
SENATE BILL 5593

State of Washington

59th Legislature

2005 Regular Session

By Senators Fairley and Kline

Read first time 01/28/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the .50 caliber firearm ban of 2005; amending
2 RCW 9.41.010 and 9.94A.515; reenacting and amending RCW 9.94A.515;
3 adding a new section to chapter 9.41 RCW; prescribing penalties;
4 providing an effective date; providing an expiration date; and
5 declaring an 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) ".50 BMG rifle" means a center fire rifle that can fire a .50
4 BMG cartridge.

5 (19) ".50 BMG cartridge" means a cartridge that is designed and
6 intended to be fired from a center fire rifle and that has:

7 (a) An overall length of 5.54 inches from the base to the tip of
8 the bullet;

9 (b) A bullet diameter from .510 to and including .511 inch;

10 (c) A case base diameter for the cartridge from .800 inch to and
11 including .804 inch; and

12 (d) A cartridge case length of 3.91 inches.

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 .50 BMG rifle, except as authorized by
17 subsection (2) of this section. Any .50 BMG rifle the manufacture,
18 possession, purchase, sale, or other transfer of which is prohibited
19 under this section is a public nuisance.

20 (2) Subsection (1) of this section shall not apply to any of the
21 following:

22 (a) The possession of an unloaded .50 BMG rifle for the purpose of
23 permanently relinquishing it to a law enforcement agency in this state.
24 Any .50 BMG rifle relinquished pursuant to this subsection shall be
25 destroyed;

26 (b) The transfer of any .50 BMG rifle by a licensed manufacturer or
27 dealer to a law enforcement agency in this state for use by that agency
28 or its employees for law enforcement purposes;

29 (c) The possession of a .50 BMG rifle that was legally possessed on
30 the effective date of this section, but only if the person legally
31 possessing the .50 BMG rifle has complied with all of the requirements
32 of subsection (3) of this section;

33 (d) The possession of a .50 BMG rifle that has been permanently
34 disabled so that it is incapable of discharging a projectile.

35 (3) In order to continue to possess a .50 BMG rifle that was
36 legally possessed on the effective date of this section, the person
37 possessing the .50 BMG rifle shall do all of the following:

1 (a) Within ninety days following the effective date of this
2 section, submit to a background check identical to the background check
3 conducted in connection with the purchase of a firearm from a licensed
4 gun dealer;

5 (b) Unless the person is prohibited by law from possessing a
6 firearm, immediately register the .50 BMG rifle with the chief of
7 police of a municipality or sheriff of a county;

8 (c) Safely and securely store the .50 BMG rifle. The chief of
9 police of a municipality or sheriff of a county may, no more than once
10 per year, conduct an inspection to ensure compliance with this
11 subsection;

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

13 (e) Possess the .50 BMG rifle only on property owned or immediately
14 controlled by the person, or while engaged in the legal use of the .50
15 BMG rifle at a duly licensed firing range, or while traveling to or
16 from either of these locations for the purpose of engaging in the legal
17 use of the .50 BMG rifle, provided that the .50 BMG rifle is stored
18 unloaded and in a separate locked container during transport.

19 (4) Notwithstanding any other provision of this section, any person
20 in this state who, after the effective date of this section, acquires
21 title to a .50 BMG rifle by inheritance, bequest, or succession, shall,
22 within thirty days of acquiring title, do one of the following:

23 (a) Comply with all of the requirements of subsection (3) of this
24 section;

25 (b) Dispose of the .50 BMG rifle pursuant to subsection (2)(a) of
26 this section; or

27 (c) Permanently disable the .50 BMG rifle so that it is incapable
28 of discharging a projectile.

29 (5) The chief of police of a municipality or sheriff of a county
30 may charge a fee for each registration and for each registration
31 renewal pursuant to subsection (3) of this section. However, such fee
32 may not exceed the costs incurred in administering the registration
33 program established under subsection (3) of this section.

34 (6)(a) Any person convicted of violating subsection (1) of this
35 section is guilty of a class C felony.

36 (b) Any person convicted of violating subsection (3) of this
37 section is guilty of a gross misdemeanor.

1 (7) Any violation of this section shall also result in the
2 immediate revocation of the registration of every .50 BMG rifle
3 registered to such person.

4 (8) This section does not apply to:

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

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

10 (c) Officers or employees of the United States duly authorized to
11 possess .50 BMG rifles; or

12 (d) Any person engaged in the business of manufacturing, repairing,
13 or dealing in .50 BMG rifles, or the representative or agent of the
14 person who is properly licensed under federal or state laws to do so
15 and who is acting within the usual and ordinary course of the business.

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

18

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

19

20

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 .50 BMG rifle (section
5 2(1) of this act)
6 Patronizing a Juvenile Prostitute
7 (RCW 9.68A.100)
8 Perjury 2 (RCW 9A.72.030)
9 Possession of Incendiary Device (RCW
10 9.40.120)
11 Possession of Machine Gun or Short-
12 Barreled Shotgun or Rifle (RCW
13 9.41.190)
14 Promoting Prostitution 2 (RCW
15 9A.88.080)
16 Securities Act violation (RCW
17 21.20.400)
18 Tampering with a Witness (RCW
19 9A.72.120)
20 Telephone Harassment (subsequent
21 conviction or threat of death)
22 (RCW 9.61.230(2))
23 Theft of Livestock 2 (RCW 9A.56.083)
24 Trafficking in Stolen Property 2 (RCW
25 9A.82.055)
26 Unlawful Imprisonment (RCW
27 9A.40.040)
28 Unlawful possession of firearm in the
29 second degree (RCW 9.41.040(2))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)
36 II Computer Trespass 1 (RCW
37 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Escape from Community Custody
3 (RCW 72.09.310)
4 Health Care False Claims (RCW
5 48.80.030)
6 Identity Theft 2 (RCW 9.35.020(3))
7 Improperly Obtaining Financial
8 Information (RCW 9.35.010)
9 Malicious Mischief 1 (RCW
10 9A.48.070)
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Theft 1 (RCW 9A.56.030)
14 Theft of Rental, Leased, or Lease-
15 purchased Property (valued at one
16 thousand five hundred dollars or
17 more) (RCW 9A.56.096(5)(a))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(a))
23 Unlawful Practice of Law (RCW
24 2.48.180)
25 Unlicensed Practice of a Profession or
26 Business (RCW 18.130.190(7))
27 I Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive
34 (RCW 9A.60.060)
35 Malicious Mischief 2 (RCW
36 9A.48.080)
37 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Taking Motor Vehicle Without
5 Permission 2 (RCW 9A.56.075)
6 Theft 2 (RCW 9A.56.040)
7 Theft of Rental, Leased, or Lease-
8 purchased Property (valued at two
9 hundred fifty dollars or more but
10 less than one thousand five
11 hundred dollars) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063(4))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW
22 9A.56.320)
23 Unlawful Possession of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Possession of a Personal
26 Identification Device (RCW
27 9A.56.320)
28 Unlawful Production of Payment
29 Instruments (RCW 9A.56.320)
30 Unlawful Trafficking in Food Stamps
31 (RCW 9.91.142)
32 Unlawful Use of Food Stamps (RCW
33 9.91.144)
34 Vehicle Prowl 1 (RCW 9A.52.095)

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

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115)

1 IX Assault of a Child 2 (RCW 9A.36.130)
2 Explosive devices prohibited (RCW
3 70.74.180)
4 Hit and Run--Death (RCW
5 46.52.020(4)(a))
6 Homicide by Watercraft, by being
7 under the influence of intoxicating
8 liquor or any drug (RCW
9 79A.60.050)
10 Inciting Criminal Profiteering (RCW
11 9A.82.060(1)(b))
12 Malicious placement of an explosive 2
13 (RCW 70.74.270(2))
14 Robbery 1 (RCW 9A.56.200)
15 Sexual Exploitation (RCW 9.68A.040)
16 Vehicular Homicide, by being under
17 the influence of intoxicating
18 liquor or any drug (RCW
19 46.61.520)
20 VIII Arson 1 (RCW 9A.48.020)
21 Homicide by Watercraft, by the
22 operation of any vessel in a
23 reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Promoting Prostitution 1 (RCW
27 9A.88.070)
28 Theft of Ammonia (RCW 69.55.010)
29 Vehicular Homicide, by the operation
30 of any vehicle in a reckless
31 manner (RCW 46.61.520)
32 VII Burglary 1 (RCW 9A.52.020)
33 Child Molestation 2 (RCW 9A.44.086)
34 Civil Disorder Training (RCW
35 9A.48.120)

1 Dealing in depictions of minor
2 engaged in sexually explicit
3 conduct (RCW 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Sending, bringing into state depictions
16 of minor engaged in sexually
17 explicit conduct (RCW
18 9.68A.060)
19 Unlawful Possession of a Firearm in
20 the first degree (RCW
21 9.41.040(1))
22 Use of a Machine Gun in Commission
23 of a Felony (RCW 9.41.225)
24 Vehicular Homicide, by disregard for
25 the safety of others (RCW
26 46.61.520)
27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(3)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW
32 9A.72.160)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation
36 device 2 (RCW 70.74.272(1)(b))
37 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)
2 Unlawful Storage of Ammonia (RCW
3 69.55.020)
4 V Abandonment of dependent person 1
5 (RCW 9A.42.060)
6 Advancing money or property for
7 extortionate extension of credit
8 (RCW 9A.82.030)
9 Bail Jumping with class A Felony
10 (RCW 9A.76.170(3)(b))
11 Child Molestation 3 (RCW 9A.44.089)
12 Criminal Mistreatment 1 (RCW
13 9A.42.020)
14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)
16 Domestic Violence Court Order
17 Violation (RCW 10.99.040,
18 10.99.050, 26.09.300, 26.10.220,
19 26.26.138, 26.50.110, 26.52.070,
20 or 74.34.145)
21 Extortion 1 (RCW 9A.56.120)
22 Extortionate Extension of Credit
23 (RCW 9A.82.020)
24 Extortionate Means to Collect
25 Extensions of Credit (RCW
26 9A.82.040)
27 Incest 2 (RCW 9A.64.020(2))
28 Kidnapping 2 (RCW 9A.40.030)
29 Perjury 1 (RCW 9A.72.020)
30 Persistent prison misbehavior (RCW
31 9.94.070)
32 Possession of a Stolen Firearm (RCW
33 9A.56.310)
34 Rape 3 (RCW 9A.44.060)
35 Rendering Criminal Assistance 1
36 (RCW 9A.76.070)

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault by Watercraft (RCW
11 79A.60.060)
12 Bribing a Witness/Bribe Received by
13 Witness (RCW 9A.72.090,
14 9A.72.100)
15 Cheating 1 (RCW 9A.46.1961)
16 Commercial Bribery (RCW
17 9A.68.060)
18 Counterfeiting (RCW 9.16.035(4))
19 Endangerment with a Controlled
20 Substance (RCW 9A.42.100)
21 Escape 1 (RCW 9A.76.110)
22 Hit and Run--Injury (RCW
23 46.52.020(4)(b))
24 Hit and Run with Vessel--Injury
25 Accident (RCW 79A.60.200(3))
26 Identity Theft 1 (RCW 9.35.020(2))
27 Indecent Exposure to Person Under
28 Age Fourteen (subsequent sex
29 offense) (RCW 9A.88.010)
30 Influencing Outcome of Sporting
31 Event (RCW 9A.82.070)
32 Malicious Harassment (RCW
33 9A.36.080)
34 Residential Burglary (RCW
35 9A.52.025)
36 Robbery 2 (RCW 9A.56.210)
37 Theft of Livestock 1 (RCW 9A.56.080)

1 Threats to Bomb (RCW 9.61.160)
2 Trafficking in Stolen Property 1 (RCW
3 9A.82.050)
4 Unlawful factoring of a credit card or
5 payment card transaction (RCW
6 9A.56.290(4)(b))
7 Unlawful transaction of health
8 coverage as a health care service
9 contractor (RCW 48.44.016(3))
10 Unlawful transaction of health
11 coverage as a health maintenance
12 organization (RCW 48.46.033(3))
13 Unlawful transaction of insurance
14 business (RCW 48.15.023(3))
15 Unlicensed practice as an insurance
16 professional (RCW 48.17.063(3))
17 Use of Proceeds of Criminal
18 Profiteering (RCW 9A.82.080 (1)
19 and (2))
20 Vehicular Assault, by being under the
21 influence of intoxicating liquor or
22 any drug, or by the operation or
23 driving of a vehicle in a reckless
24 manner (RCW 46.61.522)
25 Willful Failure to Return from
26 Furlough (RCW 72.66.060)
27 III Abandonment of dependent person 2
28 (RCW 9A.42.070)
29 Assault 3 (RCW 9A.36.031)
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Criminal Mistreatment 2 (RCW
4 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Cyberstalking (subsequent conviction
7 or threat of death) (RCW
8 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Manufacture, Possess, Purchase, Sell,
19 Transfer of .50 BMG rifle (section
20 2(1) of this act)
21 Patronizing a Juvenile Prostitute
22 (RCW 9.68A.100)
23 Perjury 2 (RCW 9A.72.030)
24 Possession of Incendiary Device (RCW
25 9.40.120)
26 Possession of Machine Gun or Short-
27 Barreled Shotgun or Rifle (RCW
28 9.41.190)
29 Promoting Prostitution 2 (RCW
30 9A.88.080)
31 Securities Act violation (RCW
32 21.20.400)
33 Tampering with a Witness (RCW
34 9A.72.120)
35 Telephone Harassment (subsequent
36 conviction or threat of death)
37 (RCW 9.61.230(2))

1 Theft of Livestock 2 (RCW 9A.56.083)
2 Trafficking in Stolen Property 2 (RCW
3 9A.82.055)
4 Unlawful Imprisonment (RCW
5 9A.40.040)
6 Unlawful possession of firearm in the
7 second degree (RCW 9.41.040(2))
8 Vehicular Assault, by the operation or
9 driving of a vehicle with disregard
10 for the safety of others (RCW
11 46.61.522)
12 Willful Failure to Return from Work
13 Release (RCW 72.65.070)
14 II Computer Trespass 1 (RCW
15 9A.52.110)
16 Counterfeiting (RCW 9.16.035(3))
17 Escape from Community Custody
18 (RCW 72.09.310)
19 Health Care False Claims (RCW
20 48.80.030)
21 Identity Theft 2 (RCW 9.35.020(3))
22 Improperly Obtaining Financial
23 Information (RCW 9.35.010)
24 Malicious Mischief 1 (RCW
25 9A.48.070)
26 Possession of Stolen Property 1 (RCW
27 9A.56.150)
28 Theft 1 (RCW 9A.56.030)
29 Theft of Rental, Leased, or Lease-
30 purchased Property (valued at one
31 thousand five hundred dollars or
32 more) (RCW 9A.56.096(5)(a))
33 Trafficking in Insurance Claims (RCW
34 48.30A.015)
35 Unlawful factoring of a credit card or
36 payment card transaction (RCW
37 9A.56.290(4)(a))

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

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

13 NEW SECTION. **Sec. 5.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately, except for section 4 of this act which takes effect July
21 1, 2005.

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

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