SENATE BILL 5737 (Corrected Copy)

State of Washington63rd Legislature2013 Regular SessionBy Senators Murray, Kohl-Welles, and Kline

Read first time 02/13/13. Referred to Committee on Law & Justice.

AN ACT Relating to banning the sale of assault weapons; reenacting and amending RCW 9.41.010 and 9.94A.515; adding a new section to chapter 9.41 RCW; and prescribing penalties.

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

5 Sec. 1. RCW 9.41.010 and 2009 c 216 s 1 are each reenacted and 6 amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in8 this section apply throughout this chapter.

9 (1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire 10 ignition with fixed ammunition and manufactured in or before 1898, 11 12 including any matchlock, flintlock, percussion cap, or similar type of 13 ignition system and also any firearm using fixed ammunition 14 manufactured in or before 1898, for which ammunition is no longer 15 manufactured in the United States and is not readily available in the 16 ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of aclosed action down the length of the axis of the bore to the crown of

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1 the muzzle, or in the case of a barrel with attachments to the end of 2 any legal device permanently attached to the end of the muzzle.

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(3) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter 4 amended: Any felony defined under any law as a class A felony or an 5 attempt to commit a class A felony, criminal solicitation of or 6 7 criminal conspiracy to commit a class A felony, manslaughter in the 8 first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, 9 10 arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in 11 12 the second degree, residential burglary, and robbery in the second 13 degree;

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

17 (c) Any federal or out-of-state conviction for an offense 18 comparable to a felony classified as a crime of violence under (a) or 19 (b) of this subsection.

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

(5) "Family or household member" means "family" or "household
 member" as used in RCW 10.99.020.

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

33 (7) "Firearm" means a weapon or device from which a projectile or 34 projectiles may be fired by an explosive such as gunpowder.

(8) "Law enforcement officer" includes a general authority
 Washington peace officer as defined in RCW 10.93.020, or a specially
 commissioned Washington peace officer as defined in RCW 10.93.020.

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"Law enforcement officer" also includes a limited authority Washington 1 2 peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol. 3

(9) "Lawful permanent resident" has the same meaning afforded a 4 5 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20). б

7 (10) "Loaded" means:

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

(b) Cartridges are in a clip that is locked in place in the 9 firearm; 10

(c) There is a cartridge in the cylinder of the firearm, if the 11 12 firearm is a revolver;

13 (d) There is a cartridge in the tube or magazine that is inserted 14 in the action; or

(e) There is a ball in the barrel and the firearm is capped or 15 primed if the firearm is a muzzle loader. 16

17 (11) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument 18 not requiring that the trigger be pressed for each shot and having a 19 reservoir clip, disc, drum, belt, or other separable mechanical device 20 21 for storing, carrying, or supplying ammunition which can be loaded into 22 the firearm, mechanism, or instrument, and fired therefrom at the rate 23 of five or more shots per second.

24 (12) "Nonimmigrant alien" means a person defined as such in 8 25 U.S.C. Sec. 1101(a)(15).

26 (13) "Pistol" means any firearm with a barrel less than sixteen 27 inches in length, or is designed to be held and fired by the use of a 28 single hand.

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

(15) "Sell" refers to the actual approval of the delivery of a 34 35 firearm in consideration of payment or promise of payment of a certain 36 price in money.

37 (16) "Serious offense" means any of the following felonies or a 1 felony attempt to commit any of the following felonies, as now existing

2 or hereafter amended:

3

(a) Any crime of violence;

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

7 (c) Child molestation in the second degree;

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

- 9 (e) Indecent liberties;
- 10 (f) Leading organized crime;
- 11 (g) Promoting prostitution in the first degree;
- 12 (h) Rape in the third degree;
- 13 (i) Drive-by shooting;

14 (j) Sexual exploitation;

15 (k) Vehicular assault, when caused by the operation or driving of 16 a vehicle by a person while under the influence of intoxicating liquor 17 or any drug or by the operation or driving of a vehicle in a reckless 18 manner;

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

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

(n) Any other felony with a deadly weapon verdict under RCW
 ((9.94A.602)) 9.94A.825; or

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

31 (17) "Short-barreled rifle" means a rifle having one or more 32 barrels less than sixteen inches in length and any weapon made from a 33 rifle by any means of modification if such modified weapon has an 34 overall length of less than twenty-six inches.

35 (18) "Short-barreled shotgun" means a shotgun having one or more 36 barrels less than eighteen inches in length and any weapon made from a 37 shotgun by any means of modification if such modified weapon has an 38 overall length of less than twenty-six inches.

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1 (19) "Shotgun" means a weapon with one or more barrels, designed or 2 redesigned, made or remade, and intended to be fired from the shoulder 3 and designed or redesigned, made or remade, and intended to use the 4 energy of the explosive in a fixed shotgun shell to fire through a 5 smooth bore either a number of ball shot or a single projectile for 6 each single pull of the trigger.

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<u>(20) "Assault weapon" means:</u>

8 <u>(a) Any semiautomatic pistol or semiautomatic or pump-action rifle</u> 9 <u>or shotgun that is capable of accepting a detachable magazine, with a</u> 10 <u>capacity to accept more then ten rounds of ammunition and that also</u> 11 <u>possesses any of the following:</u>

12 (i) If the firearm is a rifle or shotgun, a pistol grip located 13 rear of the trigger;

14 (ii) If the firearm is a rifle or shotgun, a stock in any 15 configuration, including but not limited to a thumbhole stock, a 16 folding stock or a telescoping stock, that allows the bearer of the 17 firearm to grasp the firearm with the trigger hand such that the web of 18 the trigger hand, between the thumb and forefinger, can be placed below 19 the top of the external portion of the trigger during firing;

20 (iii) If the firearm is a pistol, a shoulder stock of any type or 21 configuration, including but not limited to a folding stock or a 22 telescoping stock;

23 (iv) A barrel shroud;

24 <u>(v) A muzzle brake or muzzle compensator;</u>

(vi) Any feature capable of functioning as a protruding grip that
 can be held by the hand that is not the trigger hand;

27 (b) Any pistol that is capable of accepting a detachable magazine
 28 at any location outside of the pistol grip;

29 (c) Any semiautomatic pistol, any semiautomatic, center-fire rifle, 30 or any shotgun with a fixed magazine that has the capacity to accept 31 more than ten rounds of ammunition;

32 (d) Any firearm with a threaded barrel designed to accommodate a 33 flash suppression or noise suppression device;

34 (e) Any shotgun capable of accepting a detachable magazine;

35 (f) Any shotgun with a revolving cylinder;

36 (g) Any conversion kit or other combination of parts from which an

37 <u>assault weapon can be assembled if the parts are in the possession or</u>

38 <u>under the control of any person.</u>

1 (21) "Detachable magazine" means a magazine, the function of which 2 is to deliver one or more ammunition cartridges into the firing 3 chamber, which can be removed from the firearm without the use of any 4 tool, including a bullet or ammunition cartridge.

5 (22) "Barrel shroud" means a covering, other than a slide, that is 6 attached to, or that substantially or completely encircles, the barrel 7 of a firearm and that allows the bearer of the firearm to hold the 8 barrel with the nonshooting hand while firing the firearm, without 9 burning that hand, except that the term does not include an extension 10 of the stock along the bottom of the barrel that does not substantially 11 or completely encircle the barrel.

12 (23) "Muzzle brake" means a device attached to the muzzle of a 13 weapon that utilizes escaping gas to reduce recoil.

14 (24) "Muzzle compensator" means a device attached to the muzzle of 15 <u>a weapon that utilizes escaping gas to control muzzle movement.</u>

16 (25) "Conversion kit" means any part or combination of parts 17 designed and intended for use in converting a firearm into an assault 18 weapon.

19 <u>NEW SECTION.</u> Sec. 2. A new section is added to chapter 9.41 RCW 20 to read as follows:

(1) No person in this state shall manufacture, possess, purchase, sell, or otherwise transfer any assault weapon, or any assault weapon conversion kit, except as authorized by subsection (3) of this section. Any assault weapon or assault weapon conversion kit the manufacture, possession, purchase, sale, or other transfer of which is prohibited under this section is a public nuisance.

(2) No person in this state shall possess or have under his or hercontrol at one time both of the following:

(a) A semiautomatic or pump-action rifle, semiautomatic pistol, or
 shotgun capable of accepting a detachable magazine; and

31 (b) Any magazine capable of use with that firearm that contains 32 more than ten rounds of ammunition.

33 (3) Subsection (1) of this section shall not apply to any of the 34 following:

35 (a) The possession of an unloaded assault weapon for the purpose of36 permanently relinquishing it to a law enforcement agency in this state.

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Any assault weapon relinquished pursuant to this subsection shall be
 destroyed;

3 (b) The transfer of any assault weapon by a licensed manufacturer 4 or dealer to a law enforcement agency in this state for use by that 5 agency or its employees for law enforcement purposes;

6 (c) The possession of an assault weapon that was legally possessed 7 on the effective date of this section, but only if the person legally 8 possessing the assault weapon has complied with all of the requirements 9 of subsection (5) of this section;

(d) The possession of an assault weapon that has been permanentlydisabled so that it is incapable of discharging a projectile.

12 (4) Subsection (2) of this section shall not apply to any person:

(a) While lawfully engaged in shooting at a duly licensed, lawfullyoperated shooting range;

(b) While lawfully participating in a sporting event officially sanctioned by a club or organization established in whole or in part for the purpose of sponsoring sport shooting events.

18 (5) In order to continue to possess an assault weapon that was 19 legally possessed on the effective date of this section, the person 20 possessing the assault weapon shall do all of the following:

21

(a) Safely and securely store the assault weapon;

(b) Possess the assault weapon only on property owned or immediately controlled by the person, or while engaged in the legal use of the assault weapon at a duly licensed firing range, or while traveling to or from either of these locations for the purpose of engaging in the legal use of the assault weapon, provided that the assault weapon is stored unloaded and in a separate locked container during transport.

(6) Notwithstanding any other provision of this section, any person
in this state who, after the effective date of this section, acquires
title to an assault weapon by inheritance, bequest, or succession,
shall, within thirty days of acquiring title, do one of the following:

(a) Comply with all of the requirements of subsection (5) of thissection;

35 (b) Dispose of the assault weapon pursuant to subsection (3)(a) of 36 this section; or

37 (c) Permanently disable the assault weapon so that it is incapable38 of discharging a projectile.

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(7)(a) Any person convicted of violating subsection (1) or (2) of
 this section is guilty of a class C felony.

3 (b) Any person convicted of violating subsection (5) of this4 section is guilty of a gross misdemeanor.

5 (8) This section does not apply to:

(a) Marshals, sheriffs, prison or jail wardens or their deputies,
or other law enforcement officers of this or another state while acting
within the scope of their duties;

9 (b) Members of the armed forces of the United States or of the 10 national guard or organized services, when on duty;

11 (c) Officers or employees of the United States duly authorized to 12 possess assault weapons; or

(d) Any person engaged in the business of manufacturing, repairing, or dealing in assault weapons, or the representative or agent of the person who is properly licensed under federal or state laws to do so and who is acting within the usual and ordinary course of the business.

Sec. 3. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

19		TABLE 2
20		CRIMES INCLUDED WITHIN
21		EACH SERIOUSNESS LEVEL
22	XVI	Aggravated Murder 1 (RCW
23		10.95.020)
24	XV	Homicide by abuse (RCW 9A.32.055)
25		Malicious explosion 1 (RCW
26		70.74.280(1))
27		Murder 1 (RCW 9A.32.030)
28	XIV	Murder 2 (RCW 9A.32.050)
29		Trafficking 1 (RCW 9A.40.100(1))
30	XIII	Malicious explosion 2 (RCW
31		70.74.280(2))
32		Malicious placement of an explosive 1
33		(RCW 70.74.270(1))
34	XII	Assault 1 (RCW 9A.36.011)
35		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
4		of 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(2))
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
12		the influence of intoxicating liquor
13		or any drug (RCW 46.61.520)
14	Х	Child Molestation 1 (RCW 9A.44.083)
15		Criminal Mistreatment 1 (RCW
16		9A.42.020)
17		Indecent Liberties (with forcible
18		compulsion) (RCW
19		9A.44.100(1)(a))
20		Kidnapping 1 (RCW 9A.40.020)
21		Leading Organized Crime (RCW
22		9A.82.060(1)(a))
23		Malicious explosion 3 (RCW
24		70.74.280(3))
25		Sexually Violent Predator Escape
26		(RCW 9A.76.115)
27	IX	Abandonment of Dependent Person 1
28		(RCW 9A.42.060)
29		Assault of a Child 2 (RCW 9A.36.130)
30		Explosive devices prohibited (RCW
31		70.74.180)
32		Hit and RunDeath (RCW
33		46.52.020(4)(a))
34		Homicide by Watercraft, by being
35		under the influence of intoxicating
36		liquor or any drug (RCW
37		79A.60.050)

1		Inciting Criminal Profiteering (RCW
2		9A.82.060(1)(b))
3		Malicious placement of an explosive 2
4		(RCW 70.74.270(2))
5		Robbery 1 (RCW 9A.56.200)
б		Sexual Exploitation (RCW 9.68A.040)
7	VIII	Arson 1 (RCW 9A.48.020)
8		Commercial Sexual Abuse of a Minor
9		(RCW 9.68A.100)
10		Homicide by Watercraft, by the
11		operation of any vessel in a
12		reckless manner (RCW
13		79A.60.050)
14		Manslaughter 2 (RCW 9A.32.070)
15		Promoting Prostitution 1 (RCW
16		9A.88.070)
17		Theft of Ammonia (RCW 69.55.010)
18		Vehicular Homicide, by the operation
19		of any vehicle in a reckless manner
20		(RCW 46.61.520)
21	VII	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		Homicide by Watercraft, by disregard
30		for the safety of others (RCW
31		79A.60.050)
32		Indecent Liberties (without forcible
33		compulsion) (RCW 9A.44.100(1)
34		(b) and (c))
35		Introducing Contraband 1 (RCW
36		9A.76.140)

1	Malicious placement of an explosive 3
2	(RCW 70.74.270(3))
3	Negligently Causing Death By Use of a
4	Signal Preemption Device (RCW
5	46.37.675)
6	Sending, bringing into state depictions
7	of minor engaged in sexually
8	explicit conduct 1 (RCW
9	9.68A.060(1))
10	Unlawful Possession of a Firearm in
11	the first degree (RCW 9.41.040(1))
12	Use of a Machine Gun in Commission
13	of a Felony (RCW 9.41.225)
14	Vehicular Homicide, by disregard for
15	the safety of others (RCW
16	46.61.520)
17	VI Bail Jumping with Murder 1 (RCW
18	9A.76.170(3)(a))
19	Bribery (RCW 9A.68.010)
20	Incest 1 (RCW 9A.64.020(1))
21	Intimidating a Judge (RCW 9A.72.160)
22	Intimidating a Juror/Witness (RCW
23	9A.72.110, 9A.72.130)
24	Malicious placement of an imitation
25	device 2 (RCW 70.74.272(1)(b))
26	Possession of Depictions of a Minor
27	Engaged in Sexually Explicit
28	Conduct 1 (RCW 9.68A.070(1))
29	Rape of a Child 3 (RCW 9A.44.079)
30	Theft of a Firearm (RCW 9A.56.300)
31	Unlawful Storage of Ammonia (RCW
32	69.55.020)
33	V Abandonment of Dependent Person 2
34	(RCW 9A.42.070)
35	Advancing money or property for
36	extortionate extension of credit
37	(RCW 9A.82.030)

1	Bail Jumping with class A Felony
2	(RCW 9A.76.170(3)(b))
3	Child Molestation 3 (RCW 9A.44.089)
4	Criminal Mistreatment 2 (RCW
5	9A.42.030)
6	Custodial Sexual Misconduct 1 (RCW
7	9A.44.160)
8	Dealing in Depictions of Minor
9	Engaged in Sexually Explicit
10	Conduct 2 (RCW 9.68A.050(2))
11	Domestic Violence Court Order
12	Violation (RCW 10.99.040,
13	10.99.050, 26.09.300, 26.10.220,
14	26.26.138, 26.50.110, 26.52.070,
15	or 74.34.145)
16	Driving While Under the Influence
17	(RCW 46.61.502(6))
18	Extortion 1 (RCW 9A.56.120)
19	Extortionate Extension of Credit (RCW
20	9A.82.020)
21	Extortionate Means to Collect
22	Extensions of Credit (RCW
23	9A.82.040)
24	Incest 2 (RCW 9A.64.020(2))
25	Kidnapping 2 (RCW 9A.40.030)
26	Perjury 1 (RCW 9A.72.020)
27	Persistent prison misbehavior (RCW
28	9.94.070)
29	Physical Control of a Vehicle While
30	Under the Influence (RCW
31	46.61.504(6))
32	Possession of a Stolen Firearm (RCW
33	9A.56.310)
34	Rape 3 (RCW 9A.44.060)
35	Rendering Criminal Assistance 1
36	(RCW 9A.76.070)

1		Sending, Bringing into State Depictions
2		of Minor Engaged in Sexually
3		Explicit Conduct 2 (RCW
4		9.68A.060(2))
5		Sexual Misconduct with a Minor 1
6		(RCW 9A.44.093)
7		Sexually Violating Human Remains
8		(RCW 9A.44.105)
9		Stalking (RCW 9A.46.110)
10		Taking Motor Vehicle Without
11		Permission 1 (RCW 9A.56.070)
12	IV	Arson 2 (RCW 9A.48.030)
13		Assault 2 (RCW 9A.36.021)
14		Assault 3 (of a Peace Officer with a
15		Projectile Stun Gun) (RCW
16		9A.36.031(1)(h))
17		Assault by Watercraft (RCW
18		79A.60.060)
19		Bribing a Witness/Bribe Received by
20		Witness (RCW 9A.72.090,
21		9A.72.100)
22		Cheating 1 (RCW 9.46.1961)
23		Commercial Bribery (RCW 9A.68.060)
24		Counterfeiting (RCW 9.16.035(4))
25		Endangerment with a Controlled
26		Substance (RCW 9A.42.100)
27		Escape 1 (RCW 9A.76.110)
28		Hit and RunInjury (RCW
29		46.52.020(4)(b))
30		Hit and Run with VesselInjury
31		Accident (RCW 79A.60.200(3))
32		Identity Theft 1 (RCW 9.35.020(2))
33		Indecent Exposure to Person Under
34		Age Fourteen (subsequent sex
35		offense) (RCW 9A.88.010)
36		Influencing Outcome of Sporting Event
37		(RCW 9A.82.070)

29A.36.080)3Possession of Depictions of a Minor4Engaged in Sexually Explicit5Conduct 2 (RCW 9.68A.070(2))6Residential Burglary (RCW79A.52.025)8Robbery 2 (RCW 9A.56.210)9Theft of Livestock 1 (RCW 9A.56.080)10Threats to Bomb (RCW 9.61.160)11Trafficking in Stolen Property 1 (RCW129A.82.050)13Unlawful factoring of a credit card or14payment card transaction (RCW159A.56.290(4)(b))16Unlawful transaction of health17coverage as a health care service18contractor (RCW 48.44.016(3))19Unlawful transaction of health20coverage as a health maintenance21organization (RCW 48.45.033(3))22Unlawful transaction of insurance23business (RCW 48.15.023(3))24Unlicensed practice as an insurance25professional (RCW 48.17.063(2))26Use of Proceeds of Criminal27Profiteering (RCW 9A.82.080 (1)28and (2))29Vehicular Assault, by being under the30influence of intoxicating liquor or31any drug, or by the operation or32driving of a vehicle in a reckless33manner (RCW 46.61.522)34Viewing of Depictions of a Minor	1	Malicious Harassment (RCW
4 Engaged in Sexually Explicit 5 Conduct 2 (RCW 9.68A.070(2)) 6 Residential Burglary (RCW 7 9A.52.025) 8 Robbery 2 (RCW 9A.56.210) 9 Theft of Livestock 1 (RCW 9A.56.080) 10 Thafficking in Stolen Property 1 (RCW 12 9A.82.050) 13 Unlawful factoring of a credit card or 14 payment card transaction (RCW 15 9A.56.290(4)(b)) 16 Unlawful transaction of health 17 coverage as a health care service 18 contractor (RCW 48.44.016(3)) 19 Unlawful transaction of health 20 coverage as a health maintenance 21 organization (RCW 48.46.033(3)) 22 Unlawful transaction of insurance 23 business (RCW 48.15.023(3)) 24 Unlicensed practice as an insurance 25 professional (RCW 48.17.063(2)) 26 Use of Proceeds of Criminal 27 Profiteering (RCW 9A.82.080 (1) 28 and (2)) 29	2	9A.36.080)
5Conduct 2 (RCW 9.68A.070(2))6Residential Burglary (RCW79A.52.025)8Robbery 2 (RCW 9A.56.210)9Theft of Livestock 1 (RCW 9A.56.080)10Threats to Bomb (RCW 9.61.160)11Trafficking in Stolen Property 1 (RCW129A.82.050)13Unlawful factoring of a credit card or14payment card transaction (RCW159A.56.290(4)(b))16Unlawful transaction of health17coverage as a health care service18contractor (RCW 48.44.016(3))19Unlawful transaction of health20coverage as a health maintenance21organization (RCW 48.46.033(3))22Unlawful transaction of insurance23business (RCW 48.15.023(3))24Unlicensed practice as an insurance25professional (RCW 48.17.063(2))26Use of Proceeds of Criminal27Profiteering (RCW 9A.82.080(1))28and (2))29Vehicular Assault, by being under the30influence of intoxicating liquor or31any drug, or by the operation or32driving of a vehicle in a reckless33manner (RCW 46.61.522)34Viewing of Depictions of a Minor	3	Possession of Depictions of a Minor
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25professional (RCW 48.17.063(2))26Use of Proceeds of Criminal27Profiteering (RCW 9A.82.080 (1)28and (2))29Vehicular Assault, by being under the30influence of intoxicating liquor or31any drug, or by the operation or32driving of a vehicle in a reckless33manner (RCW 46.61.522)34Viewing of Depictions of a Minor	23	business (RCW 48.15.023(3))
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28and (2))29Vehicular Assault, by being under the30influence of intoxicating liquor or31any drug, or by the operation or32driving of a vehicle in a reckless33manner (RCW 46.61.522)34Viewing of Depictions of a Minor	26	Use of Proceeds of Criminal
29Vehicular Assault, by being under the30influence of intoxicating liquor or31any drug, or by the operation or32driving of a vehicle in a reckless33manner (RCW 46.61.522)34Viewing of Depictions of a Minor	27	Profiteering (RCW 9A.82.080(1)
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32driving of a vehicle in a reckless33manner (RCW 46.61.522)34Viewing of Depictions of a Minor	30	influence of intoxicating liquor or
 33 manner (RCW 46.61.522) 34 Viewing of Depictions of a Minor 	31	any drug, or by the operation or
34 Viewing of Depictions of a Minor	32	driving of a vehicle in a reckless
5 1	33	manner (RCW 46.61.522)
	34	Viewing of Depictions of a Minor
35 Engaged in Sexually Explicit	35	Engaged in Sexually Explicit
36 Conduct 1 (RCW 9.68A.075(1))	36	Conduct 1 (RCW 9.68A.075(1))

1		Willful Failure to Return from
2		Furlough (RCW 72.66.060)
3	Ш	Animal Cruelty 1 (Sexual Conduct or
4		Contact) (RCW 16.52.205(3))
5		Assault 3 (Except Assault 3 of a Peace
6		Officer With a Projectile Stun
7		Gun) (RCW 9A.36.031 except
8		subsection (1)(h))
9		Assault of a Child 3 (RCW 9A.36.140)
10		Bail Jumping with class B or C Felony
11		(RCW 9A.76.170(3)(c))
12		Burglary 2 (RCW 9A.52.030)
13		Communication with a Minor for
14		Immoral Purposes (RCW
15		9.68A.090)
16		Criminal Gang Intimidation (RCW
17		9A.46.120)
18		Custodial Assault (RCW 9A.36.100)
19		Cyberstalking (subsequent conviction
20		or threat of death) (RCW
21		9.61.260(3))
22		Escape 2 (RCW 9A.76.120)
23		Extortion 2 (RCW 9A.56.130)
24		Harassment (RCW 9A.46.020)
25		Intimidating a Public Servant (RCW
26		9A.76.180)
27		Introducing Contraband 2 (RCW
28		9A.76.150)
29		Malicious Injury to Railroad Property
30		(RCW 81.60.070)
31		Manufacture, Possess, Purchase, Sell,
32		Transfer of Assault Weapon.
33		Assault Weapon Conversion Kit
34		(section 2(1) of this act)
35		Mortgage Fraud (RCW 19.144.080)

1	Negligently Causing Substantial Bodily
2	Harm By Use of a Signal
3	Preemption Device (RCW
4	46.37.674)
- 5	Organized Retail Theft 1 (RCW
6	9A.56.350(2))
7	
, 8	Perjury 2 (RCW 9A.72.030) Possess or Control Rifle or Pistol and
o 9	
	Magazine Containing More Than
10	Ten Rounds (section 2(2) of this
11	<u>act)</u>
12	Possession of Incendiary Device (RCW
13	9.40.120)
14	Possession of Machine Gun or Short-
15	Barreled Shotgun or Rifle (RCW
16	9.41.190)
17	Promoting Prostitution 2 (RCW
18	9A.88.080)
19	Retail Theft with Extenuating
20	Circumstances 1 (RCW
21	9A.56.360(2))
22	Securities Act violation (RCW
23	21.20.400)
24	Tampering with a Witness (RCW
25	9A.72.120)
26	Telephone Harassment (subsequent
27	conviction or threat of death)
28	(RCW 9.61.230(2))
29	Theft of Livestock 2 (RCW 9A.56.083)
30	Theft with the Intent to Resell 1 (RCW
31	9A.56.340(2))
32	Trafficking in Stolen Property 2 (RCW
33	9A.82.055)
34	Unlawful Hunting of Big Game 1
35	(RCW 77.15.410(3)(b))
36	Unlawful Imprisonment (RCW
37	9A.40.040)

1		Unlawful possession of firearm in the
2		second degree (RCW 9.41.040(2))
3		Unlawful Taking of Endangered Fish
4		or Wildlife 1 (RCW
5		77.15.120(3)(b))
6		Unlawful Trafficking in Fish, Shellfish,
7		or Wildlife 1 (RCW
8		77.15.260(3)(b))
9		Unlawful Use of a Nondesignated
10		Vessel (RCW 77.15.530(4))
11		Vehicular Assault, by the operation or
12		driving of a vehicle with disregard
13		for the safety of others (RCW
14		46.61.522)
15		Willful Failure to Return from Work
16		Release (RCW 72.65.070)
17	II	Commercial Fishing Without a License
18		1 (RCW 77.15.500(3)(b))
19		Computer Trespass 1 (RCW
20		9A.52.110)
21		Counterfeiting (RCW 9.16.035(3))
22		Engaging in Fish Dealing Activity
23		Unlicensed 1 (RCW 77.15.620(3))
24		Escape from Community Custody
25		(RCW 72.09.310)
26		Failure to Register as a Sex Offender
27		(second or subsequent offense)
28		(RCW 9A.44.132)
29		Health Care False Claims (RCW
30		48.80.030)
31		Identity Theft 2 (RCW 9.35.020(3))
32		Improperly Obtaining Financial
33		Information (RCW 9.35.010)
34		Malicious Mischief 1 (RCW
35		9A.48.070)
36		Organized Retail Theft 2 (RCW
37		9A.56.350(3))

1	Possession of Stolen Property 1 (RCW
2	9A.56.150)
3	Possession of a Stolen Vehicle (RCW
4	9A.56.068)
5	Retail Theft with Extenuating
б	Circumstances 2 (RCW
7	9A.56.360(3))
8	Theft 1 (RCW 9A.56.030)
9	Theft of a Motor Vehicle (RCW
10	9A.56.065)
11	Theft of Rental, Leased, or Lease-
12	purchased Property (valued at one
13	thousand five hundred dollars or
14	more) (RCW 9A.56.096(5)(a))
15	Theft with the Intent to Resell 2 (RCW
16	9A.56.340(3))
17	Trafficking in Insurance Claims (RCW
18	48.30A.015)
19	Unlawful factoring of a credit card or
20	payment card transaction (RCW
21	9A.56.290(4)(a))
22	Unlawful Participation of Non-Indians
23	in Indian Fishery (RCW
24	77.15.570(2))
25	Unlawful Practice of Law (RCW
26	2.48.180)
27	Unlicensed Practice of a Profession or
28	Business (RCW 18.130.190(7))
29	Unlawful Purchase or Use of a License
30	(RCW 77.15.650(3)(b))
31	Unlawful Trafficking in Fish, Shellfish,
32	or Wildlife 2 (RCW
33	77.15.260(3)(a))
34	Voyeurism (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
б	(RCW 9A.60.060)
7	Malicious Mischief 2 (RCW
8	9A.48.080)
9	Mineral Trespass (RCW 78.44.330)
10	Possession of Stolen Property 2 (RCW
11	9A.56.160)
12	Reckless Burning 1 (RCW 9A.48.040)
13	Spotlighting Big Game 1 (RCW
14	77.15.450(3)(b))
15	Suspension of Department Privileges 1
16	(RCW 77.15.670(3)(b))
17	Taking Motor Vehicle Without
18	Permission 2 (RCW 9A.56.075)
19	Theft 2 (RCW 9A.56.040)
20	Theft of Rental, Leased, or Lease-
21	purchased Property (valued at two
22	hundred fifty dollars or more but
23	less than one thousand five
24	hundred dollars) (RCW
25	9A.56.096(5)(b))
26	Transaction of insurance business
27	beyond the scope of licensure
28	(RCW 48.17.063)
29	Unlawful Fish and Shellfish Catch
30	Accounting (RCW
31	77.15.630(3)(b))
32	Unlawful Issuance of Checks or Drafts
33	(RCW 9A.56.060)
34	Unlawful Possession of Fictitious
35	Identification (RCW 9A.56.320)
36	Unlawful Possession of Instruments of
37	Financial Fraud (RCW 9A.56.320)

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

22 <u>NEW SECTION.</u> Sec. 4. If any provision of this act or its 23 application to any person or circumstance is held invalid, the 24 remainder of the act or the application of the provision to other 25 persons or circumstances is not affected.

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