts;

11 (f) The right to act autonomously, and with the power and capacity
12 of an adult, in all business relationships, including but not limited
13 to property transactions;

14 (g) The right to work, and earn a living, subject only to the
15 health and safety regulations designed to protect those under age of
16 majority regardless of their legal status; and

17 (h) The right to give informed consent for receiving health care
18 services.

19 (2) An emancipated minor shall not be considered an adult for: (a)
20 The purposes of the adult criminal laws of the state unless the decline
21 of jurisdiction procedures contained in RCW 13.40.110 are used or the
22 minor is tried in criminal court pursuant to RCW 13.04.030(1)(e)(iv);

23 (b) the criminal laws of the state when the emancipated minor is a
24 victim and the age of the victim is an element of the offense; or (c)
25 those specific constitutional and statutory age requirements regarding
26 voting, use of alcoholic beverages, ownership, possession, or control
27 of firearms, and other health and safety regulations relevant to the
28 minor because of the minor's age.

29 **Sec. 135.** RCW 26.28.080 and 1987 c 250 s 2 and 1987 c 204 s 1 are
30 each reenacted and amended to read as follows:

31 Every person who:

32 (1) Shall admit to or allow to remain in any concert saloon, or in
33 any place owned, kept, or managed by him or her where intoxicating
34 liquors are sold, given away or disposed of--except a restaurant or
35 dining room, any person under the age of eighteen years; (~~or~~)

36 (2) Shall admit to, or allow to remain in any public pool or
37 billiard hall, or in any place of entertainment injurious to health or

1 morals, owned, kept or managed by him or her, any person under the age
2 of eighteen years; ((or 7))

3 (3) Shall suffer or permit any such person to play any game of
4 skill or chance, in any such place, or in any place adjacent thereto,
5 or to be or remain therein, or admit or allow to remain in any reputed
6 house of prostitution or assignation, or in any place where opium or
7 any preparation thereof, is smoked, or where any narcotic drug is used,
8 any persons under the age of eighteen years; or((7))

9 (4) Shall sell or give, or permit to be sold or given to any person
10 under the age of eighteen years any cigar, cigarette, cigarette paper
11 or wrapper, or tobacco in any form; ((or

12 ~~(5) Shall sell, or give, or permit to be sold or given to any~~
13 ~~person under the age of eighteen years, any revolver or pistol;))~~
14 shall be guilty of a gross misdemeanor.

15 It shall be no defense to a prosecution for a violation of this
16 section that the person acted, or was believed by the defendant to act,
17 as agent or representative of another.

18 **Sec. 136.** RCW 42.17.318 and 1988 c 219 s 2 are each amended to
19 read as follows:

20 (1) The license applications under RCW 9.41.070, and the purchase
21 applications or records of pistol sales under RCW 9.41.090, are exempt
22 from the disclosure requirements of this chapter. Copies of license or
23 purchase applications, or information on the applications, may be
24 released to law enforcement or corrections agencies.

25 (2) Information concerning commitments for mental health treatment
26 received by: (a) The department of licensing, or an authority that
27 issues concealed pistol licenses, under section 104 of this act or RCW
28 9.41.070; or (b) a law enforcement agency, under RCW 9.41.090, is
29 exempt from the disclosure requirements of this chapter. The
30 information may be released to law enforcement or corrections agencies.

31 **Sec. 137.** RCW 46.20.265 and 1991 c 260 s 1 are each amended to
32 read as follows:

33 (1) In addition to any other authority to revoke driving privileges
34 under this chapter, the department shall revoke all driving privileges
35 of a juvenile when the department receives notice from a court pursuant
36 to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420,
37 69.52.070, or a substantially similar municipal ordinance adopted by a

1 local legislative authority, or from a diversion unit pursuant to RCW
2 13.40.265. The revocation shall be imposed without hearing.

3 (2) The driving privileges of the juvenile revoked under subsection
4 (1) of this section shall be revoked in the following manner:

5 (a) Upon receipt of the first notice, the department shall impose
6 a revocation for one year, or until the juvenile reaches seventeen
7 years of age, whichever is longer.

8 (b) Upon receipt of a second or subsequent notice, the department
9 shall impose a revocation for two years or until the juvenile reaches
10 eighteen years of age, whichever is longer.

11 (c) Each offense for which the department receives notice shall
12 result in a separate period of revocation. All periods of revocation
13 imposed under this section that could otherwise overlap shall run
14 consecutively and no period of revocation imposed under this section
15 shall begin before the expiration of all other periods of revocation
16 imposed under this section or other law.

17 (3) If the department receives notice from a court that the
18 juvenile's privilege to drive should be reinstated, the department
19 shall immediately reinstate any driving privileges that have been
20 revoked under this section.

21 (4)(a) If the department receives notice pursuant to RCW
22 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
23 diversion agreement for which the juvenile's driving privileges were
24 revoked, the department shall reinstate any driving privileges revoked
25 under this section as provided in (b) of this subsection.

26 (b) If the diversion agreement was for the juvenile's first
27 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
28 shall not reinstate the juvenile's privilege to drive until the later
29 of ninety days after the date the juvenile turns sixteen or ninety days
30 after the juvenile entered into a diversion agreement for the offense.
31 If the diversion agreement was for the juvenile's second or subsequent
32 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department
33 shall not reinstate the juvenile's privilege to drive until the later
34 of the date the juvenile turns seventeen or one year after the juvenile
35 entered into the second or subsequent diversion agreement.

36 **Sec. 138.** RCW 71.05.450 and 1973 1st ex.s. c 142 s 50 are each
37 amended to read as follows:

1 Competency shall not be determined or withdrawn by operation of, or
2 under the provisions of this chapter. Except as chapter 9.41 RCW may
3 limit the right of a person to purchase or possess a firearm or to
4 qualify for a concealed pistol license, no person shall be presumed
5 incompetent or lose any civil rights as a consequence of receiving
6 evaluation or treatment for mental disorder, either voluntarily or
7 involuntarily, or certification or commitment pursuant to this chapter
8 or any prior laws of this state dealing with mental illness. Any
9 person who leaves a public or private agency following evaluation or
10 treatment for mental disorder shall be given a written statement
11 setting forth the substance of this section.

12 **Sec. 139.** RCW 71.12.560 and 1974 ex.s. c 145 s 1 are each amended
13 to read as follows:

14 The person in charge of any private institution, hospital, or
15 sanitarium which is conducted for, or includes a department or ward
16 conducted for, the care and treatment of persons who are mentally ill
17 or deranged may receive therein as a voluntary patient any person
18 suffering from mental illness or derangement who is a suitable person
19 for care and treatment in the institution, hospital, or sanitarium, who
20 voluntarily makes a written application to the person in charge for
21 admission into the institution, hospital or sanitarium. ~~((After six~~
22 ~~months of continuous inpatient treatment as a voluntary))~~ At the
23 expiration of fourteen continuous days of treatment of a patient
24 voluntarily committed in a private institution, hospital, or
25 sanitarium, if the period of voluntary commitment is to continue, the
26 person in charge shall forward to the office of the department of
27 social and health services a record of the voluntary patient showing
28 the name, residence, ~~((age))~~ date of birth, sex, place of birth,
29 occupation, social security number, marital status, date of admission
30 to the institution, hospital, or sanitarium, and such other information
31 as may be required by rule of the department of social and health
32 services.

33 **Sec. 140.** RCW 72.23.080 and 1959 c 28 s 72.23.080 are each amended
34 to read as follows:

35 Any person received and detained in a state hospital ~~((pursuant to~~
36 ~~RCW 72.23.070 shall be))~~ under chapter 71.34 RCW is deemed a voluntary
37 patient and, except as chapter 9.41 RCW may limit the right of a person

1 to purchase or possess a firearm or to qualify for a concealed pistol
2 license, shall not suffer a loss of legal competency by reason of his
3 or her application and admission. Upon the admission of a voluntary
4 patient to a state hospital the superintendent shall immediately
5 forward to the department the record of such patient showing the name,
6 address, sex, ((age)) date of birth, place of birth, occupation, social
7 security number, date of admission, name of nearest relative, and such
8 other information as the department may from time to time require.

9 **Sec. 141.** RCW 82.04.300 and 1993 sp.s. c 25 s 205 are each amended
10 to read as follows:

11 This chapter shall apply to any person engaging in any business
12 activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255,
13 82.04.260, 82.04.270, 82.04.280, and 82.04.290 other than those whose
14 value of products, gross proceeds of sales, or gross income of the
15 business is less than one thousand dollars per month: PROVIDED, That
16 where one person engages in more than one business activity and the
17 combined measures of the tax applicable to such businesses equal or
18 exceed one thousand dollars per month, no exemption or deduction from
19 the amount of tax is allowed by this section.

20 A person who is a dealer as defined by RCW 9.41.010 is required to
21 file returns even though no tax may be due. Any other person claiming
22 exemption under the provisions of this section may be required,
23 according to rules adopted by the department, to file returns even
24 though no tax may be due. The department of revenue may allow
25 exemptions, by general rule or regulation, in those instances in which
26 quarterly, semiannual, or annual returns are permitted. Exemptions for
27 such periods shall be equivalent in amount to the total of exemptions
28 for each month of a reporting period.

29 **Sec. 142.** RCW 82.32.030 and 1992 c 206 s 8 are each amended to
30 read as follows:

31 (1) Except as provided in subsection (2) of this section, if any
32 person engages in any business or performs any act upon which a tax is
33 imposed by the preceding chapters, he or she shall, under such rules as
34 the department of revenue shall prescribe, apply for and obtain from
35 the department a registration certificate upon payment of fifteen
36 dollars. Such registration certificate shall be personal and
37 nontransferable and shall be valid as long as the taxpayer continues in

1 business and pays the tax accrued to the state. In case business is
2 transacted at two or more separate places by one taxpayer, a separate
3 registration certificate for each place at which business is transacted
4 with the public shall be required, but, for such additional
5 certificates no additional payment shall be required. Each certificate
6 shall be numbered and shall show the name, residence, and place and
7 character of business of the taxpayer and such other information as the
8 department of revenue deems necessary and shall be posted in a
9 conspicuous place at the place of business for which it is issued.
10 Where a place of business of the taxpayer is changed, the taxpayer must
11 return to the department the existing certificate, and a new
12 certificate will be issued for the new place of business free of
13 charge. No person required to be registered under this section shall
14 engage in any business taxable hereunder without first being so
15 registered. The department, by rule, may provide for the issuance of
16 certificates of registration, without requiring payment, to temporary
17 places of business or to persons who are exempt from tax under RCW
18 82.04.300.

19 (2) Unless the person is a dealer as defined in RCW 9.41.010,
20 registration under this section is not required if the following
21 conditions are met:

22 (a) A person's value of products, gross proceeds of sales, or gross
23 income of the business is below the tax reporting threshold provided in
24 RCW 82.04.300;

25 (b) The person is not required to collect or pay to the department
26 of revenue any other tax which the department is authorized to collect;
27 and

28 (c) The person is not otherwise required to obtain a license
29 subject to the master application procedure provided in chapter 19.02
30 RCW.

31 NEW SECTION. Sec. 143. (1) RCW 19.70.010 and 19.70.020 are each
32 recodified as sections in chapter 9.41 RCW.

33 (2) RCW 9.41.160 is recodified in chapter 9.41 RCW to follow RCW
34 9.41.310.

35 NEW SECTION. Sec. 144. The following acts or parts of acts are
36 each repealed:

37 (1) RCW 9.41.030 and 1935 c 172 s 3;

- 1 (2) RCW 9.41.093 and 1969 ex.s. c 227 s 2;
2 (3) RCW 9.41.130 and 1935 c 172 s 13;
3 (4) RCW 9.41.150 and 1989 c 132 s 1, 1961 c 124 s 11, & 1935 c 172
4 s 15;
5 (5) RCW 9.41.180 and 1992 c 7 s 8 & 1909 c 249 s 266;
6 (6) RCW 9.41.200 and 1982 c 231 s 2 & 1933 c 64 s 2;
7 (7) RCW 9.41.210 and 1933 c 64 s 3; and
8 (8) RCW 9.41.240 and 1971 c 34 s 1, 1909 c 249 s 308, & 1883 p 67
9 s 1.

10 **PART II - SUPERIOR AND JUVENILE COURT JURISDICTION**

11 **Sec. 201.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
12 as follows:

13 (1) Except as provided in subsection (2) of this section, the
14 juvenile courts in the several counties of this state, shall have
15 exclusive original jurisdiction over all proceedings:

16 ~~((1))~~ (a) Under the interstate compact on placement of children
17 as provided in chapter 26.34 RCW;

18 ~~((2))~~ (b) Relating to children alleged or found to be dependent
19 as provided in chapter 26.44 RCW and in RCW 13.34.030 through
20 13.34.170~~((, as now or hereafter amended))~~;

21 ~~((3))~~ (c) Relating to the termination of a parent and child
22 relationship as provided in RCW 13.34.180 through 13.34.210~~((, as now~~
23 ~~or hereafter amended))~~;

24 ~~((4))~~ (d) To approve or disapprove alternative residential
25 placement as provided in RCW 13.32A.170;

26 ~~((5))~~ (e) Relating to juveniles alleged or found to have
27 committed offenses, traffic infractions, or violations as provided in
28 RCW 13.40.020 through 13.40.230, ~~((as now or hereafter amended,))~~
29 unless:

30 ~~((a))~~ (i) The juvenile court transfers jurisdiction of a
31 particular juvenile to adult criminal court pursuant to RCW
32 13.40.110~~((, as now or hereafter amended))~~; or

33 ~~((b))~~ (ii) The statute of limitations applicable to adult
34 prosecution for the offense, traffic infraction, or violation has
35 expired; or

36 ~~((c))~~ (iii) The alleged offense or infraction is a traffic, fish,
37 boating, or game offense or traffic infraction committed by a juvenile

1 sixteen years of age or older and would, if committed by an adult, be
2 tried or heard in a court of limited jurisdiction, in which instance
3 the appropriate court of limited jurisdiction shall have jurisdiction
4 over the alleged offense or infraction: PROVIDED, That if such an
5 alleged offense or infraction and an alleged offense or infraction
6 subject to juvenile court jurisdiction arise out of the same event or
7 incident, the juvenile court may have jurisdiction of both matters:
8 PROVIDED FURTHER, That the jurisdiction under this subsection does not
9 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
10 or (e)(i) of this subsection (~~((5)(a) of this section)~~): PROVIDED
11 FURTHER, That courts of limited jurisdiction which confine juveniles
12 for an alleged offense or infraction may place juveniles in juvenile
13 detention facilities under an agreement with the officials responsible
14 for the administration of the juvenile detention facility in RCW
15 13.04.035 and 13.20.060; or

16 ((6)) (iv) The juvenile is sixteen or seventeen years old and the
17 alleged offense is: (A) A serious violent offense as defined in RCW
18 9.94A.030 committed on or after the effective date of this section; or
19 (B) a violent offense as defined in RCW 9.94A.030 committed on or after
20 the effective date of this section and the juvenile has a criminal
21 history consisting of: (I) One or more prior serious violent offenses;
22 or (II) two or more prior violent offenses. In such a case the adult
23 criminal court shall have exclusive original jurisdiction.

24 If the juvenile challenges the state's determination of the
25 juvenile's criminal history, the state may establish the offender's
26 criminal history by a preponderance of the evidence. If the criminal
27 history consists of adjudications entered upon a plea of guilty, the
28 state shall not bear a burden of establishing the knowing and
29 voluntariness of the plea;

30 (f) Under the interstate compact on juveniles as provided in
31 chapter 13.24 RCW;

32 ((7)) (g) Relating to termination of a diversion agreement under
33 RCW 13.40.080 (~~(as now or hereafter amended)~~), including a proceeding
34 in which the divertee has attained eighteen years of age; and

35 ((8)) (h) Relating to court validation of a voluntary consent to
36 foster care placement under chapter 13.34 RCW, by the parent or Indian
37 custodian of an Indian child, except if the parent or Indian custodian
38 and child are residents of or domiciled within the boundaries of a

1 federally recognized Indian reservation over which the tribe exercises
2 exclusive jurisdiction.

3 (2) The family court shall have concurrent original jurisdiction
4 with the juvenile court over all proceedings under this section if the
5 superior court judges of a county authorize concurrent jurisdiction as
6 provided in RCW 26.12.010.

7 **Sec. 202.** RCW 9.94A.030 and 1994 c 1 s 3 (Initiative Measure No.
8 593), 1993 c 338 s 2, 1993 c 251 s 4, and 1993 c 164 s 1 are each
9 reenacted and amended to read as follows:

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

12 (1) "Collect," or any derivative thereof, "collect and remit," or
13 "collect and deliver," when used with reference to the department of
14 corrections, means that the department is responsible for monitoring
15 and enforcing the offender's sentence with regard to the legal
16 financial obligation, receiving payment thereof from the offender, and,
17 consistent with current law, delivering daily the entire payment to the
18 superior court clerk without depositing it in a departmental account.

19 (2) "Commission" means the sentencing guidelines commission.

20 (3) "Community corrections officer" means an employee of the
21 department who is responsible for carrying out specific duties in
22 supervision of sentenced offenders and monitoring of sentence
23 conditions.

24 (4) "Community custody" means that portion of an inmate's sentence
25 of confinement in lieu of earned early release time served in the
26 community subject to controls placed on the inmate's movement and
27 activities by the department of corrections.

28 (5) "Community placement" means that period during which the
29 offender is subject to the conditions of community custody and/or
30 postrelease supervision, which begins either upon completion of the
31 term of confinement (postrelease supervision) or at such time as the
32 offender is transferred to community custody in lieu of earned early
33 release. Community placement may consist of entirely community
34 custody, entirely postrelease supervision, or a combination of the two.

35 (6) "Community service" means compulsory service, without
36 compensation, performed for the benefit of the community by the
37 offender.

1 (7) "Community supervision" means a period of time during which a
2 convicted offender is subject to crime-related prohibitions and other
3 sentence conditions imposed by a court pursuant to this chapter or RCW
4 46.61.524. For first-time offenders, the supervision may include
5 crime-related prohibitions and other conditions imposed pursuant to RCW
6 9.94A.120(5). For purposes of the interstate compact for out-of-state
7 supervision of parolees and probationers, RCW 9.95.270, community
8 supervision is the functional equivalent of probation and should be
9 considered the same as probation by other states.

10 (8) "Confinement" means total or partial confinement as defined in
11 this section.

12 (9) "Conviction" means an adjudication of guilt pursuant to Titles
13 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
14 acceptance of a plea of guilty.

15 (10) "Court-ordered legal financial obligation" means a sum of
16 money that is ordered by a superior court of the state of Washington
17 for legal financial obligations which may include restitution to the
18 victim, statutorily imposed crime victims' compensation fees as
19 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
20 drug funds, court-appointed attorneys' fees, and costs of defense,
21 fines, and any other financial obligation that is assessed to the
22 offender as a result of a felony conviction. Upon conviction for
23 vehicular assault while under the influence of intoxicating liquor or
24 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
25 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
26 legal financial obligations may also include payment to a public agency
27 of the expense of an emergency response to the incident resulting in
28 the conviction, subject to the provisions in RCW 38.52.430.

29 (11) "Crime-related prohibition" means an order of a court
30 prohibiting conduct that directly relates to the circumstances of the
31 crime for which the offender has been convicted, and shall not be
32 construed to mean orders directing an offender affirmatively to
33 participate in rehabilitative programs or to otherwise perform
34 affirmative conduct.

35 (12)(a) "Criminal history" means the list of a defendant's prior
36 convictions, whether in this state, in federal court, or elsewhere.
37 The history shall include, where known, for each conviction (i) whether
38 the defendant has been placed on probation and the length and terms

1 thereof; and (ii) whether the defendant has been incarcerated and the
2 length of incarceration.

3 (b) "Criminal history" shall always include juvenile convictions
4 for sex offenses and shall also include a defendant's other prior
5 convictions in juvenile court if: (i) The conviction was for an
6 offense which is a felony or a serious traffic offense and is criminal
7 history as defined in RCW 13.40.020(~~(+6)~~)(9)(a); (ii) the defendant
8 was fifteen years of age or older at the time the offense was
9 committed; and (iii) with respect to prior juvenile class B and C
10 felonies or serious traffic offenses, the defendant was less than
11 twenty-three years of age at the time the offense for which he or she
12 is being sentenced was committed.

13 (13) "Department" means the department of corrections.

14 (14) "Determinate sentence" means a sentence that states with
15 exactitude the number of actual years, months, or days of total
16 confinement, of partial confinement, of community supervision, the
17 number of actual hours or days of community service work, or dollars or
18 terms of a legal financial obligation. The fact that an offender
19 through "earned early release" can reduce the actual period of
20 confinement shall not affect the classification of the sentence as a
21 determinate sentence.

22 (15) "Disposable earnings" means that part of the earnings of an
23 individual remaining after the deduction from those earnings of any
24 amount required by law to be withheld. For the purposes of this
25 definition, "earnings" means compensation paid or payable for personal
26 services, whether denominated as wages, salary, commission, bonuses, or
27 otherwise, and, notwithstanding any other provision of law making the
28 payments exempt from garnishment, attachment, or other process to
29 satisfy a court-ordered legal financial obligation, specifically
30 includes periodic payments pursuant to pension or retirement programs,
31 or insurance policies of any type, but does not include payments made
32 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
33 or Title 74 RCW.

34 (16) "Drug offense" means:

35 (a) Any felony violation of chapter 69.50 RCW except possession of
36 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
37 controlled substance (RCW 69.50.403);

1 (b) Any offense defined as a felony under federal law that relates
2 to the possession, manufacture, distribution, or transportation of a
3 controlled substance; or

4 (c) Any out-of-state conviction for an offense that under the laws
5 of this state would be a felony classified as a drug offense under (a)
6 of this subsection.

7 (17) "Escape" means:

8 (a) Escape in the first degree (RCW 9A.76.110), escape in the
9 second degree (RCW 9A.76.120), willful failure to return from furlough
10 (RCW 72.66.060), willful failure to return from work release (RCW
11 72.65.070), or willful failure to be available for supervision by the
12 department while in community custody (RCW 72.09.310); or

13 (b) Any federal or out-of-state conviction for an offense that
14 under the laws of this state would be a felony classified as an escape
15 under (a) of this subsection.

16 (18) "Felony traffic offense" means:

17 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
18 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
19 and-run injury-accident (RCW 46.52.020(4)); or

20 (b) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a felony
22 traffic offense under (a) of this subsection.

23 (19) "Fines" means the requirement that the offender pay a specific
24 sum of money over a specific period of time to the court.

25 (20)(a) "First-time offender" means any person who is convicted of
26 a felony (i) not classified as a violent offense or a sex offense under
27 this chapter, or (ii) that is not the manufacture, delivery, or
28 possession with intent to manufacture or deliver a controlled substance
29 classified in schedule I or II that is a narcotic drug or the selling
30 for profit of any controlled substance or counterfeit substance
31 classified in schedule I, RCW 69.50.204, except leaves and flowering
32 tops of marihuana, and except as provided in (b) of this subsection,
33 who previously has never been convicted of a felony in this state,
34 federal court, or another state, and who has never participated in a
35 program of deferred prosecution for a felony offense.

36 (b) For purposes of (a) of this subsection, a juvenile adjudication
37 for an offense committed before the age of fifteen years is not a
38 previous felony conviction except for adjudications of sex offenses.

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

4 (a) Any felony defined under any law as a class A felony or
5 criminal solicitation of or criminal conspiracy to commit a class A
6 felony;

7 (b) Assault in the second degree;

8 (c) Assault of a child in the second degree;

9 (d) Child molestation in the second degree;

10 (e) Controlled substance homicide;

11 (f) Extortion in the first degree;

12 (g) Incest when committed against a child under age fourteen;

13 (h) Indecent liberties;

14 (i) Kidnapping in the second degree;

15 (j) Leading organized crime;

16 (k) Manslaughter in the first degree;

17 (l) Manslaughter in the second degree;

18 (m) Promoting prostitution in the first degree;

19 (n) Rape in the third degree;

20 (o) Robbery in the second degree;

21 (p) Sexual exploitation;

22 (q) Vehicular assault;

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

27 (s) Any other class B felony offense with a finding of sexual
28 motivation, as "sexual motivation" is defined under this section;

29 (t) Any other felony with a deadly weapon verdict under RCW
30 9.94A.125;

31 (u) Any felony offense in effect at any time prior to December 2,
32 1993, that is comparable to a most serious offense under this
33 subsection, or any federal or out-of-state conviction for an offense
34 that under the laws of this state would be a felony classified as a
35 most serious offense under this subsection.

36 (22) "Nonviolent offense" means an offense which is not a violent
37 offense.

38 (23) "Offender" means a person who has committed a felony
39 established by state law and is eighteen years of age or older or is

1 less than eighteen years of age but whose case has been transferred by
2 the appropriate juvenile court to a criminal court pursuant to RCW
3 13.40.110 or has been tried in a criminal court pursuant to RCW
4 13.04.030(1)(e)(iv). Throughout this chapter, the terms "offender" and
5 "defendant" are used interchangeably.

6 (24) "Partial confinement" means confinement for no more than one
7 year in a facility or institution operated or utilized under contract
8 by the state or any other unit of government, or, if home detention or
9 work crew has been ordered by the court, in an approved residence, for
10 a substantial portion of each day with the balance of the day spent in
11 the community. Partial confinement includes work release, home
12 detention, work crew, and a combination of work crew and home detention
13 as defined in this section.

14 (25) "Persistent offender" is an offender who:

15 (a) Has been convicted in this state of any felony considered a
16 most serious offense; and

17 (b) Has, before the commission of the offense under (a) of this
18 subsection, been convicted as an offender on at least two separate
19 occasions, whether in this state or elsewhere, of felonies that under
20 the laws of this state would be considered most serious offenses and
21 would be included in the offender score under RCW 9.94A.360; provided
22 that of the two or more previous convictions, at least one conviction
23 must have occurred before the commission of any of the other most
24 serious offenses for which the offender was previously convicted.

25 (26) "Postrelease supervision" is that portion of an offender's
26 community placement that is not community custody.

27 (27) "Restitution" means the requirement that the offender pay a
28 specific sum of money over a specific period of time to the court as
29 payment of damages. The sum may include both public and private costs.
30 The imposition of a restitution order does not preclude civil redress.

31 (28) "Serious traffic offense" means:

32 (a) Driving while under the influence of intoxicating liquor or any
33 drug (RCW 46.61.502), actual physical control while under the influence
34 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
35 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
36 or

37 (b) Any federal, out-of-state, county, or municipal conviction for
38 an offense that under the laws of this state would be classified as a
39 serious traffic offense under (a) of this subsection.

1 (29) "Serious violent offense" is a subcategory of violent offense
2 and means:

3 (a) Murder in the first degree, homicide by abuse, murder in the
4 second degree, assault in the first degree, kidnapping in the first
5 degree, or rape in the first degree, assault of a child in the first
6 degree, or an attempt, criminal solicitation, or criminal conspiracy to
7 commit one of these felonies; or

8 (b) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a serious
10 violent offense under (a) of this subsection.

11 (30) "Sentence range" means the sentencing court's discretionary
12 range in imposing a nonappealable sentence.

13 (31) "Sex offense" means:

14 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
15 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal
16 attempt, criminal solicitation, or criminal conspiracy to commit such
17 crimes;

18 (b) A felony with a finding of sexual motivation under RCW
19 9.94A.127; or

20 (c) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a sex
22 offense under (a) of this subsection.

23 (32) "Sexual motivation" means that one of the purposes for which
24 the defendant committed the crime was for the purpose of his or her
25 sexual gratification.

26 (33) "Total confinement" means confinement inside the physical
27 boundaries of a facility or institution operated or utilized under
28 contract by the state or any other unit of government for twenty-four
29 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

30 (34) "Transition training" means written and verbal instructions
31 and assistance provided by the department to the offender during the
32 two weeks prior to the offender's successful completion of the work
33 ethic camp program. The transition training shall include instructions
34 in the offender's requirements and obligations during the offender's
35 period of community custody.

36 (35) "Victim" means any person who has sustained emotional,
37 psychological, physical, or financial injury to person or property as
38 a direct result of the crime charged.

39 (36) "Violent offense" means:

1 (a) Any of the following felonies, as now existing or hereafter
2 amended: Any felony defined under any law as a class A felony or an
3 attempt to commit a class A felony, criminal solicitation of or
4 criminal conspiracy to commit a class A felony, manslaughter in the
5 first degree, manslaughter in the second degree, indecent liberties if
6 committed by forcible compulsion, kidnapping in the second degree,
7 arson in the second degree, assault in the second degree, assault of a
8 child in the second degree, extortion in the first degree, robbery in
9 the second degree, vehicular assault, and vehicular homicide, when
10 proximately caused by the driving of any vehicle by any person while
11 under the influence of intoxicating liquor or any drug as defined by
12 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

13 (b) Any conviction for a felony offense in effect at any time prior
14 to July 1, 1976, that is comparable to a felony classified as a violent
15 offense in (a) of this subsection; and

16 (c) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a violent
18 offense under (a) or (b) of this subsection.

19 (37) "Work crew" means a program of partial confinement consisting
20 of civic improvement tasks for the benefit of the community of not less
21 than thirty-five hours per week that complies with RCW 9.94A.135. The
22 civic improvement tasks shall have minimal negative impact on existing
23 private industries or the labor force in the county where the service
24 or labor is performed. The civic improvement tasks shall not affect
25 employment opportunities for people with developmental disabilities
26 contracted through sheltered workshops as defined in RCW 82.04.385.
27 Only those offenders sentenced to a facility operated or utilized under
28 contract by a county or the state are eligible to participate on a work
29 crew. Offenders sentenced for a sex offense as defined in subsection
30 (31) of this section are not eligible for the work crew program.

31 (38) "Work ethic camp" means an alternative incarceration program
32 designed to reduce recidivism and lower the cost of corrections by
33 requiring offenders to complete a comprehensive array of real-world job
34 and vocational experiences, character-building work ethics training,
35 life management skills development, substance abuse rehabilitation,
36 counseling, literacy training, and basic adult education.

37 (39) "Work release" means a program of partial confinement
38 available to offenders who are employed or engaged as a student in a
39 regular course of study at school. Participation in work release shall

1 be conditioned upon the offender attending work or school at regularly
2 defined hours and abiding by the rules of the work release facility.

3 (40) "Home detention" means a program of partial confinement
4 available to offenders wherein the offender is confined in a private
5 residence subject to electronic surveillance. Home detention may not
6 be imposed for offenders convicted of a violent offense, any sex
7 offense, any drug offense, reckless burning in the first or second
8 degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third
9 degree as defined in RCW 9A.36.031, assault of a child in the third
10 degree, unlawful imprisonment as defined in RCW 9A.40.040, or
11 harassment as defined in RCW 9A.46.020. Home detention may be imposed
12 for offenders convicted of possession of a controlled substance (RCW
13 69.50.401(d)) or forged prescription for a controlled substance (RCW
14 69.50.403) if the offender fulfills the participation conditions set
15 forth in this subsection and is monitored for drug use by treatment
16 alternatives to street crime (TASC) or a comparable court or agency-
17 referred program.

18 (a) Home detention may be imposed for offenders convicted of
19 burglary in the second degree as defined in RCW 9A.52.030 or
20 residential burglary conditioned upon the offender: (i) Successfully
21 completing twenty-one days in a work release program, (ii) having no
22 convictions for burglary in the second degree or residential burglary
23 during the preceding two years and not more than two prior convictions
24 for burglary or residential burglary, (iii) having no convictions for
25 a violent felony offense during the preceding two years and not more
26 than two prior convictions for a violent felony offense, (iv) having no
27 prior charges of escape, and (v) fulfilling the other conditions of the
28 home detention program.

29 (b) Participation in a home detention program shall be conditioned
30 upon: (i) The offender obtaining or maintaining current employment or
31 attending a regular course of school study at regularly defined hours,
32 or the offender performing parental duties to offspring or minors
33 normally in the custody of the offender, (ii) abiding by the rules of
34 the home detention program, and (iii) compliance with court-ordered
35 legal financial obligations. The home detention program may also be
36 made available to offenders whose charges and convictions do not
37 otherwise disqualify them if medical or health-related conditions,
38 concerns or treatment would be better addressed under the home
39 detention program, or where the health and welfare of the offender,

1 other inmates, or staff would be jeopardized by the offender's
2 incarceration. Participation in the home detention program for medical
3 or health-related reasons is conditioned on the offender abiding by the
4 rules of the home detention program and complying with court-ordered
5 restitution.

6 **Sec. 203.** RCW 26.12.010 and 1991 c 367 s 11 are each amended to
7 read as follows:

8 (1) Each superior court shall exercise the jurisdiction conferred
9 by this chapter and while sitting in the exercise of such jurisdiction
10 shall be known and referred to as the "family court." A family law
11 proceeding under this chapter is any proceeding under this title or any
12 proceeding in which the family court is requested to adjudicate or
13 enforce the rights of the parties or their children regarding the
14 determination or modification of parenting plans, child custody,
15 visitation, or support, or the distribution of property or obligations.

16 (2) Superior court judges of a county may by majority vote, grant
17 to the family court the power, authority, and jurisdiction, concurrent
18 with the juvenile court, to hear and decide cases under Title 13 RCW.

19 **Sec. 204.** RCW 13.04.021 and 1988 c 232 s 3 are each amended to
20 read as follows:

21 (1) The juvenile court shall be a division of the superior court.
22 In judicial districts having more than one judge of the superior court,
23 the judges of such court shall annually assign one or more of their
24 number to the juvenile court division. In any judicial district having
25 a court commissioner, the court commissioner shall have the power,
26 authority, and jurisdiction, concurrent with a juvenile court judge, to
27 hear all cases under this chapter and to enter judgment and make orders
28 with the same power, force, and effect as any judge of the juvenile
29 court, subject to motion or demand by any party within ten days from
30 the entry of the order or judgment by the court commissioner as
31 provided in RCW 2.24.050. In any judicial district having a family law
32 commissioner appointed pursuant to chapter 26.12 RCW, the family law
33 commissioner shall have the power, authority, and jurisdiction,
34 concurrent with a juvenile court judge, to hear cases under chapter
35 13.34 RCW or any other case under Title 13 RCW as provided in RCW
36 26.12.010, and to enter judgment and make orders with the same power,
37 force, and effect as any judge of the juvenile court, subject to motion

1 or demand by any party within ten days from the entry of the order or
2 judgment by the court commissioner as provided in RCW 2.24.050.

3 (2) Cases in the juvenile court shall be tried without a jury.

4 **Sec. 205.** RCW 72.76.010 and 1989 c 177 s 3 are each amended to
5 read as follows:

6 The Washington intrastate corrections compact is enacted and
7 entered into on behalf of this state by the department with any and all
8 counties of this state legally joining in a form substantially as
9 follows:

10 WASHINGTON INTRASTATE CORRECTIONS
11 COMPACT

12 A compact is entered into by and among the contracting counties and the
13 department of corrections, signatories hereto, for the purpose of
14 maximizing the use of existing resources and to provide adequate
15 facilities and programs for the confinement, care, treatment, and
16 employment of offenders.

17 The contracting counties and the department do solemnly agree that:

18 (1) As used in this compact, unless the context clearly requires
19 otherwise:

20 (a) "Department" means the Washington state department of
21 corrections.

22 (b) "Secretary" means the secretary of the department of
23 corrections or designee.

24 (c) "Compact jurisdiction" means the department of corrections or
25 any county of the state of Washington which has executed this compact.

26 (d) "Sending jurisdiction" means a county party to this agreement
27 or the department of corrections to whom the courts have committed
28 custody of the offender.

29 (e) "Receiving jurisdiction" means the department of corrections or
30 a county party to this agreement to which an offender is sent for
31 confinement.

32 (f) "Offender" means a person who has been charged with and/or
33 convicted of an offense established by applicable statute or ordinance.

34 (g) "Convicted felony offender" means a person who has been
35 convicted of a felony established by state law and is eighteen years of
36 age or older, or who is less than eighteen years of age, but whose case
37 has been transferred by the appropriate juvenile court to a criminal

1 court pursuant to RCW 13.40.110 or has been tried in a criminal court
2 pursuant to RCW 13.04.030(1)(e)(iv).

3 (h) An "offender day" includes the first day an offender is
4 delivered to the receiving jurisdiction, but ends at midnight of the
5 day immediately preceding the day of the offender's release or return
6 to the custody of the sending jurisdiction.

7 (i) "Facility" means any state correctional institution, camp, or
8 other unit established or authorized by law under the jurisdiction of
9 the department of corrections; any jail, holding, detention, special
10 detention, or correctional facility operated by the county for the
11 housing of adult offenders; or any contract facility, operated on
12 behalf of either the county or the state for the housing of adult
13 offenders.

14 (j) "Extraordinary medical expense" means any medical expense
15 beyond that which is normally provided by contract or other health care
16 providers at the facility of the receiving jurisdiction.

17 (k) "Compact" means the Washington intrastate corrections compact.

18 (2)(a) Any county may make one or more contracts with one or more
19 counties, the department, or both for the exchange or transfer of
20 offenders pursuant to this compact. Appropriate action by ordinance,
21 resolution, or otherwise in accordance with the law of the governing
22 bodies of the participating counties shall be necessary before the
23 contract may take effect. The secretary is authorized and requested to
24 execute the contracts on behalf of the department. Any such contract
25 shall provide for:

26 (i) Its duration;

27 (ii) Payments to be made to the receiving jurisdiction by the
28 sending jurisdiction for offender maintenance, extraordinary medical
29 and dental expenses, and any participation in or receipt by offenders
30 of rehabilitative or correctional services, facilities, programs, or
31 treatment not reasonably included as part of normal maintenance;

32 (iii) Participation in programs of offender employment, if any; the
33 disposition or crediting of any payments received by offenders on their
34 accounts; and the crediting of proceeds from or the disposal of any
35 products resulting from the employment;

36 (iv) Delivery and retaking of offenders;

37 (v) Such other matters as may be necessary and appropriate to fix
38 the obligations, responsibilities and rights of the sending and
39 receiving jurisdictions.

1 (b) The terms and provisions of this compact shall be a part of any
2 contract entered into by the authority of or pursuant to the contract.
3 Nothing in any contract may be inconsistent with the compact.

4 (3)(a) Whenever the duly constituted authorities of any compact
5 jurisdiction decide that confinement in, or transfer of an offender to
6 a facility of another compact jurisdiction is necessary or desirable in
7 order to provide adequate housing and care or an appropriate program of
8 rehabilitation or treatment, the officials may direct that the
9 confinement be within a facility of the other compact jurisdiction, the
10 receiving jurisdiction to act in that regard solely as agent for the
11 sending jurisdiction.

12 (b) The receiving jurisdiction shall be responsible for the
13 supervision of all offenders which it accepts into its custody.

14 (c) The receiving jurisdiction shall be responsible to establish
15 screening criteria for offenders it will accept for transfer. The
16 sending jurisdiction shall be responsible for ensuring that all
17 transferred offenders meet the screening criteria of the receiving
18 jurisdiction.

19 (d) The sending jurisdiction shall notify the sentencing courts of
20 the name, charges, cause numbers, date, and place of transfer of any
21 offender, prior to the transfer, on a form to be provided by the
22 department. A copy of this form shall accompany the offender at the
23 time of transfer.

24 (e) The receiving jurisdiction shall be responsible for providing
25 an orientation to each offender who is transferred. The orientation
26 shall be provided to offenders upon arrival and shall address the
27 following conditions at the facility of the receiving jurisdiction:

- 28 (i) Requirements to work;
- 29 (ii) Facility rules and disciplinary procedures;
- 30 (iii) Medical care availability; and
- 31 (iv) Visiting.

32 (f) Delivery and retaking of inmates shall be the responsibility of
33 the sending jurisdiction. The sending jurisdiction shall deliver
34 offenders to the facility of the receiving jurisdiction where the
35 offender will be housed, at the dates and times specified by the
36 receiving jurisdiction. The receiving jurisdiction retains the right
37 to refuse or return any offender. The sending jurisdiction shall be
38 responsible to retake any transferred offender who does not meet the
39 screening criteria of the receiving jurisdiction, or who is refused by

1 the receiving jurisdiction. If the receiving jurisdiction has notified
2 the sending jurisdiction to retake an offender, but the sending
3 jurisdiction does not do so within a seven-day period, the receiving
4 jurisdiction may return the offender to the sending jurisdiction at the
5 expense of the sending jurisdiction.

6 (g) Offenders confined in a facility under the terms of this
7 compact shall at all times be subject to the jurisdiction of the
8 sending jurisdiction and may at any time be removed from the facility
9 for transfer to another facility within the sending jurisdiction, for
10 transfer to another facility in which the sending jurisdiction may have
11 a contractual or other right to confine offenders, for release or
12 discharge, or for any other purpose permitted by the laws of the state
13 of Washington.

14 (h) Unless otherwise agreed, the sending jurisdiction shall provide
15 at least one set of the offender's personal clothing at the time of
16 transfer. The sending jurisdiction shall be responsible for searching
17 the clothing to ensure that it is free of contraband. The receiving
18 jurisdiction shall be responsible for providing work clothing and
19 equipment appropriate to the offender's assignment.

20 (i) The sending jurisdiction shall remain responsible for the
21 storage of the offender's personal property, unless prior arrangements
22 are made with the receiving jurisdiction. The receiving jurisdiction
23 shall provide a list of allowable items which may be transferred with
24 the offender.

25 (j) Copies or summaries of records relating to medical needs,
26 behavior, and classification of the offender shall be transferred by
27 the sending jurisdiction to the receiving jurisdiction at the time of
28 transfer. At a minimum, such records shall include:

29 (i) A copy of the commitment order or orders legally authorizing
30 the confinement of the offender;

31 (ii) A copy of the form for the notification of the sentencing
32 courts required by subsection (3)(d) of this section;

33 (iii) A brief summary of any known criminal history, medical needs,
34 behavioral problems, and other information which may be relevant to the
35 classification of the offender; and

36 (iv) A standard identification card which includes the fingerprints
37 and at least one photograph of the offender.

1 Disclosure of public records shall be the responsibility of the sending
2 jurisdiction, except for those documents generated by the receiving
3 jurisdiction.

4 (k) The receiving jurisdiction shall be responsible for providing
5 regular medical care, including prescription medication, but
6 extraordinary medical expenses shall be the responsibility of the
7 sending jurisdiction. The costs of extraordinary medical care incurred
8 by the receiving jurisdiction for transferred offenders shall be
9 reimbursed by the sending jurisdiction. The receiving jurisdiction
10 shall notify the sending jurisdiction as far in advance as practicable
11 prior to incurring such costs. In the event emergency medical care is
12 needed, the sending jurisdiction shall be advised as soon as
13 practicable after the offender is treated. Offenders who are required
14 by the medical authority of the sending jurisdiction to take
15 prescription medication at the time of the transfer shall have at least
16 a three-day supply of the medication transferred to the receiving
17 jurisdiction with the offender, and at the expense of the sending
18 jurisdiction. Costs of prescription medication incurred after the use
19 of the supply shall be borne by the receiving jurisdiction.

20 (l) Convicted offenders transferred under this agreement may be
21 required by the receiving jurisdiction to work. Transferred offenders
22 participating in programs of offender employment shall receive the same
23 reimbursement, if any, as other offenders performing similar work. The
24 receiving jurisdiction shall be responsible for the disposition or
25 crediting of any payments received by offenders, and for crediting the
26 proceeds from or disposal of any products resulting from the
27 employment. Other programs normally provided to offenders by the
28 receiving jurisdiction such as education, mental health, or substance
29 abuse treatment shall also be available to transferred offenders,
30 provided that usual program screening criteria are met. No special or
31 additional programs will be provided except by mutual agreement of the
32 sending and receiving jurisdiction, with additional expenses, if any,
33 to be borne by the sending jurisdiction.

34 (m) The receiving jurisdiction shall notify offenders upon arrival
35 of the rules of the jurisdiction and the specific rules of the
36 facility. Offenders will be required to follow all rules of the
37 receiving jurisdiction. Disciplinary detention, if necessary, shall be
38 provided at the discretion of the receiving jurisdiction. The
39 receiving jurisdiction may require the sending jurisdiction to retake

1 any offender found guilty of a serious infraction; similarly, the
2 receiving jurisdiction may require the sending jurisdiction to retake
3 any offender whose behavior requires segregated or protective housing.

4 (n) Good-time calculations and notification of each offender's
5 release date shall be the responsibility of the sending jurisdiction.
6 The sending jurisdiction shall provide the receiving jurisdiction with
7 a formal notice of the date upon which each offender is to be released
8 from custody. If the receiving jurisdiction finds an offender guilty
9 of a violation of its disciplinary rules, it shall notify the sending
10 jurisdiction of the date and nature of the violation. If the sending
11 jurisdiction resets the release date according to its good-time
12 policies, it shall provide the receiving jurisdiction with notice of
13 the new release date.

14 (o) The sending jurisdiction shall retake the offender at the
15 receiving jurisdiction's facility on or before his or her release date,
16 unless the sending and receiving jurisdictions shall agree upon release
17 in some other place. The sending jurisdiction shall bear the
18 transportation costs of the return.

19 (p) Each receiving jurisdiction shall provide monthly reports to
20 each sending jurisdiction on the number of offenders of that sending
21 jurisdiction in its facilities pursuant to this compact.

22 (q) Each party jurisdiction shall notify the others of its
23 coordinator who is responsible for administrating the jurisdiction's
24 responsibilities under the compact. The coordinators shall arrange for
25 alternate contact persons in the event of an extended absence of the
26 coordinator.

27 (r) Upon reasonable notice, representatives of any party to this
28 compact shall be allowed to visit any facility in which another party
29 has agreed to house its offenders, for the purpose of inspecting the
30 facilities and visiting its offenders that may be confined in the
31 institution.

32 (4) This compact shall enter into force and become effective and
33 binding upon the participating parties when it has been executed by two
34 or more parties. Upon request, each party county shall provide any
35 other compact jurisdiction with a copy of a duly enacted resolution or
36 ordinance authorizing entry into this compact.

37 (5) A party participating may withdraw from the compact by formal
38 resolution and by written notice to all other parties then
39 participating. The withdrawal shall become effective, as it pertains

1 to the party wishing to withdraw, thirty days after written notice to
2 the other parties. However, such withdrawal shall not relieve the
3 withdrawing party from its obligations assumed prior to the effective
4 date of withdrawal. Before the effective date of withdrawal, a
5 withdrawing participant shall notify the other parties to retake the
6 offenders it has housed in its facilities and shall remove to its
7 facilities, at its own expense, offenders it has confined under the
8 provisions of this compact.

9 (6) Legal costs relating to defending actions brought by an
10 offender challenging his or her transfer to another jurisdiction under
11 this compact shall be borne by the sending jurisdiction. Legal costs
12 relating to defending actions arising from events which occur while the
13 offender is in the custody of a receiving jurisdiction shall be borne
14 by the receiving jurisdiction.

15 (7) The receiving jurisdiction shall not be responsible to provide
16 legal services to offenders placed under this agreement. Requests for
17 legal services shall be referred to the sending jurisdiction.

18 (8) The provisions of this compact shall be liberally construed and
19 shall be severable. If any phrase, clause, sentence, or provision of
20 this compact is declared to be contrary to the Constitution or laws of
21 the state of Washington or is held invalid, the validity of the
22 remainder of this compact and its applicability to any county or the
23 department shall not be affected.

24 (9) Nothing contained in this compact shall be construed to
25 abrogate or impair any agreement or other arrangement which a county or
26 the department may have with each other or with a nonparty county for
27 the confinement, rehabilitation, or treatment of offenders.

28 NEW SECTION. **Sec. 206.** Provisions governing exceptions to
29 juvenile court jurisdiction in the amendments to RCW 13.04.030
30 contained in section 201 of this act shall apply to serious violent and
31 violent offenses committed on or after the effective date of section
32 201 of this act. The criminal history which may result in loss of
33 juvenile court jurisdiction upon the alleged commission of a serious
34 violent or violent offense may have been acquired on, before, or after
35 the effective date of section 201 of this act.

36 NEW SECTION. **Sec. 207.** A new section is added to chapter 13.40
37 RCW to read as follows:

1 To reduce the likelihood that implementation of RCW 13.04.030 will
2 differentially and unjustifiably affect the outcomes of cases involving
3 youth of color accused of crimes, all youth prosecuted for offenses
4 which will result in a juvenile under eighteen being prosecuted as an
5 adult pursuant to RCW 13.04.030 must be charged and prosecuted in
6 accordance with the prosecutorial guidelines developed in accordance
7 with section 8, chapter 415, Laws of 1993 as amended by section 208,
8 chapter . . . , Laws of 1994 (section 208 of this act).

9 **Sec. 208.** 1993 c 415 s 8 (uncodified) is amended to read as
10 follows:

11 The administrator for the courts shall convene a working group to
12 develop standards and guidelines for the prosecution of juvenile
13 offenders under Title 13 RCW, review any racial disproportionality in
14 diversion, and review the use of detention facilities in a way to
15 reduce racial disproportionality. The administrator shall appoint:

16 (1) One defense attorney familiar with juvenile justice, and three
17 prosecuting attorneys familiar with juvenile justice;

18 (2) One superior court judge;

19 (3) One court commissioner;

20 (4) One juvenile court administrator;

21 (5) One representative of the juvenile disposition standards board;

22 (6) One representative of the department of social and health
23 services;

24 (7) One social researcher with expertise in juvenile or criminal
25 justice;

26 (8) Two representatives of child advocacy groups recommended by the
27 governor; and

28 (9) Two persons recommended jointly by the Washington state
29 minority commissions.

30 Prosecutorial guidelines for charging youth under chapter 13.40 RCW
31 and for filing charges against youth which will or may result in youth
32 being prosecuted as adults under RCW 13.04.030(1)(e)(iv) or 13.40.100
33 shall be racially neutral. The standards shall also include a review
34 mechanism to ensure that the standards result in equitable and racially
35 neutral filing and prosecution practices. The work group shall develop
36 and submit its recommended standards and guidelines to the appropriate
37 committees of the legislature by December 1, 1994.

PART III - THEFT OF FIREARMS

NEW SECTION. **Sec. 301.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of a firearm if the person:

(a) Commits a theft of a firearm;

(b) Is in possession of a stolen firearm;

(c) Delivers a stolen firearm;

(d) Possesses with intent to deliver a stolen firearm; or

(e) Sells a stolen firearm.

(2) This section applies regardless of the stolen firearm's value.

(3) Theft of a firearm is a class B felony.

Sec. 302. RCW 9A.56.040 and 1987 c 140 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars(~~;~~ ~~or~~

~~(e) A firearm, of a value less than one thousand five hundred dollars)).~~

(2) Theft in the second degree is a class C felony.

Sec. 303. RCW 9A.56.160 and 1987 c 140 s 4 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He or she possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

1 (c) He or she possesses a stolen access device; or
 2 (d) He or she possesses a stolen motor vehicle of a value less than
 3 one thousand five hundred dollars(~~(+or~~
 4 ~~(e) He possesses a stolen firearm~~)).
 5 (2) Possessing stolen property in the second degree is a class C
 6 felony.

7 **PART IV - RECKLESS ENDANGERMENT**

8 **Sec. 401.** RCW 9A.36.045 and 1989 c 271 s 109 are each amended to
 9 read as follows:

10 (1) A person is guilty of reckless endangerment in the first degree
 11 when he or she recklessly discharges a firearm in a manner which
 12 creates a substantial risk of death or serious physical injury to
 13 another person and the discharge is either from a motor vehicle or from
 14 the immediate area of a motor vehicle that was used to transport the
 15 shooter or the firearm to the scene of the discharge.

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

20 (3) Reckless endangerment in the first degree is a class ((E)) B
 21 felony.

22 **PART V - ADULT SENTENCING**

23 **Sec. 501.** RCW 9.94A.310 and 1992 c 145 s 9 are each amended to
 24 read as follows:

25 (1) TABLE 1

26 Sentencing Grid

27 SERIOUSNESS

28 SCORE	29 OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or
30										more

31

32 XV Life Sentence without Parole/Death Penalty

33

1	XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
2		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
3		320	333	347	361	374	388	416	450	493	548
4											
5	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
6		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
7		164	178	192	205	219	233	260	288	342	397
8											
9	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
10		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
11		123	136	147	160	171	184	216	236	277	318
12											
13	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
14		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
15		102	114	125	136	147	158	194	211	245	280
16											
17	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
18		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
19		68	75	82	89	96	102	130	144	171	198
20											
21	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
22		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
23		41	48	54	61	68	75	102	116	144	171
24											
25	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
26		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
27		27	34	41	48	54	61	89	102	116	144
28											
29	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
30		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
31		20	27	34	41	48	54	75	89	102	116
32											
33	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
34		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
35		14	20	27	34	41	48	61	75	89	102
36											
37	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
38		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
39		12	14	17	20	29	43	54	68	82	96

1											
2	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
3		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
4		9	12	14	17	20	29	43	57	70	84
5											
6	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
7		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
8		3	8	12	12	16	22	29	43	57	68
9											
10	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
11		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
12		Days	6	9	12	14	18	22	29	43	57
13											
14	I			3m	4m	5m	8m	13m	16m	20m	2y2m
15		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
16		Days	Days	5	6	8	12	14	18	22	29
17											

18 NOTE: Numbers in the first horizontal row of each seriousness category
19 represent sentencing midpoints in years(y) and months(m). Numbers in
20 the second and third rows represent presumptive sentencing ranges in
21 months, or in days if so designated. 12+ equals one year and one day.

22 (2) For persons convicted of the anticipatory offenses of criminal
23 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
24 presumptive sentence is determined by locating the sentencing grid
25 sentence range defined by the appropriate offender score and the
26 seriousness level of the completed crime, and multiplying the range by
27 75 percent.

28 (3) (~~The following additional times~~) Thirty-six additional
29 months shall be added to the presumptive sentence if the offender or an
30 accomplice was armed with a deadly weapon as defined in this chapter
31 and the offender is being sentenced for one of the crimes listed in
32 this subsection. If the offender or an accomplice was armed with a
33 deadly weapon and the offender is being sentenced for an anticipatory
34 felony offense under chapter 9A.28 RCW to commit one of the crimes
35 listed in this subsection, (~~the following times~~) thirty-six
36 additional months shall be added to the presumptive range determined
37 under subsection (2) of this section:

1 (a) (~~24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW~~
2 ~~9A.56.200), or Kidnapping 1 (RCW 9A.40.020)~~

3 ~~(b) 18 months for Burglary 1 (RCW 9A.52.020)~~

4 ~~(c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault~~
5 ~~of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2~~
6 ~~(RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW~~
7 ~~9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080),)~~ Any serious
8 violent offense;

9 (b) Any violent offense including violent sex offenses and violent
10 drug offenses; or

11 (c) Escape in the first degree (RCW 9A.76.110); burglary in the
12 second degree (RCW 9A.52.030); theft of livestock in the first or
13 second degree (RCW 9A.56.080); or any drug offense.

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

26 (a) Eighteen months for offenses committed under RCW
27 69.50.401(a)(1)(i) or 69.50.410;

28 (b) Fifteen months for offenses committed under RCW
29 69.50.401(a)(1)(ii), (iii), and (iv);

30 (c) Twelve months for offenses committed under RCW 69.50.401(d).

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

34 (5) An additional twenty-four months shall be added to the
35 presumptive sentence for any ranked offense involving a violation of
36 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

37 **Sec. 502.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
38 each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

1		
2		
3	XV	Aggravated Murder 1 (RCW 10.95.020)
4	XIV	Murder 1 (RCW 9A.32.030)
5		Homicide by abuse (RCW 9A.32.055)
6	XIII	Murder 2 (RCW 9A.32.050)
7	XII	Assault 1 (RCW 9A.36.011)
8		Assault of a Child 1 (RCW 9A.36.120)
9	XI	Rape 1 (RCW 9A.44.040)
10		Rape of a Child 1 (RCW 9A.44.073)
11	X	Kidnapping 1 (RCW 9A.40.020)
12		Rape 2 (RCW 9A.44.050)
13		Rape of a Child 2 (RCW 9A.44.076)
14		Child Molestation 1 (RCW 9A.44.083)
15		Damaging building, etc., by explosion with
16		threat to human being (RCW
17		70.74.280(1))
18		Over 18 and deliver heroin or narcotic from
19		Schedule I or II to someone under 18
20		(RCW 69.50.406)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23	IX	Assault of a Child 2 (RCW 9A.36.130)
24		Robbery 1 (RCW 9A.56.200)
25		Manslaughter 1 (RCW 9A.32.060)
26		Explosive devices prohibited (RCW 70.74.180)
27		Indecent Liberties (with forcible
28		compulsion) (RCW 9A.44.100(1)(a))
29		Endangering life and property by explosives
30		with threat to human being (RCW
31		70.74.270)

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic from
3 Schedule I-V to someone under 18 and 3
4 years junior (RCW 69.50.406)
5 Controlled Substance Homicide (RCW
6 69.50.415)
7 Sexual Exploitation (RCW 9.68A.040)
8 Inciting Criminal Profiteering (RCW
9 9A.82.060(1)(b))

10 VIII Arson 1 (RCW 9A.48.020)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Manufacture, deliver, or possess with intent
16 to deliver heroin or cocaine (RCW
17 69.50.401(a)(1)(i))
18 Manufacture, deliver, or possess with intent
19 to deliver methamphetamine (RCW
20 69.50.401(a)(1)(ii))
21 Vehicular Homicide, by being under the
22 influence of intoxicating liquor or any
23 drug or by the operation of any vehicle
24 in a reckless manner (RCW 46.61.520)

25 VII Burglary 1 (RCW 9A.52.020)
26 Vehicular Homicide, by disregard for the
27 safety of others (RCW 46.61.520)
28 Introducing Contraband 1 (RCW 9A.76.140)
29 Indecent Liberties (without forcible
30 compulsion) (RCW 9A.44.100(1) (b) and
31 (c))
32 Child Molestation 2 (RCW 9A.44.086)
33 Dealing in depictions of minor engaged in
34 sexually explicit conduct (RCW
35 9.68A.050)

1 Sending, bringing into state depictions of
2 minor engaged in sexually explicit
3 conduct (RCW 9.68A.060)
4 Involving a minor in drug dealing (RCW
5 69.50.401(f))

6 VI Theft of a Firearm (section 301 of this act)
7 Bribery (RCW 9A.68.010)
8 Manslaughter 2 (RCW 9A.32.070)
9 Rape of a Child 3 (RCW 9A.44.079)
10 Intimidating a Juror/Witness (RCW 9A.72.110,
11 9A.72.130)
12 Damaging building, etc., by explosion with
13 no threat to human being (RCW
14 70.74.280(2))
15 Endangering life and property by explosives
16 with no threat to human being (RCW
17 70.74.270)
18 Reckless Endangerment 1 (RCW 9A.36.045)
19 Incest 1 (RCW 9A.64.020(1))
20 Manufacture, deliver, or possess with intent
21 to deliver narcotics from Schedule I or
22 II (except heroin or cocaine) (RCW
23 69.50.401(a)(1)(i))
24 Intimidating a Judge (RCW 9A.72.160)
25 Bail Jumping with Murder 1 (RCW
26 9A.76.170(2)(a))

27 V Criminal Mistreatment 1 (RCW 9A.42.020)
28 Rape 3 (RCW 9A.44.060)
29 Sexual Misconduct with a Minor 1 (RCW
30 9A.44.093)
31 Child Molestation 3 (RCW 9A.44.089)
32 Kidnapping 2 (RCW 9A.40.030)
33 Extortion 1 (RCW 9A.56.120)
34 Incest 2 (RCW 9A.64.020(2))
35 Perjury 1 (RCW 9A.72.020)
36 Extortionate Extension of Credit (RCW
37 9A.82.020)

1 Advancing money or property for extortionate
2 extension of credit (RCW 9A.82.030)
3 Extortionate Means to Collect Extensions of
4 Credit (RCW 9A.82.040)
5 Rendering Criminal Assistance 1 (RCW
6 9A.76.070)
7 Bail Jumping with class A Felony (RCW
8 9A.76.170(2)(b))
9 Delivery of imitation controlled substance
10 by person eighteen or over to person
11 under eighteen (RCW 69.52.030(2))

12 IV Residential Burglary (RCW 9A.52.025)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Robbery 2 (RCW 9A.56.210)
15 Assault 2 (RCW 9A.36.021)
16 Escape 1 (RCW 9A.76.110)
17 Arson 2 (RCW 9A.48.030)
18 Bribing a Witness/Bribe Received by Witness
19 (RCW 9A.72.090, 9A.72.100)
20 Malicious Harassment (RCW 9A.36.080)
21 Threats to Bomb (RCW 9.61.160)
22 Willful Failure to Return from Furlough (RCW
23 72.66.060)
24 Hit and Run « Injury Accident (RCW
25 46.52.020(4))
26 Vehicular Assault (RCW 46.61.522)
27 Manufacture, deliver, or possess with intent
28 to deliver narcotics from Schedule III,
29 IV, or V or nonnarcotics from Schedule
30 I-V (except marijuana or
31 methamphetamines) (RCW
32 69.50.401(a)(1)(ii) through (iv))
33 Influencing Outcome of Sporting Event (RCW
34 9A.82.070)
35 Use of Proceeds of Criminal Profiteering
36 (RCW 9A.82.080 (1) and (2))
37 Knowingly Trafficking in Stolen Property
38 (RCW 9A.82.050(2))

1 III Criminal mistreatment 2 (RCW 9A.42.030)
2 Extortion 2 (RCW 9A.56.130)
3 Unlawful Imprisonment (RCW 9A.40.040)
4 Assault 3 (RCW 9A.36.031)
5 Assault of a Child 3 (RCW 9A.36.140)
6 Custodial Assault (RCW 9A.36.100)
7 Unlawful possession of firearm or pistol by felon (RCW
8 9.41.040)
9 Harassment (RCW 9A.46.020)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Willful Failure to Return from Work Release
12 (RCW 72.65.070)
13 Burglary 2 (RCW 9A.52.030)
14 Introducing Contraband 2 (RCW 9A.76.150)
15 Communication with a Minor for Immoral
16 Purposes (RCW 9.68A.090)
17 Patronizing a Juvenile Prostitute (RCW
18 9.68A.100)
19 Escape 2 (RCW 9A.76.120)
20 Perjury 2 (RCW 9A.72.030)
21 Bail Jumping with class B or C Felony (RCW
22 9A.76.170(2)(c))
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Tampering with a Witness (RCW 9A.72.120)
26 Manufacture, deliver, or possess with intent
27 to deliver marijuana (RCW
28 69.50.401(a)(1)(ii))
29 Delivery of a material in lieu of a
30 controlled substance (RCW 69.50.401(c))
31 Manufacture, distribute, or possess with
32 intent to distribute an imitation
33 controlled substance (RCW 69.52.030(1))
34 Recklessly Trafficking in Stolen Property
35 (RCW 9A.82.050(1))
36 Theft of livestock 2 (RCW 9A.56.080)
37 Securities Act violation (RCW 21.20.400)

1 II Malicious Mischief 1 (RCW 9A.48.070)
2 Possession of Stolen Property 1 (RCW
3 9A.56.150)
4 Theft 1 (RCW 9A.56.030)
5 Possession of controlled substance that is
6 either heroin or narcotics from
7 Schedule I or II (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Create, deliver, or possess a counterfeit
11 controlled substance (RCW 69.50.401(b))
12 Computer Trespass 1 (RCW 9A.52.110)
13 (~~Reckless Endangerment 1 (RCW 9A.36.045)~~)
14 Escape from Community Custody (RCW
15 72.09.310)

16 I Theft 2 (RCW 9A.56.040)
17 Possession of Stolen Property 2 (RCW
18 9A.56.160)
19 Forgery (RCW 9A.60.020)
20 Taking Motor Vehicle Without Permission (RCW
21 9A.56.070)
22 Vehicle Prowl 1 (RCW 9A.52.095)
23 Attempting to Elude a Pursuing Police
24 Vehicle (RCW 46.61.024)
25 Malicious Mischief 2 (RCW 9A.48.080)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Unlawful Issuance of Checks or Drafts (RCW
28 9A.56.060)
29 Unlawful Use of Food Stamps (RCW 9.91.140
30 (2) and (3))
31 False Verification for Welfare (RCW
32 74.08.055)
33 Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or V or
3 Non-narcotic from Schedule I-V (except
4 phencyclidine) (RCW 69.50.401(d))

5 **PART VI - PERSONAL PROTECTION SPRAYS**

6 NEW SECTION. **Sec. 601.** A new section is added to chapter 9.91
7 RCW to read as follows:

8 (1) It is unlawful for a person under eighteen years old, unless
9 the person is at least fourteen years old and has the permission of a
10 parent or guardian to do so, to purchase or possess a personal
11 protection spray device. A violation of this subsection is a
12 misdemeanor.

13 (2) No town, city, county, special purpose district, quasi-
14 municipal corporation or other unit of government may prohibit a
15 person eighteen years old or older, or a person fourteen years old or
16 older who has the permission of a parent or guardian to do so, from
17 purchasing or possessing a personal protection spray device or from
18 using such a device in a manner consistent with the authorized use of
19 force under RCW 9A.16.020. No town, city, county, special purpose
20 district, quasi-municipal corporation, or other unit of government
21 may prohibit a person eighteen years old or older from delivering a
22 personal protection spray device to a person authorized to possess
23 such a device.

24 (3) For purposes of this section:

25 (a) "Personal protection spray device" means a commercially
26 available dispensing device designed and intended for use in self-
27 defense and containing a nonlethal sternutator or lacrimator agent,
28 including but not limited to:

29 (i) Tear gas, the active ingredient of which is either
30 chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS); or

31 (ii) Other agent commonly known as mace, pepper mace, or pepper
32 gas.

33 (b) "Delivering" means actual, constructive, or attempted
34 transferring from one person to another.

35 (4) Nothing in this section authorizes the delivery, purchase,
36 possession, or use of any device or chemical agent that is otherwise
37 prohibited by state law.

