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HOUSE BILL 1873

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert, Gilday, Jacobsen, Corry, Robertson, and Young

Read first time 01/11/22. Referred to Committee on Public Safety.

1 AN ACT Relating to crimes involving catalytic converter theft;  
2 amending RCW 19.290.020, 19.290.030, 19.290.070, 9.94A.515,  
3 9.94A.515, 36.28A.240, and 43.43.885; reenacting and amending RCW  
4 9.94A.533; adding a new section to chapter 9.94A RCW; prescribing  
5 penalties; making an appropriation; providing an effective date; and  
6 providing an expiration date.

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

8 **Sec. 1.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to  
9 read as follows:

10 (1) At the time of a transaction, every scrap metal business  
11 doing business in this state shall produce wherever that business is  
12 conducted an accurate and legible record of each transaction  
13 involving private metal property, precious metals, or nonferrous  
14 metal property. This record must be written in the English language,  
15 documented on a standardized form or in electronic form, and contain  
16 the following information:

17 (a) The signature of the person with whom the transaction is  
18 made;

19 (b) The time, date, location, and value of the transaction;

20 (c) The name of the employee representing the scrap metal  
21 business in the transaction;

1 (d) The name, street address, and telephone number of the person  
2 with whom the transaction is made;

3 (e) The license plate number and state of issuance of the license  
4 plate on the motor vehicle used to deliver the private metal property  
5 or nonferrous metal property subject to the transaction;

6 (f) A description of the motor vehicle used to deliver the  
7 private metal property or nonferrous metal property subject to the  
8 transaction;

9 (g) The current driver's license number or other government-  
10 issued picture identification card number of the seller or a copy of  
11 the seller's government-issued picture identification card; and

12 (h) A description of the predominant types of private metal  
13 property or nonferrous metal property subject to the transaction,  
14 utilizing the institute of scrap recycling industries' generally  
15 accepted terminology, and including weight, quantity, or volume.

16 (2) For every transaction that involves private metal property or  
17 nonferrous metal property, every scrap metal business doing business  
18 in the state shall require the person with whom a transaction is  
19 being made to sign a declaration. The declaration may be included as  
20 part of the transactional record required under subsection (1) of  
21 this section, or on a receipt for the transaction. The declaration  
22 must state substantially the following:

23 "I, the undersigned, affirm under penalty of law that the  
24 property that is subject to this transaction is not to the best of my  
25 knowledge stolen property."

26 The declaration must be signed and dated by the person with whom  
27 the transaction is being made. An employee of the scrap metal  
28 business must witness the signing and dating of the declaration and  
29 sign the declaration accordingly before any transaction may be  
30 consummated.

31 (3) The record and declaration required under this section must  
32 be open to the inspection of any commissioned law enforcement officer  
33 of the state or any of its political subdivisions at all times during  
34 the ordinary hours of business, or at reasonable times if ordinary  
35 hours of business are not kept, and must be maintained wherever that  
36 business is conducted for five years following the date of the  
37 transaction.

38 **Sec. 2.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to  
39 read as follows:

1 (1) No scrap metal business may enter into a transaction to  
2 purchase or receive private metal property, precious metals, or  
3 nonferrous metal property from any person who cannot produce at least  
4 one piece of current government-issued picture identification,  
5 including a valid driver's license or identification card issued by  
6 any state.

7 (2) No scrap metal business may enter into a transaction to  
8 purchase or receive private metal property from any person who is not  
9 a commercial enterprise or owner of the vehicle from which the  
10 catalytic converter was removed. No scrap metal business may enter  
11 into a transaction with an owner of a vehicle from which a catalytic  
12 converter was removed unless the owner provides the year, make,  
13 model, and vehicle identification number for the vehicle from which  
14 it was removed.

15 (3) No scrap metal business may purchase or receive private metal  
16 property or commercial metal property unless the seller: (a) Has a  
17 commercial account with the scrap metal business; (b) can prove  
18 ownership of the property by producing written documentation that the  
19 seller is the owner of the property; or (c) can produce written  
20 documentation that the seller is an employee or agent authorized to  
21 sell the property on behalf of a commercial enterprise.

22 ((+3)) (4) No scrap metal business may enter into a transaction  
23 to purchase or receive metallic wire that was burned in whole or in  
24 part to remove insulation unless the seller can produce written proof  
25 to the scrap metal business that the wire was lawfully burned.

26 ((+4)) (5)(a) No transaction involving private metal property or  
27 nonferrous metal property may be made in cash or with any person who  
28 does not provide a street address under the requirements of RCW  
29 19.290.020 except as described in (b) of this subsection. The person  
30 with whom the transaction is being made may only be paid by a  
31 nontransferable check, mailed by the scrap metal business to a street  
32 address provided under RCW 19.290.020, no earlier than ((three)) five  
33 business days after the transaction was made. A transaction occurs on  
34 the date provided in the record required under RCW 19.290.020.

35 (b) A scrap metal business that is in compliance with this  
36 chapter that digitally captures: (i) A copy of one piece of current  
37 government-issued picture identification, including a current  
38 driver's license or identification card issued by any state and (ii)  
39 either a picture or video of either the material subject to the  
40 transaction in the form received or the material subject to the

1 transaction within the vehicle which the material was transported to  
2 the scrap metal business, may pay up to a maximum of (~~thirty~~  
3 ~~dollars~~) \$30 in (~~cash~~) stored value device(~~r~~) or electronic  
4 funds transfer. The balance of the value of the transaction may be  
5 made by nontransferable check, stored value device, or electronic  
6 funds transfer at the time the transaction is made. Payment by cash  
7 must be no earlier than five business days after the transaction was  
8 made. Records of cash payment must be retained and be available for  
9 review for three years from the date of the transaction. A scrap  
10 metal business's usage of video surveillance shall be sufficient to  
11 comply with this subsection (~~(4)~~) (5)(b)(ii) as long as the video  
12 captures the material subject to the transaction. A digital image or  
13 picture taken under this subsection must be available for (~~two~~)  
14 three years from the date of transaction, while a video recording  
15 must be available for (~~thirty~~) 30 days.

16 (~~(5)~~) (6) No scrap metal business may purchase or receive beer  
17 kegs from anyone except a manufacturer of beer kegs or licensed  
18 brewery.

19 **Sec. 3.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to  
20 read as follows:

21 (~~(1)~~) (1) Except as provided in subsection (2) of this section,  
22 it is a gross misdemeanor under chapter 9A.20 RCW for:

23 (~~(1)~~) (a) Any person to deliberately remove, alter, or  
24 obliterate any manufacturer's make, model, or serial number, personal  
25 identification number, or identifying marks engraved or etched upon  
26 an item of private metal property, nonferrous metal property, or  
27 commercial metal property in order to deceive a scrap metal business;

28 (~~(2)~~) (b) Any scrap metal business to enter into a transaction  
29 to purchase or receive any private metal property, nonferrous metal  
30 property, or commercial metal property where the manufacturer's make,  
31 model, or serial number, personal identification number, or  
32 identifying marks engraved or etched upon the property have been  
33 deliberately and conspicuously removed, altered, or obliterated;

34 (~~(3)~~) (c) Any person to knowingly make, cause, or allow to be  
35 made any false entry or misstatement of any material matter in any  
36 book, record, or writing required to be kept under this chapter;

37 (~~(4)~~) (d) Any scrap metal business to enter into a transaction  
38 to purchase or receive private metal property, nonferrous metal  
39 property, or commercial metal property from any person under the age

1 of (~~eighteen~~) 18 years or any person who is discernibly under the  
2 influence of intoxicating liquor or drugs;

3 (~~(+5)~~) (e) Any scrap metal business to enter into a transaction  
4 to purchase or receive private metal property, nonferrous metal  
5 property, or commercial metal property with anyone whom the scrap  
6 metal business has been informed by a law enforcement agency to have  
7 been convicted of a crime involving drugs, burglary, robbery, theft,  
8 or possession of or receiving stolen property, manufacturing,  
9 delivering, or possessing with intent to deliver methamphetamine, or  
10 possession of ephedrine or any of its salts or isomers or salts of  
11 isomers, pseudoephedrine or any of its salts or isomers or salts of  
12 isomers, or anhydrous ammonia with intent to manufacture  
13 methamphetamine within the past four years whether the person is  
14 acting in his or her own behalf or as the agent of another;

15 (~~(+6)~~) (f) Any person to sign the declaration required under RCW  
16 19.290.020 knowing that the private metal property or nonferrous  
17 metal property subject to the transaction is stolen. The signature of  
18 a person on the declaration required under RCW 19.290.020 constitutes  
19 evidence of intent to defraud a scrap metal business if that person  
20 is found to have known that the private metal property or nonferrous  
21 metal property subject to the transaction was stolen;

22 (~~(+7)~~) (g) Any scrap metal business to possess private metal  
23 property or commercial metal property that was not lawfully purchased  
24 or received under the requirements of this chapter;

25 (~~(+8)~~) (h) Any scrap metal business to engage in a series of  
26 transactions valued at less than (~~(thirty dollars)~~) \$30 with the same  
27 seller for the purposes of avoiding the requirements of RCW  
28 19.290.030(~~(+4)~~) (5); or

29 (~~(+9)~~) (i) Any person to knowingly make a false or fictitious  
30 oral or written statement or to furnish or exhibit any false,  
31 fictitious, or misrepresented identification, with the intent to  
32 deceive a scrap metal business as to the actual seller of the scrap  
33 metal.

34 (2) A second or subsequent violation of subsection (1)(a) or (b)  
35 of this section is a class C felony.

36 (3) It is a gross misdemeanor under chapter 9A.20 RCW for any  
37 scrap metal business to purchase or receive private metal property  
38 knowing that the private metal property subject to the transaction is  
39 stolen. It is a gross misdemeanor under chapter 9A.20 RCW for any  
40 owner, partner, or employee of a scrap metal business to purchase or

1 receive private metal property knowing that the private metal  
2 property subject to the transaction is stolen. Each offense is a  
3 civil infraction punishable by a \$1,000 fine.

4 **Sec. 4.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to  
5 read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH  
8 SERIOUSNESS LEVEL

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

1 Vehicular Homicide, by the operation of  
2 any vehicle in a reckless manner  
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW  
6 9A.42.020)

7 Indecent Liberties (with forcible  
8 compulsion) (RCW  
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW  
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW  
16 9A.76.115)

17 IX Abandonment of Dependent Person 1  
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW  
21 70.74.180)

22 Hit and Run—Death (RCW  
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under  
25 the influence of intoxicating liquor  
26 or any drug (RCW 79A.60.050)

27 Inciting Criminal Profiteering (RCW  
28 9A.82.060(1)(b))

29 Malicious placement of an explosive 2  
30 (RCW 70.74.270(2))

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor  
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a reckless  
3 manner (RCW 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Promoting Prostitution 1 (RCW  
6 9A.88.070)  
7 Theft of Ammonia (RCW 69.55.010)  
8 VII Air bag diagnostic systems (causing  
9 bodily injury or death) (RCW  
10 46.37.660(2)(b))  
11 Air bag replacement requirements  
12 (causing bodily injury or death)  
13 (RCW 46.37.660(1)(b))  
14 Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))  
21 Drive-by Shooting (RCW 9A.36.045)  
22 False Reporting 1 (RCW  
23 9A.84.040(2)(a))  
24 Homicide by Watercraft, by disregard  
25 for the safety of others (RCW  
26 79A.60.050)  
27 Indecent Liberties (without forcible  
28 compulsion) (RCW 9A.44.100(1)  
29 (b) and (c))  
30 Introducing Contraband 1 (RCW  
31 9A.76.140)  
32 Malicious placement of an explosive 3  
33 (RCW 70.74.270(3))



1 Manufacture or import counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed air bag  
4 (causing bodily injury or death)  
5 (RCW 46.37.650(1)(b))  
6 Negligently Causing Death By Use of a  
7 Signal Preemption Device (RCW  
8 46.37.675)  
9 Sell, install, or reinstall counterfeit,  
10 nonfunctional, damaged, or  
11 previously deployed airbag (RCW  
12 46.37.650(2)(b))  
13 Sending, bringing into state depictions  
14 of minor engaged in sexually  
15 explicit conduct 1 (RCW  
16 9.68A.060(1))  
17 Unlawful Possession of a Firearm in the  
18 first degree (RCW 9.41.040(1))  
19 Use of a Machine Gun or Bump-fire  
20 Stock in Commission of a Felony  
21 (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for  
23 the safety of others (RCW  
24 46.61.520)  
25 VI Bail Jumping with Murder 1 (RCW  
26 9A.76.170(3)(a))  
27 Bribery (RCW 9A.68.010)  
28 Incest 1 (RCW 9A.64.020(1))  
29 Intimidating a Judge (RCW 9A.72.160)  
30 Intimidating a Juror/Witness (RCW  
31 9A.72.110, 9A.72.130)  
32 Malicious placement of an imitation  
33 device 2 (RCW 70.74.272(1)(b))  
34 Possession of Depictions of a Minor  
35 Engaged in Sexually Explicit  
36 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)  
2 Theft of a Firearm (RCW 9A.56.300)  
3 Theft from a Vulnerable Adult 1 (RCW  
4 9A.56.400(1))  
5 Unlawful Storage of Ammonia (RCW  
6 69.55.020)  
7 V Abandonment of Dependent Person 2  
8 (RCW 9A.42.070)  
9 Advancing money or property for  
10 extortionate extension of credit  
11 (RCW 9A.82.030)  
12 Air bag diagnostic systems (RCW  
13 46.37.660(2)(c))  
14 Air bag replacement requirements  
15 (RCW 46.37.660(1)(c))  
16 Bail Jumping with class A Felony  
17 (RCW 9A.76.170(3)(b))  
18 Child Molestation 3 (RCW 9A.44.089)  
19 Criminal Mistreatment 2 (RCW  
20 9A.42.030)  
21 Custodial Sexual Misconduct 1 (RCW  
22 9A.44.160)  
23 Dealing in Depictions of Minor  
24 Engaged in Sexually Explicit  
25 Conduct 2 (RCW 9.68A.050(2))  
26 Domestic Violence Court Order  
27 Violation (RCW 10.99.040,  
28 10.99.050, 26.09.300, 26.10.220,  
29 26.26B.050, 26.50.110, 26.52.070,  
30 or 74.34.145)  
31 Extortion 1 (RCW 9A.56.120)  
32 Extortionate Extension of Credit (RCW  
33 9A.82.020)  
34 Extortionate Means to Collect  
35 Extensions of Credit (RCW  
36 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))  
2 Kidnapping 2 (RCW 9A.40.030)  
3 Manufacture or import counterfeit,  
4 nonfunctional, damaged, or  
5 previously deployed air bag (RCW  
6 46.37.650(1)(c))  
7 Perjury 1 (RCW 9A.72.020)  
8 Persistent prison misbehavior (RCW  
9 9.94.070)  
10 Possession of a Stolen Firearm (RCW  
11 9A.56.310)  
12 Rape 3 (RCW 9A.44.060)  
13 Rendering Criminal Assistance 1 (RCW  
14 9A.76.070)  
15 Sell, install, or reinstall counterfeit,  
16 nonfunctional, damaged, or  
17 previously deployed airbag (RCW  
18 46.37.650(2)(c))  
19 Sending, Bringing into State Depictions  
20 of Minor Engaged in Sexually  
21 Explicit Conduct 2 (RCW  
22 9.68A.060(2))  
23 Sexual Misconduct with a Minor 1  
24 (RCW 9A.44.093)  
25 Sexually Violating Human Remains  
26 (RCW 9A.44.105)  
27 Stalking (RCW 9A.46.110)  
28 Taking Motor Vehicle Without  
29 Permission 1 (RCW 9A.56.070)  
30 IV Arson 2 (RCW 9A.48.030)  
31 Assault 2 (RCW 9A.36.021)  
32 Assault 3 (of a Peace Officer with a  
33 Projectile Stun Gun) (RCW  
34 9A.36.031(1)(h))  
35 Assault 4 (third domestic violence  
36 offense) (RCW 9A.36.041(3))

1 Assault by Watercraft (RCW  
2 79A.60.060)  
3 Bribing a Witness/Bribe Received by  
4 Witness (RCW 9A.72.090,  
5 9A.72.100)  
6 Cheating 1 (RCW 9.46.1961)  
7 Commercial Bribery (RCW 9A.68.060)  
8 Counterfeiting (RCW 9.16.035(4))  
9 Driving While Under the Influence  
10 (RCW 46.61.502(6))  
11 Endangerment with a Controlled  
12 Substance (RCW 9A.42.100)  
13 Escape 1 (RCW 9A.76.110)  
14 Hate Crime (RCW 9A.36.080)  
15 Hit and Run—Injury (RCW  
16 46.52.020(4)(b))  
17 Hit and Run with Vessel—Injury  
18 Accident (RCW 79A.60.200(3))  
19 Identity Theft 1 (RCW 9.35.020(2))  
20 Indecent Exposure to Person Under Age  
21 ((~~Fourteen~~) 14 (subsequent sex  
22 offense) (RCW 9A.88.010)  
23 Influencing Outcome of Sporting Event  
24 (RCW 9A.82.070)  
25 Physical Control of a Vehicle While  
26 Under the Influence (RCW  
27 46.61.504(6))  
28 Possession of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 2 (RCW 9.68A.070(2))  
31 Residential Burglary (RCW 9A.52.025)  
32 Robbery 2 (RCW 9A.56.210)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW  
2 9A.82.050)

3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(b))

6 Unlawful transaction of health coverage  
7 as a health care service contractor  
8 (RCW 48.44.016(3))

9 Unlawful transaction of health coverage  
10 as a health maintenance  
11 organization (RCW 48.46.033(3))

12 Unlawful transaction of insurance  
13 business (RCW 48.15.023(3))

14 Unlicensed practice as an insurance  
15 professional (RCW 48.17.063(2))

16 Use of Proceeds of Criminal  
17 Profiteering (RCW 9A.82.080 (1)  
18 and (2))

19 Vehicle Prowling 2 (third or subsequent  
20 offense) (RCW 9A.52.100(3))

21 Vehicular Assault, by being under the  
22 influence of intoxicating liquor or  
23 any drug, or by the operation or  
24 driving of a vehicle in a reckless  
25 manner (RCW 46.61.522)

26 Viewing of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 1 (RCW 9.68A.075(1))

29 Willful Failure to Return from Furlough  
30 (RCW 72.66.060)

31 III Animal Cruelty 1 (Sexual Conduct or  
32 Contact) (RCW 16.52.205(3))

33 Assault 3 (Except Assault 3 of a Peace  
34 Officer With a Projectile Stun Gun)  
35 (RCW 9A.36.031 except subsection  
36 (1)(h))

37 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony  
2 (RCW 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for  
5 Immoral Purposes (RCW  
6 9.68A.090)  
7 Criminal Gang Intimidation (RCW  
8 9A.46.120)  
9 Custodial Assault (RCW 9A.36.100)  
10 Cyberstalking (subsequent conviction or  
11 threat of death) (RCW 9.61.260(3))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 False Reporting 2 (RCW  
15 9A.84.040(2)(b))  
16 Harassment (RCW 9A.46.020)  
17 Intimidating a Public Servant (RCW  
18 9A.76.180)  
19 Introducing Contraband 2 (RCW  
20 9A.76.150)  
21 Malicious Injury to Railroad Property  
22 (RCW 81.60.070)  
23 Manufacture of Untraceable Firearm  
24 with Intent to Sell (RCW 9.41.190)  
25 Manufacture or Assembly of an  
26 Undetectable Firearm or  
27 Untraceable Firearm (RCW  
28 9.41.325)  
29 Mortgage Fraud (RCW 19.144.080)  
30 Negligently Causing Substantial Bodily  
31 Harm By Use of a Signal  
32 Preemption Device (RCW  
33 46.37.674)  
34 Organized Retail Theft 1 (RCW  
35 9A.56.350(2))

1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun, Bump-Fire  
5 Stock, Undetectable Firearm, or  
6 Short-Barreled Shotgun or Rifle  
7 (RCW 9.41.190)  
8 Promoting Prostitution 2 (RCW  
9 9A.88.080)  
10 Retail Theft with Special Circumstances  
11 1 (RCW 9A.56.360(2))  
12 Securities Act violation (RCW  
13 21.20.400)  
14 Tampering with a Witness (RCW  
15 9A.72.120)  
16 Telephone Harassment (subsequent  
17 conviction or threat of death) (RCW  
18 9.61.230(2))  
19 Theft of Livestock 2 (RCW 9A.56.083)  
20 Theft with the Intent to Resell 1 (RCW  
21 9A.56.340(2))  
22 Trafficking in Stolen Property 2 (RCW  
23 9A.82.055)  
24 Unlawful Hunting of Big Game 1 (RCW  
25 77.15.410(3)(b))  
26 Unlawful Imprisonment (RCW  
27 9A.40.040)  
28 Unlawful Misbranding of Fish or  
29 Shellfish 1 (RCW 77.140.060(3))  
30 Unlawful possession of firearm in the  
31 second degree (RCW 9.41.040(2))  
32 Unlawful Taking of Endangered Fish or  
33 Wildlife 1 (RCW 77.15.120(3)(b))  
34 Unlawful Trafficking in Fish, Shellfish,  
35 or Wildlife 1 (RCW  
36 77.15.260(3)(b))

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 II Commercial Fishing Without a License  
10 1 (RCW 77.15.500(3)(b))  
11 Computer Trespass 1 (RCW 9A.90.040)  
12 Counterfeiting (RCW 9.16.035(3))  
13 Electronic Data Service Interference  
14 (RCW 9A.90.060)  
15 Electronic Data Tampering 1 (RCW  
16 9A.90.080)  
17 Electronic Data Theft (RCW 9A.90.100)  
18 Engaging in Fish Dealing Activity  
19 Unlicensed 1 (RCW 77.15.620(3))  
20 Escape from Community Custody  
21 (RCW 72.09.310)  
22 Failure to Register as a Sex Offender  
23 (second or subsequent offense)  
24 (RCW 9A.44.130 prior to June 10,  
25 2010, and RCW 9A.44.132)  
26 Health Care False Claims (RCW  
27 48.80.030)  
28 Identity Theft 2 (RCW 9.35.020(3))  
29 Improperly Obtaining Financial  
30 Information (RCW 9.35.010)  
31 Malicious Mischief 1 (RCW 9A.48.070)  
32 Organized Retail Theft 2 (RCW  
33 9A.56.350(3))  
34 Possession of Stolen Property 1 (RCW  
35 9A.56.150)



1 Possession of a Stolen Vehicle (RCW  
2 9A.56.068)  
3 Retail Theft with Special Circumstances  
4 2 (RCW 9A.56.360(3))  
5 Scrap Processing, Recycling, or  
6 Supplying Without a License  
7 (second or subsequent offense)  
8 (RCW 19.290.100)  
9 Theft 1 (RCW 9A.56.030)  
10 Theft 2 (commercial metal property,  
11 nonferrous metal property, or  
12 private metal property, and the  
13 damage to the owner's property  
14 exceeds \$750 but does not exceed  
15 \$5,000) (RCW 9A.56.040(1)(c))  
16 Theft of a Motor Vehicle (RCW  
17 9A.56.065)  
18 Theft of Rental, Leased, Lease-  
19 purchased, or Loaned Property  
20 (valued at ~~((five thousand dollars))~~  
21 \$5,000 or more) (RCW  
22 9A.56.096(5)(a))  
23 Theft with the Intent to Resell 2 (RCW  
24 9A.56.340(3))  
25 Trafficking in Insurance Claims (RCW  
26 48.30A.015)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(a))  
30 Unlawful Participation of Non-Indians  
31 in Indian Fishery (RCW  
32 77.15.570(2))  
33 Unlawful Practice of Law (RCW  
34 2.48.180)  
35 Unlawful Purchase or Use of a License  
36 (RCW 77.15.650(3)(b))

1 Unlawful Removal, Alteration, or  
2 Obliteration of Identifying  
3 Information of Metal Property  
4 (second or subsequent offense)  
5 (RCW 19.290.070(1)(a))  
6 Unlawful Trafficking in Fish, Shellfish,  
7 or Wildlife 2 (RCW  
8 77.15.260(3)(a))  
9 Unlawful Transaction to Purchase or  
10 Receive Metal Property (second or  
11 subsequent offense) (RCW  
12 19.290.070(1)(b))  
13 Unlicensed Practice of a Profession or  
14 Business (RCW 18.130.190(7))  
15 Voyeurism 1 (RCW 9A.44.115)  
16 I Attempting to Elude a Pursuing Police  
17 Vehicle (RCW 46.61.024)  
18 False Verification for Welfare (RCW  
19 74.08.055)  
20 Forgery (RCW 9A.60.020)  
21 Fraudulent Creation or Revocation of a  
22 Mental Health Advance Directive  
23 (RCW 9A.60.060)  
24 Malicious Mischief 2 (RCW 9A.48.080)  
25 Mineral Trespass (RCW 78.44.330)  
26 Possession of Stolen Property 2 (RCW  
27 9A.56.160)  
28 Reckless Burning 1 (RCW 9A.48.040)  
29 Spotlighting Big Game 1 (RCW  
30 77.15.450(3)(b))  
31 Suspension of Department Privileges 1  
32 (RCW 77.15.670(3)(b))  
33 Taking Motor Vehicle Without  
34 Permission 2 (RCW 9A.56.075)

1 Theft 2 (valued at \$750 or more but less  
2 than \$5,000, and other than a  
3 firearm or motor vehicle; a public  
4 record, writing, or instrument kept,  
5 filed, or deposited according to law  
6 with or in the keeping of any public  
7 office or public servant; or an  
8 access device) (RCW 9A.56.040(1)  
9 (a), (b), or (d)

10 Theft from a Vulnerable Adult 2 (RCW  
11 9A.56.400(2))

12 Theft of Rental, Leased, Lease-  
13 purchased, or Loaned Property  
14 (valued at ~~((seven hundred fifty~~  
15 ~~dollars)) \$750 or more but less than~~  
16 ~~((five thousand dollars)) \$5,000)~~  
17 (RCW 9A.56.096(5)(b))

18 Transaction of insurance business  
19 beyond the scope of licensure  
20 (RCW 48.17.063)

21 Unlawful Fish and Shellfish Catch  
22 Accounting (RCW 77.15.630(3)(b))

23 Unlawful Issuance of Checks or Drafts  
24 (RCW 9A.56.060)

25 Unlawful Possession of Fictitious  
26 Identification (RCW 9A.56.320)

27 Unlawful Possession of Instruments of  
28 Financial Fraud (RCW 9A.56.320)

29 Unlawful Possession of Payment  
30 Instruments (RCW 9A.56.320)

31 Unlawful Possession of a Personal  
32 Identification Device (RCW  
33 9A.56.320)

34 Unlawful Production of Payment  
35 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,  
 2 Possessing, or Placing Deleterious  
 3 Exotic Wildlife (RCW  
 4 77.15.250(2)(b))  
 5 Unlawful Trafficking in Food Stamps  
 6 (RCW 9.91.142)  
 7 Unlawful Use of Food Stamps (RCW  
 8 9.91.144)  
 9 Unlawful Use of Net to Take Fish 1  
 10 (RCW 77.15.580(3)(b))  
 11 Unlawful Use of Prohibited Aquatic  
 12 Animal Species (RCW  
 13 77.15.253(3))  
 14 Vehicle Prowl 1 (RCW 9A.52.095)  
 15 Violating Commercial Fishing Area or  
 16 Time 1 (RCW 77.15.550(3)(b))

17 **Sec. 5.** RCW 9.94A.515 and 2021 c 215 s 99 are each amended to  
 18 read as follows:

19 TABLE 2  
 20 CRIMES INCLUDED WITHIN EACH  
 21 SERIOUSNESS LEVEL

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

1 Malicious placement of an imitation  
2 device 1 (RCW 70.74.272(1)(a))  
3 Promoting Commercial Sexual Abuse of  
4 a Minor (RCW 9.68A.101)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Trafficking 2 (RCW 9A.40.100(3))  
8 XI Manslaughter 1 (RCW 9A.32.060)  
9 Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Vehicular Homicide, by being under the  
12 influence of intoxicating liquor or  
13 any drug (RCW 46.61.520)  
14 Vehicular Homicide, by the operation of  
15 any vehicle in a reckless manner  
16 (RCW 46.61.520)  
17 X Child Molestation 1 (RCW 9A.44.083)  
18 Criminal Mistreatment 1 (RCW  
19 9A.42.020)  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW  
22 9A.44.100(1)(a))  
23 Kidnapping 1 (RCW 9A.40.020)  
24 Leading Organized Crime (RCW  
25 9A.82.060(1)(a))  
26 Malicious explosion 3 (RCW  
27 70.74.280(3))  
28 Sexually Violent Predator Escape (RCW  
29 9A.76.115)  
30 IX Abandonment of Dependent Person 1  
31 (RCW 9A.42.060)  
32 Assault of a Child 2 (RCW 9A.36.130)  
33 Explosive devices prohibited (RCW  
34 70.74.180)

1 Hit and Run—Death (RCW  
2 46.52.020(4)(a))  
3 Homicide by Watercraft, by being under  
4 the influence of intoxicating liquor  
5 or any drug (RCW 79A.60.050)  
6 Inciting Criminal Profiteering (RCW  
7 9A.82.060(1)(b))  
8 Malicious placement of an explosive 2  
9 (RCW 70.74.270(2))  
10 Robbery 1 (RCW 9A.56.200)  
11 Sexual Exploitation (RCW 9.68A.040)  
12 VIII Arson 1 (RCW 9A.48.020)  
13 Commercial Sexual Abuse of a Minor  
14 (RCW 9.68A.100)  
15 Homicide by Watercraft, by the  
16 operation of any vessel in a reckless  
17 manner (RCW 79A.60.050)  
18 Manslaughter 2 (RCW 9A.32.070)  
19 Promoting Prostitution 1 (RCW  
20 9A.88.070)  
21 Theft of Ammonia (RCW 69.55.010)  
22 VII Air bag diagnostic systems (causing  
23 bodily injury or death) (RCW  
24 46.37.660(2)(b))  
25 Air bag replacement requirements  
26 (causing bodily injury or death)  
27 (RCW 46.37.660(1)(b))  
28 Burglary 1 (RCW 9A.52.020)  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Civil Disorder Training (RCW  
31 9A.48.120)  
32 Dealing in depictions of minor engaged  
33 in sexually explicit conduct 1  
34 (RCW 9.68A.050(1))  
35 Drive-by Shooting (RCW 9A.36.045)

1 False Reporting 1 (RCW  
2 9A.84.040(2)(a))  
3 Homicide by Watercraft, by disregard  
4 for the safety of others (RCW  
5 79A.60.050)  
6 Indecent Liberties (without forcible  
7 compulsion) (RCW 9A.44.100(1)  
8 (b) and (c))  
9 Introducing Contraband 1 (RCW  
10 9A.76.140)  
11 Malicious placement of an explosive 3  
12 (RCW 70.74.270(3))  
13 Manufacture or import counterfeit,  
14 nonfunctional, damaged, or  
15 previously deployed air bag  
16 (causing bodily injury or death)  
17 (RCW 46.37.650(1)(b))  
18 Negligently Causing Death By Use of a  
19 Signal Preemption Device (RCW  
20 46.37.675)  
21 Sell, install, or reinstall counterfeit,  
22 nonfunctional, damaged, or  
23 previously deployed airbag (RCW  
24 46.37.650(2)(b))  
25 Sending, bringing into state depictions  
26 of minor engaged in sexually  
27 explicit conduct 1 (RCW  
28 9.68A.060(1))  
29 Unlawful Possession of a Firearm in the  
30 first degree (RCW 9.41.040(1))  
31 Use of a Machine Gun or Bump-fire  
32 Stock in Commission of a Felony  
33 (RCW 9.41.225)  
34 Vehicular Homicide, by disregard for  
35 the safety of others (RCW  
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW  
2 9A.76.170(3)(a))  
3 Bribery (RCW 9A.68.010)  
4 Incest 1 (RCW 9A.64.020(1))  
5 Intimidating a Judge (RCW 9A.72.160)  
6 Intimidating a Juror/Witness (RCW  
7 9A.72.110, 9A.72.130)  
8 Malicious placement of an imitation  
9 device 2 (RCW 70.74.272(1)(b))  
10 Possession of Depictions of a Minor  
11 Engaged in Sexually Explicit  
12 Conduct 1 (RCW 9.68A.070(1))  
13 Rape of a Child 3 (RCW 9A.44.079)  
14 Theft of a Firearm (RCW 9A.56.300)  
15 Theft from a Vulnerable Adult 1 (RCW  
16 9A.56.400(1))  
17 Unlawful Storage of Ammonia (RCW  
18 69.55.020)  
19 V Abandonment of Dependent Person 2  
20 (RCW 9A.42.070)  
21 Advancing money or property for  
22 extortionate extension of credit  
23 (RCW 9A.82.030)  
24 Air bag diagnostic systems (RCW  
25 46.37.660(2)(c))  
26 Air bag replacement requirements  
27 (RCW 46.37.660(1)(c))  
28 Bail Jumping with class A Felony  
29 (RCW 9A.76.170(3)(b))  
30 Child Molestation 3 (RCW 9A.44.089)  
31 Criminal Mistreatment 2 (RCW  
32 9A.42.030)  
33 Custodial Sexual Misconduct 1 (RCW  
34 9A.44.160)



1 Dealing in Depictions of Minor  
2 Engaged in Sexually Explicit  
3 Conduct 2 (RCW 9.68A.050(2))  
4 Domestic Violence Court Order  
5 Violation (RCW 7.105.450,  
6 10.99.040, 10.99.050, 26.09.300,  
7 26.10.220, 26.26B.050, 26.50.110,  
8 26.52.070, or 74.34.145)  
9 Extortion 1 (RCW 9A.56.120)  
10 Extortionate Extension of Credit (RCW  
11 9A.82.020)  
12 Extortionate Means to Collect  
13 Extensions of Credit (RCW  
14 9A.82.040)  
15 Incest 2 (RCW 9A.64.020(2))  
16 Kidnapping 2 (RCW 9A.40.030)  
17 Manufacture or import counterfeit,  
18 nonfunctional, damaged, or  
19 previously deployed air bag (RCW  
20 46.37.650(1)(c))  
21 Perjury 1 (RCW 9A.72.020)  
22 Persistent prison misbehavior (RCW  
23 9.94.070)  
24 Possession of a Stolen Firearm (RCW  
25 9A.56.310)  
26 Rape 3 (RCW 9A.44.060)  
27 Rendering Criminal Assistance 1 (RCW  
28 9A.76.070)  
29 Sell, install, or reinstall counterfeit,  
30 nonfunctional, damaged, or  
31 previously deployed airbag (RCW  
32 46.37.650(2)(c))  
33 Sending, Bringing into State Depictions  
34 of Minor Engaged in Sexually  
35 Explicit Conduct 2 (RCW  
36 9.68A.060(2))

1 Sexual Misconduct with a Minor 1  
2 (RCW 9A.44.093)  
3 Sexually Violating Human Remains  
4 (RCW 9A.44.105)  
5 Stalking (RCW 9A.46.110)  
6 Taking Motor Vehicle Without  
7 Permission 1 (RCW 9A.56.070)  
8 IV Arson 2 (RCW 9A.48.030)  
9 Assault 2 (RCW 9A.36.021)  
10 Assault 3 (of a Peace Officer with a  
11 Projectile Stun Gun) (RCW  
12 9A.36.031(1)(h))  
13 Assault 4 (third domestic violence  
14 offense) (RCW 9A.36.041(3))  
15 Assault by Watercraft (RCW  
16 79A.60.060)  
17 Bribing a Witness/Bribe Received by  
18 Witness (RCW 9A.72.090,  
19 9A.72.100)  
20 Cheating 1 (RCW 9A.46.1961)  
21 Commercial Bribery (RCW 9A.68.060)  
22 Counterfeiting (RCW 9A.16.035(4))  
23 Driving While Under the Influence  
24 (RCW 46.61.502(6))  
25 Endangerment with a Controlled  
26 Substance (RCW 9A.42.100)  
27 Escape 1 (RCW 9A.76.110)  
28 Hate Crime (RCW 9A.36.080)  
29 Hit and Run—Injury (RCW  
30 46.52.020(4)(b))  
31 Hit and Run with Vessel—Injury  
32 Accident (RCW 79A.60.200(3))  
33 Identity Theft 1 (RCW 9A.35.020(2))

1 Indecent Exposure to Person Under Age  
2 ((~~Fourteen~~)) 14 (subsequent sex  
3 offense) (RCW 9A.88.010)  
4 Influencing Outcome of Sporting Event  
5 (RCW 9A.82.070)  
6 Physical Control of a Vehicle While  
7 Under the Influence (RCW  
8 46.61.504(6))  
9 Possession of Depictions of a Minor  
10 Engaged in Sexually Explicit  
11 Conduct 2 (RCW 9.68A.070(2))  
12 Residential Burglary (RCW 9A.52.025)  
13 Robbery 2 (RCW 9A.56.210)  
14 Theft of Livestock 1 (RCW 9A.56.080)  
15 Threats to Bomb (RCW 9.61.160)  
16 Trafficking in Stolen Property 1 (RCW  
17 9A.82.050)  
18 Unlawful factoring of a credit card or  
19 payment card transaction (RCW  
20 9A.56.290(4)(b))  
21 Unlawful transaction of health coverage  
22 as a health care service contractor  
23 (RCW 48.44.016(3))  
24 Unlawful transaction of health coverage  
25 as a health maintenance  
26 organization (RCW 48.46.033(3))  
27 Unlawful transaction of insurance  
28 business (RCW 48.15.023(3))  
29 Unlicensed practice as an insurance  
30 professional (RCW 48.17.063(2))  
31 Use of Proceeds of Criminal  
32 Profiteering (RCW 9A.82.080 (1)  
33 and (2))  
34 Vehicle Prowling 2 (third or subsequent  
35 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the  
2 influence of intoxicating liquor or  
3 any drug, or by the operation or  
4 driving of a vehicle in a reckless  
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough  
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or  
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace  
14 Officer With a Projectile Stun Gun)  
15 (RCW 9A.36.031 except subsection  
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Bail Jumping with class B or C Felony  
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

21 Communication with a Minor for  
22 Immoral Purposes (RCW  
23 9.68A.090)

24 Criminal Gang Intimidation (RCW  
25 9A.46.120)

26 Custodial Assault (RCW 9A.36.100)

27 Cyberstalking (subsequent conviction or  
28 threat of death) (RCW 9.61.260(3))

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 False Reporting 2 (RCW  
32 9A.84.040(2)(b))

33 Harassment (RCW 9A.46.020)

34 Intimidating a Public Servant (RCW  
35 9A.76.180)

1 Introducing Contraband 2 (RCW  
2 9A.76.150)  
3 Malicious Injury to Railroad Property  
4 (RCW 81.60.070)  
5 Manufacture of Untraceable Firearm  
6 with Intent to Sell (RCW 9.41.190)  
7 Manufacture or Assembly of an  
8 Undetectable Firearm or  
9 Untraceable Firearm (RCW  
10 9.41.325)  
11 Mortgage Fraud (RCW 19.144.080)  
12 Negligently Causing Substantial Bodily  
13 Harm By Use of a Signal  
14 Preemption Device (RCW  
15 46.37.674)  
16 Organized Retail Theft 1 (RCW  
17 9A.56.350(2))  
18 Perjury 2 (RCW 9A.72.030)  
19 Possession of Incendiary Device (RCW  
20 9.40.120)  
21 Possession of Machine Gun, Bump-Fire  
22 Stock, Undetectable Firearm, or  
23 Short-Barreled Shotgun or Rifle  
24 (RCW 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 Fish or  
10 Shellfish 1 (RCW 77.140.060(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 2 (commercial metal property,  
27 nonferrous metal property, or  
28 private metal property, and the  
29 damage to the owner's property  
30 exceeds \$750 but does not exceed  
31 \$5,000) (RCW 9A.56.040(1)(c))  
32 Theft of a Motor Vehicle (RCW  
33 9A.56.065)

1 Theft of Rental, Leased, Lease-  
2 purchased, or Loaned Property  
3 (valued at ~~((five thousand dollars))~~  
4 \$5,000 or more) (RCW  
5 9A.56.096(5)(a))  
6 Theft with the Intent to Resell 2 (RCW  
7 9A.56.340(3))  
8 Trafficking in Insurance Claims (RCW  
9 48.30A.015)  
10 Unlawful factoring of a credit card or  
11 payment card transaction (RCW  
12 9A.56.290(4)(a))  
13 Unlawful Participation of Non-Indians  
14 in Indian Fishery (RCW  
15 77.15.570(2))  
16 Unlawful Practice of Law (RCW  
17 2.48.180)  
18 Unlawful Purchase or Use of a License  
19 (RCW 77.15.650(3)(b))  
20 Unlawful Removal, Alteration, or  
21 Obliteration of Identifying  
22 Information of Metal Property  
23 (second or subsequent offense)  
24 (RCW 19.290.070(1)(a))  
25 Unlawful Trafficking in Fish, Shellfish,  
26 or Wildlife 2 (RCW  
27 77.15.260(3)(a))  
28 Unlawful Transaction to Purchase or  
29 Receive Metal Property (second or  
30 subsequent offense) (RCW  
31 19.290.070(1)(b))  
32 Unlicensed Practice of a Profession or  
33 Business (RCW 18.130.190(7))  
34 Voyeurism 1 (RCW 9A.44.115)  
35 I Attempting to Elude a Pursuing Police  
36 Vehicle (RCW 46.61.024)



1 False Verification for Welfare (RCW  
2 74.08.055)  
3 Forgery (RCW 9A.60.020)  
4 Fraudulent Creation or Revocation of a  
5 Mental Health Advance Directive  
6 (RCW 9A.60.060)  
7 Malicious Mischief 2 (RCW 9A.48.080)  
8 Mineral Trespass (RCW 78.44.330)  
9 Possession of Stolen Property 2 (RCW  
10 9A.56.160)  
11 Reckless Burning 1 (RCW 9A.48.040)  
12 Spotlighting Big Game 1 (RCW  
13 77.15.450(3)(b))  
14 Suspension of Department Privileges 1  
15 (RCW 77.15.670(3)(b))  
16 Taking Motor Vehicle Without  
17 Permission 2 (RCW 9A.56.075)  
18 Theft 2 (valued at \$750 or more but less  
19 than \$5,000, and other than a  
20 firearm or motor vehicle; a public  
21 record, writing, or instrument kept,  
22 filed, or deposited according to law  
23 with or in the keeping of any public  
24 office or public servant; or an  
25 access device) (RCW 9A.56.040(1))  
26 (a), (b), or (d))  
27 Theft from a Vulnerable Adult 2 (RCW  
28 9A.56.400(2))  
29 Theft of Rental, Leased, Lease-  
30 purchased, or Loaned Property  
31 (valued at (~~seven hundred fifty~~  
32 ~~dollars~~) \$750 or more but less than  
33 (~~five thousand dollars~~) \$5,000)  
34 (RCW 9A.56.096(5)(b))  
35 Transaction of insurance business  
36 beyond the scope of licensure  
37 (RCW 48.17.063)

1 Unlawful Fish and Shellfish Catch  
2 Accounting (RCW 77.15.630(3)(b))  
3 Unlawful Issuance of Checks or Drafts  
4 (RCW 9A.56.060)  
5 Unlawful Possession of Fictitious  
6 Identification (RCW 9A.56.320)  
7 Unlawful Possession of Instruments of  
8 Financial Fraud (RCW 9A.56.320)  
9 Unlawful Possession of Payment  
10 Instruments (RCW 9A.56.320)  
11 Unlawful Possession of a Personal  
12 Identification Device (RCW  
13 9A.56.320)  
14 Unlawful Production of Payment  
15 Instruments (RCW 9A.56.320)  
16 Unlawful Releasing, Planting,  
17 Possessing, or Placing Deleterious  
18 Exotic Wildlife (RCW  
19 77.15.250(2)(b))  
20 Unlawful Trafficking in Food Stamps  
21 (RCW 9.91.142)  
22 Unlawful Use of Food Stamps (RCW  
23 9.91.144)  
24 Unlawful Use of Net to Take Fish 1  
25 (RCW 77.15.580(3)(b))  
26 Unlawful Use of Prohibited Aquatic  
27 Animal Species (RCW  
28 77.15.253(3))  
29 Vehicle Prowl 1 (RCW 9A.52.095)  
30 Violating Commercial Fishing Area or  
31 Time 1 (RCW 77.15.550(3)(b))

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 9.94A  
33 RCW to read as follows:

34 In a criminal case where:

35 (1) The defendant has been convicted of theft in the second  
36 degree; and

1 (2) There has been a special allegation pleaded and proven beyond  
2 a reasonable doubt that the defendant stole private metal property as  
3 defined in RCW 19.290.010 for the purpose of selling, transferring,  
4 or exchanging it online;  
5 the court shall make a finding of fact of the special allegation or,  
6 if a jury is had, the jury shall, if it finds the defendant guilty,  
7 also find a special verdict as to the special allegation.

8 **Sec. 7.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are  
9 each reenacted and amended to read as follows:

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

12 (2) For persons convicted of the anticipatory offenses of  
13 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
14 RCW, the standard sentence range is determined by locating the  
15 sentencing grid sentence range defined by the appropriate offender  
16 score and the seriousness level of the completed crime, and  
17 multiplying the range by (~~seventy-five~~) 75 percent.

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

35 (a) Five years for any felony defined under any law as a class A  
36 felony or with a statutory maximum sentence of at least (~~twenty~~) 20  
37 years, 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~~) 10 years, or  
3 both, 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 or  
26 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
27 theft of a firearm, unlawful possession of a firearm in the first and  
28 second degree, and use of a machine gun or bump-fire stock in a  
29 felony;

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

37 (4) The following additional times shall be added to the standard  
38 sentence range for felony crimes committed after July 23, 1995, if  
39 the offender or an accomplice was armed with a deadly weapon other  
40 than a firearm as defined in RCW 9.41.010 and the offender is being

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

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

18 (b) One year for any felony defined under any law as a class B  
19 felony or with a statutory maximum sentence of (~~ten~~) 10 years, or  
20 both, and not covered under (f) of this subsection;

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

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

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

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

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

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

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

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

25 (a) Eighteen months for offenses committed under RCW 69.50.401(2)

26 (a) or (b) or 69.50.410;

27 (b) Fifteen months for offenses committed under RCW 69.50.401(2)

28 (c), (d), or (e);

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

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

33 (6) An additional (~~twenty-four~~) 24 months shall be added to the  
34 standard sentence range for any ranked offense involving a violation  
35 of chapter 69.50 RCW if the offense was also a violation of RCW  
36 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
37 run consecutively to all other sentencing provisions, for all  
38 offenses sentenced under this chapter.

39 (7) An additional two years shall be added to the standard  
40 sentence range for vehicular homicide committed while under the

1 influence of intoxicating liquor or any drug as defined by RCW  
2 46.61.502 for each prior offense as defined in RCW 46.61.5055.

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

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

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

24 (i) Two years for any felony defined under the law as a class A  
25 felony or with a statutory maximum sentence of at least (~~twenty~~) 20  
26 years, or both;

27 (ii) Eighteen months for any felony defined under any law as a  
28 class B felony or with a statutory maximum sentence of (~~ten~~) 10  
29 years, or both;

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

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

38 (b) Notwithstanding any other provision of law, all sexual  
39 motivation enhancements under this subsection are mandatory, shall be  
40 served in total confinement, and shall run consecutively to all other

1 sentencing provisions, including other sexual motivation  
2 enhancements, for all offenses sentenced under this chapter. However,  
3 whether or not a mandatory minimum term has expired, an offender  
4 serving a sentence under this subsection may be:

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

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

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

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

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

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

23 (9) An additional one-year enhancement shall be added to the  
24 standard sentence range for the felony crimes of RCW 9A.44.073,  
25 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
26 or after July 22, 2007, if the offender engaged, agreed, or offered  
27 to engage the victim in the sexual conduct in return for a fee. If  
28 the offender is being sentenced for more than one offense, the  
29 one-year enhancement must be added to the total period of total  
30 confinement for all offenses, regardless of which underlying offense  
31 is subject to the enhancement. If the offender is being sentenced for  
32 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
33 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
34 offender attempted, solicited another, or conspired to engage, agree,  
35 or offer to engage the victim in the sexual conduct in return for a  
36 fee, an additional one-year enhancement shall be added to the  
37 standard sentence range determined under subsection (2) of this  
38 section. For purposes of this subsection, "sexual conduct" means  
39 sexual intercourse or sexual contact, both as defined in chapter  
40 9A.44 RCW.



1 (10)(a) For a person age (~~eighteen~~) 18 or older convicted of  
2 any criminal street gang-related felony offense for which the person  
3 compensated, threatened, or solicited a minor in order to involve the  
4 minor in the commission of the felony offense, the standard sentence  
5 range is determined by locating the sentencing grid sentence range  
6 defined by the appropriate offender score and the seriousness level  
7 of the completed crime, and multiplying the range by (~~one hundred~~  
8 ~~twenty-five~~) 125 percent. If the standard sentence range under this  
9 subsection exceeds the statutory maximum sentence for the offense,  
10 the statutory maximum sentence is the presumptive sentence unless the  
11 offender is a persistent offender.

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

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

19 (11) An additional (~~twelve~~) 12 months and one day shall be  
20 added to the standard sentence range for a conviction of attempting  
21 to elude a police vehicle as defined by RCW 46.61.024, if the  
22 conviction included a finding by special allegation of endangering  
23 one or more persons under RCW 9.94A.834.

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

27 (13) An additional (~~twelve~~) 12 months shall be added to the  
28 standard sentence range for vehicular homicide committed while under  
29 the influence of intoxicating liquor or any drug as defined by RCW  
30 46.61.520 or for vehicular assault committed while under the  
31 influence of intoxicating liquor or any drug as defined by RCW  
32 46.61.522, or for any felony driving under the influence (RCW  
33 46.61.502(6)) or felony physical control under the influence (RCW  
34 46.61.504(6)) for each child passenger under the age of (~~sixteen~~)  
35 16 who is an occupant in the defendant's vehicle. These enhancements  
36 shall be mandatory, shall be served in total confinement, and shall  
37 run consecutively to all other sentencing provisions, including other  
38 minor child enhancements, for all offenses sentenced under this  
39 chapter. If the addition of a minor child enhancement increases the  
40 sentence so that it would exceed the statutory maximum for the

1 offense, the portion of the sentence representing the enhancement  
2 shall be mandatory, shall be served in total confinement, and shall  
3 run consecutively to all other sentencing provisions.

4 (14) An additional (~~twelve~~) 12 months shall be added to the  
5 standard sentence range for an offense that is also a violation of  
6 RCW 9.94A.832.

7 (15) An additional 12 months shall be added to the standard  
8 sentence range for an offense that is also a violation of section 6  
9 of this act.

10 (16) Regardless of any provisions in this section, if a person is  
11 being sentenced in adult court for a crime committed under age  
12 (~~eighteen~~) 18, the court has full discretion to depart from  
13 mandatory sentencing enhancements and to take the particular  
14 circumstances surrounding the defendant's youth into account.

15 **Sec. 8.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to  
16 read as follows:

17 (1) When funded, the Washington association of sheriffs and  
18 police chiefs shall establish a grant program to assist local law  
19 enforcement agencies in the support of special enforcement emphasis  
20 targeting metal theft, including theft of catalytic converters. Grant  
21 applications shall be reviewed and awarded through peer review  
22 panels. Grant applicants are encouraged to utilize  
23 multijurisdictional efforts.

24 (2) Each grant applicant shall:

25 (a) Show a significant metal theft problem in the jurisdiction or  
26 jurisdictions receiving the grant;

27 (b) Verify that grant awards are sufficient to cover increased  
28 investigation, prosecution, and jail costs;

29 (c) Design an enforcement program that best suits the specific  
30 metal theft problem in the jurisdiction or jurisdictions receiving  
31 the grant;

32 (d) Demonstrate community coordination focusing on prevention,  
33 intervention, and suppression; and

34 (e) Collect data on performance.

35 (3) The cost of administering the grants shall not exceed (~~sixty~~  
36 ~~thousand dollars~~) \$60,000, or three percent of appropriated funding,  
37 whichever is greater.

38 (4) Grant awards may not be used to supplant preexisting funding  
39 sources for special enforcement targeting metal theft.

1       **Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to  
2 read as follows:

3       (1) Beginning (~~(on)~~) July 1, (~~(2014)~~) 2022, when funded, the  
4 Washington association of sheriffs and police chiefs shall implement  
5 and operate an ongoing electronic statewide no-buy list database  
6 program.

7       (2) The database must be made available on a website.

8       (3) The no-buy list database program shall allow for any scrap  
9 metal business to enter a customer's name and date of birth into the  
10 database. The database must determine if the customer pursuing the  
11 transaction with the scrap metal business has been convicted in  
12 Washington of any crime involving burglary, robbery, theft, or  
13 possession of or receiving stolen property within the past four  
14 years.

15       (4) If the customer has been convicted of any crime involving  
16 burglary, robbery, theft, or possession of or receiving stolen  
17 property within the past four years despite whether the person was  
18 acting in his or her own behalf or as the agent of another then, at a  
19 minimum, the no-buy list database program must immediately send an  
20 alert to the scrap metal business stating: (a) That the customer is  
21 listed on a current no-buy list, (b) the four-year expiration period  
22 for the customer's most recent crime listed, and (c) a notification  
23 that entering into a transaction with the customer is prohibited  
24 under RCW 19.290.070.

25       NEW SECTION. **Sec. 10.** The sum of \$1,500,000, or as much thereof  
26 as may be necessary, is appropriated for the fiscal year ending June  
27 30, 2023, from the general fund to the Washington association of  
28 sheriffs and police chiefs for the purposes of sections 8 and 9 of  
29 this act.

30       NEW SECTION. **Sec. 11.** Section 4 of this act expires July 1,  
31 2022.

32       NEW SECTION. **Sec. 12.** Section 5 of this act takes effect July  
33 1, 2022.

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