

ESB 5992 - H AMD 1077

By Representative Klippert

NOT ADOPTED 02/23/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that:

4 (1) The Second Amendment to the United States Constitution
5 guarantees that "A well regulated militia, being necessary to the
6 security of a free state, the right of the people to keep and bear
7 arms, shall not be infringed"; and

8 (2) Article I, section 24 of the state Constitution guarantees
9 that "The right of the individual citizen to bear arms in defense of
10 himself, or the state, shall not be impaired . . ." The
11 constitutionally protected fundamental right to bear arms is an
12 individual right guaranteed to all law-abiding citizens.

13 The legislature also finds that federal and state law
14 acknowledges additional protections for individuals with
15 disabilities. The legislature finds that the Washington law against
16 discrimination seeks to protect individuals with physical
17 disabilities from discrimination in the exercise of their civil
18 rights.

19 The legislature finds that bump-fire stocks and trigger
20 modification devices were originally intended and designed to assist
21 individuals with physical disabilities to utilize firearms in
22 conjunction with their fundamental constitutionally protected rights.
23 Therefore, it is the intent of the legislature to protect the
24 ownership, transport, and certain transfers of bump-fire stock
25 devices that assist individuals with physical disabilities to
26 exercise their right to keep and bear arms.

27 **Sec. 2.** RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and
28 amended to read as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

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

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

13 (3) "Bump-fire stock" means a butt stock designed to be attached
14 to a semiautomatic firearm with the effect of increasing the rate of
15 fire achievable with the semiautomatic firearm to that of a fully
16 automatic firearm by using the energy from the recoil of the firearm
17 to generate reciprocating action that facilitates repeated activation
18 of the trigger.

19 (4) "Crime of violence" means:

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

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

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

36 ~~((4))~~ (5) "Curio or relic" has the same meaning as provided in
37 27 C.F.R. Sec. 478.11.

38 ~~((5))~~ (6) "Dealer" means a person engaged in the business of
39 selling firearms at wholesale or retail who has, or is required to
40 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A

1 person who does not have, and is not required to have, a federal
2 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that
3 person makes only occasional sales, exchanges, or purchases of
4 firearms for the enhancement of a personal collection or for a hobby,
5 or sells all or part of his or her personal collection of firearms.

6 ~~((+6))~~ (7) "Family or household member" means "family" or
7 "household member" as used in RCW 10.99.020.

8 ~~((+7))~~ (8) "Felony" means any felony offense under the laws of
9 this state or any federal or out-of-state offense comparable to a
10 felony offense under the laws of this state.

11 ~~((+8))~~ (9) "Felony firearm offender" means a person who has
12 previously been convicted or found not guilty by reason of insanity
13 in this state of any felony firearm offense. A person is not a felony
14 firearm offender under this chapter if any and all qualifying
15 offenses have been the subject of an expungement, pardon, annulment,
16 certificate, or rehabilitation, or other equivalent procedure based
17 on a finding of the rehabilitation of the person convicted or a
18 pardon, annulment, or other equivalent procedure based on a finding
19 of innocence.

20 ~~((+9))~~ (10) "Felony firearm offense" means:

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

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

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

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

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

27 ~~((+10))~~ (11) "Firearm" means a weapon or device from which a
28 projectile or projectiles may be fired by an explosive such as
29 gunpowder. "Firearm" does not include a flare gun or other
30 pyrotechnic visual distress signaling device, or a powder-actuated
31 tool or other device designed solely to be used for construction
32 purposes.

33 ~~((+11))~~ (12) "Gun" has the same meaning as firearm.

34 ~~((+12))~~ (13) "Law enforcement officer" includes a general
35 authority Washington peace officer as defined in RCW 10.93.020, or a
36 specially commissioned Washington peace officer as defined in RCW
37 10.93.020. "Law enforcement officer" also includes a limited
38 authority Washington peace officer as defined in RCW 10.93.020 if
39 such officer is duly authorized by his or her employer to carry a
40 concealed pistol.

1 ~~((13))~~ (14) "Lawful permanent resident" has the same meaning
2 afforded a person "lawfully admitted for permanent residence" in 8
3 U.S.C. Sec. 1101(a)(20).

4 ~~((14))~~ (15) "Licensed collector" means a person who is
5 federally licensed under 18 U.S.C. Sec. 923(b).

6 ~~((15))~~ (16) "Licensed dealer" means a person who is federally
7 licensed under 18 U.S.C. Sec. 923(a).

8 ~~((16))~~ (17) "Loaded" means:

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

10 (b) Cartridges are in a clip that is locked in place in the
11 firearm;

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

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

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

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

25 ~~((18))~~ (19) "Nonimmigrant alien" means a person defined as such
26 in 8 U.S.C. Sec. 1101(a)(15).

27 ~~((19))~~ (20) "Person" means any individual, corporation,
28 company, association, firm, partnership, club, organization, society,
29 joint stock company, or other legal entity.

30 ~~((20))~~ (21) "Pistol" means any firearm with a barrel less than
31 sixteen inches in length, or is designed to be held and fired by the
32 use of a single hand.

33 ~~((21))~~ (22) "Rifle" means a weapon designed or redesigned, made
34 or remade, and intended to be fired from the shoulder and designed or
35 redesigned, made or remade, and intended to use the energy of the
36 explosive in a fixed metallic cartridge to fire only a single
37 projectile through a rifled bore for each single pull of the trigger.

38 ~~((22))~~ (23) "Sale" and "sell" mean the actual approval of the
39 delivery of a firearm in consideration of payment or promise of
40 payment.

1 (~~(23)~~) (24) "Serious offense" means any of the following
2 felonies or a felony attempt to commit any of the following felonies,
3 as now existing or hereafter amended:

4 (a) Any crime of violence;

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

8 (c) Child molestation in the second degree;

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

10 (e) Indecent liberties;

11 (f) Leading organized crime;

12 (g) Promoting prostitution in the first degree;

13 (h) Rape in the third degree;

14 (i) Drive-by shooting;

15 (j) Sexual exploitation;

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

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

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

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

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

32 (p) Any felony conviction under RCW 9.41.115.

33 (~~(24)~~) (25) "Short-barreled rifle" means a rifle having one or
34 more barrels less than sixteen inches in length and any weapon made
35 from a rifle by any means of modification if such modified weapon has
36 an overall length of less than twenty-six inches.

37 (~~(25)~~) (26) "Short-barreled shotgun" means a shotgun having one
38 or more barrels less than eighteen inches in length and any weapon
39 made from a shotgun by any means of modification if such modified
40 weapon has an overall length of less than twenty-six inches.

1 (~~(26)~~) (27) "Shotgun" means a weapon with one or more barrels,
2 designed or redesigned, made or remade, and intended to be fired from
3 the shoulder and designed or redesigned, made or remade, and intended
4 to use the energy of the explosive in a fixed shotgun shell to fire
5 through a smooth bore either a number of ball shot or a single
6 projectile for each single pull of the trigger.

7 (~~(27)~~) (28) "Transfer" means the intended delivery of a firearm
8 to another person without consideration of payment or promise of
9 payment including, but not limited to, gifts and loans. "Transfer"
10 does not include the delivery of a firearm owned or leased by an
11 entity licensed or qualified to do business in the state of
12 Washington to, or return of such a firearm by, any of that entity's
13 employees or agents, defined to include volunteers participating in
14 an honor guard, for lawful purposes in the ordinary course of
15 business.

16 (~~(28)~~) (29) "Unlicensed person" means any person who is not a
17 licensed dealer under this chapter.

18 **Sec. 3.** RCW 9.41.190 and 2016 c 214 s 1 are each amended to read
19 as follows:

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

22 (a) Manufacture, own, buy, sell, loan, furnish, transport, or
23 have in possession or under control, any machine gun, short-barreled
24 shotgun, or short-barreled rifle;

25 (b) Manufacture, own, buy, sell, loan, furnish, transport, or
26 have in possession or under control, any part designed and intended
27 solely and exclusively for use in a machine gun, short-barreled
28 shotgun, or short-barreled rifle, or in converting a weapon into a
29 machine gun, short-barreled shotgun, or short-barreled rifle; or

30 (c) Assemble or repair any machine gun, short-barreled shotgun,
31 or short-barreled rifle.

32 (2)(a) Except as provided in (b) of this subsection, it is
33 unlawful for any person to manufacture, buy, sell, loan, transfer, or
34 furnish to another person, a bump-fire stock.

35 (b) It is not unlawful for a person to own, possess, transport,
36 or repair a bump-fire stock, or to temporarily transfer a bump-fire
37 stock to another person if the temporary transfer:

38 (i) Is between spouses or domestic partners;

1 (ii) Occurs at an established shooting range authorized by the
2 governing body of the jurisdiction in which such range is located and
3 the bump-fire stock is kept at all times at the shooting range;

4 (iii) Occurs at a lawful organized competition involving the use
5 of firearms and the transferee's possession of the bump-fire stock is
6 exclusively at the organized competition; or

7 (iv) Occurs while engaged in lawful hunting.

8 (3) It is not unlawful for a person to manufacture, own, buy,
9 sell, loan, furnish, transport, assemble, or repair, or have in
10 possession or under control, a short-barreled rifle, or any part
11 designed or intended solely and exclusively for use in a short-
12 barreled rifle or in converting a weapon into a short-barreled rifle,
13 if the person is in compliance with applicable federal law.

14 ~~((+3))~~ (4) Subsections (1) and (2) of this section shall not
15 apply to:

16 (a) Any peace officer in the discharge of official duty or
17 traveling to or from official duty, or to any officer or member of
18 the armed forces of the United States or the state of Washington in
19 the discharge of official duty or traveling to or from official duty;
20 or

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

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

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

30 (iii) For exportation in compliance with all applicable federal
31 laws and regulations.

32 ~~((+4))~~ (5) It shall be an affirmative defense to a prosecution
33 brought under this section that the machine gun or short-barreled
34 shotgun was acquired prior to July 1, 1994, and is possessed in
35 compliance with federal law.

36 ~~((+5))~~ (6) Any person violating this section is guilty of a
37 class C felony.

38 **Sec. 4.** RCW 9.41.225 and 1989 c 231 s 3 are each amended to read
39 as follows:

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 Promoting Commercial Sexual Abuse of
16 a Minor (RCW 9.68A.101)
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(3))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 Vehicular Homicide, by the operation of
27 any vehicle in a reckless manner
28 (RCW 46.61.520)
29 X Child Molestation 1 (RCW 9A.44.083)
30 Criminal Mistreatment 1 (RCW
31 9A.42.020)
32 Indecent Liberties (with forcible
33 compulsion) (RCW
34 9A.44.100(1)(a))
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape (RCW
6 9A.76.115)

7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being under
15 the influence of intoxicating liquor
16 or any drug (RCW 79A.60.050)
17 Inciting Criminal Profiteering (RCW
18 9A.82.060(1)(b))
19 Malicious placement of an explosive 2
20 (RCW 70.74.270(2))
21 Robbery 1 (RCW 9A.56.200)
22 Sexual Exploitation (RCW 9.68A.040)

23 VIII Arson 1 (RCW 9A.48.020)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Homicide by Watercraft, by the
27 operation of any vessel in a reckless
28 manner (RCW 79A.60.050)
29 Manslaughter 2 (RCW 9A.32.070)
30 Promoting Prostitution 1 (RCW
31 9A.88.070)
32 Theft of Ammonia (RCW 69.55.010)

33 VII Air bag diagnostic systems (causing
34 bodily injury or death) (RCW
35 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))
11 Drive-by Shooting (RCW 9A.36.045)
12 Homicide by Watercraft, by disregard
13 for the safety of others (RCW
14 79A.60.050)
15 Indecent Liberties (without forcible
16 compulsion) (RCW 9A.44.100(1)
17 (b) and (c))
18 Introducing Contraband 1 (RCW
19 9A.76.140)
20 Malicious placement of an explosive 3
21 (RCW 70.74.270(3))
22 Manufacture or import counterfeit,
23 nonfunctional, damaged, or
24 previously deployed air bag
25 (causing bodily injury or death)
26 (RCW 46.37.650(1)(b))
27 Negligently Causing Death By Use of a
28 Signal Preemption Device (RCW
29 46.37.675)
30 ((~~Sale of~~)) Sell, install, or reinstall
31 counterfeit, nonfunctional,
32 damaged, or previously deployed
33 airbag (RCW 46.37.650(2)(b))
34 Sending, bringing into state depictions
35 of minor engaged in sexually
36 explicit conduct 1 (RCW
37 9.68A.060(1))

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9A.10.040(1))
3 Use of a Machine Gun or Bump-fire
4 Stock in Commission of a Felony
5 (RCW 9A.10.225)
6 Vehicular Homicide, by disregard for
7 the safety of others (RCW
8 46.61.520)
9 VI Bail Jumping with Murder 1 (RCW
10 9A.76.170(3)(a))
11 Bribery (RCW 9A.68.010)
12 Incest 1 (RCW 9A.64.020(1))
13 Intimidating a Judge (RCW 9A.72.160)
14 Intimidating a Juror/Witness (RCW
15 9A.72.110, 9A.72.130)
16 Malicious placement of an imitation
17 device 2 (RCW 70.74.272(1)(b))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.070(1))
21 Rape of a Child 3 (RCW 9A.44.079)
22 Theft of a Firearm (RCW 9A.56.300)
23 Theft from a Vulnerable Adult 1 (RCW
24 9A.56.400(1))
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of Dependent Person 2
28 (RCW 9A.42.070)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Air bag diagnostic systems (RCW
33 46.37.660(2)(c))
34 Air bag replacement requirements
35 (RCW 46.37.660(1)(c))

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 2 (RCW
5 9A.42.030)
6 Custodial Sexual Misconduct 1 (RCW
7 9A.44.160)
8 Dealing in Depictions of Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.050(2))
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, or
15 74.34.145)
16 Extortion 1 (RCW 9A.56.120)
17 Extortionate Extension of Credit (RCW
18 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 Manufacture or import counterfeit,
25 nonfunctional, damaged, or
26 previously deployed air bag (RCW
27 46.37.650(1)(c))
28 Perjury 1 (RCW 9A.72.020)
29 Persistent prison misbehavior (RCW
30 9.94.070)
31 Possession of a Stolen Firearm (RCW
32 9A.56.310)
33 Rape 3 (RCW 9A.44.060)
34 Rendering Criminal Assistance 1 (RCW
35 9A.76.070)

1 ((~~Sale of~~)) Sell, install, or reinstall
2 counterfeit, nonfunctional,
3 damaged, or previously deployed
4 airbag (RCW 46.37.650(2)(c))
5 Sending, Bringing into State Depictions
6 of Minor Engaged in Sexually
7 Explicit Conduct 2 (RCW
8 9.68A.060(2))
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Arson 2 (RCW 9A.48.030)
17 Assault 2 (RCW 9A.36.021)
18 Assault 3 (of a Peace Officer with a
19 Projectile Stun Gun) (RCW
20 9A.36.031(1)(h))
21 Assault 4 (third domestic violence
22 offense) (RCW 9A.36.041(3))
23 Assault by Watercraft (RCW
24 79A.60.060)
25 Bribing a Witness/Bribe Received by
26 Witness (RCW 9A.72.090,
27 9A.72.100)
28 Cheating 1 (RCW 9.46.1961)
29 Commercial Bribery (RCW 9A.68.060)
30 Counterfeiting (RCW 9.16.035(4))
31 Driving While Under the Influence
32 (RCW 46.61.502(6))
33 Endangerment with a Controlled
34 Substance (RCW 9A.42.100)
35 Escape 1 (RCW 9A.76.110)

1 Hit and Run—Injury (RCW
2 46.52.020(4)(b))
3 Hit and Run with Vessel—Injury
4 Accident (RCW 79A.60.200(3))
5 Identity Theft 1 (RCW 9.35.020(2))
6 Indecent Exposure to Person Under Age
7 Fourteen (subsequent sex offense)
8 (RCW 9A.88.010)
9 Influencing Outcome of Sporting Event
10 (RCW 9A.82.070)
11 Malicious Harassment (RCW
12 9A.36.080)
13 Physical Control of a Vehicle While
14 Under the Influence (RCW
15 46.61.504(6))
16 Possession of Depictions of a Minor
17 Engaged in Sexually Explicit
18 Conduct 2 (RCW 9.68A.070(2))
19 Residential Burglary (RCW 9A.52.025)
20 Robbery 2 (RCW 9A.56.210)
21 Theft of Livestock 1 (RCW 9A.56.080)
22 Threats to Bomb (RCW 9.61.160)
23 Trafficking in Stolen Property 1 (RCW
24 9A.82.050)
25 Unlawful factoring of a credit card or
26 payment card transaction (RCW
27 9A.56.290(4)(b))
28 Unlawful transaction of health coverage
29 as a health care service contractor
30 (RCW 48.44.016(3))
31 Unlawful transaction of health coverage
32 as a health maintenance
33 organization (RCW 48.46.033(3))
34 Unlawful transaction of insurance
35 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(2))
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicle Prowling 2 (third or subsequent
7 offense) (RCW 9A.52.100(3))
8 Vehicular Assault, by being under the
9 influence of intoxicating liquor or
10 any drug, or by the operation or
11 driving of a vehicle in a reckless
12 manner (RCW 46.61.522)
13 Viewing of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.075(1))
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)
18 III Animal Cruelty 1 (Sexual Conduct or
19 Contact) (RCW 16.52.205(3))
20 Assault 3 (Except Assault 3 of a Peace
21 Officer With a Projectile Stun Gun)
22 (RCW 9A.36.031 except subsection
23 (1)(h))
24 Assault of a Child 3 (RCW 9A.36.140)
25 Bail Jumping with class B or C Felony
26 (RCW 9A.76.170(3)(c))
27 Burglary 2 (RCW 9A.52.030)
28 Communication with a Minor for
29 Immoral Purposes (RCW
30 9.68A.090)
31 Criminal Gang Intimidation (RCW
32 9A.46.120)
33 Custodial Assault (RCW 9A.36.100)
34 Cyberstalking (subsequent conviction or
35 threat of death) (RCW 9.61.260(3))
36 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)
2 Harassment (RCW 9A.46.020)
3 Intimidating a Public Servant (RCW
4 9A.76.180)
5 Introducing Contraband 2 (RCW
6 9A.76.150)
7 Malicious Injury to Railroad Property
8 (RCW 81.60.070)
9 Manufacture, Sale, Purchase, or
10 Transfer of a Bump-fire Stock
11 (RCW 9.41.190(2))
12 Mortgage Fraud (RCW 19.144.080)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Organized Retail Theft 1 (RCW
18 9A.56.350(2))
19 Perjury 2 (RCW 9A.72.030)
20 Possession of Incendiary Device (RCW
21 9.40.120)
22 Possession of Machine Gun or Short-
23 Barreled Shotgun or Rifle (RCW
24 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Retail Theft with Special Circumstances
28 1 (RCW 9A.56.360(2))
29 Securities Act violation (RCW
30 21.20.400)
31 Tampering with a Witness (RCW
32 9A.72.120)
33 Telephone Harassment (subsequent
34 conviction or threat of death) (RCW
35 9.61.230(2))
36 Theft of Livestock 2 (RCW 9A.56.083)

1 Theft with the Intent to Resell 1 (RCW
2 9A.56.340(2))
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1 (RCW
6 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Food Fish or
10 Shellfish 1 (RCW 69.04.938(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
24 Willful Failure to Return from Work
25 Release (RCW 72.65.070)
26 II Commercial Fishing Without a License
27 1 (RCW 77.15.500(3)(b))
28 Computer Trespass 1 (RCW 9A.90.040)
29 Counterfeiting (RCW 9.16.035(3))
30 Electronic Data Service Interference
31 (RCW 9A.90.060)
32 Electronic Data Tampering 1 (RCW
33 9A.90.080)
34 Electronic Data Theft (RCW 9A.90.100)
35 Engaging in Fish Dealing Activity
36 Unlicensed 1 (RCW 77.15.620(3))

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)
7 Health Care False Claims (RCW
8 48.80.030)
9 Identity Theft 2 (RCW 9.35.020(3))
10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)
12 Malicious Mischief 1 (RCW 9A.48.070)
13 Organized Retail Theft 2 (RCW
14 9A.56.350(3))
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 Possession of a Stolen Vehicle (RCW
18 9A.56.068)
19 Retail Theft with Special Circumstances
20 2 (RCW 9A.56.360(3))
21 Scrap Processing, Recycling, or
22 Supplying Without a License
23 (second or subsequent offense)
24 (RCW 19.290.100)
25 Theft 1 (RCW 9A.56.030)
26 Theft of a Motor Vehicle (RCW
27 9A.56.065)
28 Theft of Rental, Leased, Lease-
29 purchased, or Loaned Property
30 (valued at five thousand dollars or
31 more) (RCW 9A.56.096(5)(a))
32 Theft with the Intent to Resell 2 (RCW
33 9A.56.340(3))
34 Trafficking in Insurance Claims (RCW
35 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Participation of Non-Indians
5 in Indian Fishery (RCW
6 77.15.570(2))
7 Unlawful Practice of Law (RCW
8 2.48.180)
9 Unlawful Purchase or Use of a License
10 (RCW 77.15.650(3)(b))
11 Unlawful Trafficking in Fish, Shellfish,
12 or Wildlife 2 (RCW
13 77.15.260(3)(a))
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism 1 (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW 9A.48.080)
26 Mineral Trespass (RCW 78.44.330)
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Reckless Burning 1 (RCW 9A.48.040)
30 Spotlighting Big Game 1 (RCW
31 77.15.450(3)(b))
32 Suspension of Department Privileges 1
33 (RCW 77.15.670(3)(b))
34 Taking Motor Vehicle Without
35 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040)
2 Theft from a Vulnerable Adult 2 (RCW
3 9A.56.400(2))
4 Theft of Rental, Leased, Lease-
5 purchased, or Loaned Property
6 (valued at seven hundred fifty
7 dollars or more but less than five
8 thousand dollars) (RCW
9 9A.56.096(5)(b))
10 Transaction of insurance business
11 beyond the scope of licensure
12 (RCW 48.17.063)
13 Unlawful Fish and Shellfish Catch
14 Accounting (RCW 77.15.630(3)(b))
15 Unlawful Issuance of Checks or Drafts
16 (RCW 9A.56.060)
17 Unlawful Possession of Fictitious
18 Identification (RCW 9A.56.320)
19 Unlawful Possession of Instruments of
20 Financial Fraud (RCW 9A.56.320)
21 Unlawful Possession of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Possession of a Personal
24 Identification Device (RCW
25 9A.56.320)
26 Unlawful Production of Payment
27 Instruments (RCW 9A.56.320)
28 Unlawful Releasing, Planting,
29 Possessing, or Placing Deleterious
30 Exotic Wildlife (RCW
31 77.15.250(2)(b))
32 Unlawful Trafficking in Food Stamps
33 (RCW 9.91.142)
34 Unlawful Use of Food Stamps (RCW
35 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Unlawful Use of Prohibited Aquatic

4 Animal Species (RCW

5 77.15.253(3))

6 Vehicle Prowl 1 (RCW 9A.52.095)

7 Violating Commercial Fishing Area or

8 Time 1 (RCW 77.15.550(3)(b))

9 **Sec. 7.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to
10 read as follows:

11 (1) The provisions of this section apply to the standard sentence
12 ranges determined by RCW 9.94A.510 or 9.94A.517.

13 (2) For persons convicted of the anticipatory offenses of
14 criminal attempt, solicitation, or conspiracy under chapter 9A.28
15 RCW, the standard sentence range is determined by locating the
16 sentencing grid sentence range defined by the appropriate offender
17 score and the seriousness level of the completed crime, and
18 multiplying the range by seventy-five percent.

19 (3) The following additional times shall be added to the standard
20 sentence range for felony crimes committed after July 23, 1995, if
21 the offender or an accomplice was armed with a firearm as defined in
22 RCW 9.41.010 and the offender is being sentenced for one of the
23 crimes listed in this subsection as eligible for any firearm
24 enhancements based on the classification of the completed felony
25 crime. If the offender is being sentenced for more than one offense,
26 the firearm enhancement or enhancements must be added to the total
27 period of confinement for all offenses, regardless of which
28 underlying offense is subject to a firearm enhancement. If the
29 offender or an accomplice was armed with a firearm as defined in RCW
30 9.41.010 and the offender is being sentenced for an anticipatory
31 offense under chapter 9A.28 RCW to commit one of the crimes listed in
32 this subsection as eligible for any firearm enhancements, the
33 following additional times shall be added to the standard sentence
34 range determined under subsection (2) of this section based on the
35 felony crime of conviction as classified under RCW 9A.28.020:

36 (a) Five years for any felony defined under any law as a class A
37 felony or with a statutory maximum sentence of at least twenty years,
38 or both, and not covered under (f) of this subsection;

1 (b) Three years for any felony defined under any law as a class B
2 felony or with a statutory maximum sentence of ten years, or both,
3 and not covered under (f) of this subsection;

4 (c) Eighteen months for any felony defined under any law as a
5 class C felony or with a statutory maximum sentence of five years, or
6 both, and not covered under (f) of this subsection;

7 (d) If the offender is being sentenced for any firearm
8 enhancements under (a), (b), and/or (c) of this subsection and the
9 offender has previously been sentenced for any deadly weapon
10 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
11 subsection or subsection (4)(a), (b), and/or (c) of this section, or
12 both, all firearm enhancements under this subsection shall be twice
13 the amount of the enhancement listed;

14 (e) Notwithstanding any other provision of law, all firearm
15 enhancements under this section are mandatory, shall be served in
16 total confinement, and shall run consecutively to all other
17 sentencing provisions, including other firearm or deadly weapon
18 enhancements, for all offenses sentenced under this chapter. However,
19 whether or not a mandatory minimum term has expired, an offender
20 serving a sentence under this subsection may be:

21 (i) Granted an extraordinary medical placement when authorized
22 under RCW 9.94A.728(1)(c); or

23 (ii) Released under the provisions of RCW 9.94A.730;

24 (f) The firearm enhancements in this section shall apply to all
25 felony crimes except the following: Possession of a machine gun((τ));
26 possessing a stolen firearm((τ)); drive-by shooting((τ)); theft of a
27 firearm((τ)); unlawful possession of a firearm in the first and
28 second degree((τ)); manufacture, sale, purchase, or transfer of a
29 bump-fire stock; and use of a machine gun or bump-fire stock in a
30 felony;

31 (g) If the standard sentence range under this section exceeds the
32 statutory maximum sentence for the offense, the statutory maximum
33 sentence shall be the presumptive sentence unless the offender is a
34 persistent offender. If the addition of a firearm enhancement
35 increases the sentence so that it would exceed the statutory maximum
36 for the offense, the portion of the sentence representing the
37 enhancement may not be reduced.

38 (4) The following additional times shall be added to the standard
39 sentence range for felony crimes committed after July 23, 1995, if
40 the offender or an accomplice was armed with a deadly weapon other

1 than a firearm as defined in RCW 9.41.010 and the offender is being
2 sentenced for one of the crimes listed in this subsection as eligible
3 for any deadly weapon enhancements based on the classification of the
4 completed felony crime. If the offender is being sentenced for more
5 than one offense, the deadly weapon enhancement or enhancements must
6 be added to the total period of confinement for all offenses,
7 regardless of which underlying offense is subject to a deadly weapon
8 enhancement. If the offender or an accomplice was armed with a deadly
9 weapon other than a firearm as defined in RCW 9.41.010 and the
10 offender is being sentenced for an anticipatory offense under chapter
11 9A.28 RCW to commit one of the crimes listed in this subsection as
12 eligible for any deadly weapon enhancements, the following additional
13 times shall be added to the standard sentence range determined under
14 subsection (2) of this section based on the felony crime of
15 conviction as classified under RCW 9A.28.020:

16 (a) Two years for any felony defined under any law as a class A
17 felony or with a statutory maximum sentence of at least twenty years,
18 or both, and not covered under (f) of this subsection;

19 (b) One year for any felony defined under any law as a class B
20 felony or with a statutory maximum sentence of ten years, or both,
21 and not covered under (f) of this subsection;

22 (c) Six months for any felony defined under any law as a class C
23 felony or with a statutory maximum sentence of five years, or both,
24 and not covered under (f) of this subsection;

25 (d) If the offender is being sentenced under (a), (b), and/or (c)
26 of this subsection for any deadly weapon enhancements and the
27 offender has previously been sentenced for any deadly weapon
28 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
29 subsection or subsection (3)(a), (b), and/or (c) of this section, or
30 both, all deadly weapon enhancements under this subsection shall be
31 twice the amount of the enhancement listed;

32 (e) Notwithstanding any other provision of law, all deadly weapon
33 enhancements under this section are mandatory, shall be served in
34 total confinement, and shall run consecutively to all other
35 sentencing provisions, including other firearm or deadly weapon
36 enhancements, for all offenses sentenced under this chapter. However,
37 whether or not a mandatory minimum term has expired, an offender
38 serving a sentence under this subsection may be:

39 (i) Granted an extraordinary medical placement when authorized
40 under RCW 9.94A.728(1)(c); or

1 (ii) Released under the provisions of RCW 9.94A.730;

2 (f) The deadly weapon enhancements in this section shall apply to
3 all felony crimes except the following: Possession of a machine
4 gun((τ)); possessing a stolen firearm((τ)); drive-by shooting((τ));
5 theft of a firearm((τ)); unlawful possession of a firearm in the
6 first and second degree((τ)); manufacture, sale, purchase, or
7 transfer of a bump-fire stock; and use of a machine gun or bump-fire
8 stock in a felony;

9 (g) If the standard sentence range under this section exceeds the
10 statutory maximum sentence for the offense, the statutory maximum
11 sentence shall be the presumptive sentence unless the offender is a
12 persistent offender. If the addition of a deadly weapon enhancement
13 increases the sentence so that it would exceed the statutory maximum
14 for the offense, the portion of the sentence representing the
15 enhancement may not be reduced.

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

27 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
28 (a) or (b) or 69.50.410;

29 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
30 (c), (d), or (e);

31 (c) Twelve months for offenses committed under RCW 69.50.4013.

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

35 (6) An additional twenty-four months shall be added to the
36 standard sentence range for any ranked offense involving a violation
37 of chapter 69.50 RCW if the offense was also a violation of RCW
38 69.50.435 or 9.94A.827. All enhancements under this subsection shall
39 run consecutively to all other sentencing provisions, for all
40 offenses sentenced under this chapter.

1 (7) An additional two years shall be added to the standard
2 sentence range for vehicular homicide committed while under the
3 influence of intoxicating liquor or any drug as defined by RCW
4 46.61.502 for each prior offense as defined in RCW 46.61.5055.

5 Notwithstanding any other provision of law, all impaired driving
6 enhancements under this subsection are mandatory, shall be served in
7 total confinement, and shall run consecutively to all other
8 sentencing provisions, including other impaired driving enhancements,
9 for all offenses sentenced under this chapter.

10 An offender serving a sentence under this subsection may be
11 granted an extraordinary medical placement when authorized under RCW
12 9.94A.728(1)(c).

13 (8)(a) The following additional times shall be added to the
14 standard sentence range for felony crimes committed on or after July
15 1, 2006, if the offense was committed with sexual motivation, as that
16 term is defined in RCW 9.94A.030. If the offender is being sentenced
17 for more than one offense, the sexual motivation enhancement must be
18 added to the total period of total confinement for all offenses,
19 regardless of which underlying offense is subject to a sexual
20 motivation enhancement. If the offender committed the offense with
21 sexual motivation and the offender is being sentenced for an
22 anticipatory offense under chapter 9A.28 RCW, the following
23 additional times shall be added to the standard sentence range
24 determined under subsection (2) of this section based on the felony
25 crime of conviction as classified under RCW 9A.28.020:

26 (i) Two years for any felony defined under the law as a class A
27 felony or with a statutory maximum sentence of at least twenty years,
28 or both;

29 (ii) Eighteen months for any felony defined under any law as a
30 class B felony or with a statutory maximum sentence of ten years, or
31 both;

32 (iii) One year for any felony defined under any law as a class C
33 felony or with a statutory maximum sentence of five years, or both;

34 (iv) If the offender is being sentenced for any sexual motivation
35 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
36 the offender has previously been sentenced for any sexual motivation
37 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
38 (iii) of this subsection, all sexual motivation enhancements under
39 this subsection shall be twice the amount of the enhancement listed;

1 (b) Notwithstanding any other provision of law, all sexual
2 motivation enhancements under this subsection are mandatory, shall be
3 served in total confinement, and shall run consecutively to all other
4 sentencing provisions, including other sexual motivation
5 enhancements, for all offenses sentenced under this chapter. However,
6 whether or not a mandatory minimum term has expired, an offender
7 serving a sentence under this subsection may be:

8 (i) Granted an extraordinary medical placement when authorized
9 under RCW 9.94A.728(1)(c); or

10 (ii) Released under the provisions of RCW 9.94A.730;

11 (c) The sexual motivation enhancements in this subsection apply
12 to all felony crimes;

13 (d) If the standard sentence range under this subsection exceeds
14 the statutory maximum sentence for the offense, the statutory maximum
15 sentence shall be the presumptive sentence unless the offender is a
16 persistent offender. If the addition of a sexual motivation
17 enhancement increases the sentence so that it would exceed the
18 statutory maximum for the offense, the portion of the sentence
19 representing the enhancement may not be reduced;

20 (e) The portion of the total confinement sentence which the
21 offender must serve under this subsection shall be calculated before
22 any earned early release time is credited to the offender;

23 (f) Nothing in this subsection prevents a sentencing court from
24 imposing a sentence outside the standard sentence range pursuant to
25 RCW 9.94A.535.

26 (9) An additional one-year enhancement shall be added to the
27 standard sentence range for the felony crimes of RCW 9A.44.073,
28 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
29 or after July 22, 2007, if the offender engaged, agreed, or offered
30 to engage the victim in the sexual conduct in return for a fee. If
31 the offender is being sentenced for more than one offense, the
32 one-year enhancement must be added to the total period of total
33 confinement for all offenses, regardless of which underlying offense
34 is subject to the enhancement. If the offender is being sentenced for
35 an anticipatory offense for the felony crimes of RCW 9A.44.073,
36 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
37 offender attempted, solicited another, or conspired to engage, agree,
38 or offer to engage the victim in the sexual conduct in return for a
39 fee, an additional one-year enhancement shall be added to the
40 standard sentence range determined under subsection (2) of this

1 section. For purposes of this subsection, "sexual conduct" means
2 sexual intercourse or sexual contact, both as defined in chapter
3 9A.44 RCW.

4 (10)(a) For a person age eighteen or older convicted of any
5 criminal street gang-related felony offense for which the person
6 compensated, threatened, or solicited a minor in order to involve the
7 minor in the commission of the felony offense, the standard sentence
8 range is determined by locating the sentencing grid sentence range
9 defined by the appropriate offender score and the seriousness level
10 of the completed crime, and multiplying the range by one hundred
11 twenty-five percent. If the standard sentence range under this
12 subsection exceeds the statutory maximum sentence for the offense,
13 the statutory maximum sentence is the presumptive sentence unless the
14 offender is a persistent offender.

15 (b) This subsection does not apply to any criminal street gang-
16 related felony offense for which involving a minor in the commission
17 of the felony offense is an element of the offense.

18 (c) The increased penalty specified in (a) of this subsection is
19 unavailable in the event that the prosecution gives notice that it
20 will seek an exceptional sentence based on an aggravating factor
21 under RCW 9.94A.535.

22 (11) An additional twelve months and one day shall be added to
23 the standard sentence range for a conviction of attempting to elude a
24 police vehicle as defined by RCW 46.61.024, if the conviction
25 included a finding by special allegation of endangering one or more
26 persons under RCW 9.94A.834.

27 (12) An additional twelve months shall be added to the standard
28 sentence range for an offense that is also a violation of RCW
29 9.94A.831.

30 (13) An additional twelve months shall be added to the standard
31 sentence range for vehicular homicide committed while under the
32 influence of intoxicating liquor or any drug as defined by RCW
33 46.61.520 or for vehicular assault committed while under the
34 influence of intoxicating liquor or any drug as defined by RCW
35 46.61.522, or for any felony driving under the influence (RCW
36 46.61.502(6)) or felony physical control under the influence (RCW
37 46.61.504(6)) for each child passenger under the age of sixteen who
38 is an occupant in the defendant's vehicle. These enhancements shall
39 be mandatory, shall be served in total confinement, and shall run
40 consecutively to all other sentencing provisions. If the addition of

1 a minor child enhancement increases the sentence so that it would
2 exceed the statutory maximum for the offense, the portion of the
3 sentence representing the enhancement may not be reduced.

4 (14) An additional twelve months shall be added to the standard
5 sentence range for an offense that is also a violation of RCW
6 9.94A.832.

7 **Sec. 8.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to
8 read as follows:

9 (1) If a respondent is found to have been in possession of a
10 firearm in violation of RCW 9.41.040(2)(a)(~~(iii)~~) (iv), the court
11 shall impose a minimum disposition of ten days of confinement. If the
12 offender's standard range of disposition for the offense as indicated
13 in RCW 13.40.0357 is more than thirty days of confinement, the court
14 shall commit the offender to the department for the standard range
15 disposition. The offender shall not be released until the offender
16 has served a minimum of ten days in confinement.

17 (2)(a) If a respondent is found to have been in possession of a
18 firearm in violation of RCW 9.41.040, the disposition must include a
19 requirement that the respondent participate in a qualifying program
20 as described in (b) of this subsection, when available, unless the
21 court makes a written finding based on the outcome of the juvenile
22 court risk assessment that participation in a qualifying program
23 would not be appropriate.

24 (b) For purposes of this section, "qualifying program" means an
25 aggression replacement training program, a functional family therapy
26 program, or another program applicable to the juvenile firearm
27 offender population that has been identified as evidence-based or
28 research-based and cost-beneficial in the current list prepared at
29 the direction of the legislature by the Washington state institute
30 for public policy.

31 (3) If the court finds that the respondent or an accomplice was
32 armed with a firearm, the court shall determine the standard range
33 disposition for the offense pursuant to RCW 13.40.160. If the
34 offender or an accomplice was armed with a firearm when the offender
35 committed any felony other than possession of a machine gun(~~(7)~~);
36 possession of a stolen firearm(~~(7)~~); drive-by shooting(~~(7)~~); theft of
37 a firearm(~~(7)~~); unlawful possession of a firearm in the first and
38 second degree(~~(7)~~); manufacture, sale, purchase, or transfer of a
39 bump-fire stock; or use of a machine gun or bump-fire stock in a

1 felony, the following periods of total confinement must be added to
2 the sentence: For a class A felony, six months; for a class B felony,
3 four months; and for a class C felony, two months. The additional
4 time shall be imposed regardless of the offense's juvenile
5 disposition offense category as designated in RCW 13.40.0357.

6 (4) When a disposition under this section would effectuate a
7 manifest injustice, the court may impose another disposition. When a
8 judge finds a manifest injustice and imposes a disposition of
9 confinement exceeding thirty days, the court shall commit the
10 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
11 shall be used to determine the range. When a judge finds a manifest
12 injustice and imposes a disposition of confinement less than thirty
13 days, the disposition shall be comprised of confinement or community
14 supervision or both.

15 (5) Any term of confinement ordered pursuant to this section
16 shall run consecutively to any term of confinement imposed in the
17 same disposition for other offenses.

18 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2018."

19 Correct the title.

EFFECT: (1) Strikes the provisions of the bill and provides
instead that it is unlawful for any person to manufacture, buy, sell,
loan, transfer, or furnish to another person, a bump-fire stock. A
violation is a class C felony ranked at seriousness level III.

(2) Provides that it is not unlawful for a person to own,
possess, transport, or repair a bump-fire stock, or to temporarily
transfer a bump-fire stock to another person if the temporary
transfer: (a) Is between spouses or domestic partners; (b) occurs at
an established shooting range authorized by the governing body of the
jurisdiction in which such range is located and the bump-fire stock
is kept at all times at the shooting range; (c) occurs at a lawful
organized competition involving the use of firearms and the
transferee's possession of the bump-fire stock is exclusively at the
organized competition; or (d) occurs while engaged in lawful hunting.

(3) Retains the provision making it unlawful for a person, during
the commission of a felony, to use a firearm containing a bump-fire
stock or menace or threaten a person with a firearm containing a
bump-fire stock.

(4) Removes the provision that provides that bump-fire stocks are
contraband subject to immediate seizure.

(5) Adds an intent section.

--- END ---