
SUBSTITUTE SENATE BILL 6406

State of Washington

66th Legislature

2020 Regular Session

By Senate Law & Justice (originally sponsored by Senators Wilson, L., Holy, Becker, Padden, Wagoner, Muzzall, Short, Schoesler, Warnick, Ericksen, Braun, Brown, Honeyford, O'Ban, and Rivers)

READ FIRST TIME 01/24/20.

1 AN ACT Relating to firearm theft; reenacting and amending RCW
2 9.94A.515; adding a new section to chapter 9A.56 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.56
6 RCW to read as follows:

7 (1) A person is guilty of theft of a firearm from a residence,
8 store, shop, sales outlet, or vehicle if he or she commits a theft of
9 any firearm from a residence, store, shop, or sales outlet where
10 firearms are sold, or from any vehicle.

11 (2) This section applies regardless of the value of the firearm
12 taken in the theft.

13 (3) Each firearm taken in the theft under this section is a
14 separate offense.

15 (4)(a) For the purposes of this section, "theft" has the same
16 meaning as defined in RCW 9A.56.020.

17 (b) The defense allowed against the prosecution for theft under
18 RCW 9A.56.020 shall apply to the crime of theft of a firearm.

19 (5) For the purposes of this section:

20 (a) "Firearm" means any firearm as defined in RCW 9.41.010.

21 (b) "Vehicle" means any vehicle as defined in RCW 46.04.670.

1 (6) Theft of a firearm from a residence, store, shop, sales
2 outlet, or vehicle is a class B felony.

3 **Sec. 2.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c
4 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read
5 as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH
8 SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW 10.95.020)
- 10 XV Homicide by abuse (RCW 9A.32.055)
- 11 Malicious explosion 1 (RCW
12 70.74.280(1))
- 13 Murder 1 (RCW 9A.32.030)
- 14 XIV Murder 2 (RCW 9A.32.050)
- 15 Trafficking 1 (RCW 9A.40.100(1))
- 16 XIII Malicious explosion 2 (RCW
17 70.74.280(2))
- 18 Malicious placement of an explosive 1
19 (RCW 70.74.270(1))
- 20 XII Assault 1 (RCW 9A.36.011)
- 21 Assault of a Child 1 (RCW 9A.36.120)
- 22 Malicious placement of an imitation
23 device 1 (RCW 70.74.272(1)(a))
- 24 Promoting Commercial Sexual Abuse of
25 a Minor (RCW 9.68A.101)
- 26 Rape 1 (RCW 9A.44.040)
- 27 Rape of a Child 1 (RCW 9A.44.073)
- 28 Trafficking 2 (RCW 9A.40.100(3))
- 29 XI Manslaughter 1 (RCW 9A.32.060)
- 30 Rape 2 (RCW 9A.44.050)
- 31 Rape of a Child 2 (RCW 9A.44.076)
- 32 Vehicular Homicide, by being under the
33 influence of intoxicating liquor or
34 any drug (RCW 46.61.520)

1 Vehicular Homicide, by the operation of
2 any vehicle in a reckless manner
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW
6 9A.42.020)

7 Indecent Liberties (with forcible
8 compulsion) (RCW
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW
16 9A.76.115)

17 IX Abandonment of Dependent Person 1
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW
21 70.74.180)

22 Hit and Run—Death (RCW
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under
25 the influence of intoxicating liquor
26 or any drug (RCW 79A.60.050)

27 Inciting Criminal Profiteering (RCW
28 9A.82.060(1)(b))

29 Malicious placement of an explosive 2
30 (RCW 70.74.270(2))

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a reckless
3 manner (RCW 79A.60.050)
4 Manslaughter 2 (RCW 9A.32.070)
5 Promoting Prostitution 1 (RCW
6 9A.88.070)
7 Theft of Ammonia (RCW 69.55.010)
8 VII Air bag diagnostic systems (causing
9 bodily injury or death) (RCW
10 46.37.660(2)(b))
11 Air bag replacement requirements
12 (causing bodily injury or death)
13 (RCW 46.37.660(1)(b))
14 Burglary 1 (RCW 9A.52.020)
15 Child Molestation 2 (RCW 9A.44.086)
16 Civil Disorder Training (RCW
17 9A.48.120)
18 Dealing in depictions of minor engaged
19 in sexually explicit conduct 1
20 (RCW 9.68A.050(1))
21 Drive-by Shooting (RCW 9A.36.045)
22 Homicide by Watercraft, by disregard
23 for the safety of others (RCW
24 79A.60.050)
25 Indecent Liberties (without forcible
26 compulsion) (RCW 9A.44.100(1)
27 (b) and (c))
28 Introducing Contraband 1 (RCW
29 9A.76.140)
30 Malicious placement of an explosive 3
31 (RCW 70.74.270(3))
32 Manufacture or import counterfeit,
33 nonfunctional, damaged, or
34 previously deployed air bag
35 (causing bodily injury or death)
36 (RCW 46.37.650(1)(b))

1 Negligently Causing Death By Use of a
2 Signal Preemption Device (RCW
3 46.37.675)

4 Sell, install, or reinstall counterfeit,
5 nonfunctional, damaged, or
6 previously deployed airbag (RCW
7 46.37.650(2)(b))

8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct 1 (RCW
11 9.68A.060(1))

12 Theft of a firearm from a residence,
13 store, shop, sales outlet, or vehicle
14 (section 1 of this act)

15 Unlawful Possession of a Firearm in the
16 first degree (RCW 9.41.040(1))

17 Use of a Machine Gun or Bump-fire
18 Stock in Commission of a Felony
19 (RCW 9.41.225)

20 Vehicular Homicide, by disregard for
21 the safety of others (RCW
22 46.61.520)

23 VI Bail Jumping with Murder 1 (RCW
24 9A.76.170(3)(a))

25 Bribery (RCW 9A.68.010)

26 Incest 1 (RCW 9A.64.020(1))

27 Intimidating a Judge (RCW 9A.72.160)

28 Intimidating a Juror/Witness (RCW
29 9A.72.110, 9A.72.130)

30 Malicious placement of an imitation
31 device 2 (RCW 70.74.272(1)(b))

32 Possession of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.070(1))

35 Rape of a Child 3 (RCW 9A.44.079)

36 Theft of a Firearm (RCW 9A.56.300)

1 Theft from a Vulnerable Adult 1 (RCW
2 9A.56.400(1))
3 Unlawful Storage of Ammonia (RCW
4 69.55.020)
5 V Abandonment of Dependent Person 2
6 (RCW 9A.42.070)
7 Advancing money or property for
8 extortionate extension of credit
9 (RCW 9A.82.030)
10 Air bag diagnostic systems (RCW
11 46.37.660(2)(c))
12 Air bag replacement requirements
13 (RCW 46.37.660(1)(c))
14 Bail Jumping with class A Felony
15 (RCW 9A.76.170(3)(b))
16 Child Molestation 3 (RCW 9A.44.089)
17 Criminal Mistreatment 2 (RCW
18 9A.42.030)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)
21 Dealing in Depictions of Minor
22 Engaged in Sexually Explicit
23 Conduct 2 (RCW 9.68A.050(2))
24 Domestic Violence Court Order
25 Violation (RCW 10.99.040,
26 10.99.050, 26.09.300, 26.10.220,
27 26.26B.050, 26.50.110, 26.52.070,
28 or 74.34.145)
29 Extortion 1 (RCW 9A.56.120)
30 Extortionate Extension of Credit (RCW
31 9A.82.020)
32 Extortionate Means to Collect
33 Extensions of Credit (RCW
34 9A.82.040)
35 Incest 2 (RCW 9A.64.020(2))
36 Kidnapping 2 (RCW 9A.40.030)

1 Manufacture or import counterfeit,
2 nonfunctional, damaged, or
3 previously deployed air bag (RCW
4 46.37.650(1)(c))
5 Perjury 1 (RCW 9A.72.020)
6 Persistent prison misbehavior (RCW
7 9.94.070)
8 Possession of a Stolen Firearm (RCW
9 9A.56.310)
10 Rape 3 (RCW 9A.44.060)
11 Rendering Criminal Assistance 1 (RCW
12 9A.76.070)
13 Sell, install, or reinstall counterfeit,
14 nonfunctional, damaged, or
15 previously deployed airbag (RCW
16 46.37.650(2)(c))
17 Sending, Bringing into State Depictions
18 of Minor Engaged in Sexually
19 Explicit Conduct 2 (RCW
20 9.68A.060(2))
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 IV Arson 2 (RCW 9A.48.030)
29 Assault 2 (RCW 9A.36.021)
30 Assault 3 (of a Peace Officer with a
31 Projectile Stun Gun) (RCW
32 9A.36.031(1)(h))
33 Assault 4 (third domestic violence
34 offense) (RCW 9A.36.041(3))
35 Assault by Watercraft (RCW
36 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Driving While Under the Influence
8 (RCW 46.61.502(6))
9 Endangerment with a Controlled
10 Substance (RCW 9A.42.100)
11 Escape 1 (RCW 9A.76.110)
12 Hate Crime (RCW 9A.36.080)
13 Hit and Run—Injury (RCW
14 46.52.020(4)(b))
15 Hit and Run with Vessel—Injury
16 Accident (RCW 79A.60.200(3))
17 Identity Theft 1 (RCW 9.35.020(2))
18 Indecent Exposure to Person Under Age
19 Fourteen (subsequent sex offense)
20 (RCW 9A.88.010)
21 Influencing Outcome of Sporting Event
22 (RCW 9A.82.070)
23 Physical Control of a Vehicle While
24 Under the Influence (RCW
25 46.61.504(6))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 2 (RCW 9.68A.070(2))
29 Residential Burglary (RCW 9A.52.025)
30 Robbery 2 (RCW 9A.56.210)
31 Theft of Livestock 1 (RCW 9A.56.080)
32 Threats to Bomb (RCW 9.61.160)
33 Trafficking in Stolen Property 1 (RCW
34 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 coverage
5 as a health care service contractor
6 (RCW 48.44.016(3))
7 Unlawful transaction of health coverage
8 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 48.17.063(2))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicle Prowling 2 (third or subsequent
18 offense) (RCW 9A.52.100(3))
19 Vehicular Assault, by being under the
20 influence of intoxicating liquor or
21 any drug, or by the operation or
22 driving of a vehicle in a reckless
23 manner (RCW 46.61.522)
24 Viewing of Depictions of a Minor
25 Engaged in Sexually Explicit
26 Conduct 1 (RCW 9.68A.075(1))
27 Willful Failure to Return from Furlough
28 (RCW 72.66.060)
29 III Animal Cruelty 1 (Sexual Conduct or
30 Contact) (RCW 16.52.205(3))
31 Assault 3 (Except Assault 3 of a Peace
32 Officer With a Projectile Stun Gun)
33 (RCW 9A.36.031 except subsection
34 (1)(h))
35 Assault of a Child 3 (RCW 9A.36.140)
36 Bail Jumping with class B or C Felony
37 (RCW 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)
2 Communication with a Minor for
3 Immoral Purposes (RCW
4 9.68A.090)
5 Criminal Gang Intimidation (RCW
6 9A.46.120)
7 Custodial Assault (RCW 9A.36.100)
8 Cyberstalking (subsequent conviction or
9 threat of death) (RCW 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 of Untraceable Firearm
20 with Intent to Sell (RCW 9.41.190)
21 Manufacture or Assembly of an
22 Undetectable Firearm or
23 Untraceable Firearm (RCW
24 9.41.325)
25 Mortgage Fraud (RCW 19.144.080)
26 Negligently Causing Substantial Bodily
27 Harm By Use of a Signal
28 Preemption Device (RCW
29 46.37.674)
30 Organized Retail Theft 1 (RCW
31 9A.56.350(2))
32 Perjury 2 (RCW 9A.72.030)
33 Possession of Incendiary Device (RCW
34 9.40.120)

1 Possession of Machine Gun, Bump-Fire
2 Stock, Undetectable Firearm, or
3 Short-Barreled Shotgun or Rifle
4 (RCW 9.41.190)
5 Promoting Prostitution 2 (RCW
6 9A.88.080)
7 Retail Theft with Special Circumstances
8 1 (RCW 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) (RCW
15 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 Hunting of Big Game 1 (RCW
22 77.15.410(3)(b))
23 Unlawful Imprisonment (RCW
24 9A.40.040)
25 Unlawful Misbranding of Fish or
26 Shellfish 1 (RCW 77.140.060(3))
27 Unlawful possession of firearm in the
28 second degree (RCW 9.41.040(2))
29 Unlawful Taking of Endangered Fish or
30 Wildlife 1 (RCW 77.15.120(3)(b))
31 Unlawful Trafficking in Fish, Shellfish,
32 or Wildlife 1 (RCW
33 77.15.260(3)(b))
34 Unlawful Use of a Nondesignated
35 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)

5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)

7 II Commercial Fishing Without a License
8 1 (RCW 77.15.500(3)(b))

9 Computer Trespass 1 (RCW 9A.90.040)

10 Counterfeiting (RCW 9.16.035(3))

11 Electronic Data Service Interference
12 (RCW 9A.90.060)

13 Electronic Data Tampering 1 (RCW
14 9A.90.080)

15 Electronic Data Theft (RCW 9A.90.100)

16 Engaging in Fish Dealing Activity
17 Unlicensed 1 (RCW 77.15.620(3))

18 Escape from Community Custody
19 (RCW 72.09.310)

20 Failure to Register as a Sex Offender
21 (second or subsequent offense)
22 (RCW 9A.44.130 prior to June 10,
23 2010, and RCW 9A.44.132)

24 Health Care False Claims (RCW
25 48.80.030)

26 Identity Theft 2 (RCW 9.35.020(3))

27 Improperly Obtaining Financial
28 Information (RCW 9.35.010)

29 Malicious Mischief 1 (RCW 9A.48.070)

30 Organized Retail Theft 2 (RCW
31 9A.56.350(3))

32 Possession of Stolen Property 1 (RCW
33 9A.56.150)

34 Possession of a Stolen Vehicle (RCW
35 9A.56.068)

1 Retail Theft with Special Circumstances
2 2 (RCW 9A.56.360(3))
3 Scrap Processing, Recycling, or
4 Supplying Without a License
5 (second or subsequent offense)
6 (RCW 19.290.100)
7 Theft 1 (RCW 9A.56.030)
8 Theft of a Motor Vehicle (RCW
9 9A.56.065)
10 Theft of Rental, Leased, Lease-
11 purchased, or Loaned Property
12 (valued at five thousand dollars or
13 more) (RCW 9A.56.096(5)(a))
14 Theft with the Intent to Resell 2 (RCW
15 9A.56.340(3))
16 Trafficking in Insurance Claims (RCW
17 48.30A.015)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(a))
21 Unlawful Participation of Non-Indians
22 in Indian Fishery (RCW
23 77.15.570(2))
24 Unlawful Practice of Law (RCW
25 2.48.180)
26 Unlawful Purchase or Use of a License
27 (RCW 77.15.650(3)(b))
28 Unlawful Trafficking in Fish, Shellfish,
29 or Wildlife 2 (RCW
30 77.15.260(3)(a))
31 Unlicensed Practice of a Profession or
32 Business (RCW 18.130.190(7))
33 Voyeurism 1 (RCW 9A.44.115)
34 I Attempting to Elude a Pursuing Police
35 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
6 (RCW 9A.60.060)
7 Malicious Mischief 2 (RCW 9A.48.080)
8 Mineral Trespass (RCW 78.44.330)
9 Possession of Stolen Property 2 (RCW
10 9A.56.160)
11 Reckless Burning 1 (RCW 9A.48.040)
12 Spotlighting Big Game 1 (RCW
13 77.15.450(3)(b))
14 Suspension of Department Privileges 1
15 (RCW 77.15.670(3)(b))
16 Taking Motor Vehicle Without
17 Permission 2 (RCW 9A.56.075)
18 Theft 2 (RCW 9A.56.040)
19 Theft from a Vulnerable Adult 2 (RCW
20 9A.56.400(2))
21 Theft of Rental, Leased, Lease-
22 purchased, or Loaned Property
23 (valued at seven hundred fifty
24 dollars or more but less than five
25 thousand dollars) (RCW
26 9A.56.096(5)(b))
27 Transaction of insurance business
28 beyond the scope of licensure
29 (RCW 48.17.063)
30 Unlawful Fish and Shellfish Catch
31 Accounting (RCW 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)

1 Unlawful Possession of Instruments of
2 Financial Fraud (RCW 9A.56.320)
3 Unlawful Possession of Payment
4 Instruments (RCW 9A.56.320)
5 Unlawful Possession of a Personal
6 Identification Device (RCW
7 9A.56.320)
8 Unlawful Production of Payment
9 Instruments (RCW 9A.56.320)
10 Unlawful Releasing, Planting,
11 Possessing, or Placing Deleterious
12 Exotic Wildlife (RCW
13 77.15.250(2)(b))
14 Unlawful Trafficking in Food Stamps
15 (RCW 9.91.142)
16 Unlawful Use of Food Stamps (RCW
17 9.91.144)
18 Unlawful Use of Net to Take Fish 1
19 (RCW 77.15.580(3)(b))
20 Unlawful Use of Prohibited Aquatic
21 Animal Species (RCW
22 77.15.253(3))
23 Vehicle Prowl 1 (RCW 9A.52.095)
24 Violating Commercial Fishing Area or
25 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---