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SENATE BILL 6396

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Kline, Fairley, Kohl-Welles, and McDermott

Read first time 01/13/10. Referred to Committee on Judiciary.

1            AN ACT Relating to banning the sale of assault weapons; amending  
2 RCW 9.41.010; reenacting and amending RCW 9.94A.515; adding a new  
3 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 amended to read  
6 as follows:

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

9            (1) "Antique firearm" means a firearm or replica of a firearm not  
10 designed or redesigned for using rim fire or conventional center fire  
11 ignition with fixed ammunition and manufactured in or before 1898,  
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.

17            (2) "Barrel length" means the distance from the bolt face of a  
18 closed action down the length of the axis of the bore to the crown of

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.

3 (3) "Crime of violence" means:

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

14 (b) Any conviction for a felony offense in effect at any time prior  
15 to June 6, 1996, which is comparable to a felony classified as a crime  
16 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.

20 (4) "Dealer" means a person engaged in the business of selling  
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.

28 (5) "Family or household member" means "family" or "household  
29 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.

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

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

4 (9) "Lawful permanent resident" has the same meaning afforded a  
5 person "lawfully admitted for permanent residence" in 8 U.S.C. Sec.  
6 1101(a)(20).

7 (10) "Loaded" means:

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

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

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

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

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

17 (11) "Machine gun" means any firearm known as a machine gun,  
18 mechanical rifle, submachine gun, or any other mechanism or instrument  
19 not requiring that the trigger be pressed for each shot and having a  
20 reservoir clip, disc, drum, belt, or other separable mechanical device  
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,  
30 and intended to be fired from the shoulder and designed or redesigned,  
31 made or remade, and intended to use the energy of the explosive in a  
32 fixed metallic cartridge to fire only a single projectile through a  
33 rifled bore for each single pull of the trigger.

34 (15) "Sell" refers to the actual approval of the delivery of a  
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;

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

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

25 (n) Any other felony with a deadly weapon verdict under RCW  
26 (~~9.94A.602~~) 9.94A.825; or

27 (o) Any felony offense in effect at any time prior to June 6, 1996,  
28 that is comparable to a serious offense, or any federal or out-of-state  
29 conviction for an offense that under the laws of this state would be a  
30 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.

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.

7 (20) "Assault weapon" means:

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

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 (v) A muzzle brake or muzzle compensator;

25 (vi) Any feature capable of functioning as a protruding grip that  
26 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 shotgun capable of accepting a detachable magazine;

33 (e) Any shotgun with a revolving cylinder;

34 (f) Any conversion kit or other combination of parts from which an  
35 assault weapon can be assembled if the parts are in the possession or  
36 under the control of any person.

37 (21) "Detachable magazine" means a magazine, the function of which

1 is to deliver one or more ammunition cartridges into the firing  
2 chamber, which can be removed from the firearm without the use of any  
3 tool, including a bullet or ammunition cartridge.

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

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

13 (24) "Muzzle compensator" means a device attached to the muzzle of  
14 a weapon that utilizes escaping gas to control muzzle movement.

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

18 NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW  
19 to read as follows:

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

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

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

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

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

34 (a) The possession of an unloaded assault weapon for the purpose of  
35 permanently relinquishing it to a law enforcement agency in this state.  
36 Any assault weapon relinquished pursuant to this subsection shall be  
37 destroyed;

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

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

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

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

11 (a) While lawfully engaged in shooting at a duly licensed, lawfully  
12 operated shooting range;

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

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

19 (a) Safely and securely store the assault weapon. The sheriff of  
20 the county may, no more than once per year, conduct an inspection to  
21 ensure compliance with this subsection;

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

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

33 (a) Comply with all of the requirements of subsection (5) of this  
34 section;

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 incapable  
38 of discharging a projectile.

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

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

5 (8) This section does not apply to:

6 (a) Marshals, sheriffs, prison or jail wardens or their deputies,  
7 or other law enforcement officers of this or another state while acting  
8 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

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

17 **Sec. 3.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are  
18 each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation  
2 device 1 (RCW 70.74.272(1)(a))  
3 Rape 1 (RCW 9A.44.040)  
4 Rape of a Child 1 (RCW 9A.44.073)  
5 Trafficking 2 (RCW 9A.40.100(2))  
6 XI Manslaughter 1 (RCW 9A.32.060)  
7 Rape 2 (RCW 9A.44.050)  
8 Rape of a Child 2 (RCW 9A.44.076)  
9 X Child Molestation 1 (RCW 9A.44.083)  
10 Criminal Mistreatment 1 (RCW  
11 9A.42.020)  
12 Indecent Liberties (with forcible  
13 compulsion) (RCW  
14 9A.44.100(1)(a))  
15 Kidnapping 1 (RCW 9A.40.020)  
16 Leading Organized Crime (RCW  
17 9A.82.060(1)(a))  
18 Malicious explosion 3 (RCW  
19 70.74.280(3))  
20 Sexually Violent Predator Escape  
21 (RCW 9A.76.115)  
22 IX Abandonment of Dependent Person 1  
23 (RCW 9A.42.060)  
24 Assault of a Child 2 (RCW 9A.36.130)  
25 Explosive devices prohibited (RCW  
26 70.74.180)  
27 Hit and Run--Death (RCW  
28 46.52.020(4)(a))  
29 Homicide by Watercraft, by being  
30 under the influence of intoxicating  
31 liquor or any drug (RCW  
32 79A.60.050)  
33 Inciting Criminal Profiteering (RCW  
34 9A.82.060(1)(b))  
35 Malicious placement of an explosive 2  
36 (RCW 70.74.270(2))  
37 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Vehicular Homicide, by being under  
3 the influence of intoxicating liquor  
4 or any drug (RCW 46.61.520)  
5 VIII Arson 1 (RCW 9A.48.020)  
6 Homicide by Watercraft, by the  
7 operation of any vessel in a  
8 reckless manner (RCW  
9 79A.60.050)  
10 Manslaughter 2 (RCW 9A.32.070)  
11 Promoting Commercial Sexual Abuse  
12 of a Minor (RCW 9.68A.101)  
13 Promoting Prostitution 1 (RCW  
14 9A.88.070)  
15 Theft of Ammonia (RCW 69.55.010)  
16 Vehicular Homicide, by the operation  
17 of any vehicle in a reckless manner  
18 (RCW 46.61.520)  
19 VII Burglary 1 (RCW 9A.52.020)  
20 Child Molestation 2 (RCW 9A.44.086)  
21 Civil Disorder Training (RCW  
22 9A.48.120)  
23 Dealing in depictions of minor engaged  
24 in sexually explicit conduct (RCW  
25 9.68A.050)  
26 Drive-by Shooting (RCW 9A.36.045)  
27 Homicide by Watercraft, by disregard  
28 for the safety of others (RCW  
29 79A.60.050)  
30 Indecent Liberties (without forcible  
31 compulsion) (RCW 9A.44.100(1)  
32 (b) and (c))  
33 Introducing Contraband 1 (RCW  
34 9A.76.140)  
35 Malicious placement of an explosive 3  
36 (RCW 70.74.270(3))

1 Negligently Causing Death By Use of a  
2 Signal Preemption Device (RCW  
3 46.37.675)  
4 Sending, bringing into state depictions  
5 of minor engaged in sexually  
6 explicit conduct (RCW 9.68A.060)  
7 Unlawful Possession of a Firearm in  
8 the first degree (RCW 9.41.040(1))  
9 Use of a Machine Gun in Commission  
10 of a Felony (RCW 9.41.225)  
11 Vehicular Homicide, by disregard for  
12 the safety of others (RCW  
13 46.61.520)  
14 VI Bail Jumping with Murder 1 (RCW  
15 9A.76.170(3)(a))  
16 Bribery (RCW 9A.68.010)  
17 Incest 1 (RCW 9A.64.020(1))  
18 Intimidating a Judge (RCW 9A.72.160)  
19 Intimidating a Juror/Witness (RCW  
20 9A.72.110, 9A.72.130)  
21 Malicious placement of an imitation  
22 device 2 (RCW 70.74.272(1)(b))  
23 Possession of Depictions of a Minor  
24 Engaged in Sexually Explicit  
25 Conduct (RCW 9.68A.070)  
26 Rape of a Child 3 (RCW 9A.44.079)  
27 Theft of a Firearm (RCW 9A.56.300)  
28 Unlawful Storage of Ammonia (RCW  
29 69.55.020)  
30 V Abandonment of Dependent Person 2  
31 (RCW 9A.42.070)  
32 Advancing money or property for  
33 extortionate extension of credit  
34 (RCW 9A.82.030)  
35 Bail Jumping with class A Felony  
36 (RCW 9A.76.170(3)(b))  
37 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW  
2 9A.42.030)  
3 Custodial Sexual Misconduct 1 (RCW  
4 9A.44.160)  
5 Domestic Violence Court Order  
6 Violation (RCW 10.99.040,  
7 10.99.050, 26.09.300, 26.10.220,  
8 26.26.138, 26.50.110, 26.52.070,  
9 or 74.34.145)  
10 Driving While Under the Influence  
11 (RCW 46.61.502(6))  
12 Extortion 1 (RCW 9A.56.120)  
13 Extortionate Extension of Credit (RCW  
14 9A.82.020)  
15 Extortionate Means to Collect  
16 Extensions of Credit (RCW  
17 9A.82.040)  
18 Incest 2 (RCW 9A.64.020(2))  
19 Kidnapping 2 (RCW 9A.40.030)  
20 Perjury 1 (RCW 9A.72.020)  
21 Persistent prison misbehavior (RCW  
22 9.94.070)  
23 Physical Control of a Vehicle While  
24 Under the Influence (RCW  
25 46.61.504(6))  
26 Possession of a Stolen Firearm (RCW  
27 9A.56.310)  
28 Rape 3 (RCW 9A.44.060)  
29 Rendering Criminal Assistance 1  
30 (RCW 9A.76.070)  
31 Sexual Misconduct with a Minor 1  
32 (RCW 9A.44.093)  
33 Sexually Violating Human Remains  
34 (RCW 9A.44.105)  
35 Stalking (RCW 9A.46.110)  
36 Taking Motor Vehicle Without  
37 Permission 1 (RCW 9A.56.070)

1 IV Arson 2 (RCW 9A.48.030)  
2 Assault 2 (RCW 9A.36.021)  
3 Assault 3 (of a Peace Officer with a  
4 Projectile Stun Gun) (RCW  
5 9A.36.031(1)(h))  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW 9A.68.060)  
13 Counterfeiting (RCW 9.16.035(4))  
14 Endangerment with a Controlled  
15 Substance (RCW 9A.42.100)  
16 Escape 1 (RCW 9A.76.110)  
17 Hit and Run--Injury (RCW  
18 46.52.020(4)(b))  
19 Hit and Run with Vessel--Injury  
20 Accident (RCW 79A.60.200(3))  
21 Identity Theft 1 (RCW 9.35.020(2))  
22 Indecent Exposure to Person Under  
23 Age Fourteen (subsequent sex  
24 offense) (RCW 9A.88.010)  
25 Influencing Outcome of Sporting Event  
26 (RCW 9A.82.070)  
27 Malicious Harassment (RCW  
28 9A.36.080)  
29 Residential Burglary (RCW  
30 9A.52.025)  
31 Robbery 2 (RCW 9A.56.210)  
32 Theft of Livestock 1 (RCW 9A.56.080)  
33 Threats to Bomb (RCW 9.61.160)  
34 Trafficking in Stolen Property 1 (RCW  
35 9A.82.050)

1 Unlawful factoring of a credit card or  
2 payment card transaction (RCW  
3 9A.56.290(4)(b))  
4 Unlawful transaction of health  
5 coverage as a health care service  
6 contractor (RCW 48.44.016(3))  
7 Unlawful transaction of health  
8 coverage as a health maintenance  
9 organization (RCW 48.46.033(3))  
10 Unlawful transaction of insurance  
11 business (RCW 48.15.023(3))  
12 Unlicensed practice as an insurance  
13 professional (RCW  
14 48.17.063(~~(3)~~)(2))  
15 Use of Proceeds of Criminal  
16 Profiteering (RCW 9A.82.080 (1)  
17 and (2))  
18 Vehicular Assault, by being under the  
19 influence of intoxicating liquor or  
20 any drug, or by the operation or  
21 driving of a vehicle in a reckless  
22 manner (RCW 46.61.522)  
23 Willful Failure to Return from  
24 Furlough (RCW 72.66.060)  
25 III Animal Cruelty 1 (Sexual Conduct or  
26 Contact) (RCW 16.52.205(3))  
27 Assault 3 (Except Assault 3 of a Peace  
28 Officer With a Projectile Stun  
29 Gun) (RCW 9A.36.031 except  
30 subsection (1)(h))  
31 Assault of a Child 3 (RCW 9A.36.140)  
32 Bail Jumping with class B or C Felony  
33 (RCW 9A.76.170(3)(c))  
34 Burglary 2 (RCW 9A.52.030)  
35 Commercial Sexual Abuse of a Minor  
36 (RCW 9.68A.100)

1 Communication with a Minor for  
2 Immoral Purposes (RCW  
3 9.68A.090)  
4 Criminal Gang Intimidation (RCW  
5 9A.46.120)  
6 Custodial Assault (RCW 9A.36.100)  
7 Cyberstalking (subsequent conviction  
8 or threat of death) (RCW  
9 9.61.260(3))  
10 Escape 2 (RCW 9A.76.120)  
11 Extortion 2 (RCW 9A.56.130)  
12 Harassment (RCW 9A.46.020)  
13 Intimidating a Public Servant (RCW  
14 9A.76.180)  
15 Introducing Contraband 2 (RCW  
16 9A.76.150)  
17 Malicious Injury to Railroad Property  
18 (RCW 81.60.070)  
19 Manufacture, Possess, Purchase, Sell,  
20 Transfer of Assault Weapon,  
21 Assault Weapon Conversion Kit  
22 (section 2(1) of this act)  
23 Mortgage Fraud (RCW 19.144.080)  
24 Negligently Causing Substantial Bodily  
25 Harm By Use of a Signal  
26 Preemption Device (RCW  
27 46.37.674)  
28 Organized Retail Theft 1 (RCW  
29 9A.56.350(2))  
30 Perjury 2 (RCW 9A.72.030)  
31 Possess or control rifle or pistol and  
32 magazine containing more than ten  
33 rounds (section 2(2) of this act)  
34 Possession of Incendiary Device (RCW  
35 9.40.120)

1 Possession of Machine Gun or Short-  
2 Barreled Shotgun or Rifle (RCW  
3 9.41.190)  
4 Promoting Prostitution 2 (RCW  
5 9A.88.080)  
6 Retail Theft with Extenuating  
7 Circumstances 1 (RCW  
8 9A.56.360(2))  
9 Securities Act violation (RCW  
10 21.20.400)  
11 Tampering with a Witness (RCW  
12 9A.72.120)  
13 Telephone Harassment (subsequent  
14 conviction or threat of death)  
15 (RCW 9.61.230(2))  
16 Theft of Livestock 2 (RCW 9A.56.083)  
17 Theft with the Intent to Resell 1 (RCW  
18 9A.56.340(2))  
19 Trafficking in Stolen Property 2 (RCW  
20 9A.82.055)  
21 Unlawful Imprisonment (RCW  
22 9A.40.040)  
23 Unlawful possession of firearm in the  
24 second degree (RCW 9.41.040(2))  
25 Vehicular Assault, by the operation or  
26 driving of a vehicle with disregard  
27 for the safety of others (RCW  
28 46.61.522)  
29 Willful Failure to Return from Work  
30 Release (RCW 72.65.070)  
31 II Computer Trespass 1 (RCW  
32 9A.52.110)  
33 Counterfeiting (RCW 9.16.035(3))  
34 Escape from Community Custody  
35 (RCW 72.09.310)

1 Failure to Register as a Sex Offender  
2 (second or subsequent offense)  
3 (RCW 9A.44.130(11)(a))  
4 Health Care False Claims (RCW  
5 48.80.030)  
6 Identity Theft 2 (RCW 9.35.020(3))  
7 Improperly Obtaining Financial  
8 Information (RCW 9.35.010)  
9 Malicious Mischief 1 (RCW  
10 9A.48.070)  
11 Organized Retail Theft 2 (RCW  
12 9A.56.350(3))  
13 Possession of Stolen Property 1 (RCW  
14 9A.56.150)  
15 Possession of a Stolen Vehicle (RCW  
16 9A.56.068)  
17 Retail Theft with Extenuating  
18 Circumstances 2 (RCW  
19 9A.56.360(3))  
20 Theft 1 (RCW 9A.56.030)  
21 Theft of a Motor Vehicle (RCW  
22 9A.56.065)  
23 Theft of Rental, Leased, or Lease-  
24 purchased Property (valued at one  
25 thousand five hundred dollars or  
26 more) (RCW 9A.56.096(5)(a))  
27 Theft with the Intent to Resell 2 (RCW  
28 9A.56.340(3))  
29 Trafficking in Insurance Claims (RCW  
30 48.30A.015)  
31 Unlawful factoring of a credit card or  
32 payment card transaction (RCW  
33 9A.56.290(4)(a))  
34 Unlawful Practice of Law (RCW  
35 2.48.180)  
36 Unlicensed Practice of a Profession or  
37 Business (RCW 18.130.190(7))

1 Voyeurism (RCW 9A.44.115)  
2 I Attempting to Elude a Pursuing Police  
3 Vehicle (RCW 46.61.024)  
4 False Verification for Welfare (RCW  
5 74.08.055)  
6 Forgery (RCW 9A.60.020)  
7 Fraudulent Creation or Revocation of a  
8 Mental Health Advance Directive  
9 (RCW 9A.60.060)  
10 Malicious Mischief 2 (RCW  
11 9A.48.080)  
12 Mineral Trespass (RCW 78.44.330)  
13 Possession of Stolen Property 2 (RCW  
14 9A.56.160)  
15 Reckless Burning 1 (RCW 9A.48.040)  
16 Taking Motor Vehicle Without  
17 Permission 2 (RCW 9A.56.075)  
18 Theft 2 (RCW 9A.56.040)  
19 Theft of Rental, Leased, or Lease-  
20 purchased Property (valued at two  
21 hundred fifty dollars or more but  
22 less than one thousand five  
23 hundred dollars) (RCW  
24 9A.56.096(5)(b))  
25 Transaction of insurance business  
26 beyond the scope of licensure  
27 (RCW 48.17.063(((4))))  
28 Unlawful Issuance of Checks or Drafts  
29 (RCW 9A.56.060)  
30 Unlawful Possession of Fictitious  
31 Identification (RCW 9A.56.320)  
32 Unlawful Possession of Instruments of  
33 Financial Fraud (RCW 9A.56.320)  
34 Unlawful Possession of Payment  
35 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal  
2 Identification Device (RCW  
3 9A.56.320)  
4 Unlawful Production of Payment  
5 Instruments (RCW 9A.56.320)  
6 Unlawful Trafficking in Food Stamps  
7 (RCW 9.91.142)  
8 Unlawful Use of Food Stamps (RCW  
9 9.91.144)  
10 Vehicle Prowl 1 (RCW 9A.52.095)

11 NEW SECTION. **Sec. 4.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

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