
SENATE BILL 5475

State of Washington

59th Legislature

2005 Regular Session

By Senators Kline and Kohl-Welles

Read first time 01/26/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the assault weapons ban of 2005; amending RCW
2 9.41.010 and 9.94A.515; reenacting and amending RCW 9.94A.515; adding
3 a new section to chapter 9.41 RCW; prescribing penalties; providing an
4 effective date; providing an expiration date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 9.41.010 and 2001 c 300 s 2 are each amended to read
8 as follows:

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

11 (1) "Firearm" means a weapon or device from which a projectile or
12 projectiles may be fired by an explosive such as gunpowder.

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

16 (3) "Rifle" means a weapon designed or redesigned, made or remade,
17 and intended to be fired from the shoulder and designed or redesigned,
18 made or remade, and intended to use the energy of the explosive in a

1 fixed metallic cartridge to fire only a single projectile through a
2 rifled bore for each single pull of the trigger.

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

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

13 (6) "Short-barreled shotgun" means a shotgun having one or more
14 barrels less than eighteen inches in length and any weapon made from a
15 shotgun by any means of modification if such modified weapon has an
16 overall length of less than twenty-six inches.

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

24 (8) "Antique firearm" means a firearm or replica of a firearm not
25 designed or redesigned for using rim fire or conventional center fire
26 ignition with fixed ammunition and manufactured in or before 1898,
27 including any matchlock, flintlock, percussion cap, or similar type of
28 ignition system and also any firearm using fixed ammunition
29 manufactured in or before 1898, for which ammunition is no longer
30 manufactured in the United States and is not readily available in the
31 ordinary channels of commercial trade.

32 (9) "Loaded" means:

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

34 (b) Cartridges are in a clip that is locked in place in the
35 firearm;

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

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

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

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

13 (11) "Crime of violence" means:

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

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

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

30 (12) "Serious offense" means any of the following felonies or a
31 felony attempt to commit any of the following felonies, as now existing
32 or hereafter amended:

33 (a) Any crime of violence;

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

37 (c) Child molestation in the second degree;

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

- 1 (e) Indecent liberties;
- 2 (f) Leading organized crime;
- 3 (g) Promoting prostitution in the first degree;
- 4 (h) Rape in the third degree;
- 5 (i) Drive-by shooting;
- 6 (j) Sexual exploitation;
- 7 (k) Vehicular assault, when caused by the operation or driving of
- 8 a vehicle by a person while under the influence of intoxicating liquor
- 9 or any drug or by the operation or driving of a vehicle in a reckless
- 10 manner;

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

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

17 (n) Any other felony with a deadly weapon verdict under RCW
18 9.94A.602; or

19 (o) Any felony offense in effect at any time prior to June 6, 1996,
20 that is comparable to a serious offense, or any federal or out-of-state
21 conviction for an offense that under the laws of this state would be a
22 felony classified as a serious offense.

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

29 (14) "Felony" means any felony offense under the laws of this state
30 or any federal or out-of-state offense comparable to a felony offense
31 under the laws of this state.

32 (15) "Sell" refers to the actual approval of the delivery of a
33 firearm in consideration of payment or promise of payment of a certain
34 price in money.

35 (16) "Barrel length" means the distance from the bolt face of a
36 closed action down the length of the axis of the bore to the crown of
37 the muzzle, or in the case of a barrel with attachments to the end of
38 any legal device permanently attached to the end of the muzzle.

1 (17) "Family or household member" means "family" or "household
2 member" as used in RCW 10.99.020.

3 (18) "Assault weapon" means:

4 (a) Any semiautomatic pistol or semiautomatic or pump-action rifle
5 or shotgun that is capable of accepting a detachable magazine, with a
6 capacity to accept more than ten rounds of ammunition and that also
7 possesses any of the following:

8 (i) If the firearm is a rifle or shotgun, a pistol grip located
9 rear of the trigger;

10 (ii) If the firearm is a rifle or shotgun, a stock in any
11 configuration, including but not limited to a thumbhole stock, a
12 folding stock or a telescoping stock, that allows the bearer of the
13 firearm to grasp the firearm with the trigger hand such that the web of
14 the trigger hand, between the thumb and forefinger, can be placed below
15 the top of the external portion of the trigger during firing;

16 (iii) If the firearm is a pistol, a shoulder stock of any type or
17 configuration, including but not limited to a folding stock or a
18 telescoping stock;

19 (iv) A barrel shroud;

20 (v) A muzzle brake or muzzle compensator;

21 (vi) Any feature capable of functioning as a protruding grip that
22 can be held by the hand that is not the trigger hand;

23 (b) Any pistol that is capable of accepting a detachable magazine
24 at any location outside of the pistol grip;

25 (c) Any semiautomatic pistol, any semiautomatic, center-fire rifle,
26 or any shotgun with a fixed magazine that has the capacity to accept
27 more than ten rounds of ammunition;

28 (d) Any shotgun capable of accepting a detachable magazine;

29 (e) Any shotgun with a revolving cylinder;

30 (f) Any conversion kit or other combination of parts from which an
31 assault weapon can be assembled if the parts are in the possession or
32 under the control of any person.

33 (19) "Detachable magazine" means a magazine, the function of which
34 is to deliver one or more ammunition cartridges into the firing
35 chamber, which can be removed from the firearm without the use of any
36 tool, including a bullet or ammunition cartridge.

37 (20) "Barrel shroud" means a covering, other than a slide, that is
38 attached to, or that substantially or completely encircles, the barrel

1 of a firearm and that allows the bearer of the firearm to hold the
2 barrel with the nonshooting hand while firing the firearm, without
3 burning that hand, except that the term does not include an extension
4 of the stock along the bottom of the barrel that does not substantially
5 or completely encircle the barrel.

6 (21) "Muzzle brake" means a device attached to the muzzle of a
7 weapon that utilizes escaping gas to reduce recoil.

8 (22) "Muzzle compensator" means a device attached to the muzzle of
9 a weapon that utilizes escaping gas to control muzzle movement.

10 (23) "Conversion kit" means any part or combination of parts
11 designed and intended for use in converting a firearm into an assault
12 weapon.

13 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW
14 to read as follows:

15 (1) No person in this state shall manufacture, possess, purchase,
16 sell, or otherwise transfer any assault weapon, or any assault weapon
17 conversion kit, except as authorized by subsection (3) of this section.
18 Any assault weapon or assault weapon conversion kit the manufacture,
19 possession, purchase, sale, or other transfer of which is prohibited
20 under this section is a public nuisance.

21 (2) No person in this state shall possess or have under his or her
22 control at one time both of the following:

23 (a) A semiautomatic or pump-action rifle, semiautomatic pistol, or
24 shotgun capable of accepting a detachable magazine; and

25 (b) Any magazine capable of use with that firearm that contains
26 more than ten rounds of ammunition.

27 (3) Subsection (1) of this section shall not apply to any of the
28 following:

29 (a) The possession of an unloaded assault weapon for the purpose of
30 permanently relinquishing it to a law enforcement agency in this state.
31 Any assault weapon relinquished pursuant to this subsection shall be
32 destroyed;

33 (b) The transfer of any assault weapon by a licensed manufacturer
34 or dealer to a law enforcement agency in this state for use by that
35 agency or its employees for law enforcement purposes;

36 (c) The possession of an assault weapon that was legally possessed

1 on the effective date of this section, but only if the person legally
2 possessing the assault weapon has complied with all of the requirements
3 of subsection (5) of this section;

4 (d) The possession of an assault weapon that has been permanently
5 disabled so that it is incapable of discharging a projectile.

6 (4) Subsection (2) of this section shall not apply to any person:

7 (a) While lawfully engaged in shooting at a duly licensed, lawfully
8 operated shooting range;

9 (b) While lawfully participating in a sporting event officially
10 sanctioned by a club or organization established in whole or in part
11 for the purpose of sponsoring sport shooting events.

12 (5) In order to continue to possess an assault weapon that was
13 legally possessed on the effective date of this section, the person
14 possessing the assault weapon shall do all of the following:

15 (a) Within ninety days following the effective date of this
16 section, submit to a background check identical to the background check
17 conducted in connection with the purchase of a firearm from a licensed
18 gun dealer;

19 (b) Unless the person is prohibited by law from possessing a
20 firearm, immediately register the assault weapon with the sheriff of
21 the county in which the weapon is usually stored;

22 (c) Safely and securely store the assault weapon. The sheriff of
23 the county may, no more than once per year, conduct an inspection to
24 ensure compliance with this subsection;

25 (d) Annually renew both the registration and the background check;

26 (e) Possess the assault weapon only on property owned or
27 immediately controlled by the person, or while engaged in the legal use
28 of the assault weapon at a duly licensed firing range, or while
29 traveling to or from either of these locations for the purpose of
30 engaging in the legal use of the assault weapon, provided that the
31 assault weapon is stored unloaded and in a separate locked container
32 during transport.

33 (6) Notwithstanding any other provision of this section, any person
34 in this state who, after the effective date of this section, acquires
35 title to an assault weapon by inheritance, bequest, or succession,
36 shall, within thirty days of acquiring title, do one of the following:

37 (a) Comply with all of the requirements of subsection (5) of this
38 section;

1 (b) Dispose of the assault weapon pursuant to subsection (3)(a) of
2 this section; or

3 (c) Permanently disable the assault weapon so that it is incapable
4 of discharging a projectile.

5 (7) The sheriff of a county may charge a fee for each registration
6 and for each registration renewal pursuant to subsection (5) of this
7 section. However, such fee may not exceed the costs incurred in
8 administering the registration program established under subsection (5)
9 of this section.

10 (8)(a) Any person convicted of violating subsection (1) or (2) of
11 this section is guilty of a class C felony.

12 (b) Any person convicted of violating subsection (5) of this
13 section is guilty of a gross misdemeanor.

14 (9) Any violation of this section shall also result in the
15 immediate revocation of the registration of every assault weapon
16 registered to such person.

17 (10) This section does not apply to:

18 (a) Marshals, sheriffs, prison or jail wardens or their deputies,
19 or other law enforcement officers of this or another state while acting
20 within the scope of their duties;

21 (b) Members of the armed forces of the United States or of the
22 national guard or organized services, when on duty;

23 (c) Officers or employees of the United States duly authorized to
24 possess assault weapons; or

25 (d) Any person engaged in the business of manufacturing, repairing,
26 or dealing in assault weapons, or the representative or agent of the
27 person who is properly licensed under federal or state laws to do so
28 and who is acting within the usual and ordinary course of the business.

29 **Sec. 3.** RCW 9.94A.515 and 2004 c 94 s 3 are each amended to read
30 as follows:

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

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW
3 70.74.280(1))
4 Murder 1 (RCW 9A.32.030)
5 XIV Murder 2 (RCW 9A.32.050)
6 Trafficking 1 (RCW 9A.40.100(1))
7 XIII Malicious explosion 2 (RCW
8 70.74.280(2))
9 Malicious placement of an explosive 1
10 (RCW 70.74.270(1))
11 XII Assault 1 (RCW 9A.36.011)
12 Assault of a Child 1 (RCW 9A.36.120)
13 Malicious placement of an imitation
14 device 1 (RCW 70.74.272(1)(a))
15 Rape 1 (RCW 9A.44.040)
16 Rape of a Child 1 (RCW 9A.44.073)
17 Trafficking 2 (RCW 9A.40.100(2))
18 XI Manslaughter 1 (RCW 9A.32.060)
19 Rape 2 (RCW 9A.44.050)
20 Rape of a Child 2 (RCW 9A.44.076)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Sexually Violent Predator Escape
31 (RCW 9A.76.115)
32 IX Assault of a Child 2 (RCW 9A.36.130)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating
13 liquor or any drug (RCW
14 46.61.520)
15 VIII Arson 1 (RCW 9A.48.020)
16 Homicide by Watercraft, by the
17 operation of any vessel in a
18 reckless manner (RCW
19 79A.60.050)
20 Manslaughter 2 (RCW 9A.32.070)
21 Promoting Prostitution 1 (RCW
22 9A.88.070)
23 Theft of Ammonia (RCW 69.55.010)
24 Vehicular Homicide, by the operation
25 of any vehicle in a reckless
26 manner (RCW 46.61.520)
27 VII Burglary 1 (RCW 9A.52.020)
28 Child Molestation 2 (RCW 9A.44.086)
29 Civil Disorder Training (RCW
30 9A.48.120)
31 Dealing in depictions of minor
32 engaged in sexually explicit
33 conduct (RCW 9.68A.050)
34 Drive-by Shooting (RCW 9A.36.045)
35 Homicide by Watercraft, by disregard
36 for the safety of others (RCW
37 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct (RCW
11 9.68A.060)
12 Unlawful Possession of a Firearm in
13 the first degree (RCW
14 9.41.040(1))
15 Use of a Machine Gun in Commission
16 of a Felony (RCW 9.41.225)
17 Vehicular Homicide, by disregard for
18 the safety of others (RCW
19 46.61.520)
20 VI Bail Jumping with Murder 1 (RCW
21 9A.76.170(3)(a))
22 Bribery (RCW 9A.68.010)
23 Incest 1 (RCW 9A.64.020(1))
24 Intimidating a Judge (RCW
25 9A.72.160)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation
29 device 2 (RCW 70.74.272(1)(b))
30 Rape of a Child 3 (RCW 9A.44.079)
31 Theft of a Firearm (RCW 9A.56.300)
32 Unlawful Storage of Ammonia (RCW
33 69.55.020)
34 V Abandonment of dependent person 1
35 (RCW 9A.42.060)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)
4 Bail Jumping with class A Felony
5 (RCW 9A.76.170(3)(b))
6 Child Molestation 3 (RCW 9A.44.089)
7 Criminal Mistreatment 1 (RCW
8 9A.42.020)
9 Custodial Sexual Misconduct 1 (RCW
10 9A.44.160)
11 Domestic Violence Court Order
12 Violation (RCW 10.99.040,
13 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070,
15 or 74.34.145)
16 Extortion 1 (RCW 9A.56.120)
17 Extortionate Extension of Credit
18 (RCW 9A.82.020)
19 Extortionate Means to Collect
20 Extensions of Credit (RCW
21 9A.82.040)
22 Incest 2 (RCW 9A.64.020(2))
23 Kidnapping 2 (RCW 9A.40.030)
24 Perjury 1 (RCW 9A.72.020)
25 Persistent prison misbehavior (RCW
26 9.94.070)
27 Possession of a Stolen Firearm (RCW
28 9A.56.310)
29 Rape 3 (RCW 9A.44.060)
30 Rendering Criminal Assistance 1
31 (RCW 9A.76.070)
32 Sexual Misconduct with a Minor 1
33 (RCW 9A.44.093)
34 Sexually Violating Human Remains
35 (RCW 9A.44.105)
36 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without
2 Permission 1 (RCW 9A.56.070)
3 IV Arson 2 (RCW 9A.48.030)
4 Assault 2 (RCW 9A.36.021)
5 Assault by Watercraft (RCW
6 79A.60.060)
7 Bribing a Witness/Bribe Received by
8 Witness (RCW 9A.72.090,
9 9A.72.100)
10 Cheating 1 (RCW 9.46.1961)
11 Commercial Bribery (RCW
12 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Endangerment with a Controlled
15 Substance (RCW 9A.42.100)
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury (RCW
18 46.52.020(4)(b))
19 Hit and Run with Vessel--Injury
20 Accident (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2))
22 Indecent Exposure to Person Under
23 Age Fourteen (subsequent sex
24 offense) (RCW 9A.88.010)
25 Influencing Outcome of Sporting
26 Event (RCW 9A.82.070)
27 Malicious Harassment (RCW
28 9A.36.080)
29 Residential Burglary (RCW
30 9A.52.025)
31 Robbery 2 (RCW 9A.56.210)
32 Theft of Livestock 1 (RCW 9A.56.080)
33 Threats to Bomb (RCW 9.61.160)
34 Trafficking in Stolen Property 1 (RCW
35 9A.82.050)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health
5 coverage as a health care service
6 contractor (RCW 48.44.016(3))
7 Unlawful transaction of health
8 coverage as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
11 business (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(3))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Willful Failure to Return from
23 Furlough (RCW 72.66.060)
24 III Abandonment of dependent person 2
25 (RCW 9A.42.070)
26 Assault 3 (RCW 9A.36.031)
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Criminal Mistreatment 2 (RCW
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Cyberstalking (subsequent conviction
3 or threat of death) (RCW
4 9.61.260(3))
5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Malicious Injury to Railroad Property
13 (RCW 81.60.070)
14 Manufacture, Possess, Purchase, Sell,
15 Transfer of Assault Weapon,
16 Assault Weapon Conversion Kit
17 (section 2(1) of this act)
18 Patronizing a Juvenile Prostitute
19 (RCW 9.68A.100)
20 Perjury 2 (RCW 9A.72.030)
21 Possess or control rifle or pistol and
22 magazine containing more than
23 ten rounds (section 2(2) of this
24 act)
25 Possession of Incendiary Device (RCW
26 9.40.120)
27 Possession of Machine Gun or Short-
28 Barreled Shotgun or Rifle (RCW
29 9.41.190)
30 Promoting Prostitution 2 (RCW
31 9A.88.080)
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Trafficking in Stolen Property 2 (RCW
6 9A.82.055)
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Vehicular Assault, by the operation or
12 driving of a vehicle with disregard
13 for the safety of others (RCW
14 46.61.522)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 II Computer Trespass 1 (RCW
18 9A.52.110)
19 Counterfeiting (RCW 9.16.035(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Health Care False Claims (RCW
23 48.80.030)
24 Identity Theft 2 (RCW 9.35.020(3))
25 Improperly Obtaining Financial
26 Information (RCW 9.35.010)
27 Malicious Mischief 1 (RCW
28 9A.48.070)
29 Possession of Stolen Property 1 (RCW
30 9A.56.150)
31 Theft 1 (RCW 9A.56.030)
32 Theft of Rental, Leased, or Lease-
33 purchased Property (valued at one
34 thousand five hundred dollars or
35 more) (RCW 9A.56.096(5)(a))
36 Trafficking in Insurance Claims (RCW
37 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))
8 I Attempting to Elude a Pursuing Police
9 Vehicle (RCW 46.61.024)
10 False Verification for Welfare (RCW
11 74.08.055)
12 Forgery (RCW 9A.60.020)
13 Fraudulent Creation or Revocation of a
14 Mental Health Advance Directive
15 (RCW 9A.60.060)
16 Malicious Mischief 2 (RCW
17 9A.48.080)
18 Mineral Trespass (RCW 78.44.330)
19 Possession of Stolen Property 2 (RCW
20 9A.56.160)
21 Reckless Burning 1 (RCW 9A.48.040)
22 Taking Motor Vehicle Without
23 Permission 2 (RCW 9A.56.075)
24 Theft 2 (RCW 9A.56.040)
25 Theft of Rental, Leased, or Lease-
26 purchased Property (valued at two
27 hundred fifty dollars or more but
28 less than one thousand five
29 hundred dollars) (RCW
30 9A.56.096(5)(b))
31 Transaction of insurance business
32 beyond the scope of licensure
33 (RCW 48.17.063(4))
34 Unlawful Issuance of Checks or Drafts
35 (RCW 9A.56.060)
36 Unlawful Possession of Fictitious
37 Identification (RCW 9A.56.320)

1 Unlawful Possession of Instruments of
 2 Financial Fraud (RCW
 3 9A.56.320)
 4 Unlawful Possession of Payment
 5 Instruments (RCW 9A.56.320)
 6 Unlawful Possession of a Personal
 7 Identification Device (RCW
 8 9A.56.320)
 9 Unlawful Production of Payment
 10 Instruments (RCW 9A.56.320)
 11 Unlawful Trafficking in Food Stamps
 12 (RCW 9.91.142)
 13 Unlawful Use of Food Stamps (RCW
 14 9.91.144)
 15 Vehicle Prowl 1 (RCW 9A.52.095)

16 **Sec. 4.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are
 17 each reenacted and amended to read as follows:

18 TABLE 2
 19 CRIMES INCLUDED WITHIN
 20 EACH SERIOUSNESS LEVEL

21	XVI	Aggravated Murder 1 (RCW
22		10.95.020)
23	XV	Homicide by abuse (RCW 9A.32.055)
24		Malicious explosion 1 (RCW
25		70.74.280(1))
26		Murder 1 (RCW 9A.32.030)
27	XIV	Murder 2 (RCW 9A.32.050)
28		Trafficking 1 (RCW 9A.40.100(1))
29	XIII	Malicious explosion 2 (RCW
30		70.74.280(2))
31		Malicious placement of an explosive 1
32		(RCW 70.74.270(1))
33	XII	Assault 1 (RCW 9A.36.011)
34		Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation
2 device 1 (RCW 70.74.272(1)(a))
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(2))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 X Child Molestation 1 (RCW 9A.44.083)
10 Indecent Liberties (with forcible
11 compulsion) (RCW
12 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW
17 70.74.280(3))
18 Sexually Violent Predator Escape
19 (RCW 9A.76.115)
20 IX Assault of a Child 2 (RCW 9A.36.130)
21 Explosive devices prohibited (RCW
22 70.74.180)
23 Hit and Run--Death (RCW
24 46.52.020(4)(a))
25 Homicide by Watercraft, by being
26 under the influence of intoxicating
27 liquor or any drug (RCW
28 79A.60.050)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Malicious placement of an explosive 2
32 (RCW 70.74.270(2))
33 Robbery 1 (RCW 9A.56.200)
34 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under
2 the influence of intoxicating
3 liquor or any drug (RCW
4 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)
6 Homicide by Watercraft, by the
7 operation of any vessel in a
8 reckless manner (RCW
9 79A.60.050)

10 Manslaughter 2 (RCW 9A.32.070)
11 Promoting Prostitution 1 (RCW
12 9A.88.070)
13 Theft of Ammonia (RCW 69.55.010)
14 Vehicular Homicide, by the operation
15 of any vehicle in a reckless
16 manner (RCW 46.61.520)

17 VII Burglary 1 (RCW 9A.52.020)
18 Child Molestation 2 (RCW 9A.44.086)
19 Civil Disorder Training (RCW
20 9A.48.120)
21 Dealing in depictions of minor
22 engaged in sexually explicit
23 conduct (RCW 9.68A.050)
24 Drive-by Shooting (RCW 9A.36.045)
25 Homicide by Watercraft, by disregard
26 for the safety of others (RCW
27 79A.60.050)

28 Indecent Liberties (without forcible
29 compulsion) (RCW 9A.44.100(1)
30 (b) and (c))

31 Introducing Contraband 1 (RCW
32 9A.76.140)
33 Malicious placement of an explosive 3
34 (RCW 70.74.270(3))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW
4 9.68A.060)
5 Unlawful Possession of a Firearm in
6 the first degree (RCW
7 9.41.040(1))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Rape of a Child 3 (RCW 9A.44.079)
24 Theft of a Firearm (RCW 9A.56.300)
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of dependent person 1
28 (RCW 9A.42.060)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 1 (RCW
36 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Domestic Violence Court Order
4 Violation (RCW 10.99.040,
5 10.99.050, 26.09.300, 26.10.220,
6 26.26.138, 26.50.110, 26.52.070,
7 or 74.34.145)
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit
10 (RCW 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Possession of a Stolen Firearm (RCW
20 9A.56.310)
21 Rape 3 (RCW 9A.44.060)
22 Rendering Criminal Assistance 1
23 (RCW 9A.76.070)
24 Sexual Misconduct with a Minor 1
25 (RCW 9A.44.093)
26 Sexually Violating Human Remains
27 (RCW 9A.44.105)
28 Stalking (RCW 9A.46.110)
29 Taking Motor Vehicle Without
30 Permission 1 (RCW 9A.56.070)
31 IV Arson 2 (RCW 9A.48.030)
32 Assault 2 (RCW 9A.36.021)
33 Assault by Watercraft (RCW
34 79A.60.060)
35 Bribing a Witness/Bribe Received by
36 Witness (RCW 9A.72.090,
37 9A.72.100)

1 Cheating 1 (RCW 9.46.1961)
2 Commercial Bribery (RCW
3 9A.68.060)
4 Counterfeiting (RCW 9.16.035(4))
5 Endangerment with a Controlled
6 Substance (RCW 9A.42.100)
7 Escape 1 (RCW 9A.76.110)
8 Hit and Run--Injury (RCW
9 46.52.020(4)(b))
10 Hit and Run with Vessel--Injury
11 Accident (RCW 79A.60.200(3))
12 Identity Theft 1 (RCW 9.35.020(2))
13 Indecent Exposure to Person Under
14 Age Fourteen (subsequent sex
15 offense) (RCW 9A.88.010)
16 Influencing Outcome of Sporting
17 Event (RCW 9A.82.070)
18 Malicious Harassment (RCW
19 9A.36.080)
20 Residential Burglary (RCW
21 9A.52.025)
22 Robbery 2 (RCW 9A.56.210)
23 Theft of Livestock 1 (RCW 9A.56.080)
24 Threats to Bomb (RCW 9.61.160)
25 Trafficking in Stolen Property 1 (RCW
26 9A.82.050)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(b))
30 Unlawful transaction of health
31 coverage as a health care service
32 contractor (RCW 48.44.016(3))
33 Unlawful transaction of health
34 coverage as a health maintenance
35 organization (RCW 48.46.033(3))
36 Unlawful transaction of insurance
37 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(3))
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Willful Failure to Return from
12 Furlough (RCW 72.66.060)
13 III Abandonment of dependent person 2
14 (RCW 9A.42.070)
15 Assault 3 (RCW 9A.36.031)
16 Assault of a Child 3 (RCW 9A.36.140)
17 Bail Jumping with class B or C Felony
18 (RCW 9A.76.170(3)(c))
19 Burglary 2 (RCW 9A.52.030)
20 Communication with a Minor for
21 Immoral Purposes (RCW
22 9.68A.090)
23 Criminal Gang Intimidation (RCW
24 9A.46.120)
25 Criminal Mistreatment 2 (RCW
26 9A.42.030)
27 Custodial Assault (RCW 9A.36.100)
28 Cyberstalking (subsequent conviction
29 or threat of death) (RCW
30 9.61.260(3))
31 Escape 2 (RCW 9A.76.120)
32 Extortion 2 (RCW 9A.56.130)
33 Harassment (RCW 9A.46.020)
34 Intimidating a Public Servant (RCW
35 9A.76.180)
36 Introducing Contraband 2 (RCW
37 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Manufacture, Possess, Purchase, Sell,
4 Transfer of Assault Weapon,
5 Assault Weapon Conversion Kit
6 (section 2(1) of this act)
7 Patronizing a Juvenile Prostitute
8 (RCW 9.68A.100)
9 Perjury 2 (RCW 9A.72.030)
10 Possess or control rifle or pistol and
11 magazine containing more than
12 ten rounds (section 2(2) of this
13 act)
14 Possession of Incendiary Device (RCW
15 9.40.120)
16 Possession of Machine Gun or Short-
17 Barreled Shotgun or Rifle (RCW
18 9.41.190)
19 Promoting Prostitution 2 (RCW
20 9A.88.080)
21 Securities Act violation (RCW
22 21.20.400)
23 Tampering with a Witness (RCW
24 9A.72.120)
25 Telephone Harassment (subsequent
26 conviction or threat of death)
27 (RCW 9.61.230(2))
28 Theft of Livestock 2 (RCW 9A.56.083)
29 Trafficking in Stolen Property 2 (RCW
30 9A.82.055)
31 Unlawful Imprisonment (RCW
32 9A.40.040)
33 Unlawful possession of firearm in the
34 second degree (RCW 9.41.040(2))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)
5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)
7 II Computer Trespass 1 (RCW
8 9A.52.110)
9 Counterfeiting (RCW 9.16.035(3))
10 Escape from Community Custody
11 (RCW 72.09.310)
12 Health Care False Claims (RCW
13 48.80.030)
14 Identity Theft 2 (RCW 9.35.020(3))
15 Improperly Obtaining Financial
16 Information (RCW 9.35.010)
17 Malicious Mischief 1 (RCW
18 9A.48.070)
19 Possession of Stolen Property 1 (RCW
20 9A.56.150)
21 Theft 1 (RCW 9A.56.030)
22 Theft of Rental, Leased, or Lease-
23 purchased Property (valued at one
24 thousand five hundred dollars or
25 more) (RCW 9A.56.096(5)(a))
26 Trafficking in Insurance Claims (RCW
27 48.30A.015)
28 Unlawful factoring of a credit card or
29 payment card transaction (RCW
30 9A.56.290(4)(a))
31 Unlawful Practice of Law (RCW
32 2.48.180)
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 I Attempting to Elude a Pursuing Police
36 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW
2 74.08.055)
3 Forgery (RCW 9A.60.020)
4 Fraudulent Creation or Revocation of a
5 Mental Health Advance Directive
6 (RCW 9A.60.060)
7 Malicious Mischief 2 (RCW
8 9A.48.080)
9 Mineral Trespass (RCW 78.44.330)
10 Possession of Stolen Property 2 (RCW
11 9A.56.160)
12 Reckless Burning 1 (RCW 9A.48.040)
13 Taking Motor Vehicle Without
14 Permission 2 (RCW 9A.56.075)
15 Theft 2 (RCW 9A.56.040)
16 Theft of Rental, Leased, or Lease-
17 purchased Property (valued at two
18 hundred fifty dollars or more but
19 less than one thousand five
20 hundred dollars) (RCW
21 9A.56.096(5)(b))
22 Transaction of insurance business
23 beyond the scope of licensure
24 (RCW 48.17.063(4))
25 Unlawful Issuance of Checks or Drafts
26 (RCW 9A.56.060)
27 Unlawful Possession of Fictitious
28 Identification (RCW 9A.56.320)
29 Unlawful Possession of Instruments of
30 Financial Fraud (RCW
31 9A.56.320)
32 Unlawful Possession of Payment
33 Instruments (RCW 9A.56.320)
34 Unlawful Possession of a Personal
35 Identification Device (RCW
36 9A.56.320)

1 Unlawful Production of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Trafficking in Food Stamps
4 (RCW 9.91.142)
5 Unlawful Use of Food Stamps (RCW
6 9.91.144)
7 Vehicle Prowl 1 (RCW 9A.52.095)

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

12 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately, except for section 4 of this act which takes effect July
16 1, 2005.

17 NEW SECTION. **Sec. 7.** Section 3 of this act expires July 1, 2005.

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