
SENATE BILL 5187

State of Washington 54th Legislature 1995 Regular Session

By Senators Roach, Smith, Rasmussen, Deccio, Heavey, Haugen and Oke

Read first time 01/13/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to increasing penalties for armed crimes; amending
2 RCW 9.94A.310, 9.94A.150, 9A.36.045, 9A.52.020, 9A.56.300, 9A.56.030,
3 9A.56.040, 9A.56.150, 9A.56.160, 9.41.040, and 10.95.020; reenacting
4 and amending RCW 9.94A.320; adding new sections to chapter 9.94A RCW;
5 adding a new section to chapter 9A.56 RCW; creating new sections; and
6 prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
9 finds and declares that:

10 (a) Armed criminals pose an increasing and major threat to public
11 safety and can turn any crime into serious injury or death.

12 (b) Criminals carry deadly weapons for several key reasons
13 including: Forcing the victim to comply with their demands; injuring
14 or killing anyone who tries to stop the criminal acts; and aiding the
15 criminal in escaping.

16 (c) Current law does not sufficiently stigmatize the carrying and
17 use of deadly weapons by criminals, and far too often there are no
18 deadly weapon enhancements provided for many felonies, including

1 murder, arson, manslaughter, and child molestation and many other sex
2 offenses including child luring.

3 (d) Current law also fails to distinguish between gun-carrying
4 criminals and criminals carrying knives or clubs.

5 (2) By increasing the penalties for carrying and using deadly
6 weapons by criminals and closing loopholes involving armed criminals,
7 the legislature intends to:

8 (a) Stigmatize the carrying and use of any deadly weapons for all
9 felonies with proper deadly weapon enhancements.

10 (b) Reduce the number of armed offenders by making the carrying and
11 use of the deadly weapon not worth the sentence received upon
12 conviction.

13 (c) Distinguish between the gun predators and criminals carrying
14 other deadly weapons and provide greatly increased penalties for gun
15 predators and for those offenders committing crimes to acquire
16 firearms.

17 (d) Bring accountability and certainty into the sentencing system
18 by tracking individual judges and holding them accountable for their
19 sentencing practices in relation to the state's sentencing guidelines
20 for serious crimes.

21 **Sec. 2.** RCW 9.94A.310 and 1994 1st sp.s. c 7 s 512 are each
22 amended to read as follows:

23 FIREARM AND OTHER DEADLY WEAPON ENHANCEMENTS INCREASED.

24 (1) TABLE 1

25 Sentencing Grid

26 SERIOUSNESS

27 SCORE

OFFENDER SCORE

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

30
31 XV Life Sentence without Parole/Death Penalty

32
33 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y
34 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
35 320 333 347 361 374 388 416 450 493 548

1	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
2		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
3		164	178	192	205	219	233	260	288	342	397
4											
5	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
6		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
7		123	136	147	160	171	184	216	236	277	318
8											
9	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
10		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
11		102	114	125	136	147	158	194	211	245	280
12											
13	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
14		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
15		68	75	82	89	96	102	130	144	171	198
16											
17	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
18		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
19		41	48	54	61	68	75	102	116	144	171
20											
21	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
22		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
23		27	34	41	48	54	61	89	102	116	144
24											
25	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
26		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
27		20	27	34	41	48	54	75	89	102	116
28											
29	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
30		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
31		14	20	27	34	41	48	61	75	89	102
32											
33	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
34		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
35		12	14	17	20	29	43	54	68	82	96
36											
37	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
38		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
39		9	12	14	17	20	29	43	57	70	84

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

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

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

24 (3) The following additional times shall be added to the
25 presumptive sentence for felony crimes committed after the effective
26 date of this section if the offender or an accomplice was armed with a
27 firearm as defined in RCW 9.41.010 and the offender is being sentenced
28 for one of the crimes listed in this subsection as eligible for any
29 firearm enhancements based on the classification of the completed
30 felony crime. If the offender or an accomplice was armed with a
31 firearm as defined in RCW 9.41.010 and the offender is being sentenced
32 for an anticipatory offense under chapter 9A.28 RCW to commit one of
33 the crimes listed in this subsection as eligible for any firearm
34 enhancements, the following additional times shall be added to the
35 presumptive sentence determined under subsection (2) of this section
36 based on the felony crime of conviction as classified under RCW
37 9A.28.020:

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

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

7 (c) Eighteen months for any felony defined under any law as a
8 class C felony or with a maximum sentence of five years, or both, and
9 not covered under (f) of this subsection.

10 (d) If the offender is being sentenced for any firearm
11 enhancements under (a), (b), and/or (c) of this subsection and the
12 offender has previously been sentenced for any deadly weapon
13 enhancements after the effective date of this section under (a), (b),
14 and/or (c) of this subsection or subsection (4) (a), (b), and/or (c) of
15 this section, or both, any and all firearm enhancements under this
16 subsection shall be twice the amount of the enhancement listed.

17 (e) Notwithstanding any other provision of law, any and all
18 firearm enhancements under this section are mandatory, shall be served
19 in total confinement, and shall not run concurrently with any other
20 sentencing provisions.

21 (f) The firearm enhancements in this section shall apply to all
22 felony crimes except the following: Possession of a machine gun,
23 possessing a stolen firearm, reckless endangerment in the first degree,
24 theft of a firearm, unlawful possession of a firearm in the first and
25 second degree, and use of a machine gun in a felony.

26 (g) If the presumptive sentence under this section exceeds the
27 statutory maximum for the offense, the statutory maximum sentence shall
28 be the presumptive sentence unless the offender is a persistent
29 offender as defined in RCW 9.94A.030.

30 (4) The following additional times shall be added to the
31 presumptive sentence for felony crimes committed after the effective
32 date of this section if the offender or an accomplice was armed with a
33 deadly weapon as defined in this chapter other than a firearm as
34 defined in RCW 9.41.010 and the offender is being sentenced for one of
35 the crimes listed in this subsection as eligible for any deadly weapon
36 enhancements based on the classification of the completed felony crime.
37 If the offender or an accomplice was armed with a deadly weapon other
38 than a firearm as defined in RCW 9.41.010 and the offender is being
39 sentenced for an anticipatory offense under chapter 9A.28 RCW to commit

1 one of the crimes listed in this subsection as eligible for any deadly
2 weapon enhancements, the following additional times shall be added to
3 the presumptive ((range)) sentence determined under subsection (2) of
4 this section based on the felony crime of conviction as classified
5 under RCW 9A.28.020:

6 (a) (~~((24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW~~
7 ~~9A.56.200), or Kidnapping 1 (RCW 9A.40.020);~~) Two years for any felony
8 defined under any law as a class A felony or with a maximum sentence of
9 at least twenty years, or both, and not covered under (f) of this
10 subsection.

11 (b) (~~((18 months for Burglary 1 (RCW 9A.52.020);~~) One year for any
12 felony defined under any law as a class B felony or with a maximum
13 sentence of ten years, or both, and not covered under (f) of this
14 subsection.

15 (c) (~~((12 months for any violent offense except as provided in (a)~~
16 ~~and (b) of this subsection, Escape 1 (RCW 9A.76.110), Burglary 2 of a~~
17 ~~building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or~~
18 ~~2 (RCW 9A.56.080), or any drug offense)) Six months for any felony
19 defined under any law as a class C felony or with a maximum sentence of
20 five years, or both, and not covered under (f) of this subsection.~~

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

28 (e) Notwithstanding any other provision of law, any and all deadly
29 weapon enhancements under this section are mandatory, shall be served
30 in total confinement, and shall not run concurrently with any other
31 sentencing provisions.

32 (f) The deadly weapon enhancements in this section shall apply to
33 all felony crimes except the following: Possession of a machine gun,
34 possessing a stolen firearm, reckless endangerment in the first degree,
35 theft of a firearm, unlawful possession of a firearm in the first and
36 second degree, and use of a machine gun in a felony.

37 (g) If the presumptive sentence under this section exceeds the
38 statutory maximum for the offense, the statutory maximum sentence shall

1 be the presumptive sentence unless the offender is a persistent
2 offender as defined in RCW 9.94A.030.

3 ((+4)) (5) The following additional times shall be added to the
4 presumptive sentence if the offender or an accomplice committed the
5 offense while in a county jail or state correctional facility as that
6 term is defined in this chapter and the offender is being sentenced for
7 one of the crimes listed in this subsection. If the offender or an
8 accomplice committed one of the crimes listed in this subsection while
9 in a county jail or state correctional facility as that term is defined
10 in this chapter, and the offender is being sentenced for an
11 anticipatory offense under chapter 9A.28 RCW to commit one of the
12 crimes listed in this subsection, the following additional times shall
13 be added to the presumptive sentence ((range)) determined under
14 subsection (2) of this section:

15 (a) Eighteen months for offenses committed under RCW
16 69.50.401(a)(1)(i) or 69.50.410;

17 (b) Fifteen months for offenses committed under RCW
18 69.50.401(a)(1)(ii), (iii), and (iv);

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

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

23 ((+5)) (6) An additional twenty-four months shall be added to the
24 presumptive sentence for any ranked offense involving a violation of
25 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

26 **Sec. 3.** RCW 9.94A.320 and 1994 1st sp.s. c 7 s 510, 1994 c 275 s
27 20, & 1994 c 53 s 2 are each reenacted and amended to read as follows:

28 PENALTIES INCREASED FOR OTHER CRIMES INVOLVING FIREARMS.

29 TABLE 2

30 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

31 XV Aggravated Murder 1 (RCW 10.95.020)

32 XIV Murder 1 (RCW 9A.32.030)

33 Homicide by abuse (RCW 9A.32.055)

34 XIII Murder 2 (RCW 9A.32.050)

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 XI Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 X Kidnapping 1 (RCW 9A.40.020)
6 Rape 2 (RCW 9A.44.050)
7 Rape of a Child 2 (RCW 9A.44.076)
8 Child Molestation 1 (RCW 9A.44.083)
9 Damaging building, etc., by explosion with
10 threat to human being (RCW
11 70.74.280(1))
12 Over 18 and deliver heroin or narcotic from
13 Schedule I or II to someone under 18
14 (RCW 69.50.406)
15 Leading Organized Crime (RCW
16 9A.82.060(1)(a))
17 IX Assault of a Child 2 (RCW 9A.36.130)
18 Robbery 1 (RCW 9A.56.200)
19 Manslaughter 1 (RCW 9A.32.060)
20 Explosive devices prohibited (RCW 70.74.180)
21 Indecent Liberties (with forcible
22 compulsion) (RCW 9A.44.100(1)(a))
23 Endangering life and property by explosives
24 with threat to human being (RCW
25 70.74.270)
26 Over 18 and deliver narcotic from Schedule
27 III, IV, or V or a nonnarcotic from
28 Schedule I-V to someone under 18 and 3
29 years junior (RCW 69.50.406)
30 Controlled Substance Homicide (RCW
31 69.50.415)
32 Sexual Exploitation (RCW 9.68A.040)
33 Inciting Criminal Profiteering (RCW
34 9A.82.060(1)(b))
35 Vehicular Homicide, by being under the
36 influence of intoxicating liquor or any
37 drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with intent
7 to deliver heroin or cocaine (RCW
8 69.50.401(a)(1)(i))
9 Manufacture, deliver, or possess with intent
10 to deliver methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Vehicular Homicide, by the operation of any
13 vehicle in a reckless manner (RCW
14 46.61.520)

15 VII Burglary 1 (RCW 9A.52.020)
16 Vehicular Homicide, by disregard for the
17 safety of others (RCW 46.61.520)
18 Introducing Contraband 1 (RCW 9A.76.140)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1) (b) and
21 (c))
22 Child Molestation 2 (RCW 9A.44.086)
23 Dealing in depictions of minor engaged in
24 sexually explicit conduct (RCW
25 9.68A.050)
26 Sending, bringing into state depictions of
27 minor engaged in sexually explicit
28 conduct (RCW 9.68A.060)
29 Involving a minor in drug dealing (RCW
30 69.50.401(f))
31 Reckless Endangerment 1 (RCW 9A.36.045)
32 Unlawful Possession of a Firearm in the
33 first degree (RCW 9.41.040(1)(a))

34 VI Bribery (RCW 9A.68.010)
35 Manslaughter 2 (RCW 9A.32.070)
36 Rape of a Child 3 (RCW 9A.44.079)
37 Intimidating a Juror/Witness (RCW 9A.72.110,
38 9A.72.130)

1 Damaging building, etc., by explosion with
2 no threat to human being (RCW
3 70.74.280(2))
4 Endangering life and property by explosives
5 with no threat to human being (RCW
6 70.74.270)
7 Incest 1 (RCW 9A.64.020(1))
8 Manufacture, deliver, or possess with intent
9 to deliver narcotics from Schedule I or
10 II (except heroin or cocaine) (RCW
11 69.50.401(a)(1)(i))
12 Intimidating a Judge (RCW 9A.72.160)
13 Bail Jumping with Murder 1 (RCW
14 9A.76.170(2)(a))
15 Theft of a Firearm (RCW 9A.56.300)
16 V Criminal Mistreatment 1 (RCW 9A.42.020)
17 (~~Theft of a Firearm (RCW 9A.56.300)~~
18 ~~Reckless Endangerment 1 (RCW 9A.36.045)~~)
19 Rape 3 (RCW 9A.44.060)
20 Sexual Misconduct with a Minor 1 (RCW
21 9A.44.093)
22 Child Molestation 3 (RCW 9A.44.089)
23 Kidnapping 2 (RCW 9A.40.030)
24 Extortion 1 (RCW 9A.56.120)
25 Incest 2 (RCW 9A.64.020(2))
26 Perjury 1 (RCW 9A.72.020)
27 Extortionate Extension of Credit (RCW
28 9A.82.020)
29 Advancing money or property for extortionate
30 extension of credit (RCW 9A.82.030)
31 Extortionate Means to Collect Extensions of
32 Credit (RCW 9A.82.040)
33 Rendering Criminal Assistance 1 (RCW
34 9A.76.070)
35 Bail Jumping with class A Felony (RCW
36 9A.76.170(2)(b))
37 Sexually Violating Human Remains (RCW
38 9A.44.105)

1 Delivery of imitation controlled substance
2 by person eighteen or over to person
3 under eighteen (RCW 69.52.030(2))
4 Possession of a Stolen Firearm (RCW
5 9A.56.--- (section 13 of this act))

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

33 III Criminal Mistreatment 2 (RCW 9A.42.030)
34 Extortion 2 (RCW 9A.56.130)
35 Unlawful Imprisonment (RCW 9A.40.040)
36 Assault 3 (RCW 9A.36.031)
37 Assault of a Child 3 (RCW 9A.36.140)
38 Custodial Assault (RCW 9A.36.100)

1 Unlawful possession of firearm ((~~or pistol by felon~~)) in
2 the second degree (RCW 9.41.040(1)(b))
3 Harassment (RCW 9A.46.020)
4 Promoting Prostitution 2 (RCW 9A.88.080)
5 Willful Failure to Return from Work Release
6 (RCW 72.65.070)
7 Burglary 2 (RCW 9A.52.030)
8 Introducing Contraband 2 (RCW 9A.76.150)
9 Communication with a Minor for Immoral
10 Purposes (RCW 9.68A.090)
11 Patronizing a Juvenile Prostitute (RCW
12 9.68A.100)
13 Escape 2 (RCW 9A.76.120)
14 Perjury 2 (RCW 9A.72.030)
15 Bail Jumping with class B or C Felony (RCW
16 9A.76.170(2)(c))
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Tampering with a Witness (RCW 9A.72.120)
20 Manufacture, deliver, or possess with intent
21 to deliver marijuana (RCW
22 69.50.401(a)(1)(ii))
23 Delivery of a material in lieu of a
24 controlled substance (RCW 69.50.401(c))
25 Manufacture, distribute, or possess with
26 intent to distribute an imitation
27 controlled substance (RCW 69.52.030(1))
28 Recklessly Trafficking in Stolen Property
29 (RCW 9A.82.050(1))
30 Theft of livestock 2 (RCW 9A.56.080)
31 Securities Act violation (RCW 21.20.400)
32 II Malicious Mischief 1 (RCW 9A.48.070)
33 Possession of Stolen Property 1 (RCW
34 9A.56.150)
35 Theft 1 (RCW 9A.56.030)
36 Possession of controlled substance that is
37 either heroin or narcotics from
38 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW 69.50.401(b))
5 Computer Trespass 1 (RCW 9A.52.110)
6 Escape from Community Custody (RCW
7 72.09.310)

8 I Theft 2 (RCW 9A.56.040)
9 Possession of Stolen Property 2 (RCW
10 9A.56.160)
11 Forgery (RCW 9A.60.020)
12 Taking Motor Vehicle Without Permission (RCW
13 9A.56.070)
14 Vehicle Prowl 1 (RCW 9A.52.095)
15 Attempting to Elude a Pursuing Police
16 Vehicle (RCW 46.61.024)
17 Malicious Mischief 2 (RCW 9A.48.080)
18 Reckless Burning 1 (RCW 9A.48.040)
19 Unlawful Issuance of Checks or Drafts (RCW
20 9A.56.060)
21 Unlawful Use of Food Stamps (RCW 9.91.140
22 (2) and (3))
23 False Verification for Welfare (RCW
24 74.08.055)
25 Forged Prescription (RCW 69.41.020)
26 Forged Prescription for a Controlled
27 Substance (RCW 69.50.403)
28 Possess Controlled Substance that is a
29 Narcotic from Schedule III, IV, or V or
30 Non-narcotic from Schedule I-V (except
31 phencyclidine) (RCW 69.50.401(d))

32 NEW SECTION. **Sec. 4.** PROSECUTING STANDARDS TIGHTENED FOR ARMED
33 OFFENDERS. Notwithstanding the current placement or listing of crimes
34 in categories or classifications of prosecuting standards for deciding
35 to prosecute under RCW 9.94A.440(2), any and all felony crimes
36 involving any deadly weapon special verdict under RCW 9.94A.125, any
37 deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, and

1 any and all felony crimes as defined in RCW 9.94A.310 (3)(f) or (4)(f),
2 or both, which are excluded from the deadly weapon enhancements shall
3 all be treated as crimes against a person and subject to the
4 prosecuting standards for deciding to prosecute under RCW 9.94A.440(2)
5 as crimes against persons.

6 NEW SECTION. **Sec. 5.** ALL PLEA AGREEMENTS AND SENTENCES FOR
7 VIOLENT, MOST SERIOUS, AND ARMED OFFENDERS MADE A PUBLIC RECORD. Any
8 and all recommended sentencing agreements or plea agreements and the
9 sentences for any and all felony crimes shall be made and retained as
10 public records if the felony crime involves:

- 11 (1) Any violent offense as defined in this chapter;
- 12 (2) Any most serious offense as defined in this chapter;
- 13 (3) Any felony with a deadly weapon special verdict under RCW
14 9.94A.125;
- 15 (4) Any felony with any deadly weapon enhancements under RCW
16 9.94A.310 (3) or (4), or both; and/or
- 17 (5) The felony crimes of possession of a machine gun, possessing
18 a stolen firearm, reckless endangerment in the first degree, theft of
19 a firearm, unlawful possession of a firearm in the first or second
20 degree, and/or use of a machine gun in a felony.

21 NEW SECTION. **Sec. 6.** JUDICIAL RECORDS KEPT FOR SENTENCES OF
22 VIOLENT, MOST SERIOUS, AND ARMED OFFENDERS. (1) A current, newly
23 created or reworked judgment and sentence document for each felony
24 sentencing shall record any and all recommended sentencing agreements
25 or plea agreements and the sentences for any and all felony crimes kept
26 as public records under section 5 of this act shall contain the clearly
27 printed name and legal signature of the sentencing judge. The judgment
28 and sentence document as defined in this section shall also provide
29 additional space for the sentencing judge's reasons for going either
30 above or below the presumptive sentence range for any and all felony
31 crimes covered as public records under section 5 of this act. Both the
32 sentencing judge and the prosecuting attorney's office shall each
33 retain or receive a completed copy of each sentencing document as
34 defined in this section for their own records.

35 (2) The sentencing guidelines commission shall be sent a completed
36 copy of the judgment and sentence document upon conviction for each
37 felony sentencing under subsection (1) of this section and shall

1 compile a yearly and cumulative judicial record of each sentencing
2 judge in regards to his or her sentencing practices for any and all
3 felony crimes involving:

4 (a) Any violent offense as defined in this chapter;

5 (b) Any most serious offense as defined in this chapter;

6 (c) Any felony with any deadly weapon special verdict under RCW
7 9.94A.125;

8 (d) Any felony with any deadly weapon enhancements under RCW
9 9.94A.310 (3) or (4), or both; and/or

10 (e) The felony crimes of possession of a machine gun, possessing
11 a stolen firearm, reckless endangerment in the first degree, theft of
12 a firearm, unlawful possession of a firearm in the first or second
13 degree, and/or use of a machine gun in a felony.

14 (3) The sentencing guidelines commission shall compare each
15 individual judge's sentencing practices to the standard or presumptive
16 sentence range for any and all felony crimes listed in subsection (2)
17 of this section for the appropriate offense level as defined in RCW
18 9.94A.320, offender score as defined in RCW 9.94A.360, and any
19 applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3)
20 or (4), or both. These comparative records shall be retained and made
21 available to the public for review in a current, newly created or
22 reworked official published document by the sentencing guidelines
23 commission.

24 (4) Any and all felony sentences which are either above or below
25 the standard or presumptive sentence range in subsection (3) of this
26 section shall also mark whether the prosecuting attorney in the case
27 also recommended a similar sentence, if any, which was either above or
28 below the presumptive sentence range and shall also indicate if the
29 sentence was in conjunction with an approved alternative sentencing
30 option including a first-time offender waiver, sex offender sentencing
31 alternative, or other prescribed sentencing option.

32 (5) If any completed judgment and sentence document as defined in
33 subsection (1) of this section is not sent to the sentencing guidelines
34 commission as required in subsection (2) of this section, the
35 sentencing guidelines commission shall have the authority and shall
36 undertake reasonable and necessary steps to assure that all past,
37 current, and future sentencing documents as defined in subsection (1)
38 of this section are received by the sentencing guidelines commission.

1 **Sec. 7.** RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read
2 as follows:

3 GOOD TIME REMOVED FOR DEADLY WEAPON ENHANCEMENTS. No person
4 serving a sentence imposed pursuant to this chapter and committed to
5 the custody of the department shall leave the confines of the
6 correctional facility or be released prior to the expiration of the
7 sentence except as follows:

8 (1) Except as otherwise provided for in subsection (2) of this
9 section, the term of the sentence of an offender committed to a
10 correctional facility operated by the department, may be reduced by
11 earned early release time in accordance with procedures that shall be
12 developed and promulgated by the correctional agency having
13 jurisdiction in which the offender is confined. The earned early
14 release time shall be for good behavior and good performance, as
15 determined by the correctional agency having jurisdiction. The
16 correctional agency shall not credit the offender with earned early
17 release credits in advance of the offender actually earning the
18 credits. Any program established pursuant to this section shall allow
19 an offender to earn early release credits for presentence
20 incarceration. If an offender is transferred from a county jail to the
21 department of corrections, the county jail facility shall certify to
22 the department the amount of time spent in custody at the facility and
23 the amount of earned early release time. In the case of an offender
24 who has been convicted of a felony committed after the effective date
25 of this section that involves any applicable deadly weapon enhancements
26 under RCW 9.94A.310 (3) or (4), or both, shall not receive any good
27 time credits or earned early release time for that portion of his or
28 her sentence that results from any deadly weapon enhancements. In the
29 case of an offender convicted of a serious violent offense or a sex
30 offense that is a class A felony committed on or after July 1, 1990,
31 the aggregate earned early release time may not exceed fifteen percent
32 of the sentence. In no other case shall the aggregate earned early
33 release time exceed one-third of the total sentence;

34 (2) A person convicted of a sex offense or an offense categorized
35 as a serious violent offense, assault in the second degree, assault of
36 a child in the second degree, any crime against a person where it is
37 determined in accordance with RCW 9.94A.125 that the defendant or an
38 accomplice was armed with a deadly weapon at the time of commission, or
39 any felony offense under chapter 69.50 or 69.52 RCW may become

1 eligible, in accordance with a program developed by the department, for
2 transfer to community custody status in lieu of earned early release
3 time pursuant to subsection (1) of this section;

4 (3) An offender may leave a correctional facility pursuant to an
5 authorized furlough or leave of absence. In addition, offenders may
6 leave a correctional facility when in the custody of a corrections
7 officer or officers;

8 (4) The governor, upon recommendation from the clemency and
9 pardons board, may grant an extraordinary release for reasons of
10 serious health problems, senility, advanced age, extraordinary
11 meritorious acts, or other extraordinary circumstances;

12 (5) No more than the final six months of the sentence may be
13 served in partial confinement designed to aid the offender in finding
14 work and reestablishing ((him)) himself or herself in the community;

15 (6) The governor may pardon any offender;

16 (7) The department of corrections may release an offender from
17 confinement any time within ten days before a release date calculated
18 under this section; and

19 (8) An offender may leave a correctional facility prior to
20 completion of his sentence if the sentence has been reduced as provided
21 in RCW 9.94A.160.

22 Notwithstanding any other provisions of this section, an offender
23 sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to
24 a mandatory minimum sentence of total confinement shall not be released
25 from total confinement before the completion of the listed mandatory
26 minimum sentence for that felony crime of conviction unless allowed
27 under RCW 9.94A.120(4).

28 **Sec. 8.** RCW 9A.36.045 and 1994 1st sp.s. c 7 s 511 are each
29 amended to read as follows:

30 RECKLESS ENDANGERMENT IN THE FIRST DEGREE. (1) A person is guilty
31 of reckless endangerment in the first degree when he or she recklessly
32 discharges a firearm as defined in RCW 9.41.010 in a manner which
33 creates a substantial risk of death or serious physical injury to
34 another person and the discharge is either from a motor vehicle or from
35 the immediate area of a motor vehicle that was used to transport the
36 shooter or the firearm, or both, to the scene of the discharge.

37 (2) A person who unlawfully discharges a firearm from a moving
38 motor vehicle may be inferred to have engaged in reckless conduct,

1 unless the discharge is shown by evidence satisfactory to the trier of
2 fact to have been made without such recklessness.

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

4 **Sec. 9.** RCW 9A.52.020 and 1975 1st ex.s. c 260 s 9A.52.020 are
5 each amended to read as follows:

6 BURGLARY IN THE FIRST DEGREE. (1) A person is guilty of burglary
7 in the first degree if, with intent to commit a crime against a person
8 or property therein, he or she enters or remains unlawfully in a
9 ~~((dwelling))~~ building and if, in entering or while in the ~~((dwelling))~~
10 building or in immediate flight therefrom, the actor or another
11 participant in the crime (a) is armed with a deadly weapon, or (b)
12 assaults any person therein.

13 (2) Burglary in the first degree is a class A felony.

14 **Sec. 10.** RCW 9A.56.300 and 1994 1st sp.s. c 7 s 432 are each
15 amended to read as follows:

16 THEFT OF A FIREARM. (1) A person is guilty of theft of a firearm
17 if ~~((the person:~~

18 ~~(a))~~ he or she commits a theft of ~~((a))~~ any firearm~~((; or~~
19 ~~(b) Possesses, sells, or delivers a stolen firearm))~~.

20 (2) This section applies regardless of the ~~((stolen firearm's))~~
21 value of the firearm taken in the theft.

22 (3) ~~(("Possession, sale, or delivery of a stolen firearm" as used~~
23 ~~in this section has the same meaning as "possessing stolen property" in~~
24 ~~RCW 9A.56.140))~~ Each firearm taken in the theft under this section is
25 a separate offense.

26 (4) The definition of "theft" and the defense allowed against the
27 prosecution for theft under RCW 9A.56.020 shall apply to the crime of
28 theft of a firearm.

29 (5) As used in this section, "firearm" means any firearm as
30 defined in RCW 9.41.010.

31 (6) Theft of a firearm is a class ~~((C))~~ B felony.

32 **Sec. 11.** RCW 9A.56.030 and 1975 1st ex.s. c 260 s 9A.56.030 are
33 each amended to read as follows:

34 THEFT IN THE FIRST DEGREE OTHER THAN A FIREARM. (1) A person is
35 guilty of theft in the first degree if he or she commits theft of:

1 (a) Property or services which exceed(s) one thousand five hundred
2 dollars in value other than a firearm as defined in RCW 9.41.010; or
3 (b) Property of any value other than a firearm as defined in RCW
4 9.41.010 taken from the person of another.
5 (2) Theft in the first degree is a class B felony.

6 **Sec. 12.** RCW 9A.56.040 and 1994 1st sp.s. c 7 s 433 are each
7 amended to read as follows:

8 THEFT IN THE SECOND DEGREE OTHER THAN A FIREARM. (1) A person is
9 guilty of theft in the second degree if he or she commits theft of:

10 (a) Property or services which exceed(s) two hundred and fifty
11 dollars in value other than a firearm as defined in RCW 9.41.010, but
12 does not exceed one thousand five hundred dollars in value; or

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

16 (c) An access device; or

17 (d) A motor vehicle, of a value less than one thousand five
18 hundred dollars.

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

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 9A.56
21 RCW to read as follows:

22 POSSESSING A STOLEN FIREARM. (1) A person is guilty of possessing
23 a stolen firearm if he or she possesses, carries, delivers, sells, or
24 is in control of a stolen firearm.

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

26 (3) Each stolen firearm possessed under this section is a separate
27 offense.

28 (4) The definition of "possessing stolen property" and the defense
29 allowed against the prosecution for possessing stolen property under
30 RCW 9A.56.140 shall apply to the crime of possessing a stolen firearm.

31 (5) As used in this section, "firearm" means any firearm as
32 defined in RCW 9.41.010.

33 (6) Possessing a stolen firearm is a class B felony.

34 **Sec. 14.** RCW 9A.56.150 and 1975 1st ex.s. c 260 s 9A.56.150 are
35 each amended to read as follows:

1 POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE OTHER THAN A
2 FIREARM. (1) A person is guilty of possessing stolen property in the
3 first degree if he or she possesses stolen property other than a
4 firearm as defined in RCW 9.41.010 which exceeds one thousand five
5 hundred dollars in value.

6 (2) Possessing stolen property in the first degree is a class B
7 felony.

8 **Sec. 15.** RCW 9A.56.160 and 1994 1st sp.s. c 7 s 434 are each
9 amended to read as follows:

10 POSSESSING STOLEN PROPERTY IN THE SECOND DEGREE OTHER THAN A
11 FIREARM. (1) A person is guilty of possessing stolen property in the
12 second degree if:

13 (a) He or she possesses stolen property other than a firearm as
14 defined in RCW 9.41.010 which exceeds two hundred fifty dollars in
15 value but does not exceed one thousand five hundred dollars in value;
16 or

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

19 (c) He or she possesses a stolen access device; or

20 (d) He or she possesses a stolen motor vehicle of a value less
21 than one thousand five hundred dollars.

22 (2) Possessing stolen property in the second degree is a class C
23 felony.

24 **Sec. 16.** RCW 9.41.040 and 1994 1st sp.s. c 7 s 402 are each
25 amended to read as follows:

26 UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST AND SECOND DEGREE--
27 OWNERSHIP, POSSESSION OF FIREARMS PROHIBITED FROM CERTAIN PERSONS.

28 (1)(a) A person, whether an adult or juvenile, is guilty of the crime
29 of unlawful possession of a firearm in the first degree, if the person
30 owns, has in his or her possession, or has in his or her control any
31 firearm((+

32 {a})) after having previously been convicted in this state or
33 elsewhere of ((a)) any serious offense((, a domestic violence offense
34 enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW
35 9A.46.060, or of a felony in which a firearm was used or displayed)) as
36 defined in this chapter, residential burglary, reckless endangerment in
37 the first degree, any felony violation of the uniform controlled

1 substances act, chapter 69.50 RCW, classified as a class A or class B
2 felony, or with a maximum sentence of at least ten years, or both, or
3 equivalent statutes of another jurisdiction, except as otherwise
4 provided in subsection (3) or (4) of this section;

5 (b) A person, whether an adult or juvenile, is guilty of the crime
6 of unlawful possession of a firearm in the second degree, if the person
7 does not qualify under (a) of this subsection for the crime of unlawful
8 possession of a firearm in the first degree and the person owns, has in
9 his or her possession, or has in his or her control any firearm:

10 (i) After having previously been convicted of any remaining felony
11 violation of the uniform controlled substances act, chapter 69.50 RCW,
12 or equivalent statutes of another jurisdiction not specifically listed
13 as prohibiting firearm possession under (a) of this subsection, any
14 remaining felony in which a firearm was used or displayed and the
15 felony is not specifically listed as prohibiting firearm possession
16 under (a) of this subsection, any domestic violence offense enumerated
17 in RCW 10.99.020(2), or any harassment offense enumerated in RCW
18 9A.46.060, except as otherwise provided in subsection (3) or (4) of
19 this section;

20 ((+e)) (ii) After having previously been convicted on three
21 occasions within five years of driving a motor vehicle or operating a
22 vessel while under the influence of intoxicating liquor or any drug,
23 unless his or her right to possess a firearm has been restored as
24 provided in RCW 9.41.047;

25 ((+e)) (iii) After having previously been involuntarily committed
26 for mental health treatment under RCW 71.05.320, 71.34.090, chapter
27 10.77 RCW, or equivalent statutes of another jurisdiction, unless his
28 or her right to possess a firearm has been restored as provided in RCW
29 9.41.047; and/or

30 (iv) If the person is under eighteen years of age, except as
31 provided in RCW 9.41.042.

32 (2)(a) Unlawful possession of a firearm in the first degree is a
33 class ((C)) B felony, punishable under chapter 9A.20 RCW.

34 (b) Unlawful possession of a firearm in the second degree is a
35 class C felony, punishable under chapter 9A.20 RCW.

36 (3) As used in this section, a person has been "convicted" at such
37 time as a plea of guilty has been accepted or a verdict of guilty has
38 been filed, notwithstanding the pendency of any future proceedings
39 including but not limited to sentencing or disposition, post-trial or

1 post-factfinding motions, and appeals. A person shall not be precluded
2 from possession of a firearm if the conviction has been the subject of
3 a pardon, annulment, certificate of rehabilitation, or other equivalent
4 procedure based on a finding of the rehabilitation of the person
5 convicted or the conviction or disposition has been the subject of a
6 pardon, annulment, or other equivalent procedure based on a finding of
7 innocence.

8 (4) Notwithstanding subsection (1) of this section, a person
9 convicted of an offense prohibiting the possession of a firearm under
10 this section other than murder, manslaughter, robbery, rape, indecent
11 liberties, arson, assault, kidnapping, extortion, burglary, or
12 violations with respect to controlled substances under RCW 69.50.401(a)
13 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
14 and who received a dismissal of the charge under RCW 9.95.240, shall
15 not be precluded from possession of a firearm as a result of the
16 conviction. Notwithstanding any other provisions of this section, if
17 a person is prohibited from possession of a firearm under subsection
18 (1) of this section and has not previously been convicted of a sex
19 offense prohibiting firearm ownership under subsection (1) of this
20 section and/or any felony defined under any law as a class A felony or
21 with a maximum sentence of at least twenty years, or both, the
22 individual may petition a court of record to have his or her right to
23 possess a firearm restored:

24 (a) Under RCW 9.41.047; and/or

25 (b) After five or more consecutive years in the community without
26 being convicted or currently charged with any felony, gross
27 misdemeanor, or misdemeanor crimes, if the individual has no prior
28 felony convictions that prohibit the possession of a firearm counted as
29 part of the offender score under RCW 9.94A.360.

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 (6) Nothing in chapter . . . , Laws of 1995 (this act) shall ever
16 be construed or interpreted as preventing an offender from being
17 charged and subsequently convicted for the separate felony crimes of
18 theft of a firearm or possession of a stolen firearm, or both, in
19 addition to being charged and subsequently convicted under this section
20 for unlawful possession of a firearm in the first or second degree.
21 Notwithstanding any other law, if the offender is convicted under this
22 section for unlawful possession of a firearm in the first or second
23 degree and for the felony crimes of theft of a firearm or possession of
24 a stolen firearm, or both, then the offender shall serve consecutive
25 sentences for each of the felony crimes of conviction listed in this
26 subsection.

27 (7) Each firearm unlawfully possessed under this section shall be
28 a separate offense.

29 **Sec. 17.** RCW 10.95.020 and 1994 c 121 s 3 are each amended to
30 read as follows:

31 DEATH PENALTY AUTHORIZED FOR DRIVE-BY SHOOTERS, MURDERS FOR GROUP
32 MEMBERSHIP, AND RESIDENTIAL BURGLARS WHO KILL. A person is guilty of
33 aggravated first degree murder if he or she commits first degree murder
34 as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one
35 or more of the following aggravating circumstances exist:

36 (1) The victim was a law enforcement officer, corrections officer,
37 or fire fighter who was performing his or her official duties at the
38 time of the act resulting in death and the victim was known or

1 reasonably should have been known by the person to be such at the time
2 of the killing;

3 (2) At the time of the act resulting in the death, the person was
4 serving a term of imprisonment, had escaped, or was on authorized or
5 unauthorized leave in or from a state facility or program for the
6 incarceration or treatment of persons adjudicated guilty of crimes;

7 (3) At the time of the act resulting in death, the person was in
8 custody in a county or county-city jail as a consequence of having been
9 adjudicated guilty of a felony;

10 (4) The person committed the murder pursuant to an agreement that
11 he or she would receive money or any other thing of value for
12 committing the murder;

13 (5) The person solicited another person to commit the murder and
14 had paid or had agreed to pay money or any other thing of value for
15 committing the murder;

16 (6) The person committed the murder to obtain or maintain his or
17 her membership or to advance his or her position in the hierarchy of an
18 organization, association, or identifiable group;

19 (7) The murder was committed during the course of or as a result
20 of a shooting where the discharge of the firearm, as defined in RCW
21 9.41.010, is either from a motor vehicle or from the immediate area of
22 a motor vehicle that was used to transport the shooter or the firearm,
23 or both, to the scene of the discharge;

24 (8) The victim was:

25 (a) A judge; juror or former juror; prospective, current, or
26 former witness in an adjudicative proceeding; prosecuting attorney;
27 deputy prosecuting attorney; defense attorney; a member of the
28 indeterminate sentence review board; or a probation or parole officer;
29 and

30 (b) The murder was related to the exercise of official duties
31 performed or to be performed by the victim;

32 ((+7)) (9) The person committed the murder to conceal the
33 commission of a crime or to protect or conceal the identity of any
34 person committing a crime, including, but specifically not limited to,
35 any attempt to avoid prosecution as a persistent offender as defined in
36 RCW 9.94A.030;

37 ((+8)) (10) There was more than one victim and the murders were
38 part of a common scheme or plan or the result of a single act of the
39 person;

1 (~~(+9)~~) (11) The murder was committed in the course of, in
2 furtherance of, or in immediate flight from one of the following
3 crimes:

4 (a) Robbery in the first or second degree;

5 (b) Rape in the first or second degree;

6 (c) Burglary in the first or second degree or residential
7 burglary;

8 (d) Kidnapping in the first degree; or

9 (e) Arson in the first degree;

10 (~~(+10)~~) (12) The victim was regularly employed or self-employed
11 as a newsreporter and the murder was committed to obstruct or hinder
12 the investigative, research, or reporting activities of the victim.

13 NEW SECTION. Sec. 18. OFFENDER NOTIFICATION AND WARNING. Any
14 and all law enforcement agencies and personnel, criminal justice
15 attorneys, sentencing judges, and state and local correctional
16 facilities and personnel may, but are not required to, give any and all
17 offenders either written or oral notice, or both, of the sanctions
18 imposed and criminal justice changes regarding armed offenders,
19 including but not limited to the subjects of:

20 (1) Felony crimes involving any deadly weapon special verdict
21 under RCW 9.94A.125;

22 (2) Any and all deadly weapon enhancements under RCW 9.94A.310 (3)
23 or (4), or both, as well as any federal firearm, ammunition, or other
24 deadly weapon enhancements;

25 (3) Any and all felony crimes requiring the possession, display,
26 or use of any deadly weapon as well as the many increased penalties for
27 these crimes including the creation of theft of a firearm and
28 possessing a stolen firearm;

29 (4) New prosecuting standards established for filing charges for
30 all crimes involving any deadly weapons;

31 (5) Removal of good time for any and all deadly weapon
32 enhancements; and

33 (6) Providing the death penalty for those who commit first degree
34 murder: (a) To join, maintain, or advance membership in an
35 identifiable group; (b) as part of a drive-by shooting; or (c) to avoid
36 prosecution as a persistent offender as defined in RCW 9.94A.030.

1 NEW SECTION. **Sec. 19.** CODIFICATION. Sections 4 through 6 of this
2 act are each added to chapter 9.94A RCW.

3 NEW SECTION. **Sec. 20.** SHORT TITLE. This act shall be known and
4 cited as the hard time for armed crime act.

5 NEW SECTION. **Sec. 21.** SEVERABILITY. If any provision of this
6 act or its application to any person or circumstance is held invalid,
7 the remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 22.** CAPTIONS. Captions as used in this act do
10 not constitute any part of the law.

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