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HOUSE BILL 1691

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State of Washington

68th Legislature

2023 Regular Session

By Representatives Connors, Chapman, Maycumber, Robertson, Rude, Couture, Sandlin, Volz, McClintock, Graham, Cheney, McEntire, Corry, Schmidt, Hutchins, Low, Klicker, Jacobsen, Barnard, Eslick, Christian, and Barkis

Read first time 01/31/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to expanding penalties for the crime of  
2 attempting to elude a pursuing police vehicle; amending RCW  
3 46.61.024, 9.94A.515, and 9.94A.834; reenacting and amending RCW  
4 9.94A.533; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.61.024 and 2010 c 8 s 9065 are each amended to  
7 read as follows:

8 (1) (a) Any driver of a motor vehicle who willfully fails or  
9 refuses to immediately bring his or her vehicle to a stop and who  
10 drives his or her vehicle in a reckless manner while attempting to  
11 elude a pursuing police vehicle, after being given a visual or  
12 audible signal to bring the vehicle to a stop, shall be guilty of a  
13 class C felony ranked as a seriousness level I offense, except as  
14 provided in (b) of this subsection. The signal given by the police  
15 officer may be by hand, voice, emergency light, or siren. The officer  
16 giving such a signal shall be in uniform and the vehicle shall be  
17 equipped with lights and sirens.

18 (b) Any driver of a motor vehicle who commits the offense  
19 described in (a) of this subsection while there is also reasonable  
20 suspicion that the driver has committed or is in the act of  
21 committing theft of a motor vehicle in violation of RCW 9A.56.065, or

1 taking a motor vehicle without permission in the first degree in  
2 violation of RCW 9A.56.070, shall be guilty of a class C felony  
3 ranked as a seriousness level III offense.

4 (2) It is an affirmative defense to this section which must be  
5 established by a preponderance of the evidence that: (a) A reasonable  
6 person would not believe that the signal to stop was given by a  
7 police officer; and (b) driving after the signal to stop was  
8 reasonable under the circumstances.

9 (3) The license or permit to drive or any nonresident driving  
10 privilege of a person convicted of a violation of this section shall  
11 be revoked by the department of licensing.

12 **Sec. 2.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to  
13 read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH  
16 SERIOUSNESS LEVEL

- 17 XVI Aggravated Murder 1 (RCW 10.95.020)
- 18 XV Homicide by abuse (RCW 9A.32.055)
- 19 Malicious explosion 1 (RCW  
20 70.74.280(1))
- 21 Murder 1 (RCW 9A.32.030)
- 22 XIV Murder 2 (RCW 9A.32.050)
- 23 Trafficking 1 (RCW 9A.40.100(1))
- 24 XIII Malicious explosion 2 (RCW  
25 70.74.280(2))
- 26 Malicious placement of an explosive 1  
27 (RCW 70.74.270(1))
- 28 XII Assault 1 (RCW 9A.36.011)
- 29 Assault of a Child 1 (RCW 9A.36.120)
- 30 Malicious placement of an imitation  
31 device 1 (RCW 70.74.272(1)(a))
- 32 Promoting Commercial Sexual Abuse of  
33 a Minor (RCW 9.68A.101)
- 34 Rape 1 (RCW 9A.44.040)
- 35 Rape of a Child 1 (RCW 9A.44.073)

1 Trafficking 2 (RCW 9A.40.100(3))  
2 XI Manslaughter 1 (RCW 9A.32.060)  
3 Rape 2 (RCW 9A.44.050)  
4 Rape of a Child 2 (RCW 9A.44.076)  
5 Vehicular Homicide, by being under the  
6 influence of intoxicating liquor or  
7 any drug (RCW 46.61.520)  
8 Vehicular Homicide, by the operation of  
9 any vehicle in a reckless manner  
10 (RCW 46.61.520)  
11 X Child Molestation 1 (RCW 9A.44.083)  
12 Criminal Mistreatment 1 (RCW  
13 9A.42.020)  
14 Indecent Liberties (with forcible  
15 compulsion) (RCW  
16 9A.44.100(1)(a))  
17 Kidnapping 1 (RCW 9A.40.020)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 Malicious explosion 3 (RCW  
21 70.74.280(3))  
22 Sexually Violent Predator Escape (RCW  
23 9A.76.115)  
24 IX Abandonment of Dependent Person 1  
25 (RCW 9A.42.060)  
26 Assault of a Child 2 (RCW 9A.36.130)  
27 Explosive devices prohibited (RCW  
28 70.74.180)  
29 Hit and Run—Death (RCW  
30 46.52.020(4)(a))  
31 Homicide by Watercraft, by being under  
32 the influence of intoxicating liquor  
33 or any drug (RCW 79A.60.050)  
34 Inciting Criminal Profiteering (RCW  
35 9A.82.060(1)(b))

1 Malicious placement of an explosive 2  
2 (RCW 70.74.270(2))  
3 Robbery 1 (RCW 9A.56.200)  
4 Sexual Exploitation (RCW 9.68A.040)  
5 VIII Arson 1 (RCW 9A.48.020)  
6 Commercial Sexual Abuse of a Minor  
7 (RCW 9.68A.100)  
8 Homicide by Watercraft, by the  
9 operation of any vessel in a reckless  
10 manner (RCW 79A.60.050)  
11 Manslaughter 2 (RCW 9A.32.070)  
12 Promoting Prostitution 1 (RCW  
13 9A.88.070)  
14 Theft of Ammonia (RCW 69.55.010)  
15 VII Air bag diagnostic systems (causing  
16 bodily injury or death) (RCW  
17 46.37.660(2)(b))  
18 Air bag replacement requirements  
19 (causing bodily injury or death)  
20 (RCW 46.37.660(1)(b))  
21 Burglary 1 (RCW 9A.52.020)  
22 Child Molestation 2 (RCW 9A.44.086)  
23 Civil Disorder Training (RCW  
24 9A.48.120)  
25 Dealing in depictions of minor engaged  
26 in sexually explicit conduct 1  
27 (RCW 9.68A.050(1))  
28 Drive-by Shooting (RCW 9A.36.045)  
29 False Reporting 1 (RCW  
30 9A.84.040(2)(a))  
31 Homicide by Watercraft, by disregard  
32 for the safety of others (RCW  
33 79A.60.050)

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1)  
3 (b) and (c))  
4 Introducing Contraband 1 (RCW  
5 9A.76.140)  
6 Malicious placement of an explosive 3  
7 (RCW 70.74.270(3))  
8 Manufacture or import counterfeit,  
9 nonfunctional, damaged, or  
10 previously deployed air bag  
11 (causing bodily injury or death)  
12 (RCW 46.37.650(1)(b))  
13 Negligently Causing Death By Use of a  
14 Signal Preemption Device (RCW  
15 46.37.675)  
16 Sell, install, or reinstall counterfeit,  
17 nonfunctional, damaged, or  
18 previously deployed airbag (RCW  
19 46.37.650(2)(b))  
20 Sending, bringing into state depictions  
21 of minor engaged in sexually  
22 explicit conduct 1 (RCW  
23 9.68A.060(1))  
24 Unlawful Possession of a Firearm in the  
25 first degree (RCW 9.41.040(1))  
26 Use of a Machine Gun or Bump-fire  
27 Stock in Commission of a Felony  
28 (RCW 9.41.225)  
29 Vehicular Homicide, by disregard for  
30 the safety of others (RCW  
31 46.61.520)  
32 VI Bail Jumping with Murder 1 (RCW  
33 9A.76.170(3)(a))  
34 Bribery (RCW 9A.68.010)  
35 Incest 1 (RCW 9A.64.020(1))  
36 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW  
2 9A.72.110, 9A.72.130)  
3 Malicious placement of an imitation  
4 device 2 (RCW 70.74.272(1)(b))  
5 Possession of Depictions of a Minor  
6 Engaged in Sexually Explicit  
7 Conduct 1 (RCW 9.68A.070(1))  
8 Rape of a Child 3 (RCW 9A.44.079)  
9 Theft of a Firearm (RCW 9A.56.300)  
10 Theft from a Vulnerable Adult 1 (RCW  
11 9A.56.400(1))  
12 Unlawful Storage of Ammonia (RCW  
13 69.55.020)  
14 V Abandonment of Dependent Person 2  
15 (RCW 9A.42.070)  
16 Advancing money or property for  
17 extortionate extension of credit  
18 (RCW 9A.82.030)  
19 Air bag diagnostic systems (RCW  
20 46.37.660(2)(c))  
21 Air bag replacement requirements  
22 (RCW 46.37.660(1)(c))  
23 Bail Jumping with class A Felony  
24 (RCW 9A.76.170(3)(b))  
25 Child Molestation 3 (RCW 9A.44.089)  
26 Criminal Mistreatment 2 (RCW  
27 9A.42.030)  
28 Custodial Sexual Misconduct 1 (RCW  
29 9A.44.160)  
30 Dealing in Depictions of Minor  
31 Engaged in Sexually Explicit  
32 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order  
2 Violation (RCW 7.105.450,  
3 10.99.040, 10.99.050, 26.09.300,  
4 26.10.220, 26.26B.050, 26.50.110,  
5 26.52.070, or 74.34.145)  
6 Extortion 1 (RCW 9A.56.120)  
7 Extortionate Extension of Credit (RCW  
8 9A.82.020)  
9 Extortionate Means to Collect  
10 Extensions of Credit (RCW  
11 9A.82.040)  
12 Incest 2 (RCW 9A.64.020(2))  
13 Kidnapping 2 (RCW 9A.40.030)  
14 Manufacture or import counterfeit,  
15 nonfunctional, damaged, or  
16 previously deployed air bag (RCW  
17 46.37.650(1)(c))  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1 (RCW  
25 9A.76.070)  
26 Sell, install, or reinstall counterfeit,  
27 nonfunctional, damaged, or  
28 previously deployed airbag (RCW  
29 46.37.650(2)(c))  
30 Sending, Bringing into State Depictions  
31 of Minor Engaged in Sexually  
32 Explicit Conduct 2 (RCW  
33 9.68A.060(2))  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault 4 (third domestic violence  
12 offense) (RCW 9A.36.041(3))  
13 Assault by Watercraft (RCW  
14 79A.60.060)  
15 Bribing a Witness/Bribe Received by  
16 Witness (RCW 9A.72.090,  
17 9A.72.100)  
18 Cheating 1 (RCW 9A.46.1961)  
19 Commercial Bribery (RCW 9A.68.060)  
20 Counterfeiting (RCW 9.16.035(4))  
21 Driving While Under the Influence  
22 (RCW 46.61.502(6))  
23 Endangerment with a Controlled  
24 Substance (RCW 9A.42.100)  
25 Escape 1 (RCW 9A.76.110)  
26 Hate Crime (RCW 9A.36.080)  
27 Hit and Run—Injury (RCW  
28 46.52.020(4)(b))  
29 Hit and Run with Vessel—Injury  
30 Accident (RCW 79A.60.200(3))  
31 Identity Theft 1 (RCW 9.35.020(2))  
32 Indecent Exposure to Person Under Age  
33 14 (subsequent sex offense) (RCW  
34 9A.88.010)



1 Influencing Outcome of Sporting Event  
2 (RCW 9A.82.070)  
3 Physical Control of a Vehicle While  
4 Under the Influence (RCW  
5 46.61.504(6))  
6 Possession of Depictions of a Minor  
7 Engaged in Sexually Explicit  
8 Conduct 2 (RCW 9.68A.070(2))  
9 Residential Burglary (RCW 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health coverage  
19 as a health care service contractor  
20 (RCW 48.44.016(3))  
21 Unlawful transaction of health coverage  
22 as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(2))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicle Prowling 2 (third or subsequent  
32 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 Attempting to Elude a Pursuing Police  
19 Vehicle (where there is a reasonable  
20 suspicion the offender has violated or is  
21 violating RCW 9A.56.065 or  
22 9A.56.070) (RCW 46.61.024(1)(b))

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

25 Burglary 2 (RCW 9A.52.030)

26 Communication with a Minor for  
27 Immoral Purposes (RCW  
28 9.68A.090)

29 Criminal Gang Intimidation (RCW  
30 9A.46.120)

31 Custodial Assault (RCW 9A.36.100)

32 Cyber Harassment (RCW  
33 9A.90.120(2)(b))

34 Escape 2 (RCW 9A.76.120)

35 Extortion 2 (RCW 9A.56.130)

1 False Reporting 2 (RCW  
2 9A.84.040(2)(b))  
3 Harassment (RCW 9A.46.020)  
4 Intimidating a Public Servant (RCW  
5 9A.76.180)  
6 Introducing Contraband 2 (RCW  
7 9A.76.150)  
8 Malicious Injury to Railroad Property  
9 (RCW 81.60.070)  
10 Manufacture of Untraceable Firearm  
11 with Intent to Sell (RCW 9.41.190)  
12 Manufacture or Assembly of an  
13 Undetectable Firearm or  
14 Untraceable Firearm (RCW  
15 9.41.325)  
16 Mortgage Fraud (RCW 19.144.080)  
17 Negligently Causing Substantial Bodily  
18 Harm By Use of a Signal  
19 Preemption Device (RCW  
20 46.37.674)  
21 Organized Retail Theft 1 (RCW  
22 9A.56.350(2))  
23 Perjury 2 (RCW 9A.72.030)  
24 Possession of Incendiary Device (RCW  
25 9.40.120)  
26 Possession of Machine Gun, Bump-Fire  
27 Stock, Undetectable Firearm, or  
28 Short-Barreled Shotgun or Rifle  
29 (RCW 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  
35 21.20.400)

1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Telephone Harassment (subsequent  
4 conviction or threat of death) (RCW  
5 9.61.230(2))  
6 Theft of Livestock 2 (RCW 9A.56.083)  
7 Theft with the Intent to Resell 1 (RCW  
8 9A.56.340(2))  
9 Trafficking in Stolen Property 2 (RCW  
10 9A.82.055)  
11 Unlawful Hunting of Big Game 1 (RCW  
12 77.15.410(3)(b))  
13 Unlawful Imprisonment (RCW  
14 9A.40.040)  
15 Unlawful Misbranding of Fish or  
16 Shellfish 1 (RCW 77.140.060(3))  
17 Unlawful possession of firearm in the  
18 second degree (RCW 9.41.040(2))  
19 Unlawful Taking of Endangered Fish or  
20 Wildlife 1 (RCW 77.15.120(3)(b))  
21 Unlawful Trafficking in Fish, Shellfish,  
22 or Wildlife 1 (RCW  
23 77.15.260(3)(b))  
24 Unlawful Use of a Nondesignated  
25 Vessel (RCW 77.15.530(4))  
26 Vehicular Assault, by the operation or  
27 driving of a vehicle with disregard  
28 for the safety of others (RCW  
29 46.61.522)  
30 Willful Failure to Return from Work  
31 Release (RCW 72.65.070)  
32 II Commercial Fishing Without a License  
33 1 (RCW 77.15.500(3)(b))  
34 Computer Trespass 1 (RCW 9A.90.040)  
35 Counterfeiting (RCW 9.16.035(3))

1 Electronic Data Service Interference  
2 (RCW 9A.90.060)  
3 Electronic Data Tampering 1 (RCW  
4 9A.90.080)  
5 Electronic Data Theft (RCW 9A.90.100)  
6 Engaging in Fish Dealing Activity  
7 Unlicensed 1 (RCW 77.15.620(3))  
8 Escape from Community Custody  
9 (RCW 72.09.310)  
10 Failure to Register as a Sex Offender  
11 (second or subsequent offense)  
12 (RCW 9A.44.130 prior to June 10,  
13 2010, and RCW 9A.44.132)  
14 Health Care False Claims (RCW  
15 48.80.030)  
16 Identity Theft 2 (RCW 9.35.020(3))  
17 Improperly Obtaining Financial  
18 Information (RCW 9.35.010)  
19 Malicious Mischief 1 (RCW 9A.48.070)  
20 Organized Retail Theft 2 (RCW  
21 9A.56.350(3))  
22 Possession of Stolen Property 1 (RCW  
23 9A.56.150)  
24 Possession of a Stolen Vehicle (RCW  
25 9A.56.068)  
26 Retail Theft with Special Circumstances  
27 2 (RCW 9A.56.360(3))  
28 Scrap Processing, Recycling, or  
29 Supplying Without a License  
30 (second or subsequent offense)  
31 (RCW 19.290.100)  
32 Theft 1 (RCW 9A.56.030)  
33 Theft of a Motor Vehicle (RCW  
34 9A.56.065)

1 Theft of Rental, Leased, Lease-  
2 purchased, or Loaned Property  
3 (valued at \$5,000 or more) (RCW  
4 9A.56.096(5)(a))  
5 Theft with the Intent to Resell 2 (RCW  
6 9A.56.340(3))  
7 Trafficking in Insurance Claims (RCW  
8 48.30A.015)  
9 Unlawful factoring of a credit card or  
10 payment card transaction (RCW  
11 9A.56.290(4)(a))  
12 Unlawful Participation of Non-Indians  
13 in Indian Fishery (RCW  
14 77.15.570(2))  
15 Unlawful Practice of Law (RCW  
16 2.48.180)  
17 Unlawful Purchase or Use of a License  
18 (RCW 77.15.650(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 2 (RCW  
21 77.15.260(3)(a))  
22 Unlicensed Practice of a Profession or  
23 Business (RCW 18.130.190(7))  
24 Voyeurism 1 (RCW 9A.44.115)  
25 I Attempting to Elude a Pursuing Police  
26 Vehicle (except where there is a  
27 reasonable suspicion the offender  
28 has violated or is violating RCW  
29 9A.56.065 or 9A.56.070) (RCW  
30 46.61.024 except subsection (1)(b))  
31 False Verification for Welfare (RCW  
32 74.08.055)  
33 Forgery (RCW 9A.60.020)  
34 Fraudulent Creation or Revocation of a  
35 Mental Health Advance Directive  
36 (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 \$750 or more but less  
18 than \$5,000) (RCW  
19 9A.56.096(5)(b))  
20 Transaction of insurance business  
21 beyond the scope of licensure  
22 (RCW 48.17.063)  
23 Unlawful Fish and Shellfish Catch  
24 Accounting (RCW 77.15.630(3)(b))  
25 Unlawful Issuance of Checks or Drafts  
26 (RCW 9A.56.060)  
27 Unlawful Possession of Fictitious  
28 Identification (RCW 9A.56.320)  
29 Unlawful Possession of Instruments of  
30 Financial Fraud (RCW 9A.56.320)  
31 Unlawful Possession of Payment  
32 Instruments (RCW 9A.56.320)  
33 Unlawful Possession of a Personal  
34 Identification Device (RCW  
35 9A.56.320)

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

19 **Sec. 3.** RCW 9.94A.834 and 2008 c 219 s 2 are each amended to  
20 read as follows:

21 (1) The prosecuting attorney may file a special allegation of  
22 endangerment by eluding in every criminal case involving a charge of  
23 attempting to elude a police vehicle under RCW 46.61.024, when  
24 sufficient admissible evidence exists, to show that one or more  
25 persons other than the defendant or the pursuing law enforcement  
26 officer were threatened with physical injury or harm by the actions  
27 of the person committing the crime of attempting to elude a police  
28 vehicle, or that the defendant committed or was committing any of the  
29 following acts:

30 (a) Theft of a motor vehicle under RCW 9A.56.065;

31 (b) Taking a motor vehicle without permission in the first degree  
32 under RCW 9A.56.070; or

33 (c) Evading the enforcement of an active warrant for arrest.

34 (2) In a criminal case in which there has been a special  
35 allegation, the state shall prove beyond a reasonable doubt that the  
36 accused committed the crime while endangering one or more persons  
37 other than the defendant or the pursuing law enforcement officer, or



1 that the accused committed the crime and committed or was committing  
2 an act described in subsection (1)(a) through (c) of this section.  
3 The court shall make a finding of fact of whether or not one or more  
4 persons other than the defendant or the pursuing law enforcement  
5 officer were endangered at the time of the commission of the crime or  
6 whether or not the accused also committed or was committing an act  
7 described in subsection (1)(a) through (c) of this section, or if a  
8 jury trial is had, the jury shall, if it finds the defendant guilty,  
9 also find a special verdict as to whether or not one or more persons  
10 other than the defendant or the pursuing law enforcement officer were  
11 endangered during the commission of the crime or whether or not the  
12 accused also committed or was committing an act described in  
13 subsection (1)(a) through (c) of this section.

14 **Sec. 4.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are  
15 each reenacted and amended to read as follows:

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

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

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

1 range determined under subsection (2) of this section based on the  
2 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

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

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

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

29 (f) The firearm enhancements in this section shall apply to all  
30 felony crimes except the following: Possession of a machine gun or  
31 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
32 theft of a firearm, unlawful possession of a firearm in the first and  
33 second degree, and use of a machine gun or bump-fire stock in a  
34 felony;

35 (g) If the standard sentence range under this section exceeds the  
36 statutory maximum sentence for the offense, the statutory maximum  
37 sentence shall be the presumptive sentence unless the offender is a  
38 persistent offender. If the addition of a firearm enhancement  
39 increases the sentence so that it would exceed the statutory maximum

1 for the offense, the portion of the sentence representing the  
2 enhancement may not be reduced.

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

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

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

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

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

37 (e) Notwithstanding any other provision of law, all deadly weapon  
38 enhancements under this section are mandatory, shall be served in  
39 total confinement, and shall run consecutively to all other  
40 sentencing provisions, including other firearm or deadly weapon

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

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

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

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

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

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

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

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

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

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

39 (6) An additional twenty-four months shall be added to the  
40 standard sentence range for any ranked offense involving a violation

1 of chapter 69.50 RCW if the offense was also a violation of RCW  
2 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
3 run consecutively to all other sentencing provisions, for all  
4 offenses sentenced under this chapter.

5 (7) An additional two years shall be added to the standard  
6 sentence range for vehicular homicide committed while under the  
7 influence of intoxicating liquor or any drug as defined by RCW  
8 46.61.502 for each prior offense as defined in RCW 46.61.5055.

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

14 An offender serving a sentence under this subsection may be  
15 granted an extraordinary medical placement when authorized under RCW  
16 9.94A.728(1)(c).

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

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

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

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

38 (iv) If the offender is being sentenced for any sexual motivation  
39 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
40 the offender has previously been sentenced for any sexual motivation

1 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
2 (iii) of this subsection, all sexual motivation enhancements under  
3 this subsection shall be twice the amount of the enhancement listed;

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

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

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

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

16 (d) If the standard sentence range under this subsection exceeds  
17 the statutory maximum sentence for the offense, the statutory maximum  
18 sentence shall be the presumptive sentence unless the offender is a  
19 persistent offender. If the addition of a sexual motivation  
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 (e) The portion of the total confinement sentence which the  
24 offender must serve under this subsection shall be calculated before  
25 any earned early release time is credited to the offender;

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

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

1 or offer to engage the victim in the sexual conduct in return for a  
2 fee, an additional one-year enhancement shall be added to the  
3 standard sentence range determined under subsection (2) of this  
4 section. For purposes of this subsection, "sexual conduct" means  
5 sexual intercourse or sexual contact, both as defined in chapter  
6 9A.44 RCW.

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

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

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

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

30 (12) An additional twelve months shall be added to the standard  
31 sentence range for an offense that is also a violation of RCW  
32 9.94A.831.

33 (13) An additional twelve months shall be added to the standard  
34 sentence range for vehicular homicide committed while under the  
35 influence of intoxicating liquor or any drug as defined by RCW  
36 46.61.520 or for vehicular assault committed while under the  
37 influence of intoxicating liquor or any drug as defined by RCW  
38 46.61.522, or for any felony driving under the influence (RCW  
39 46.61.502(6)) or felony physical control under the influence (RCW  
40 46.61.504(6)) for each child passenger under the age of sixteen who

1 is an occupant in the defendant's vehicle. These enhancements shall  
2 be mandatory, shall be served in total confinement, and shall run  
3 consecutively to all other sentencing provisions, including other  
4 minor child enhancements, for all offenses sentenced under this  
5 chapter. If the addition of a minor child enhancement increases the  
6 sentence so that it would exceed the statutory maximum for the  
7 offense, the portion of the sentence representing the enhancement  
8 shall be mandatory, shall be served in total confinement, and shall  
9 run consecutively to all other sentencing provisions.

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

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

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