
SUBSTITUTE SENATE BILL 6402

State of Washington

66th Legislature

2020 Regular Session

By Senate Law & Justice (originally sponsored by Senators Rivers, Padden, Wilson, L., Schoesler, and Becker)

READ FIRST TIME 01/31/20.

1 AN ACT Relating to the use of a stolen firearm; amending RCW
2 9A.56.310 and 9.94A.533; reenacting and amending RCW 9.94A.515;
3 adding a new section to chapter 9A.56 RCW; and prescribing 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 9A.56
6 RCW to read as follows:

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

10 (2) "Stolen firearm" means knowing that the firearm has been
11 stolen and to withhold or appropriate the same for use by any person
12 other than the true owner or person entitled thereto. It is a defense
13 to a charge of using a stolen firearm that the person did not know
14 the firearm was stolen.

15 (3) Unlawful use of a stolen firearm is a class B felony.

16 **Sec. 2.** RCW 9A.56.310 and 1995 c 129 s 13 are each amended to
17 read as follows:

18 (1) A person is guilty of possessing a stolen firearm if he or
19 she possesses, carries, delivers, sells, or is in control of a stolen

1 firearm under circumstances not amounting to unlawful use of a stolen
2 firearm.

3 (2) This section applies regardless of the stolen firearm's
4 value.

5 (3) Each stolen firearm possessed under this section is a
6 separate offense.

7 (4) The definition of "possessing stolen property" and the
8 defense allowed against the prosecution for possessing stolen
9 property under RCW 9A.56.140 shall apply to the crime of possessing a
10 stolen firearm.

11 (5) As used in this section, "firearm" means any firearm as
12 defined in RCW 9.41.010.

13 (6) Possessing a stolen firearm is a class B felony.

14 **Sec. 3.** RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read
15 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, unlawful use of a stolen firearm, and use of a machine
34 gun or bump-fire stock in a 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 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. If the addition of
4 a minor child enhancement increases the sentence so that it would
5 exceed the statutory maximum for the offense, the portion of the
6 sentence representing the enhancement may not be reduced.

7 (14) An additional twelve months shall be added to the standard
8 sentence range for an offense that is also a violation of RCW
9 9.94A.832.

10 **Sec. 4.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c
11 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read
12 as follows:

13 TABLE 2

14 CRIMES INCLUDED WITHIN EACH
15 SERIOUSNESS LEVEL

- 16 XVI Aggravated Murder 1 (RCW 10.95.020)
17 XV Homicide by abuse (RCW 9A.32.055)
18 Malicious explosion 1 (RCW
19 70.74.280(1))
20 Murder 1 (RCW 9A.32.030)
21 XIV Murder 2 (RCW 9A.32.050)
22 Trafficking 1 (RCW 9A.40.100(1))
23 XIII Malicious explosion 2 (RCW
24 70.74.280(2))
25 Malicious placement of an explosive 1
26 (RCW 70.74.270(1))
27 XII Assault 1 (RCW 9A.36.011)
28 Assault of a Child 1 (RCW 9A.36.120)
29 Malicious placement of an imitation
30 device 1 (RCW 70.74.272(1)(a))
31 Promoting Commercial Sexual Abuse of
32 a Minor (RCW 9.68A.101)
33 Rape 1 (RCW 9A.44.040)
34 Rape of a Child 1 (RCW 9A.44.073)
35 Trafficking 2 (RCW 9A.40.100(3))

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

1 Introducing Contraband 1 (RCW
2 9A.76.140)
3 Malicious placement of an explosive 3
4 (RCW 70.74.270(3))
5 Manufacture or import counterfeit,
6 nonfunctional, damaged, or
7 previously deployed air bag
8 (causing bodily injury or death)
9 (RCW 46.37.650(1)(b))
10 Negligently Causing Death By Use of a
11 Signal Preemption Device (RCW
12 46.37.675)
13 Sell, install, or reinstall counterfeit,
14 nonfunctional, damaged, or
15 previously deployed airbag (RCW
16 46.37.650(2)(b))
17 Sending, bringing into state depictions
18 of minor engaged in sexually
19 explicit conduct 1 (RCW
20 9.68A.060(1))
21 Unlawful Possession of a Firearm in the
22 first degree (RCW 9.41.040(1))
23 Unlawful use of a stolen firearm
24 (section 1 of this act)
25 Use of a Machine Gun or Bump-fire
26 Stock in Commission of a Felony
27 (RCW 9.41.225)
28 Vehicular Homicide, by disregard for
29 the safety of others (RCW
30 46.61.520)
31 VI Bail Jumping with Murder 1 (RCW
32 9A.76.170(3)(a))
33 Bribery (RCW 9A.68.010)
34 Incest 1 (RCW 9A.64.020(1))
35 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 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26B.050, 26.50.110, 26.52.070,
5 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 9A.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 9A.35.020(2))
32 Indecent Exposure to Person Under Age
33 Fourteen (subsequent sex offense)
34 (RCW 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 Bail Jumping with class B or C Felony
19 (RCW 9A.76.170(3)(c))

20 Burglary 2 (RCW 9A.52.030)

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

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

26 Custodial Assault (RCW 9A.36.100)

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

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 Harassment (RCW 9A.46.020)

32 Intimidating a Public Servant (RCW
33 9A.76.180)

34 Introducing Contraband 2 (RCW
35 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Manufacture of Untraceable Firearm
4 with Intent to Sell (RCW 9.41.190)
5 Manufacture or Assembly of an
6 Undetectable Firearm or
7 Untraceable Firearm (RCW
8 9.41.325)
9 Mortgage Fraud (RCW 19.144.080)
10 Negligently Causing Substantial Bodily
11 Harm By Use of a Signal
12 Preemption Device (RCW
13 46.37.674)
14 Organized Retail Theft 1 (RCW
15 9A.56.350(2))
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun, Bump-Fire
20 Stock, Undetectable Firearm, or
21 Short-Barreled Shotgun or Rifle
22 (RCW 9.41.190)
23 Promoting Prostitution 2 (RCW
24 9A.88.080)
25 Retail Theft with Special Circumstances
26 1 (RCW 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death) (RCW
33 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 9A.56.340(2))

1 Trafficking in Stolen Property 2 (RCW
2 9A.82.055)
3 Unlawful Hunting of Big Game 1 (RCW
4 77.15.410(3)(b))
5 Unlawful Imprisonment (RCW
6 9A.40.040)
7 Unlawful Misbranding of Fish or
8 Shellfish 1 (RCW 77.140.060(3))
9 Unlawful possession of firearm in the
10 second degree (RCW 9.41.040(2))
11 Unlawful Taking of Endangered Fish or
12 Wildlife 1 (RCW 77.15.120(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 1 (RCW
15 77.15.260(3)(b))
16 Unlawful Use of a Nondesigned
17 Vessel (RCW 77.15.530(4))
18 Vehicular Assault, by the operation or
19 driving of a vehicle with disregard
20 for the safety of others (RCW
21 46.61.522)
22 Willful Failure to Return from Work
23 Release (RCW 72.65.070)
24 II Commercial Fishing Without a License
25 1 (RCW 77.15.500(3)(b))
26 Computer Trespass 1 (RCW 9A.90.040)
27 Counterfeiting (RCW 9.16.035(3))
28 Electronic Data Service Interference
29 (RCW 9A.90.060)
30 Electronic Data Tampering 1 (RCW
31 9A.90.080)
32 Electronic Data Theft (RCW 9A.90.100)
33 Engaging in Fish Dealing Activity
34 Unlicensed 1 (RCW 77.15.620(3))
35 Escape from Community Custody
36 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130 prior to June 10,
4 2010, and RCW 9A.44.132)
5 Health Care False Claims (RCW
6 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 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 Special Circumstances
18 2 (RCW 9A.56.360(3))
19 Scrap Processing, Recycling, or
20 Supplying Without a License
21 (second or subsequent offense)
22 (RCW 19.290.100)
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at five thousand dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians
2 in Indian Fishery (RCW
3 77.15.570(2))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlawful Purchase or Use of a License
7 (RCW 77.15.650(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 2 (RCW
10 77.15.260(3)(a))
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Voyeurism 1 (RCW 9A.44.115)
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW 9A.48.080)
23 Mineral Trespass (RCW 78.44.330)
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Spotlighting Big Game 1 (RCW
28 77.15.450(3)(b))
29 Suspension of Department Privileges 1
30 (RCW 77.15.670(3)(b))
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)
34 Theft from a Vulnerable Adult 2 (RCW
35 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at seven hundred fifty
4 dollars or more but less than five
5 thousand dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Releasing, Planting,
26 Possessing, or Placing Deleterious
27 Exotic Wildlife (RCW
28 77.15.250(2)(b))
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unlawful Use of Net to Take Fish 1
34 (RCW 77.15.580(3)(b))
35 Unlawful Use of Prohibited Aquatic
36 Animal Species (RCW
37 77.15.253(3))

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Vehicle Prowl 1 (RCW 9A.52.095)
Violating Commercial Fishing Area or
Time 1 (RCW 77.15.550(3)(b))

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