

SENATE BILL 5745

State of Washington

68th Legislature

2023 Regular Session

By Senators Rivers, Schoesler, Torres, L. Wilson, Gildon, J. Wilson, Short, Muzzall, McCune, Boehnke, Warnick, Braun, Holy, MacEwen, Wagoner, Dozier, and Padden

1 AN ACT Relating to the use of a stolen firearm; amending RCW
2 9.94A.515; adding a new section to chapter 9.41 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW
6 to read as follows:

7 (1) It is unlawful for a person, in the commission or furtherance
8 of a felony, to discharge a stolen firearm or to menace or threaten
9 with a stolen firearm, another person.

10 (2) A violation of this section shall be punished as a class A
11 felony under chapter 9A.20 RCW.

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

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

Use of a Stolen Firearm in Commission
of a Felony (section 1 of this act)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW
3 70.74.280(1))
4 Murder 1 (RCW 9A.32.030)
5 XIV Murder 2 (RCW 9A.32.050)
6 Trafficking 1 (RCW 9A.40.100(1))
7 XIII Malicious explosion 2 (RCW
8 70.74.280(2))
9 Malicious placement of an explosive 1
10 (RCW 70.74.270(1))
11 XII Assault 1 (RCW 9A.36.011)
12 Assault of a Child 1 (RCW 9A.36.120)
13 Malicious placement of an imitation
14 device 1 (RCW 70.74.272(1)(a))
15 Promoting Commercial Sexual Abuse of
16 a Minor (RCW 9.68A.101)
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(3))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 Vehicular Homicide, by the operation of
27 any vehicle in a reckless manner
28 (RCW 46.61.520)
29 X Child Molestation 1 (RCW 9A.44.083)
30 Criminal Mistreatment 1 (RCW
31 9A.42.020)
32 Indecent Liberties (with forcible
33 compulsion) (RCW
34 9A.44.100(1)(a))
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape (RCW
6 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being under
15 the influence of intoxicating liquor
16 or any drug (RCW 79A.60.050)
17 Inciting Criminal Profiteering (RCW
18 9A.82.060(1)(b))
19 Malicious placement of an explosive 2
20 (RCW 70.74.270(2))
21 Robbery 1 (RCW 9A.56.200)
22 Sexual Exploitation (RCW 9.68A.040)
23 VIII Arson 1 (RCW 9A.48.020)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Homicide by Watercraft, by the
27 operation of any vessel in a reckless
28 manner (RCW 79A.60.050)
29 Manslaughter 2 (RCW 9A.32.070)
30 Promoting Prostitution 1 (RCW
31 9A.88.070)
32 Theft of Ammonia (RCW 69.55.010)
33 VII Air bag diagnostic systems (causing
34 bodily injury or death) (RCW
35 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))
11 Drive-by Shooting (RCW 9A.36.045)
12 False Reporting 1 (RCW
13 9A.84.040(2)(a))
14 Homicide by Watercraft, by disregard
15 for the safety of others (RCW
16 79A.60.050)
17 Indecent Liberties (without forcible
18 compulsion) (RCW 9A.44.100(1)
19 (b) and (c))
20 Introducing Contraband 1 (RCW
21 9A.76.140)
22 Malicious placement of an explosive 3
23 (RCW 70.74.270(3))
24 Manufacture or import counterfeit,
25 nonfunctional, damaged, or
26 previously deployed air bag
27 (causing bodily injury or death)
28 (RCW 46.37.650(1)(b))
29 Negligently Causing Death By Use of a
30 Signal Preemption Device (RCW
31 46.37.675)
32 Sell, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 46.37.650(2)(b))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct 1 (RCW
4 9.68A.060(1))
5 Unlawful Possession of a Firearm in the
6 first degree (RCW 9.41.040(1))
7 Use of a Machine Gun or Bump-fire
8 Stock in Commission of a Felony
9 (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW 9A.72.160)
18 Intimidating a Juror/Witness (RCW
19 9A.72.110, 9A.72.130)
20 Malicious placement of an imitation
21 device 2 (RCW 70.74.272(1)(b))
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 1 (RCW 9.68A.070(1))
25 Rape of a Child 3 (RCW 9A.44.079)
26 Theft of a Firearm (RCW 9A.56.300)
27 Theft from a Vulnerable Adult 1 (RCW
28 9A.56.400(1))
29 Unlawful Storage of Ammonia (RCW
30 69.55.020)
31 V Abandonment of Dependent Person 2
32 (RCW 9A.42.070)
33 Advancing money or property for
34 extortionate extension of credit
35 (RCW 9A.82.030)

1 Air bag diagnostic systems (RCW
2 46.37.660(2)(c))
3 Air bag replacement requirements
4 (RCW 46.37.660(1)(c))
5 Bail Jumping with class A Felony
6 (RCW 9A.76.170(3)(b))
7 Child Molestation 3 (RCW 9A.44.089)
8 Criminal Mistreatment 2 (RCW
9 9A.42.030)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Dealing in Depictions of Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.050(2))
15 Domestic Violence Court Order
16 Violation (RCW 7.105.450,
17 10.99.040, 10.99.050, 26.09.300,
18 26.10.220, 26.26B.050, 26.50.110,
19 26.52.070, or 74.34.145)
20 Extortion 1 (RCW 9A.56.120)
21 Extortionate Extension of Credit (RCW
22 9A.82.020)
23 Extortionate Means to Collect
24 Extensions of Credit (RCW
25 9A.82.040)
26 Incest 2 (RCW 9A.64.020(2))
27 Kidnapping 2 (RCW 9A.40.030)
28 Manufacture or import counterfeit,
29 nonfunctional, damaged, or
30 previously deployed air bag (RCW
31 46.37.650(1)(c))
32 Perjury 1 (RCW 9A.72.020)
33 Persistent prison misbehavior (RCW
34 9.94.070)
35 Possession of a Stolen Firearm (RCW
36 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sell, install, or reinstall counterfeit,
5 nonfunctional, damaged, or
6 previously deployed airbag (RCW
7 46.37.650(2)(c))
8 Sending, Bringing into State Depictions
9 of Minor Engaged in Sexually
10 Explicit Conduct 2 (RCW
11 9.68A.060(2))
12 Sexual Misconduct with a Minor 1
13 (RCW 9A.44.093)
14 Sexually Violating Human Remains
15 (RCW 9A.44.105)
16 Stalking (RCW 9A.46.110)
17 Taking Motor Vehicle Without
18 Permission 1 (RCW 9A.56.070)
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault 3 (of a Peace Officer with a
22 Projectile Stun Gun) (RCW
23 9A.36.031(1)(h))
24 Assault 4 (third domestic violence
25 offense) (RCW 9A.36.041(3))
26 Assault by Watercraft (RCW
27 79A.60.060)
28 Bribing a Witness/Bribe Received by
29 Witness (RCW 9A.72.090,
30 9A.72.100)
31 Cheating 1 (RCW 9.46.1961)
32 Commercial Bribery (RCW 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Driving While Under the Influence
35 (RCW 46.61.502(6))

1 Endangerment with a Controlled
2 Substance (RCW 9A.42.100)
3 Escape 1 (RCW 9A.76.110)
4 Hate Crime (RCW 9A.36.080)
5 Hit and Run—Injury (RCW
6 46.52.020(4)(b))
7 Hit and Run with Vessel—Injury
8 Accident (RCW 79A.60.200(3))
9 Identity Theft 1 (RCW 9.35.020(2))
10 Indecent Exposure to Person Under Age
11 14 (subsequent sex offense) (RCW
12 9A.88.010)
13 Influencing Outcome of Sporting Event
14 (RCW 9A.82.070)
15 Physical Control of a Vehicle While
16 Under the Influence (RCW
17 46.61.504(6))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 2 (RCW 9.68A.070(2))
21 Residential Burglary (RCW 9A.52.025)
22 Robbery 2 (RCW 9A.56.210)
23 Theft of Livestock 1 (RCW 9A.56.080)
24 Threats to Bomb (RCW 9.61.160)
25 Trafficking in Stolen Property 1 (RCW
26 9A.82.050)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(b))
30 Unlawful transaction of health coverage
31 as a health care service contractor
32 (RCW 48.44.016(3))
33 Unlawful transaction of health coverage
34 as a health maintenance
35 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance
2 business (RCW 48.15.023(3))
3 Unlicensed practice as an insurance
4 professional (RCW 48.17.063(2))
5 Use of Proceeds of Criminal
6 Profiteering (RCW 9A.82.080 (1)
7 and (2))
8 Vehicle Prowling 2 (third or subsequent
9 offense) (RCW 9A.52.100(3))
10 Vehicular Assault, by being under the
11 influence of intoxicating liquor or
12 any drug, or by the operation or
13 driving of a vehicle in a reckless
14 manner (RCW 46.61.522)
15 Viewing of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 1 (RCW 9.68A.075(1))
18 Willful Failure to Return from Furlough
19 (RCW 72.66.060)
20 III Animal Cruelty 1 (Sexual Conduct or
21 Contact) (RCW 16.52.205(3))
22 Assault 3 (Except Assault 3 of a Peace
23 Officer With a Projectile Stun Gun)
24 (RCW 9A.36.031 except subsection
25 (1)(h))
26 Assault of a Child 3 (RCW 9A.36.140)
27 Bail Jumping with class B or C Felony
28 (RCW 9A.76.170(3)(c))
29 Burglary 2 (RCW 9A.52.030)
30 Communication with a Minor for
31 Immoral Purposes (RCW
32 9.68A.090)
33 Criminal Gang Intimidation (RCW
34 9A.46.120)
35 Custodial Assault (RCW 9A.36.100)

1 Cyber Harassment (RCW
2 9A.90.120(2)(b))
3 Escape 2 (RCW 9A.76.120)
4 Extortion 2 (RCW 9A.56.130)
5 False Reporting 2 (RCW
6 9A.84.040(2)(b))
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Malicious Injury to Railroad Property
13 (RCW 81.60.070)
14 Manufacture of Untraceable Firearm
15 with Intent to Sell (RCW 9.41.190)
16 Manufacture or Assembly of an
17 Undetectable Firearm or
18 Untraceable Firearm (RCW
19 9.41.325)
20 Mortgage Fraud (RCW 19.144.080)
21 Negligently Causing Substantial Bodily
22 Harm By Use of a Signal
23 Preemption Device (RCW
24 46.37.674)
25 Organized Retail Theft 1 (RCW
26 9A.56.350(2))
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun, Bump-Fire
31 Stock, Undetectable Firearm, or
32 Short-Barreled Shotgun or Rifle
33 (RCW 9.41.190)
34 Promoting Prostitution 2 (RCW
35 9A.88.080)

1 Retail Theft with Special Circumstances
2 1 (RCW 9A.56.360(2))
3 Securities Act violation (RCW
4 21.20.400)
5 Tampering with a Witness (RCW
6 9A.72.120)
7 Telephone Harassment (subsequent
8 conviction or threat of death) (RCW
9 9.61.230(2))
10 Theft of Livestock 2 (RCW 9A.56.083)
11 Theft with the Intent to Resell 1 (RCW
12 9A.56.340(2))
13 Trafficking in Stolen Property 2 (RCW
14 9A.82.055)
15 Unlawful Hunting of Big Game 1 (RCW
16 77.15.410(3)(b))
17 Unlawful Imprisonment (RCW
18 9A.40.040)
19 Unlawful Misbranding of Fish or
20 Shellfish 1 (RCW 77.140.060(3))
21 Unlawful possession of firearm in the
22 second degree (RCW 9.41.040(2))
23 Unlawful Taking of Endangered Fish or
24 Wildlife 1 (RCW 77.15.120(3)(b))
25 Unlawful Trafficking in Fish, Shellfish,
26 or Wildlife 1 (RCW
27 77.15.260(3)(b))
28 Unlawful Use of a Nondesignated
29 Vessel (RCW 77.15.530(4))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)

1 II Commercial Fishing Without a License
2 1 (RCW 77.15.500(3)(b))
3 Computer Trespass 1 (RCW 9A.90.040)
4 Counterfeiting (RCW 9.16.035(3))
5 Electronic Data Service Interference
6 (RCW 9A.90.060)
7 Electronic Data Tampering 1 (RCW
8 9A.90.080)
9 Electronic Data Theft (RCW 9A.90.100)
10 Engaging in Fish Dealing Activity
11 Unlicensed 1 (RCW 77.15.620(3))
12 Escape from Community Custody
13 (RCW 72.09.310)
14 Failure to Register as a Sex Offender
15 (second or subsequent offense)
16 (RCW 9A.44.130 prior to June 10,
17 2010, and RCW 9A.44.132)
18 Health Care False Claims (RCW
19 48.80.030)
20 Identity Theft 2 (RCW 9.35.020(3))
21 Improperly Obtaining Financial
22 Information (RCW 9.35.010)
23 Malicious Mischief 1 (RCW 9A.48.070)
24 Organized Retail Theft 2 (RCW
25 9A.56.350(3))
26 Possession of Stolen Property 1 (RCW
27 9A.56.150)
28 Possession of a Stolen Vehicle (RCW
29 9A.56.068)
30 Retail Theft with Special Circumstances
31 2 (RCW 9A.56.360(3))
32 Scrap Processing, Recycling, or
33 Supplying Without a License
34 (second or subsequent offense)
35 (RCW 19.290.100)

1 Theft 1 (RCW 9A.56.030)
2 Theft of a Motor Vehicle (RCW
3 9A.56.065)
4 Theft of Rental, Leased, Lease-
5 purchased, or Loaned Property
6 (valued at \$5,000 or more) (RCW
7 9A.56.096(5)(a))
8 Theft with the Intent to Resell 2 (RCW
9 9A.56.340(3))
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlawful factoring of a credit card or
13 payment card transaction (RCW
14 9A.56.290(4)(a))
15 Unlawful Participation of Non-Indians
16 in Indian Fishery (RCW
17 77.15.570(2))
18 Unlawful Practice of Law (RCW
19 2.48.180)
20 Unlawful Purchase or Use of a License
21 (RCW 77.15.650(3)(b))
22 Unlawful Trafficking in Fish, Shellfish,
23 or Wildlife 2 (RCW
24 77.15.260(3)(a))
25 Unlicensed Practice of a Profession or
26 Business (RCW 18.130.190(7))
27 Voyeurism 1 (RCW 9A.44.115)
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 False Verification for Welfare (RCW
31 74.08.055)
32 Forgery (RCW 9A.60.020)
33 Fraudulent Creation or Revocation of a
34 Mental Health Advance Directive
35 (RCW 9A.60.060)
36 Malicious Mischief 2 (RCW 9A.48.080)

1 Mineral Trespass (RCW 78.44.330)
2 Possession of Stolen Property 2 (RCW
3 9A.56.160)
4 Reckless Burning 1 (RCW 9A.48.040)
5 Spotlighting Big Game 1 (RCW
6 77.15.450(3)(b))
7 Suspension of Department Privileges 1
8 (RCW 77.15.670(3)(b))
9 Taking Motor Vehicle Without
10 Permission 2 (RCW 9A.56.075)
11 Theft 2 (RCW 9A.56.040)
12 Theft from a Vulnerable Adult 2 (RCW
13 9A.56.400(2))
14 Theft of Rental, Leased, Lease-
15 purchased, or Loaned Property
16 (valued at \$750 or more but less
17 than \$5,000) (RCW
18 9A.56.096(5)(b))
19 Transaction of insurance business
20 beyond the scope of licensure
21 (RCW 48.17.063)
22 Unlawful Fish and Shellfish Catch
23 Accounting (RCW 77.15.630(3)(b))
24 Unlawful Issuance of Checks or Drafts
25 (RCW 9A.56.060)
26 Unlawful Possession of Fictitious
27 Identification (RCW 9A.56.320)
28 Unlawful Possession of Instruments of
29 Financial Fraud (RCW 9A.56.320)
30 Unlawful Possession of Payment
31 Instruments (RCW 9A.56.320)
32 Unlawful Possession of a Personal
33 Identification Device (RCW
34 9A.56.320)
35 Unlawful Production of Payment
36 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))

--- **END** ---