

SHB 2240 - H AMD TO H AMD (H-4961.1/20) **1431**

By Representative Irwin

1 On page 3, line 31 of the striking amendment, after "firearm."
2 insert the following:

3 "Sec. 2. RCW 9.41.225 and 2018 c 7 s 5 are each amended to read
4 as follows:

5 (1) It is unlawful for a person, in the commission or
6 furtherance of a felony other than a violation of RCW 9.41.190, to
7 discharge a machine gun or to menace or threaten with a machine gun,
8 another person.

9 (2) It is unlawful for a person, in the commission or
10 furtherance of a felony other than a violation of RCW 9.41.190, to
11 discharge a firearm containing a bump-fire stock or large capacity
12 magazine or to menace or threaten another person with a firearm
13 containing a bump-fire stock or large capacity magazine.

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

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17 **Sec. 3.** RCW 9.94A.515 and 2019 c 271 s 7 are each amended to
18 read as follows:

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TABLE 2

20

CRIMES INCLUDED WITHIN EACH

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SERIOUSNESS LEVEL

22

XVI Aggravated Murder 1 (RCW 10.95.020)

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XV Homicide by abuse (RCW 9A.32.055)

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Malicious explosion 1 (RCW

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70.74.280(1))

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Murder 1 (RCW 9A.32.030)

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- XIV Murder 2 (RCW 9A.32.050)
Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW
70.74.280(2))
Malicious placement of an explosive 1
(RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation
device 1 (RCW 70.74.272(1)(a))
Promoting Commercial Sexual Abuse of
a Minor (RCW 9.68A.101)
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Trafficking 2 (RCW 9A.40.100(3))
- XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
Vehicular Homicide, by being under the
influence of intoxicating liquor or
any drug (RCW 46.61.520)
Vehicular Homicide, by the operation of
any vehicle in a reckless manner
(RCW 46.61.520)
- X Child Molestation 1 (RCW 9A.44.083)
Criminal Mistreatment 1 (RCW 9A.
42.020)
Indecent Liberties (with forcible
compulsion) (RCW 9A.44.100(1)
(a))

1 Kidnapping 1 (RCW 9A.40.020)
2 Leading Organized Crime (RCW 9A.
3 82.060(1)(a))
4 Malicious explosion 3 (RCW
5 70.74.280(3))
6 Sexually Violent Predator Escape (RCW
7 9A.76.115)
8
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
26 VIII Arson 1 (RCW 9A.48.020)
27 Commercial Sexual Abuse of a Minor
28 (RCW 9.68A.100)
29 Homicide by Watercraft, by the
30 operation of any vessel in a reckless
31 manner (RCW 79A.60.050)
32 Manslaughter 2 (RCW 9A.32.070)
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- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 9A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag

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(causing bodily injury or death)
(RCW 46.37.650(1)(b))
Negligently Causing Death By Use of a
Signal Preemption Device (RCW
46.37.675)
Sell, install, or reinstall counterfeit,
nonfunctional, damaged, or
previously deployed airbag (RCW
46.37.650(2)(b))
Sending, bringing into state depictions
of minor engaged in sexually
explicit conduct 1 (RCW 9.68A.
060(1))
Unlawful Possession of a Firearm in the
first degree (RCW 9.41.040(1))
Use of a Machine Gun or Bump-fire
Stock or Large Capacity Magazine
in Commission of a Felony (RCW
9.41.225)
Vehicular Homicide, by disregard for the
safety of others (RCW 46.61.520)
VI Bail Jumping with Murder 1 (RCW 9A.
76.170(3)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.
72.110, 9A.72.130)
Malicious placement of an imitation
device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.070(1))
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Theft from a Vulnerable Adult 1 (RCW
7 9A.56.400(1))
8 Unlawful Storage of Ammonia (RCW
9 69.55.020)
10
11 V Abandonment of Dependent Person 2
12 (RCW 9A.42.070)
13 Advancing money or property for
14 extortionate extension of credit
15 (RCW 9A.82.030)
16 Air bag diagnostic systems (RCW
17 46.37.660(2)(c))
18 Air bag replacement requirements (RCW
19 46.37.660(1)(c))
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21 Bail Jumping with class A Felony (RCW
22 9A.76.170(3)(b))
23 Child Molestation 3 (RCW 9A.44.089)
24 Criminal Mistreatment 2 (RCW 9A.
25 42.030)
26 Custodial Sexual Misconduct 1 (RCW
27 9A.44.160)
28 Dealing in Depictions of Minor Engaged
29 in Sexually Explicit Conduct 2
30 (RCW 9.68A.050(2))
31
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, *26.10.220,

1 26.26B.050, 26.50.110, 26.52.070,
2 or 74.34.145)
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect
7 Extensions of Credit (RCW 9A.
8 82.040)
9
10 Incest 2 (RCW 9A.64.020(2))
11 Kidnapping 2 (RCW 9A.40.030)
12 Manufacture or import counterfeit,
13 nonfunctional, damaged, or
14 previously deployed air bag (RCW
15 46.37.650(1)(c))
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Possession of a Stolen Firearm (RCW
20 9A.56.310)
21 Rape 3 (RCW 9A.44.060)
22 Rendering Criminal Assistance 1 (RCW
23 9A.76.070)
24 Sell, install, or reinstall counterfeit,
25 nonfunctional, damaged, or
26 previously deployed airbag (RCW
27 46.37.650(2)(c))
28
29 Sending, Bringing into State Depictions
30 of Minor Engaged in Sexually
31 Explicit Conduct 2 (RCW 9.68A.
32 060(2))
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1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
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9 IV Arson 2 (RCW 9A.48.030)
10 Assault 2 (RCW 9A.36.021)
11 Assault 3 (of a Peace Officer with a
12 Projectile Stun Gun) (RCW 9A.
13 36.031(1)(h))
14 Assault 4 (third domestic violence
15 offense) (RCW 9A.36.041(3))
16 Assault by Watercraft (RCW 79A.
17 60.060)
18 Bribing a Witness/Bribe Received by
19 Witness (RCW 9A.72.090, 9A.
20 72.100)
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22 Cheating 1 (RCW 9A.46.1961)
23 Commercial Bribery (RCW 9A.68.060)
24 Counterfeiting (RCW 9A.16.035(4))
25 Driving While Under the Influence
26 (RCW 46.61.502(6))
27
28 Endangerment with a Controlled
29 Substance (RCW 9A.42.100)
30 Escape 1 (RCW 9A.76.110)
31 Hate Crime (RCW 9A.36.080)
32 Hit and Run—Injury (RCW
33 46.52.020(4)(b))
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1 Hit and Run with Vessel—Injury
2 Accident (RCW 79A.60.200(3))
3 Identity Theft 1 (RCW 9.35.020(2))
4
5 Indecent Exposure to Person Under Age
6 Fourteen (subsequent sex offense)
7 (RCW 9A.88.010)
8 Influencing Outcome of Sporting Event
9 (RCW 9A.82.070)
10 Physical Control of a Vehicle While
11 Under the Influence (RCW
12 46.61.504(6))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 2 (RCW 9.68A.070(2))
16 Residential Burglary (RCW 9A.52.025)
17 Robbery 2 (RCW 9A.56.210)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Threats to Bomb (RCW 9.61.160)
20 Trafficking in Stolen Property 1 (RCW
21 9A.82.050)
22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(b))
25 Unlawful transaction of health coverage
26 as a health care service contractor
27 (RCW 48.44.016(3))
28 Unlawful transaction of health coverage
29 as a health maintenance
30 organization (RCW 48.46.033(3))
31 Unlawful transaction of insurance
32 business (RCW 48.15.023(3))
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1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(2))
3 Use of Proceeds of Criminal Profiteering
4 (RCW 9A.82.080 (1) and (2))
5 Vehicle Prowling 2 (third or subsequent
6 offense) (RCW 9A.52.100(3))
7 Vehicular Assault, by being under the
8 influence of intoxicating liquor or
9 any drug, or by the operation or
10 driving of a vehicle in a reckless
11 manner (RCW 46.61.522)
12 Viewing of Depictions of a Minor
13 Engaged in Sexually Explicit
14 Conduct 1 (RCW 9.68A.075(1))
15 Willful Failure to Return from Furlough
16 (**RCW 72.66.060)
17
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 9.68A.
30 090)
31 Criminal Gang Intimidation (RCW 9A.
32 46.120)
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1 Custodial Assault (RCW 9A.36.100)
2 Cyberstalking (subsequent conviction or
3 threat of death) (RCW 9.61.260(3))
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5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW 9A.
9 76.180)
10 Introducing Contraband 2 (RCW 9A.
11 76.150)
12 Malicious Injury to Railroad Property
13 (RCW 81.60.070)
14
15 Manufacture of Untraceable Firearm
16 with Intent to Sell (RCW 9.41.190)
17 Manufacture or Assembly of an
18 Undetectable Firearm or
19 Untraceable Firearm (RCW
20 9.41.325)
21 Mortgage Fraud (RCW 19.144.080)
22 Negligently Causing Substantial Bodily
23 Harm By Use of a Signal
24 Preemption Device (RCW
25 46.37.674)
26 Organized Retail Theft 1 (RCW 9A.
27 56.350(2))
28 Perjury 2 (RCW 9A.72.030)
29 Possession of Incendiary Device (RCW
30 9.40.120)
31 Possession of Machine Gun, Bump-Fire
32 Stock, Undetectable Firearm, or
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1 Short-Barreled Shotgun or Rifle
2 (RCW 9.41.190)
3 Promoting Prostitution 2 (RCW 9A.
4 88.080)
5 Retail Theft with Special Circumstances
6 1 (RCW 9A.56.360(2))
7 Securities Act violation (RCW
8 21.20.400)
9 Tampering with a Witness (RCW 9A.
10 72.120)
11 Telephone Harassment (subsequent
12 conviction or threat of death) (RCW
13 9.61.230(2))
14 Theft of Livestock 2 (RCW 9A.56.083)
15 Theft with the Intent to Resell 1 (RCW
16 9A.56.340(2))
17 Trafficking in Stolen Property 2 (RCW
18 9A.82.055)
19 Unlawful Hunting of Big Game 1 (RCW
20 77.15.410(3)(b))
21 Unlawful Imprisonment (RCW 9A.
22 40.040)
23 Unlawful Misbranding of Fish or
24 Shellfish 1 (RCW 77.140.060(3))
25 Unlawful possession of firearm in the
26 second degree (RCW 9.41.040(2))
27 Unlawful Taking of Endangered Fish or
28 Wildlife 1 (RCW 77.15.120(3)(b))
29 Unlawful Trafficking in Fish, Shellfish,
30 or Wildlife 1 (RCW 77.15.260(3)(b))
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1 Unlawful Use of a Nondesignated
2 Vessel (RCW 77.15.530(4))
3 Vehicular Assault, by the operation or
4 driving of a vehicle with disregard
5 for the safety of others (RCW
6 46.61.522)
7 Willful Failure to Return from Work
8 Release (**RCW 72.65.070)
9
10 II Commercial Fishing Without a License
11 1 (RCW 77.15.500(3)(b))
12 Computer Trespass 1 (RCW 9A.90.040)
13 Counterfeiting (RCW 9.16.035(3))
14 Electronic Data Service Interference
15 (RCW 9A.90.060)
16 Electronic Data Tampering 1 (RCW 9A.
17 90.080)
18 Electronic Data Theft (RCW 9A.90.100)
19 Engaging in Fish Dealing Activity
20 Unlicensed 1 (RCW 77.15.620(3))
21
22 Escape from Community Custody (RCW
23 72.09.310)
24 Failure to Register as a Sex Offender
25 (second or subsequent offense)
26 (RCW 9A.44.130 prior to June 10,
27 2010, and RCW 9A.44.132)
28 Health Care False Claims (RCW
29 48.80.030)
30 Identity Theft 2 (RCW 9.35.020(3))
31 Improperly Obtaining Financial
32 Information (RCW 9.35.010)
33
34 Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW 9A.
2 56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Possession of a Stolen Vehicle (RCW
6 9A.56.068)
7
8 Retail Theft with Special Circumstances
9 2 (RCW 9A.56.360(3))
10 Scrap Processing, Recycling, or
11 Supplying Without a License
12 (second or subsequent offense)
13 (RCW 19.290.100)
14 Theft 1 (RCW 9A.56.030)
15 Theft of a Motor Vehicle (RCW 9A.
16 56.065)
17 Theft of Rental, Leased,
18 Lease-purchased, or Loaned
19 Property (valued at five thousand
20 dollars or more) (RCW 9A.
21 56.096(5)(a))
22 Theft with the Intent to Resell 2 (RCW
23 9A.56.340(3))
24 Trafficking in Insurance Claims (RCW
25 48.30A.015)
26 Unlawful factoring of a credit card or
27 payment card transaction (RCW
28 9A.56.290(4)(a))
29 Unlawful Participation of Non-Indians in
30 Indian Fishery (RCW 77.15.570(2))
31 Unlawful Practice of Law (RCW
32 2.48.180)
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1 Unlawful Purchase or Use of a License
2 (RCW 77.15.650(3)(b))
3 Unlawful Trafficking in Fish, Shellfish,
4 or Wildlife 2 (RCW 77.15.260(3)(a))
5 Unlicensed Practice of a Profession or
6 Business (RCW 18.130.190(7))
7
8 Voyeurism 1 (RCW 9A.44.115)
9 I Attempting to Elude a Pursuing Police
10 Vehicle (RCW 46.61.024)
11 False Verification for Welfare (RCW
12 74.08.055)
13 Forgery (RCW 9A.60.020)
14 Fraudulent Creation or Revocation of a
15 Mental Health Advance Directive
16 (RCW 9A.60.060)
17
18 Malicious Mischief 2 (RCW 9A.48.080)
19 Mineral Trespass (RCW 78.44.330)
20 Possession of Stolen Property 2 (RCW
21 9A.56.160)
22 Reckless Burning 1 (RCW 9A.48.040)
23 Spotlighting Big Game 1 (RCW
24 77.15.450(3)(b))
25
26 Suspension of Department Privileges 1
27 (RCW 77.15.670(3)(b))
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft from a Vulnerable Adult 2 (RCW
32 9A.56.400(2))
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Theft of Rental, Leased,
Lease-purchased, or Loaned
Property (valued at seven hundred
fifty dollars or more but less than
five thousand dollars) (RCW 9A.
56.096(5)(b))
Transaction of insurance business
beyond the scope of licensure (RCW
48.17.063)
Unlawful Fish and Shellfish Catch
Accounting (RCW 77.15.630(3)(b))
Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060)
Unlawful Possession of Fictitious
Identification (RCW 9A.56.320)
Unlawful Possession of Instruments of
Financial Fraud (RCW 9A.56.320)
Unlawful Possession of Payment
Instruments (RCW 9A.56.320)
Unlawful Possession of a Personal
Identification Device (RCW 9A.
56.320)
Unlawful Production of Payment
Instruments (RCW 9A.56.320)
Unlawful Releasing, Planting,
Possessing, or Placing Deleterious
Exotic Wildlife (RCW 77.15.250(2)
(b))
Unlawful Trafficking in Food Stamps
(RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW
2 9.91.144)
3 Unlawful Use of Net to Take Fish 1
4 (RCW 77.15.580(3)(b))
5 Unlawful Use of Prohibited Aquatic
6 Animal Species (**RCW
7 77.15.253(3))
8 Vehicle Prowl 1 (RCW 9A.52.095)
9 Violating Commercial Fishing Area or
10 Time 1 (RCW 77.15.550(3)(b))
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12 "
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EFFECT: Makes it unlawful for a person, in the commission or furtherance of a felony, to discharge a firearm containing a large capacity magazine or threaten another person with a firearm containing a large capacity magazine. Makes a violation a class A felony ranked at seriousness level VII under the Sentencing Reform Act.

--- END ---