

**ESB 5992** - H AMD 1184

By Representative Young

NOT ADOPTED 02/23/2018

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

3

4 "Sec. 1. RCW 9.41.010 and 2017 c 264 s 1 are each reenacted  
5 and amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions  
7 in this section apply throughout this chapter.

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

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

21 (3) "Bump-fire stock" means a butt stock designed to be attached  
22 to a semiautomatic firearm with the effect of increasing the rate of  
23 fire achievable with the semiautomatic firearm to that of a fully  
24 automatic firearm by using the energy from the recoil of the firearm  
25 to generate reciprocating action that facilitates repeated  
26 activation of the trigger.

27 (4) "Crime of violence" means:

1 (a) Any of the following felonies, as now existing or hereafter  
2 amended: Any felony defined under any law as a class A felony or an  
3 attempt to commit a class A felony, criminal solicitation of or  
4 criminal conspiracy to commit a class A felony, manslaughter in the  
5 first degree, manslaughter in the second degree, indecent liberties  
6 if committed by forcible compulsion, kidnapping in the second  
7 degree, arson in the second degree, assault in the second degree,  
8 assault of a child in the second degree, extortion in the first  
9 degree, burglary in the second degree, residential burglary, and  
10 robbery in the second degree;

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

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

17 ~~((4))~~ (5) "Curio or relic" has the same meaning as provided in  
18 27 C.F.R. Sec. 478.11.

19 ~~((5))~~ (6) "Dealer" means a person engaged in the business of  
20 selling firearms at wholesale or retail who has, or is required to  
21 have, a federal firearms license under 18 U.S.C. Sec. 923(a). A  
22 person who does not have, and is not required to have, a federal  
23 firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if  
24 that person makes only occasional sales, exchanges, or purchases of  
25 firearms for the enhancement of a personal collection or for a  
26 hobby, or sells all or part of his or her personal collection of  
27 firearms.

28 ~~((6))~~ (7) "Family or household member" means "family" or  
29 "household member" as used in RCW 10.99.020.

30 ~~((7))~~ (8) "Felony" means any felony offense under the laws of  
31 this state or any federal or out-of-state offense comparable to a  
32 felony offense under the laws of this state.

33 ~~((8))~~ (9) "Felony firearm offender" means a person who has  
34 previously been convicted or found not guilty by reason of insanity

1 in this state of any felony firearm offense. A person is not a  
2 felony firearm offender under this chapter if any and all qualifying  
3 offenses have been the subject of an expungement, pardon, annulment,  
4 certificate, or rehabilitation, or other equivalent procedure based  
5 on a finding of the rehabilitation of the person convicted or a  
6 pardon, annulment, or other equivalent procedure based on a finding  
7 of innocence.

8 ~~((9))~~ (10) "Felony firearm offense" means:

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

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

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

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

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

15 ~~((10))~~ (11) "Firearm" means a weapon or device from which a  
16 projectile or projectiles may be fired by an explosive such as  
17 gunpowder. "Firearm" does not include a flare gun or other  
18 pyrotechnic visual distress signaling device, or a powder-actuated  
19 tool or other device designed solely to be used for construction  
20 purposes.

21 ~~((11))~~ (12) "Gun" has the same meaning as firearm.

22 ~~((12))~~ (13) "Law enforcement officer" includes a general  
23 authority Washington peace officer as defined in RCW 10.93.020, or a  
24 specially commissioned Washington peace officer as defined in RCW  
25 10.93.020. "Law enforcement officer" also includes a limited  
26 authority Washington peace officer as defined in RCW 10.93.020 if  
27 such officer is duly authorized by his or her employer to carry a  
28 concealed pistol.

29 ~~((13))~~ (14) "Lawful permanent resident" has the same meaning  
30 afforded a person "lawfully admitted for permanent residence" in 8  
31 U.S.C. Sec. 1101(a)(20).

32 ~~((14))~~ (15) "Licensed collector" means a person who is  
33 federally licensed under 18 U.S.C. Sec. 923(b).

34

1       (~~(15)~~) (16) "Licensed dealer" means a person who is federally  
2 licensed under 18 U.S.C. Sec. 923(a).

3       (~~(16)~~) (17) "Loaded" means:

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

5       (b) Cartridges are in a clip that is locked in place in the  
6 firearm;

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

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

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

13       (~~(17)~~) (18) "Machine gun" means any firearm known as a machine  
14 gun, mechanical rifle, submachine gun, or any other mechanism or  
15 instrument not requiring that the trigger be pressed for each shot  
16 and having a reservoir clip, disc, drum, belt, or other separable  
17 mechanical device for storing, carrying, or supplying ammunition  
18 which can be loaded into the firearm, mechanism, or instrument, and  
19 fired therefrom at the rate of five or more shots per second.

20       (~~(18)~~) (19) "Nonimmigrant alien" means a person defined as  
21 such in 8 U.S.C. Sec. 1101(a)(15).

22       (~~(19)~~) (20) "Person" means any individual, corporation,  
23 company, association, firm, partnership, club, organization,  
24 society, joint stock company, or other legal entity.

25       (~~(20)~~) (21) "Pistol" means any firearm with a barrel less than  
26 sixteen inches in length, or is designed to be held and fired by the  
27 use of a single hand.

28       (~~(21)~~) (22) "Rifle" means a weapon designed or redesigned,  
29 made or remade, and intended to be fired from the shoulder and  
30 designed or redesigned, made or remade, and intended to use the  
31 energy of the explosive in a fixed metallic cartridge to fire only a  
32 single projectile through a rifled bore for each single pull of the  
33 trigger.

34

1       (~~(22)~~) (23) "Sale" and "sell" mean the actual approval of the  
2 delivery of a firearm in consideration of payment or promise of  
3 payment.

4       (~~(23)~~) (24) "Serious offense" means any of the following  
5 felonies or a felony attempt to commit any of the following  
6 felonies, as now existing or hereafter amended:

7       (a) Any crime of violence;

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

11       (c) Child molestation in the second degree;

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

13       (e) Indecent liberties;

14       (f) Leading organized crime;

15       (g) Promoting prostitution in the first degree;

16       (h) Rape in the third degree;

17       (i) Drive-by shooting;

18       (j) Sexual exploitation;

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

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

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

29       (n) Any other felony with a deadly weapon verdict under RCW  
30 9.94A.825;

31       (o) Any felony offense in effect at any time prior to June 6,  
32 1996, that is comparable to a serious offense, or any federal or  
33 out-of-state conviction for an offense that under the laws of this  
34 state would be a felony classified as a serious offense; or

1 (p) Any felony conviction under RCW 9.41.115.

2 ((+24+)) (25) "Short-barreled rifle" means a rifle having one or  
3 more barrels less than sixteen inches in length and any weapon made  
4 from a rifle by any means of modification if such modified weapon  
5 has an overall length of less than twenty-six inches.

6 ((+25+)) (26) "Short-barreled shotgun" means a shotgun having  
7 one or more barrels less than eighteen inches in length and any  
8 weapon made from a shotgun by any means of modification if such  
9 modified weapon has an overall length of less than twenty-six  
10 inches.

11 ((+26+)) (27) "Shotgun" means a weapon with one or more barrels,  
12 designed or redesigned, made or remade, and intended to be fired  
13 from the shoulder and designed or redesigned, made or remade, and  
14 intended to use the energy of the explosive in a fixed shotgun shell  
15 to fire through a smooth bore either a number of ball shot or a  
16 single projectile for each single pull of the trigger.

17 ((+27+)) (28) "Transfer" means the intended delivery of a  
18 firearm to another person without consideration of payment or  
19 promise of payment including, but not limited to, gifts and loans.  
20 "Transfer" does not include the delivery of a firearm owned or  
21 leased by an entity licensed or qualified to do business in the  
22 state of Washington to, or return of such a firearm by, any of that  
23 entity's employees or agents, defined to include volunteers  
24 participating in an honor guard, for lawful purposes in the ordinary  
25 course of business.

26 ((+28+)) (29) "Unlicensed person" means any person who is not a  
27 licensed dealer under this chapter.

28

29 **Sec. 2.** RCW 9.41.225 and 1989 c 231 s 3 are each amended to  
30 read as follows:

31 (1) It is unlawful for a person, in the commission or  
32 furtherance of a felony other than a violation of RCW 9.41.190, to  
33 discharge a machine gun or to menace or threaten with a machine gun,  
34 another person.

1       (2) It is unlawful for a person, in the commission or  
2 furtherance of a felony other than a violation of RCW 9.41.190, to  
3 discharge a firearm containing a bump-fire stock or to menace or  
4 threaten another person with a firearm containing a bump-fire stock.

5       (3) A violation of this section shall be punished as a class A  
6 felony under chapter 9A.20 RCW.

7

8       **Sec. 3.** RCW 9.94A.475 and 2012 c 183 s 2 are each amended to  
9 read as follows:

10       Any and all recommended sentencing agreements or plea agreements  
11 and the sentences for any and all felony crimes shall be made and  
12 retained as public records if the felony crime involves:

13       (1) Any violent offense as defined in this chapter;

14       (2) Any most serious offense as defined in this chapter;

15       (3) Any felony with a deadly weapon special verdict under RCW  
16 9.94A.825;

17       (4) Any felony with any deadly weapon enhancements under RCW  
18 9.94A.533 (3) or (4), or both;

19       (5) The felony crimes of possession of a machine gun, possessing  
20 a stolen firearm, drive-by shooting, theft of a firearm, unlawful  
21 possession of a firearm in the first or second degree, and/or use of  
22 a machine gun or bump-fire stock in a felony; or

23       (6) The felony crime of driving a motor vehicle while under the  
24 influence of intoxicating liquor or any drug as defined in RCW  
25 46.61.502, and felony physical control of a motor vehicle while  
26 under the influence of intoxicating liquor or any drug as defined in  
27 RCW 46.61.504.

28

29       **Sec. 4.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017  
30 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to  
31 read as follows:

32

TABLE 2

33

CRIMES INCLUDED WITHIN EACH

34

SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW 10.95.020)  
2 XV Homicide by abuse (RCW 9A.32.055)  
3 Malicious explosion 1 (RCW  
4 70.74.280(1))  
5 Murder 1 (RCW 9A.32.030)  
6 XIV Murder 2 (RCW 9A.32.050)  
7 Trafficking 1 (RCW 9A.40.100(1))  
8 XIII Malicious explosion 2 (RCW  
9 70.74.280(2))  
10 Malicious placement of an explosive 1  
11 (RCW 70.74.270(1))  
12 XII Assault 1 (RCW 9A.36.011)  
13 Assault of a Child 1 (RCW 9A.36.120)  
14 Malicious placement of an imitation  
15 device 1 (RCW 70.74.272(1)(a))  
16 Promoting Commercial Sexual Abuse of  
17 a Minor (RCW 9.68A.101)  
18 Rape 1 (RCW 9A.44.040)  
19 Rape of a Child 1 (RCW 9A.44.073)  
20 Trafficking 2 (RCW 9A.40.100(3))  
21 XI Manslaughter 1 (RCW 9A.32.060)  
22 Rape 2 (RCW 9A.44.050)  
23 Rape of a Child 2 (RCW 9A.44.076)  
24 Vehicular Homicide, by being under the  
25 influence of intoxicating liquor or  
26 any drug (RCW 46.61.520)  
27 Vehicular Homicide, by the operation of  
28 any vehicle in a reckless manner  
29 (RCW 46.61.520)  
30 X Child Molestation 1 (RCW 9A.44.083)  
31 Criminal Mistreatment 1 (RCW  
32 9A.42.020)  
33 Indecent Liberties (with forcible  
34 compulsion) (RCW



1 9A.44.100(1)(a))  
2 Kidnapping 1 (RCW 9A.40.020)  
3 Leading Organized Crime (RCW  
4 9A.82.060(1)(a))  
5 Malicious explosion 3 (RCW  
6 70.74.280(3))  
7 Sexually Violent Predator Escape (RCW  
8 9A.76.115)  
9 IX Abandonment of Dependent Person 1  
10 (RCW 9A.42.060)  
11 Assault of a Child 2 (RCW 9A.36.130)  
12 Explosive devices prohibited (RCW  
13 70.74.180)  
14 Hit and Run—Death (RCW  
15 46.52.020(4)(a))  
16 Homicide by Watercraft, by being under  
17 the influence of intoxicating liquor  
18 or any drug (RCW 79A.60.050)  
19 Inciting Criminal Profiteering (RCW  
20 9A.82.060(1)(b))  
21 Malicious placement of an explosive 2  
22 (RCW 70.74.270(2))  
23 Robbery 1 (RCW 9A.56.200)  
24 Sexual Exploitation (RCW 9.68A.040)  
25 VIII Arson 1 (RCW 9A.48.020)  
26 Commercial Sexual Abuse of a Minor  
27 (RCW 9.68A.100)  
28 Homicide by Watercraft, by the operation  
29 of any vessel in a reckless manner  
30 (RCW 79A.60.050)  
31 Manslaughter 2 (RCW 9A.32.070)  
32 Promoting Prostitution 1 (RCW  
33 9A.88.070)  
34 Theft of Ammonia (RCW 69.55.010)

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

1 damaged, or previously deployed  
2 airbag (RCW 46.37.650(2)(b))  
3 Sending, bringing into state depictions of  
4 minor engaged in sexually explicit  
5 conduct 1 (RCW 9.68A.060(1))  
6 Unlawful Possession of a Firearm in the  
7 first degree (RCW 9.41.040(1))  
8 Use of a Machine Gun or Bump-fire  
9 Stock in Commission of a Felony  
10 (RCW 9.41.225)  
11 Vehicular Homicide, by disregard for the  
12 safety of others (RCW 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 9A.72.160)  
18 Intimidating a Juror/Witness (RCW  
19 9A.72.110, 9A.72.130)  
20 Malicious placement of an imitation  
21 device 2 (RCW 70.74.272(1)(b))  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 1 (RCW 9.68A.070(1))  
25 Rape of a Child 3 (RCW 9A.44.079)  
26 Theft of a Firearm (RCW 9A.56.300)  
27 Theft from a Vulnerable Adult 1 (RCW  
28 9A.56.400(1))  
29 Unlawful Storage of Ammonia (RCW  
30 69.55.020)  
31 V Abandonment of Dependent Person 2  
32 (RCW 9A.42.070)  
33 Advancing money or property for  
34 extortionate extension of credit

1 (RCW 9A.82.030)  
2 Air bag diagnostic systems (RCW  
3 46.37.660(2)(c))  
4 Air bag replacement requirements (RCW  
5 46.37.660(1)(c))  
6 Bail Jumping with class A Felony (RCW  
7 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 2 (RCW  
10 9A.42.030)  
11 Custodial Sexual Misconduct 1 (RCW  
12 9A.44.160)  
13 Dealing in Depictions of Minor Engaged  
14 in Sexually Explicit Conduct 2  
15 (RCW 9.68A.050(2))  
16 Domestic Violence Court Order Violation  
17 (RCW 10.99.040, 10.99.050,  
18 26.09.300, 26.10.220, 26.26.138,  
19 26.50.110, 26.52.070, or  
20 74.34.145)  
21 Extortion 1 (RCW 9A.56.120)  
22 Extortionate Extension of Credit (RCW  
23 9A.82.020)  
24 Extortionate Means to Collect Extensions  
25 of Credit (RCW 9A.82.040)  
26 Incest 2 (RCW 9A.64.020(2))  
27 Kidnapping 2 (RCW 9A.40.030)  
28 Manufacture or import counterfeit,  
29 nonfunctional, damaged, or  
30 previously deployed air bag  
31 (RCW 46.37.650(1)(c))  
32 Perjury 1 (RCW 9A.72.020)  
33 Persistent prison misbehavior (RCW  
34 9.94.070)

1 Possession of a Stolen Firearm (RCW  
2 9A.56.310)  
3 Rape 3 (RCW 9A.44.060)  
4 Rendering Criminal Assistance 1 (RCW  
5 9A.76.070)  
6 ( ( ~~Sale [of]~~ ) ) Sell, install, or reinstall  
7 counterfeit, nonfunctional,  
8 damaged, or previously deployed  
9 airbag (RCW 46.37.650(2)(c))  
10 Sending, Bringing into State Depictions  
11 of Minor Engaged in Sexually  
12 Explicit Conduct 2 (RCW  
13 9.68A.060(2))  
14 Sexual Misconduct with a Minor 1 (RCW  
15 9A.44.093)  
16 Sexually Violating Human Remains  
17 (RCW 9A.44.105)  
18 Stalking (RCW 9A.46.110)  
19 Taking Motor Vehicle Without  
20 Permission 1 (RCW 9A.56.070)  
21 IV Arson 2 (RCW 9A.48.030)  
22 Assault 2 (RCW 9A.36.021)  
23 Assault 3 (of a Peace Officer with a  
24 Projectile Stun Gun) (RCW  
25 9A.36.031(1)(h))  
26 Assault 4 (third domestic violence  
27 offense) (RCW 9A.36.041(3))  
28 Assault by Watercraft (RCW  
29 79A.60.060)  
30 Bribing a Witness/Bribe Received by  
31 Witness (RCW 9A.72.090,  
32 9A.72.100)  
33 Cheating 1 (RCW 9.46.1961)  
34 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))  
2 Driving While Under the Influence  
3 (RCW 46.61.502(6))  
4 Endangerment with a Controlled  
5 Substance (RCW 9A.42.100)  
6 Escape 1 (RCW 9A.76.110)  
7 Hit and Run—Injury (RCW  
8 46.52.020(4)(b))  
9 Hit and Run with Vessel—Injury  
10 Accident (RCW 79A.60.200(3))  
11 Identity Theft 1 (RCW 9.35.020(2))  
12 Indecent Exposure to Person Under Age  
13 Fourteen (subsequent sex offense)  
14 (RCW 9A.88.010)  
15 Influencing Outcome of Sporting Event  
16 (RCW 9A.82.070)  
17 Malicious Harassment (RCW 9A.36.080)  
18 Physical Control of a Vehicle While  
19 Under the Influence (RCW  
20 46.61.504(6))  
21 Possession of Depictions of a Minor  
22 Engaged in Sexually Explicit  
23 Conduct 2 (RCW 9.68A.070(2))  
24 Residential Burglary (RCW 9A.52.025)  
25 Robbery 2 (RCW 9A.56.210)  
26 Theft of Livestock 1 (RCW 9A.56.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Trafficking in Stolen Property 1 (RCW  
29 9A.82.050)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(b))  
33 Unlawful transaction of health coverage  
34 as a health care service contractor

1 (RCW 48.44.016(3))  
2 Unlawful transaction of health coverage  
3 as a health maintenance  
4 organization (RCW 48.46.033(3))  
5 Unlawful transaction of insurance  
6 business (RCW 48.15.023(3))  
7 Unlicensed practice as an insurance  
8 professional (RCW 48.17.063(2))  
9 Use of Proceeds of Criminal Profiteering  
10 (RCW 9A.82.080 (1) and (2))  
11 Vehicle Prowling 2 (third or subsequent  
12 offense) (RCW 9A.52.100(3))  
13 Vehicular Assault, by being under the  
14 influence of intoxicating liquor or  
15 any drug, or by the operation or  
16 driving of a vehicle in a reckless  
17 manner (RCW 46.61.522)  
18 Viewing of Depictions of a Minor  
19 Engaged in Sexually Explicit  
20 Conduct 1 (RCW 9.68A.075(1))  
21 Willful Failure to Return from Furlough  
22 (RCW 72.66.060)  
23 III Animal Cruelty 1 (Sexual Conduct or  
24 Contact) (RCW 16.52.205(3))  
25 Assault 3 (Except Assault 3 of a Peace  
26 Officer With a Projectile Stun  
27 Gun) (RCW 9A.36.031 except  
28 subsection (1)(h))  
29 Assault of a Child 3 (RCW 9A.36.140)  
30 Bail Jumping with class B or C Felony  
31 (RCW 9A.76.170(3)(c))  
32 Burglary 2 (RCW 9A.52.030)  
33 Communication with a Minor for  
34 Immoral Purposes (RCW

1 9.68A.090)  
2 Criminal Gang Intimidation (RCW  
3 9A.46.120)  
4 Custodial Assault (RCW 9A.36.100)  
5 Cyberstalking (subsequent conviction or  
6 threat of death) (RCW  
7 9.61.260(3))  
8 Escape 2 (RCW 9A.76.120)  
9 Extortion 2 (RCW 9A.56.130)  
10 Harassment (RCW 9A.46.020)  
11 Intimidating a Public Servant (RCW  
12 9A.76.180)  
13 Introducing Contraband 2 (RCW  
14 9A.76.150)  
15 Malicious Injury to Railroad Property  
16 (RCW 81.60.070)  
17 Mortgage Fraud (RCW 19.144.080)  
18 Negligently Causing Substantial Bodily  
19 Harm By Use of a Signal  
20 Preemption Device (RCW  
21 46.37.674)  
22 Organized Retail Theft 1 (RCW  
23 9A.56.350(2))  
24 Perjury 2 (RCW 9A.72.030)  
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 Retail Theft with Special Circumstances  
33 1 (RCW 9A.56.360(2))  
34 Securities Act violation (RCW



1 21.20.400)  
2 Tampering with a Witness (RCW  
3 9A.72.120)  
4 Telephone Harassment (subsequent  
5 conviction or threat of death)  
6 (RCW 9.61.230(2))  
7 Theft of Livestock 2 (RCW 9A.56.083)  
8 Theft with the Intent to Resell 1 (RCW  
9 9A.56.340(2))  
10 Trafficking in Stolen Property 2 (RCW  
11 9A.82.055)  
12 Unlawful Hunting of Big Game 1 (RCW  
13 77.15.410(3)(b))  
14 Unlawful Imprisonment (RCW  
15 9A.40.040)  
16 Unlawful Misbranding of Food Fish or  
17 Shellfish 1 (RCW 69.04.938(3))  
18 Unlawful possession of firearm in the  
19 second degree (RCW 9.41.040(2))  
20 Unlawful Taking of Endangered Fish or  
21 Wildlife 1 (RCW 77.15.120(3)(b))  
22 Unlawful Trafficking in Fish, Shellfish,  
23 or Wildlife 1 (RCW  
24 77.15.260(3)(b))  
25 Unlawful Use of a Nondesignated Vessel  
26 (RCW 77.15.530(4))  
27 Vehicular Assault, by the operation or  
28 driving of a vehicle with disregard  
29 for the safety of others (RCW  
30 46.61.522)  
31 Willful Failure to Return from Work  
32 Release (RCW 72.65.070)  
33 II Commercial Fishing Without a License 1  
34 (RCW 77.15.500(3)(b))

1 Computer Trespass 1 (RCW 9A.90.040)  
2 Counterfeiting (RCW 9.16.035(3))  
3 Electronic Data Service Interference  
4 (RCW 9A.90.060)  
5 Electronic Data Tampering 1 (RCW  
6 9A.90.080)  
7 Electronic Data Theft (RCW 9A.90.100)  
8 Engaging in Fish Dealing Activity  
9 Unlicensed 1 (RCW 77.15.620(3))  
10 Escape from Community Custody (RCW  
11 72.09.310)  
12 Failure to Register as a Sex Offender  
13 (second or subsequent offense)  
14 (RCW 9A.44.130 prior to June 10,  
15 2010, and RCW 9A.44.132)  
16 Health Care False Claims (RCW  
17 48.80.030)  
18 Identity Theft 2 (RCW 9.35.020(3))  
19 Improperly Obtaining Financial  
20 Information (RCW 9.35.010)  
21 Malicious Mischief 1 (RCW 9A.48.070)  
22 Organized Retail Theft 2 (RCW  
23 9A.56.350(3))  
24 Possession of Stolen Property 1 (RCW  
25 9A.56.150)  
26 Possession of a Stolen Vehicle (RCW  
27 9A.56.068)  
28 Retail Theft with Special Circumstances  
29 2 (RCW 9A.56.360(3))  
30 Scrap Processing, Recycling, or  
31 Supplying Without a License  
32 (second or subsequent offense)  
33 (RCW 19.290.100)  
34 Theft 1 (RCW 9A.56.030)

1 Theft of a Motor Vehicle (RCW  
2 9A.56.065)  
3 Theft of Rental, Leased, Lease-  
4 purchased, or Loaned Property  
5 (valued at five thousand dollars or  
6 more) (RCW 9A.56.096(5)(a))  
7 Theft with the Intent to Resell 2 (RCW  
8 9A.56.340(3))  
9 Trafficking in Insurance Claims (RCW  
10 48.30A.015)  
11 Unlawful factoring of a credit card or  
12 payment card transaction (RCW  
13 9A.56.290(4)(a))  
14 Unlawful Participation of Non-Indians in  
15 Indian Fishery (RCW  
16 77.15.570(2))  
17 Unlawful Practice of Law (RCW  
18 2.48.180)  
19 Unlawful Purchase or Use of a License  
20 (RCW 77.15.650(3)(b))  
21 Unlawful Trafficking in Fish, Shellfish,  
22 or Wildlife 2 (RCW  
23 77.15.260(3)(a))  
24 Unlicensed Practice of a Profession or  
25 Business (RCW 18.130.190(7))  
26 Voyeurism 1 (RCW 9A.44.115)  
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)

1 Malicious Mischief 2 (RCW 9A.48.080)  
2 Mineral Trespass (RCW 78.44.330)  
3 Possession of Stolen Property 2 (RCW  
4 9A.56.160)  
5 Reckless Burning 1 (RCW 9A.48.040)  
6 Spotlighting Big Game 1 (RCW  
7 77.15.450(3)(b))  
8 Suspension of Department Privileges 1  
9 (RCW 77.15.670(3)(b))  
10 Taking Motor Vehicle Without  
11 Permission 2 (RCW 9A.56.075)  
12 Theft 2 (RCW 9A.56.040)  
13 Theft from a Vulnerable Adult 2 (RCW  
14 9A.56.400(2))  
15 Theft of Rental, Leased, Lease-  
16 purchased, or Loaned Property  
17 (valued at seven hundred fifty  
18 dollars or more but less than five  
19 thousand dollars) (RCW  
20 9A.56.096(5)(b))  
21 Transaction of insurance business beyond  
22 the scope of licensure (RCW  
23 48.17.063)  
24 Unlawful Fish and Shellfish Catch  
25 Accounting (RCW  
26 77.15.630(3)(b))  
27 Unlawful Issuance of Checks or Drafts  
28 (RCW 9A.56.060)  
29 Unlawful Possession of Fictitious  
30 Identification (RCW 9A.56.320)  
31 Unlawful Possession of Instruments of  
32 Financial Fraud (RCW  
33 9A.56.320)  
34 Unlawful Possession of Payment

1 Instruments (RCW 9A.56.320)  
2 Unlawful Possession of a Personal  
3 Identification Device (RCW  
4 9A.56.320)  
5 Unlawful Production of Payment  
6 Instruments (RCW 9A.56.320)  
7 Unlawful Releasing, Planting,  
8 Possessing, or Placing Deleterious  
9 Exotic Wildlife (RCW  
10 77.15.250(2)(b))  
11 Unlawful Trafficking in Food Stamps  
12 (RCW 9.91.142)  
13 Unlawful Use of Food Stamps (RCW  
14 9.91.144)  
15 Unlawful Use of Net to Take Fish 1  
16 (RCW 77.15.580(3)(b))  
17 Unlawful Use of Prohibited Aquatic  
18 Animal Species (RCW  
19 77.15.253(3))  
20 Vehicle Prowl 1 (RCW 9A.52.095)  
21 Violating Commercial Fishing Area or  
22 Time 1 (RCW 77.15.550(3)(b))  
23

24 **Sec. 5.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to  
25 read as follows:

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

28 (2) For persons convicted of the anticipatory offenses of  
29 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
30 RCW, the standard sentence range is determined by locating the  
31 sentencing grid sentence range defined by the appropriate offender  
32 score and the seriousness level of the completed crime, and  
33 multiplying the range by seventy-five percent.  
34

1 (3) The following additional times shall be added to the  
2 standard sentence range for felony crimes committed after July 23,  
3 1995, if the offender or an accomplice was armed with a firearm as  
4 defined in RCW 9.41.010 and the offender is being sentenced for one  
5 of the crimes listed in this subsection as eligible for any firearm  
6 enhancements based on the classification of the completed felony  
7 crime. If the offender is being sentenced for more than one offense,  
8 the firearm enhancement or enhancements must be added to the total  
9 period of confinement for all offenses, regardless of which  
10 underlying offense is subject to a firearm enhancement. If the  
11 offender or an accomplice was armed with a firearm as defined in RCW  
12 9.41.010 and the offender is being sentenced for an anticipatory  
13 offense under chapter 9A.28 RCW to commit one of the crimes listed  
14 in this subsection as eligible for any firearm enhancements, the  
15 following additional times shall be added to the standard sentence  
16 range determined under subsection (2) of this section based on the  
17 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

27 (d) If the offender is being sentenced for any firearm  
28 enhancements under (a), (b), and/or (c) of this subsection and the  
29 offender has previously been sentenced for any deadly weapon  
30 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
31 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
32 both, all firearm enhancements under this subsection shall be twice  
33 the amount of the enhancement listed;

34

1 (e) Notwithstanding any other provision of law, all firearm  
2 enhancements under this section are mandatory, shall be served in  
3 total confinement, and shall run consecutively to all other  
4 sentencing provisions, including other firearm or deadly weapon  
5 enhancements, for all offenses sentenced under this chapter.  
6 However, whether or not a mandatory minimum term has expired, an  
7 offender 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 (f) The firearm enhancements in this section shall apply to all  
12 felony crimes except the following: Possession of a machine gun,  
13 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
14 unlawful possession of a firearm in the first and second degree, and  
15 use of a machine gun or bump-fire stock in a felony;

16 (g) If the standard sentence range under this section exceeds  
17 the statutory maximum sentence for the offense, the statutory  
18 maximum sentence shall be the presumptive sentence unless the  
19 offender is a persistent offender. If the addition of a firearm  
20 enhancement increases the sentence so that it would exceed the  
21 statutory maximum for the offense, the portion of the sentence  
22 representing the enhancement may not be reduced.

23 (4) The following additional times shall be added to the  
24 standard sentence range for felony crimes committed after July 23,  
25 1995, if the offender or an accomplice was armed with a deadly  
26 weapon other than a firearm as defined in RCW 9.41.010 and the  
27 offender is being sentenced for one of the crimes listed in this  
28 subsection as eligible for any deadly weapon enhancements based on  
29 the classification of the completed felony crime. If the offender is  
30 being sentenced for more than one offense, the deadly weapon  
31 enhancement or enhancements must be added to the total period of  
32 confinement for all offenses, regardless of which underlying offense  
33 is subject to a deadly weapon enhancement. If the offender or an  
34 accomplice was armed with a deadly weapon other than a firearm as

1 defined in RCW 9.41.010 and the offender is being sentenced for an  
2 anticipatory offense under chapter 9A.28 RCW to commit one of the  
3 crimes listed in this subsection as eligible for any deadly weapon  
4 enhancements, the following additional times shall be added to the  
5 standard sentence range determined under subsection (2) of this  
6 section based on the felony crime of conviction as classified under  
7 RCW 9A.28.020:

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

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

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

17 (d) If the offender is being sentenced under (a), (b), and/or  
18 (c) of this subsection for any deadly weapon enhancements and the  
19 offender has previously been sentenced for any deadly weapon  
20 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
21 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
22 both, all deadly weapon enhancements under this subsection shall be  
23 twice the amount of the enhancement listed;

24 (e) Notwithstanding any other provision of law, all deadly  
25 weapon enhancements under this section are mandatory, shall be  
26 served in total confinement, and shall run consecutively to all  
27 other sentencing provisions, including other firearm or deadly  
28 weapon enhancements, for all offenses sentenced under this chapter.  
29 However, whether or not a mandatory minimum term has expired, an  
30 offender serving a sentence under this subsection may be:

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

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

34



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

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

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

24 (a) Eighteen months for offenses committed under RCW  
25 69.50.401(2) (a) or (b) or 69.50.410;

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

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

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

32 (6) An additional twenty-four months shall be added to the  
33 standard sentence range for any ranked offense involving a violation  
34 of chapter 69.50 RCW if the offense was also a violation of RCW

1 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
2 run consecutively to all other sentencing provisions, for all  
3 offenses sentenced under this chapter.

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

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

13 An offender serving a sentence under this subsection may be  
14 granted an extraordinary medical placement when authorized under RCW  
15 9.94A.728(1)(c).

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

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

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

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

3 (iv) If the offender is being sentenced for any sexual  
4 motivation enhancements under (a)(i), (ii), and/or (iii) of this  
5 subsection and the offender has previously been sentenced for any  
6 sexual motivation enhancements on or after July 1, 2006, under  
7 (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation  
8 enhancements under this subsection shall be twice the amount of the  
9 enhancement listed;

10 (b) Notwithstanding any other provision of law, all sexual  
11 motivation enhancements under this subsection are mandatory, shall  
12 be served in total confinement, and shall run consecutively to all  
13 other sentencing provisions, including other sexual motivation  
14 enhancements, for all offenses sentenced under this chapter.  
15 However, whether or not a mandatory minimum term has expired, an  
16 offender serving a sentence under this subsection may be:

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

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

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

22 (d) If the standard sentence range under this subsection exceeds  
23 the statutory maximum sentence for the offense, the statutory  
24 maximum sentence shall be the presumptive sentence unless the  
25 offender is a persistent offender. If the addition of a sexual  
26 motivation enhancement increases the sentence so that it would  
27 exceed the statutory maximum for the offense, the portion of the  
28 sentence representing the enhancement may not be reduced;

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

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

1 (9) An additional one-year enhancement shall be added to the  
2 standard sentence range for the felony crimes of RCW 9A.44.073,  
3 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed  
4 on or after July 22, 2007, if the offender engaged, agreed, or  
5 offered to engage the victim in the sexual conduct in return for a  
6 fee. If the offender is being sentenced for more than one offense,  
7 the one-year enhancement must be added to the total period of total  
8 confinement for all offenses, regardless of which underlying offense  
9 is subject to the enhancement. If the offender is being sentenced  
10 for an anticipatory offense for the felony crimes of RCW 9A.44.073,  
11 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
12 offender attempted, solicited another, or conspired to engage,  
13 agree, or offer to engage the victim in the sexual conduct in return  
14 for a fee, an additional one-year enhancement shall be added to the  
15 standard sentence range determined under subsection (2) of this  
16 section. For purposes of this subsection, "sexual conduct" means  
17 sexual intercourse or sexual contact, both as defined in chapter  
18 9A.44 RCW.

19 (10)(a) For a person age eighteen or older convicted of any  
20 criminal street gang-related felony offense for which the person  
21 compensated, threatened, or solicited a minor in order to involve  
22 the minor in the commission of the felony offense, the standard  
23 sentence range is determined by locating the sentencing grid  
24 sentence range defined by the appropriate offender score and the  
25 seriousness level of the completed crime, and multiplying the range  
26 by one hundred twenty-five percent. If the standard sentence range  
27 under this subsection exceeds the statutory maximum sentence for the  
28 offense, the statutory maximum sentence is the presumptive sentence  
29 unless the offender is a persistent offender.

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

33 (c) The increased penalty specified in (a) of this subsection is  
34 unavailable in the event that the prosecution gives notice that it

1 will seek an exceptional sentence based on an aggravating factor  
2 under RCW 9.94A.535.

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

8 (12) An additional twelve months shall be added to the standard  
9 sentence range for an offense that is also a violation of RCW  
10 9.94A.831.

11 (13) An additional twelve months shall be added to the standard  
12 sentence range for vehicular homicide committed while under the  
13 influence of intoxicating liquor or any drug as defined by RCW  
14 46.61.520 or for vehicular assault committed while under the  
15 influence of intoxicating liquor or any drug as defined by RCW  
16 46.61.522, or for any felony driving under the influence (RCW  
17 46.61.502(6)) or felony physical control under the influence (RCW  
18 46.61.504(6)) for each child passenger under the age of sixteen who  
19 is an occupant in the defendant's vehicle. These enhancements shall  
20 be mandatory, shall be served in total confinement, and shall run  
21 consecutively to all other sentencing provisions. If the addition of  
22 a minor child enhancement increases the sentence so that it would  
23 exceed the statutory maximum for the offense, the portion of the  
24 sentence representing the enhancement may not be reduced.

25 (14) An additional twelve months shall be added to the standard  
26 sentence range for an offense that is also a violation of RCW  
27 9.94A.832.

28

29 **Sec. 6.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to  
30 read as follows:

31 (1) If a respondent is found to have been in possession of a  
32 firearm in violation of RCW 9.41.040(2)(a)((~~iii~~)) (iv), the court  
33 shall impose a minimum disposition of ten days of confinement. If  
34 the offender's standard range of disposition for the offense as

1 indicated in RCW 13.40.0357 is more than thirty days of confinement,  
2 the court shall commit the offender to the department for the  
3 standard range disposition. The offender shall not be released until  
4 the offender has served a minimum of ten days in confinement.

5 (2)(a) If a respondent is found to have been in possession of a  
6 firearm in violation of RCW 9.41.040, the disposition must include a  
7 requirement that the respondent participate in a qualifying program  
8 as described in (b) of this subsection, when available, unless the  
9 court makes a written finding based on the outcome of the juvenile  
10 court risk assessment that participation in a qualifying program  
11 would not be appropriate.

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

19 (3) If the court finds that the respondent or an accomplice was  
20 armed with a firearm, the court shall determine the standard range  
21 disposition for the offense pursuant to RCW 13.40.160. If the  
22 offender or an accomplice was armed with a firearm when the offender  
23 committed any felony other than possession of a machine gun,  
24 possession of a stolen firearm, drive-by shooting, theft of a  
25 firearm, unlawful possession of a firearm in the first and second  
26 degree, or use of a machine gun or bump-fire stock in a felony, the  
27 following periods of total confinement must be added to the  
28 sentence: For a class A felony, six months; for a class B felony,  
29 four months; and for a class C felony, two months. The additional  
30 time shall be imposed regardless of the offense's juvenile  
31 disposition offense category as designated in RCW 13.40.0357.

32 (4) When a disposition under this section would effectuate a  
33 manifest injustice, the court may impose another disposition. When a  
34 judge finds a manifest injustice and imposes a disposition of

1 confinement exceeding thirty days, the court shall commit the  
2 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
3 shall be used to determine the range. When a judge finds a manifest  
4 injustice and imposes a disposition of confinement less than thirty  
5 days, the disposition shall be comprised of confinement or community  
6 supervision or both.

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

10

11 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2019."

12

13 Correct the title.

14

EFFECT: Strikes the criminal offense and sentencing provisions making it unlawful to manufacture, own, buy, sell, loan, furnish, transport, or have in possession or control any bump-fire stock or parts designed and intended for use in a bump-fire stock.

Retains the following:

- Makes it a class A felony for a person, in the commission or furtherance of a felony, to discharge a firearm containing a bump-fire stock or to menace or threaten another person with a firearm containing a bump-fire stock, and ranks this offense at seriousness level VII under the SRA;
- Provides that firearms and deadly weapons enhancements do not apply to this offense and all recommended sentencing agreements and plea agreements for this offense are public documents and are to be recorded on the judgment and sentence form.

--- END ---