
HOUSE BILL 1452

State of Washington

69th Legislature

2025 Regular Session

By Representatives Griffey, Couture, and Graham

1 AN ACT Relating to addressing motor vehicle and retail theft
2 offenses; amending RCW 46.61.024, 9A.56.350, 9A.56.360, 9.94A.834,
3 9.94A.525, 9.94A.525, and 9.94A.533; reenacting and amending RCW
4 9.94A.515; adding a new section to chapter 9.94A RCW; adding a new
5 section to chapter 43.101 RCW; creating a new section; prescribing
6 penalties; providing an effective date; and providing an expiration
7 date.

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

9 **PART I - FINDINGS AND INTENT**

10 NEW SECTION. **Sec. 1.** The legislature finds that auto theft has
11 increased by 122 percent in the state of Washington from 2019 to
12 2023, with 54,187 incidents reported in 2023 alone. A recent study by
13 Forbes found that Washington is the state most impacted by retail
14 crime with a 24 percent increase in retail theft incidents between
15 2019 and 2022, and the Washington retail association estimates that
16 retailers are losing approximately \$3,000,000,000 a year from retail
17 theft.

18 The legislature further finds that auto and retail theft are not
19 victimless property crimes; rather, those offenses significantly
20 impact Washingtonians' safety and their ability to care for

1 themselves and their families. An individual whose car is stolen is
2 not able to get themselves or others to work, school, the grocery
3 store, medical appointments, and other essential activities. The
4 prevalence of retail theft makes employees and customers feel unsafe
5 in stores and parking lots due to the amount of theft occurring.

6 The legislature therefore intends to strengthen the penalties for
7 motor vehicle theft and retail theft crimes, and to fund specialized
8 prosecutors in counties with high incidents of motor vehicle and
9 retail theft.

10 **PART II - FELONY MOTOR VEHICLE AND RETAIL THEFT OFFENSES**

11 **Sec. 2.** RCW 46.61.024 and 2010 c 8 s 9065 are each amended to
12 read as follows:

13 (1) (a) Any driver of a motor vehicle who willfully fails or
14 refuses to immediately bring his or her vehicle to a stop and who
15 drives his or her vehicle in a reckless manner while attempting to
16 elude a pursuing police vehicle, after being given a visual or
17 audible signal to bring the vehicle to a stop, shall be guilty of a
18 class C felony ranked as a seriousness level I offense, except as
19 provided in (b) of this subsection. The signal given by the police
20 officer may be by hand, voice, emergency light, or siren. The officer
21 giving such a signal shall be in uniform and the vehicle shall be
22 equipped with lights and sirens.

23 (b) Any driver of a motor vehicle who commits the offense
24 described in (a) of this subsection while there is also reasonable
25 suspicion that the driver has committed or is in the act of
26 committing theft of a motor vehicle in violation of RCW 9A.56.065, or
27 taking a motor vehicle without permission in the first degree in
28 violation of RCW 9A.56.070, shall be guilty of a class C felony
29 ranked as a seriousness level III offense.

30 (2) It is an affirmative defense to this section which must be
31 established by a preponderance of the evidence that: (a) A reasonable
32 person would not believe that the signal to stop was given by a
33 police officer; and (b) driving after the signal to stop was
34 reasonable under the circumstances.

35 (3) The license or permit to drive or any nonresident driving
36 privilege of a person convicted of a violation of this section shall
37 be revoked by the department of licensing.

1 **Sec. 3.** RCW 9A.56.350 and 2017 c 329 s 1 are each amended to
2 read as follows:

3 (1) A person is guilty of organized retail theft if he or she:

4 (a) Commits theft of property with a value of at least seven
5 hundred fifty dollars from a mercantile establishment with an
6 accomplice;

7 (b) Possesses stolen property, as defined in RCW 9A.56.140, with
8 a value of at least seven hundred fifty dollars from a mercantile
9 establishment with an accomplice;

10 (c) Commits theft of property with a cumulative value of at least
11 seven hundred fifty dollars from one or more mercantile
12 establishments within a period of up to one hundred eighty days; or

13 (d) Commits theft of property with a cumulative value of at least
14 seven hundred fifty dollars from a mercantile establishment with no
15 less than six accomplices and makes or sends at least one electronic
16 communication seeking participation in the theft in the course of
17 planning or commission of the theft. For the purposes of this
18 subsection, "electronic communication" has the same meaning as
19 defined in RCW (~~(9.61.260(5))~~) 9A.90.120(8).

20 (2) (a) A person is guilty of organized retail theft in the first
21 degree if the property stolen or possessed has a value of five
22 thousand dollars or more. (~~(Organized)~~)

23 (b) Except as provided in (c) of this subsection, organized
24 retail theft in the first degree is a class B felony.

25 (c) If the property stolen or possessed has a value of \$20,000 or
26 more, organized retail theft in the first degree is a class A felony.
27 When imposing a sentence for organized retail theft in the first
28 degree meeting the criteria under this subsection (2)(c), the court
29 shall impose a \$50,000 fine in addition to any ordered term of
30 confinement.

31 (3) A person is guilty of organized retail theft in the second
32 degree if the property stolen or possessed has a value of at least
33 seven hundred fifty dollars, but less than five thousand dollars.
34 Organized retail theft in the second degree is a class C felony.

35 (4) For purposes of this section, a series of thefts committed by
36 the same person from one or more mercantile establishments over a
37 period of one hundred eighty days may be aggregated in one count and
38 the sum of the value of all the property shall be the value
39 considered in determining the degree of the organized retail theft
40 involved. Thefts committed by the same person in different counties

1 that have been aggregated in one county may be prosecuted in any
2 county in which any one of the thefts occurred. For purposes of
3 subsection (1)(d) of this section, thefts committed by the principal
4 and accomplices may be aggregated into one count and the value of all
5 the property shall be the value considered in determining the degree
6 of organized retail theft involved.

7 (5) The mercantile establishment or establishments whose property
8 is alleged to have been stolen may request that the charge be
9 aggregated with other thefts of property about which the mercantile
10 establishment or establishments is aware. In the event a request to
11 aggregate the prosecution is declined, the mercantile establishment
12 or establishments shall be promptly advised by the prosecuting
13 jurisdiction making the decision to decline aggregating the
14 prosecution of the decision and the reasons for such decision.

15 **Sec. 4.** RCW 9A.56.360 and 2017 c 224 s 1 are each amended to
16 read as follows:

17 (1) A person commits retail theft with special circumstances if
18 he or she commits theft of property from a mercantile establishment
19 with one of the following special circumstances:

20 (a) To facilitate the theft, the person leaves the mercantile
21 establishment through a designated emergency exit;

22 (b) The person was, at the time of the theft, in possession of an
23 item, article, implement, or device used, under circumstances
24 evincing an intent to use or employ, or designed to overcome security
25 systems including, but not limited to, lined bags or tag removers;
26 ((~~or~~))

27 (c) The person committed theft at three or more separate and
28 distinct mercantile establishments within a one hundred eighty-day
29 period; or

30 (d) The person committed the theft, in whole or in part, in an
31 area of the mercantile establishment designated as only accessible to
32 employees.

33 (2) A person is guilty of retail theft with special circumstances
34 in the first degree if the theft involved constitutes theft in the
35 first degree. Retail theft with special circumstances in the first
36 degree is a class B felony.

37 (3) A person is guilty of retail theft with special circumstances
38 in the second degree if the theft involved constitutes theft in the

1 second degree. Retail theft with special circumstances in the second
2 degree is a class C felony.

3 (4) A person is guilty of retail theft with special circumstances
4 in the third degree if the theft involved constitutes theft in the
5 third degree. Retail theft with special circumstances in the third
6 degree is a class C felony.

7 (5) For the purposes of this section, "special circumstances"
8 means the particular aggravating circumstances described in
9 subsection (1)(a) through (c) of this section.

10 (6)(a) A series of thefts committed by the same person from one
11 or more mercantile establishments over a period of one hundred eighty
12 days may be aggregated in one count and the sum of the value of all
13 the property shall be the value considered in determining the degree
14 of the retail theft with special circumstances involved. Thefts
15 committed by the same person in different counties that have been
16 aggregated in one county may be prosecuted in any county in which any
17 one of the thefts occurred. In no case may an aggregated series of
18 thefts, or a single theft that has been aggregated in one county, be
19 prosecuted in more than one county.

20 (b) The mercantile establishment or establishments whose property
21 is alleged to have been stolen may request that the charge be
22 aggregated with other thefts of property about which the mercantile
23 establishment or establishments is aware. In the event a request to
24 aggregate the prosecution is declined, the mercantile establishment
25 or establishments shall be promptly advised by the prosecuting
26 jurisdiction making the decision to decline aggregating the
27 prosecution of the decision and the reasons for the decision.

28 **PART III - CRIMINAL PROSECUTION AND SENTENCING**

29 **Sec. 5.** RCW 9.94A.834 and 2008 c 219 s 2 are each amended to
30 read as follows:

31 (1) The prosecuting attorney may file a special allegation of
32 endangerment by eluding in every criminal case involving a charge of
33 attempting to elude a police vehicle under RCW 46.61.024, when
34 sufficient admissible evidence exists, to show that one or more
35 persons other than the defendant or the pursuing law enforcement
36 officer were threatened with physical injury or harm by the actions
37 of the person committing the crime of attempting to elude a police

1 vehicle, or that the defendant committed or was committing any of the
2 following acts:

3 (a) Theft of a motor vehicle under RCW 9A.56.065;

4 (b) Taking a motor vehicle without permission in the first degree
5 under RCW 9A.56.070; or

6 (c) Evading the enforcement of an active warrant for arrest.

7 (2) In a criminal case in which there has been a special
8 allegation, the state shall prove beyond a reasonable doubt that the
9 accused committed the crime while endangering one or more persons
10 other than the defendant or the pursuing law enforcement officer, or
11 that the accused committed the crime and committed or was committing
12 an act described in subsection (1)(a) through (c) of this section.

13 The court shall make a finding of fact of whether or not one or more
14 persons other than the defendant or the pursuing law enforcement
15 officer were endangered at the time of the commission of the crime or
16 whether or not the accused also committed or was committing an act
17 described in subsection (1)(a) through (c) of this section, or if a
18 jury trial is had, the jury shall, if it finds the defendant guilty,
19 also find a special verdict as to whether or not one or more persons
20 other than the defendant or the pursuing law enforcement officer were
21 endangered during the commission of the crime or whether or not the
22 accused also committed or was committing an act described in
23 subsection (1)(a) through (c) of this section.

24 NEW SECTION. Sec. 6. A new section is added to chapter 9.94A
25 RCW to read as follows:

26 (1) The prosecuting attorney may file a special allegation when
27 sufficient evidence exists to show that the accused is a habitual
28 property offender.

29 (2) In a criminal case in which there has been a special
30 allegation and the accused has been convicted of the underlying
31 crime, the court shall make a finding of fact prior to sentencing
32 whether the person is a habitual property offender based on the
33 person's criminal history. If the court finds beyond a reasonable
34 doubt that the person is a habitual property offender, the person
35 shall be sentenced in accordance with RCW 9.94A.533(16).

36 (3) For purposes of this section, a person is a habitual property
37 offender if:

38 (a) The present felony conviction for which the person is being
39 sentenced is for residential burglary, burglary in the second degree,

1 theft in the first degree, theft in the second degree, theft of a
2 firearm, unlawful issuance of checks or drafts, organized retail
3 theft, retail theft with special circumstances, or mail theft;

4 (b) The person has an offender score of nine points or higher;

5 (c) At least five of the points in the person's offender score
6 result from any combination of the following felony offenses:
7 Residential burglary; burglary in the second degree; theft in the
8 first degree; theft in the second degree; theft of a firearm;
9 unlawful issuance of checks or drafts; organized retail theft; retail
10 theft with special circumstances; or mail theft; and

11 (d) The person has committed three or more property crime
12 offenses within 180 days.

13 **Sec. 7.** RCW 9.94A.525 and 2023 c 415 s 2 are each amended to
14 read as follows:

15 The offender score is measured on the horizontal axis of the
16 sentencing grid. The offender score rules are as follows:

17 The offender score is the sum of points accrued under this
18 section rounded down to the nearest whole number.

19 (1)(a) A prior conviction is a conviction which exists before the
20 date of sentencing for the offense for which the offender score is
21 being computed. Convictions entered or sentenced on the same date as
22 the conviction for which the offender score is being computed shall
23 be deemed "other current offenses" within the meaning of RCW
24 9.94A.589.

25 (b) For the purposes of this section, adjudications of guilt
26 pursuant to Title 13 RCW which are not murder in the first or second
27 degree or class A felony sex offenses may not be included in the
28 offender score.

29 (2)(a) Class A and sex prior felony convictions shall always be
30 included in the offender score.

31 (b) Class B prior felony convictions other than sex offenses
32 shall not be included in the offender score, if since the last date
33 of release from confinement (including full-time residential
34 treatment) pursuant to a felony conviction, if any, or entry of
35 judgment and sentence, the offender had spent ten consecutive years
36 in the community without committing any crime that subsequently
37 results in a conviction.

38 (c) Except as provided in (e) of this subsection, class C prior
39 felony convictions other than sex offenses shall not be included in

1 the offender score if, since the last date of release from
2 confinement (including full-time residential treatment) pursuant to a
3 felony conviction, if any, or entry of judgment and sentence, the
4 offender had spent five consecutive years in the community without
5 committing any crime that subsequently results in a conviction.

6 (d) Except as provided in (e) of this subsection, serious traffic
7 convictions shall not be included in the offender score if, since the
8 last date of release from confinement (including full-time
9 residential treatment) pursuant to a conviction, if any, or entry of
10 judgment and sentence, the offender spent five years in the community
11 without committing any crime that subsequently results in a
12 conviction.

13 (e) If the present conviction is felony driving while under the
14 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
15 felony physical control of a vehicle while under the influence of
16 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
17 crimes for the offense as defined by RCW 46.61.5055(14) shall be
18 included in the offender score, and prior convictions for felony
19 driving while under the influence of intoxicating liquor or any drug
20 (RCW 46.61.502(6)) or felony physical control of a vehicle while
21 under the influence of intoxicating liquor or any drug (RCW
22 46.61.504(6)) shall always be included in the offender score. All
23 other convictions of the defendant shall be scored according to this
24 section.

25 (f) Prior convictions for a repetitive domestic violence offense,
26 as defined in RCW 9.94A.030, shall not be included in the offender
27 score if, since the last date of release from confinement or entry of
28 judgment and sentence, the offender had spent ten consecutive years
29 in the community without committing any crime that subsequently
30 results in a conviction.

31 (g) This subsection applies to both prior adult convictions and
32 prior juvenile adjudications.

33 (3) Out-of-state convictions for offenses shall be classified
34 according to the comparable offense definitions and sentences
35 provided by Washington law. Federal convictions for offenses shall be
36 classified according to the comparable offense definitions and
37 sentences provided by Washington law. Neither out-of-state or federal
38 convictions which would have been presumptively adjudicated in
39 juvenile court under Washington law may be included in the offender
40 score unless they are comparable to murder in the first or second

1 degree or a class A felony sex offense. If there is no clearly
2 comparable offense under Washington law or the offense is one that is
3 usually considered subject to exclusive federal jurisdiction, the
4 offense shall be scored as a class C felony equivalent if it was a
5 felony under the relevant federal statute.

6 (4) Score prior convictions for felony anticipatory offenses
7 (attempts, criminal solicitations, and criminal conspiracies) the
8 same as if they were convictions for completed offenses.

9 (5) (a) In the case of multiple prior convictions, for the purpose
10 of computing the offender score, count all convictions separately,
11 except:

12 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
13 to encompass the same criminal conduct, shall be counted as one
14 offense, the offense that yields the highest offender score. The
15 current sentencing court shall determine with respect to other prior
16 adult offenses for which sentences were served concurrently or prior
17 juvenile offenses for which sentences were served consecutively,
18 whether those offenses shall be counted as one offense or as separate
19 offenses using the "same criminal conduct" analysis found in RCW
20 9.94A.589(1) (a), and if the court finds that they shall be counted as
21 one offense, then the offense that yields the highest offender score
22 shall be used. The current sentencing court may presume that such
23 other prior offenses were not the same criminal conduct from
24 sentences imposed on separate dates, or in separate counties or
25 jurisdictions, or in separate complaints, indictments, or
26 informations;

27 (ii) In the case of multiple prior convictions for offenses
28 committed before July 1, 1986, for the purpose of computing the
29 offender score, count all convictions or adjudications served
30 concurrently as one offense. Use the conviction for the offense that
31 yields the highest offender score.

32 (b) As used in this subsection (5), "served concurrently" means
33 that: (i) The latter sentence was imposed with specific reference to
34 the former; (ii) the concurrent relationship of the sentences was
35 judicially imposed; and (iii) the concurrent timing of the sentences
36 was not the result of a probation or parole revocation on the former
37 offense.

38 (6) If the present conviction is one of the anticipatory offenses
39 of criminal attempt, solicitation, or conspiracy, count each prior
40 conviction as if the present conviction were for a completed offense.

1 When these convictions are used as criminal history, score them the
2 same as a completed crime.

3 (7) If the present conviction is for a nonviolent offense and not
4 covered by subsection (11), (12), or (13) of this section, count one
5 point for each adult prior felony conviction and one point for each
6 juvenile prior violent felony conviction which is scorable under
7 subsection (1)(b) of this section.

8 (8) If the present conviction is for a violent offense and not
9 covered in subsection (9), (10), (11), (12), or (13) of this section,
10 count two points for each prior adult violent felony conviction and
11 juvenile violent felony conviction which is scorable under subsection
12 (1)(b) of this section, and one point for each prior adult nonviolent
13 felony conviction.

14 (9) If the present conviction is for a serious violent offense,
15 count three points for prior adult convictions and juvenile
16 convictions which are scorable under subsection (1)(b) of this
17 section for crimes in this category, two points for each prior adult
18 and scorable juvenile violent conviction (not already counted), and
19 one point for each prior adult nonviolent felony conviction.

20 (10) If the present conviction is for Burglary 1, count prior
21 convictions as in subsection (8) of this section; however count two
22 points for each prior Burglary 2 or residential burglary conviction.

23 (11) If the present conviction is for a felony traffic offense
24 count two points for each prior conviction for Vehicular Homicide or
25 Vehicular Assault; for each felony offense count one point for each
26 adult prior conviction and 1/2 point for each juvenile prior
27 conviction which is scorable under subsection (1)(b) of this section;
28 for each serious traffic offense, other than those used for an
29 enhancement pursuant to RCW 46.61.520(2), count one point for each
30 adult prior conviction and 1/2 point for each juvenile prior
31 conviction which is scorable under subsection (1)(b) of this section;
32 count one point for each adult prior conviction for operation of a
33 vessel while under the influence of intoxicating liquor or any drug.

34 (12) If the present conviction is for homicide by watercraft or
35 assault by watercraft count two points for each adult prior
36 conviction for homicide by watercraft or assault by watercraft; for
37 each felony offense count one point for each adult prior conviction
38 and 1/2 point for each juvenile prior conviction which would be
39 scorable under subsection (1)(b) of this section; count one point for
40 each adult prior conviction for driving under the influence of

1 intoxicating liquor or any drug, actual physical control of a motor
2 vehicle while under the influence of intoxicating liquor or any drug,
3 or operation of a vessel while under the influence of intoxicating
4 liquor or any drug.

5 (13) If the present conviction is for manufacture of
6 methamphetamine count three points for each adult prior manufacture
7 of methamphetamine conviction. If the present conviction is for a
8 drug offense and the offender has a criminal history that includes a
9 sex offense or serious violent offense, count three points for each
10 adult prior felony drug offense conviction. All other felonies are
11 scored as in subsection (8) of this section if the current drug
12 offense is violent, or as in subsection (7) of this section if the
13 current drug offense is nonviolent.

14 (14) If the present conviction is for Escape from Community
15 Custody, RCW 72.09.310, count only adult prior escape convictions in
16 the offender score. Count prior escape convictions as one point.

17 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
18 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
19 and juvenile prior convictions which are scorable under subsection
20 (1)(b) of this section as 1/2 point.

21 (16) If the present conviction is for Burglary 2 or residential
22 burglary, count priors as in subsection (7) of this section; however,
23 count two points for each prior Burglary 1 conviction, and two points
24 for each prior Burglary 2 or residential burglary conviction.

25 (17) If the present conviction is for a sex offense, count priors
26 as in subsections (7) through (11) and (13) through (16) of this
27 section; however count three points for each adult prior sex offense
28 conviction and juvenile prior class A felony sex offense
29 adjudication.

30 (18) If the present conviction is for failure to register as a
31 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
32 subsections (7) through (11) and (13) through (16) of this section;
33 however count three points for each adult prior sex offense
34 conviction and juvenile prior sex offense conviction which is
35 scorable under subsection (1)(b) of this section, excluding adult
36 prior convictions for failure to register as a sex offender under RCW
37 9A.44.130 or 9A.44.132, which shall count as one point.

38 (19) If the present conviction is for an offense committed while
39 the offender was under community custody, add one point. For purposes

1 of this subsection, community custody includes community placement or
2 postrelease supervision, as defined in chapter 9.94B RCW.

3 (20) If the present conviction is for Theft of a Motor Vehicle,
4 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
5 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
6 priors as in subsections (7) through (18) of this section; however
7 count one point for prior convictions of Vehicle Prowling 2, and
8 (~~three~~) four points for each adult prior Theft 1 (of a motor
9 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
10 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
11 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
12 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
13 Vehicle Without Permission 2 conviction.

14 (21) If the present conviction is for a felony domestic violence
15 offense where domestic violence as defined in RCW 9.94A.030 was
16 pleaded and proven, count priors as in subsections (7) through (20)
17 of this section; however, count points as follows:

18 (a) Count two points for each adult prior conviction where
19 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
20 after August 1, 2011, for any of the following offenses: A felony
21 violation of a no-contact or protection order (RCW 7.105.450 or
22 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
23 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
24 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
25 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
26 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
27 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
28 Arson 2 (RCW 9A.48.030);

29 (b) Count two points for each adult prior conviction where
30 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
31 after July 23, 2017, for any of the following offenses: Assault of a
32 child in the first degree, RCW 9A.36.120; Assault of a child in the
33 second degree, RCW 9A.36.130; Assault of a child in the third degree,
34 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
35 9A.42.020; or Criminal Mistreatment in the second degree, RCW
36 9A.42.030; and

37 (c) Count one point for each adult prior conviction for a
38 repetitive domestic violence offense as defined in RCW 9.94A.030,
39 where domestic violence as defined in RCW 9.94A.030, was pleaded and
40 proven after August 1, 2011.

1 (22) The fact that a prior conviction was not included in an
2 offender's offender score or criminal history at a previous
3 sentencing shall have no bearing on whether it is included in the
4 criminal history or offender score for the current offense. Prior
5 convictions that were not counted in the offender score or included
6 in criminal history under repealed or previous versions of the
7 sentencing reform act shall be included in criminal history and shall
8 count in the offender score if the current version of the sentencing
9 reform act requires including or counting those convictions. Prior
10 convictions that were not included in criminal history or in the
11 offender score shall be included upon any resentencing to ensure
12 imposition of an accurate sentence.

13 **Sec. 8.** RCW 9.94A.525 and 2024 c 306 s 6 are each amended to
14 read as follows:

15 The offender score is measured on the horizontal axis of the
16 sentencing grid. The offender score rules are as follows:

17 The offender score is the sum of points accrued under this
18 section rounded down to the nearest whole number.

19 (1)(a) A prior conviction is a conviction which exists before the
20 date of sentencing for the offense for which the offender score is
21 being computed. Convictions entered or sentenced on the same date as
22 the conviction for which the offender score is being computed shall
23 be deemed "other current offenses" within the meaning of RCW
24 9.94A.589.

25 (b) For the purposes of this section, adjudications of guilt
26 pursuant to Title 13 RCW which are not murder in the first or second
27 degree or class A felony sex offenses may not be included in the
28 offender score.

29 (2)(a) Class A and sex prior felony convictions shall always be
30 included in the offender score.

31 (b) Class B prior felony convictions other than sex offenses
32 shall not be included in the offender score, if since the last date
33 of release from confinement (including full-time residential
34 treatment) pursuant to a felony conviction, if any, or entry of
35 judgment and sentence, the offender had spent 10 consecutive years in
36 the community without committing any crime that subsequently results
37 in a conviction.

38 (c) Except as provided in (e) of this subsection, class C prior
39 felony convictions other than sex offenses shall not be included in

1 the offender score if, since the last date of release from
2 confinement (including full-time residential treatment) pursuant to a
3 felony conviction, if any, or entry of judgment and sentence, the
4 offender had spent five consecutive years in the community without
5 committing any crime that subsequently results in a conviction.

6 (d) Except as provided in (e) of this subsection, serious traffic
7 convictions shall not be included in the offender score if, since the
8 last date of release from confinement (including full-time
9 residential treatment) pursuant to a conviction, if any, or entry of
10 judgment and sentence, the offender spent five years in the community
11 without committing any crime that subsequently results in a
12 conviction.

13 (e) If the present conviction is felony driving while under the
14 influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or
15 felony physical control of a vehicle while under the influence of
16 intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate
17 crimes for the offense as defined by RCW 46.61.5055(14) shall be
18 included in the offender score, and prior convictions for felony
19 driving while under the influence of intoxicating liquor or any drug
20 (RCW 46.61.502(6)) or felony physical control of a vehicle while
21 under the influence of intoxicating liquor or any drug (RCW
22 46.61.504(6)) shall always be included in the offender score. All
23 other convictions of the defendant shall be scored according to this
24 section.

25 (f) Prior convictions for a repetitive domestic violence offense,
26 as defined in RCW 9.94A.030, shall not be included in the offender
27 score if, since the last date of release from confinement or entry of
28 judgment and sentence, the offender had spent 10 consecutive years in
29 the community without committing any crime that subsequently results
30 in a conviction.

31 (g) This subsection applies to both prior adult convictions and
32 prior juvenile adjudications.

33 (3) Out-of-state convictions for offenses shall be classified
34 according to the comparable offense definitions and sentences
35 provided by Washington law. Federal convictions for offenses shall be
36 classified according to the comparable offense definitions and
37 sentences provided by Washington law. Neither out-of-state or federal
38 convictions which would have been presumptively adjudicated in
39 juvenile court under Washington law may be included in the offender
40 score unless they are comparable to murder in the first or second

1 degree or a class A felony sex offense. If there is no clearly
2 comparable offense under Washington law or the offense is one that is
3 usually considered subject to exclusive federal jurisdiction, the
4 offense shall be scored as a class C felony equivalent if it was a
5 felony under the relevant federal statute.

6 (4) Score prior convictions for felony anticipatory offenses
7 (attempts, criminal solicitations, and criminal conspiracies) the
8 same as if they were convictions for completed offenses.

9 (5) (a) In the case of multiple prior convictions, for the purpose
10 of computing the offender score, count all convictions separately,
11 except:

12 (i) Prior offenses which were found, under RCW 9.94A.589(1) (a),
13 to encompass the same criminal conduct, shall be counted as one
14 offense, the offense that yields the highest offender score. The
15 current sentencing court shall determine with respect to other prior
16 adult offenses for which sentences were served concurrently or prior
17 juvenile offenses for which sentences were served consecutively,
18 whether those offenses shall be counted as one offense or as separate
19 offenses using the "same criminal conduct" analysis found in RCW
20 9.94A.589(1) (a), and if the court finds that they shall be counted as
21 one offense, then the offense that yields the highest offender score
22 shall be used. The current sentencing court may presume that such
23 other prior offenses were not the same criminal conduct from
24 sentences imposed on separate dates, or in separate counties or
25 jurisdictions, or in separate complaints, indictments, or
26 informations;

27 (ii) In the case of multiple prior convictions for offenses
28 committed before July 1, 1986, for the purpose of computing the
29 offender score, count all convictions or adjudications served
30 concurrently as one offense. Use the conviction for the offense that
31 yields the highest offender score.

32 (b) As used in this subsection (5), "served concurrently" means
33 that: (i) The latter sentence was imposed with specific reference to
34 the former; (ii) the concurrent relationship of the sentences was
35 judicially imposed; and (iii) the concurrent timing of the sentences
36 was not the result of a probation or parole revocation on the former
37 offense.

38 (6) If the present conviction is one of the anticipatory offenses
39 of criminal attempt, solicitation, or conspiracy, count each prior
40 conviction as if the present conviction were for a completed offense.

1 When these convictions are used as criminal history, score them the
2 same as a completed crime.

3 (7) If the present conviction is for a nonviolent offense and not
4 covered by subsection (11), (12), or (13) of this section, count one
5 point for each adult prior felony conviction and one point for each
6 juvenile prior violent felony conviction which is scorable under
7 subsection (1)(b) of this section.

8 (8) If the present conviction is for a violent offense and not
9 covered in subsection (9), (10), (11), (12), or (13) of this section,
10 count two points for each prior adult violent felony conviction and
11 juvenile violent felony conviction which is scorable under subsection
12 (1)(b) of this section, and one point for each prior adult nonviolent
13 felony conviction.

14 (9) If the present conviction is for a serious violent offense,
15 count three points for prior adult convictions and juvenile
16 convictions which are scorable under subsection (1)(b) of this
17 section for crimes in this category, two points for each prior adult
18 and scorable juvenile violent conviction (not already counted), and
19 one point for each prior adult nonviolent felony conviction.

20 (10) If the present conviction is for Burglary 1, count prior
21 convictions as in subsection (8) of this section; however count two
22 points for each prior Burglary 2 or residential burglary conviction.

23 (11) If the present conviction is for a felony traffic offense
24 count two points for each prior conviction for Vehicular Homicide or
25 Vehicular Assault; for each felony offense count one point for each
26 adult prior conviction and 1/2 point for each juvenile prior
27 conviction which is scorable under subsection (1)(b) of this section;
28 for each serious traffic offense, other than those used for an
29 enhancement pursuant to RCW 46.61.520(2), count one point for each
30 adult prior conviction and 1/2 point for each juvenile prior
31 conviction which is scorable under subsection (1)(b) of this section;
32 count one point for each adult prior conviction for operation of a
33 vessel while under the influence of intoxicating liquor or any drug;
34 count one point for a deferred prosecution granted under chapter
35 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or
36 46.61.504, or an equivalent local ordinance.

37 (12) If the present conviction is for homicide by watercraft or
38 assault by watercraft count two points for each adult prior
39 conviction for homicide by watercraft or assault by watercraft; for
40 each felony offense count one point for each adult prior conviction

1 and 1/2 point for each juvenile prior conviction which would be
2 scorable under subsection (1)(b) of this section; count one point for
3 each adult prior conviction for driving under the influence of
4 intoxicating liquor or any drug, actual physical control of a motor
5 vehicle while under the influence of intoxicating liquor or any drug,
6 or operation of a vessel while under the influence of intoxicating
7 liquor or any drug.

8 (13) If the present conviction is for manufacture of
9 methamphetamine count three points for each adult prior manufacture
10 of methamphetamine conviction. If the present conviction is for a
11 drug offense and the offender has a criminal history that includes a
12 sex offense or serious violent offense, count three points for each
13 adult prior felony drug offense conviction. All other felonies are
14 scored as in subsection (8) of this section if the current drug
15 offense is violent, or as in subsection (7) of this section if the
16 current drug offense is nonviolent.

17 (14) If the present conviction is for Escape from Community
18 Custody, RCW 72.09.310, count only adult prior escape convictions in
19 the offender score. Count prior escape convictions as one point.

20 (15) If the present conviction is for Escape 1, RCW 9A.76.110, or
21 Escape 2, RCW 9A.76.120, count adult prior convictions as one point
22 and juvenile prior convictions which are scorable under subsection
23 (1)(b) of this section as 1/2 point.

24 (16) If the present conviction is for Burglary 2 or residential
25 burglary, count priors as in subsection (7) of this section; however,
26 count two points for each prior Burglary 1 conviction, and two points
27 for each prior Burglary 2 or residential burglary conviction.

28 (17) If the present conviction is for a sex offense, count priors
29 as in subsections (7) through (11) and (13) through (16) of this
30 section; however, count three points for each adult prior sex offense
31 conviction and juvenile prior class A felony sex offense
32 adjudication.

33 (18) If the present conviction is for failure to register as a
34 sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in
35 subsections (7) through (11) and (13) through (16) of this section;
36 however, count three points for each adult prior sex offense
37 conviction and juvenile prior sex offense conviction which is
38 scorable under subsection (1)(b) of this section, excluding adult
39 prior convictions for failure to register as a sex offender under RCW
40 9A.44.130 or 9A.44.132, which shall count as one point.

1 (19) If the present conviction is for an offense committed while
2 the offender was under community custody, add one point. For purposes
3 of this subsection, community custody includes community placement or
4 postrelease supervision, as defined in chapter 9.94B RCW.

5 (20) If the present conviction is for Theft of a Motor Vehicle,
6 Possession of a Stolen Vehicle, Taking a Motor Vehicle Without
7 Permission 1, or Taking a Motor Vehicle Without Permission 2, count
8 priors as in subsections (7) through (18) of this section; however
9 count one point for prior convictions of Vehicle Prowling 2, and
10 (~~three~~) four points for each adult prior Theft 1 (of a motor
11 vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property
12 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor
13 vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle,
14 Taking a Motor Vehicle Without Permission 1, or Taking a Motor
15 Vehicle Without Permission 2 conviction.

16 (21) If the present conviction is for a felony domestic violence
17 offense where domestic violence as defined in RCW 9.94A.030 was
18 pleaded and proven, count priors as in subsections (7) through (20)
19 of this section; however, count points as follows:

20 (a) Count two points for each adult prior conviction where
21 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
22 after August 1, 2011, for any of the following offenses: A felony
23 violation of a no-contact or protection order (RCW 7.105.450 or
24 former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)),
25 felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020),
26 Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful
27 imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2
28 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW
29 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or
30 Arson 2 (RCW 9A.48.030);

31 (b) Count two points for each adult prior conviction where
32 domestic violence as defined in RCW 9.94A.030 was pleaded and proven
33 after July 23, 2017, for any of the following offenses: Assault of a
34 child in the first degree, RCW 9A.36.120; Assault of a child in the
35 second degree, RCW 9A.36.130; Assault of a child in the third degree,
36 RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW
37 9A.42.020; or Criminal Mistreatment in the second degree, RCW
38 9A.42.030; and

39 (c) Count one point for each adult prior conviction for a
40 repetitive domestic violence offense as defined in RCW 9.94A.030,

1 where domestic violence as defined in RCW 9.94A.030, was pleaded and
2 proven after August 1, 2011.

3 (22) The fact that a prior conviction was not included in an
4 offender's offender score or criminal history at a previous
5 sentencing shall have no bearing on whether it is included in the
6 criminal history or offender score for the current offense. Prior
7 convictions that were not counted in the offender score or included
8 in criminal history under repealed or previous versions of the
9 sentencing reform act shall be included in criminal history and shall
10 count in the offender score if the current version of the sentencing
11 reform act requires including or counting those convictions. Prior
12 convictions that were not included in criminal history or in the
13 offender score shall be included upon any resentencing to ensure
14 imposition of an accurate sentence.

15 **Sec. 9.** RCW 9.94A.533 and 2024 c 301 s 28 are each amended to
16 read as follows:

17 (1) The provisions of this section apply to the standard sentence
18 ranges determined by RCW 9.94A.510 or 9.94A.517.

19 (2) For persons convicted of the anticipatory offenses of
20 criminal attempt, solicitation, or conspiracy under chapter 9A.28
21 RCW, the standard sentence range is determined by locating the
22 sentencing grid sentence range defined by the appropriate offender
23 score and the seriousness level of the completed crime, and
24 multiplying the range by (~~seventy-five~~) 75 percent.

25 (3) The following additional times shall be added to the standard
26 sentence range for felony crimes committed after July 23, 1995, if
27 the offender or an accomplice was armed with a firearm as defined in
28 RCW 9.41.010 and the offender is being sentenced for one of the
29 crimes listed in this subsection as eligible for any firearm
30 enhancements based on the classification of the completed felony
31 crime. If the offender is being sentenced for more than one offense,
32 the firearm enhancement or enhancements must be added to the total
33 period of confinement for all offenses, regardless of which
34 underlying offense is subject to a firearm enhancement. If the
35 offender or an accomplice was armed with a firearm as defined in RCW
36 9.41.010 and the offender is being sentenced for an anticipatory
37 offense under chapter 9A.28 RCW to commit one of the crimes listed in
38 this subsection as eligible for any firearm enhancements, the
39 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~~) 20
5 years, 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~~) 10 years, or
8 both, 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, and use of a machine gun or bump-fire stock in a
34 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~~) 20
23 years, 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~~) 24 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~~) 20
32 years, 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~~) 10
35 years, or 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~~) 18 or older convicted of
8 any 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~~) 125 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 or committing an enumerated act 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~~)

1 16 who is an occupant in the defendant's vehicle. These enhancements
2 shall be mandatory, shall be served in total confinement, and shall
3 run consecutively to all other sentencing provisions, including other
4 minor child enhancements, for all offenses sentenced under this
5 chapter. If the addition of a minor child enhancement increases the
6 sentence so that it would exceed the statutory maximum for the
7 offense, the portion of the sentence representing the enhancement
8 shall be mandatory, shall be served in total confinement, and shall
9 run consecutively to all other sentencing provisions.

10 (14) An additional (~~twelve~~) 12 months shall be added to the
11 standard sentence range for an offense that is also a violation of
12 RCW 9.94A.832.

13 (15) An additional 12 months may, at the discretion of the court,
14 be added to the standard sentence range for an offense that is also a
15 violation of RCW 9.94A.828.

16 (16)(a) The following additional times shall be added to the
17 standard sentence range if the court finds that the offender is a
18 habitual property offender pursuant to section 6 of this act:

19 (i) 24 months if the offender is being sentenced for a felony
20 defined as a class B felony; or

21 (ii) 12 months if the offender is being sentenced for a felony
22 defined as a class C felony.

23 (b) A sentence imposed pursuant to this subsection is not to
24 exceed the statutory maximum for the crime as established in RCW
25 9A.20.021.

26 (c) Notwithstanding any other provision of law, all habitual
27 property offender enhancements imposed under this subsection (16) are
28 mandatory and shall be served in total confinement. However, whether
29 or not the mandatory minimum term has expired, an offender serving a
30 sentence under this subsection may be granted an extraordinary
31 medical placement when authorized under RCW 9.94A.728(1)(c).

32 (17) Regardless of any provisions in this section, if a person is
33 being sentenced in adult court for a crime committed under age
34 eighteen, the court has full discretion to depart from mandatory
35 sentencing enhancements and to take the particular circumstances
36 surrounding the defendant's youth into account.

37 **Sec. 10.** RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 are
38 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)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Indecent Liberties (with forcible
4 compulsion) (RCW
5 9A.44.100(1)(a))
6 Kidnapping 1 (RCW 9A.40.020)
7 Leading Organized Crime (RCW
8 9A.82.060(1)(a))
9 Malicious explosion 3 (RCW
10 70.74.280(3))
11 Sexually Violent Predator Escape (RCW
12 9A.76.115)
13 IX Abandonment of Dependent Person 1
14 (RCW 9A.42.060)
15 Assault of a Child 2 (RCW 9A.36.130)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run—Death (RCW
19 46.52.020(4)(a))
20 Homicide by Watercraft, by being under
21 the influence of intoxicating liquor
22 or any drug (RCW 79A.60.050)
23 Inciting Criminal Profiteering (RCW
24 9A.82.060(1)(b))
25 Malicious placement of an explosive 2
26 (RCW 70.74.270(2))
27 Robbery 1 (RCW 9A.56.200)
28 Sexual Exploitation (RCW 9.68A.040)
29 VIII Arson 1 (RCW 9A.48.020)
30 Commercial Sexual Abuse of a Minor
31 (RCW 9.68A.100)
32 Homicide by Watercraft, by the
33 operation of any vessel in a reckless
34 manner (RCW 79A.60.050)
35 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Prostitution 1 (RCW
2 9A.88.070)
3 Theft of Ammonia (RCW 69.55.010)
4 VII Air bag diagnostic systems (causing
5 bodily injury or death) (RCW
6 46.37.660(2)(b))
7 Air bag replacement requirements
8 (causing bodily injury or death)
9 (RCW 46.37.660(1)(b))
10 Burglary 1 (RCW 9A.52.020)
11 Child Molestation 2 (RCW 9A.44.086)
12 Civil Disorder Training (RCW
13 9A.48.120)
14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)
16 Dealing in depictions of minor engaged
17 in sexually explicit conduct 1
18 (RCW 9.68A.050(1))
19 Drive-by Shooting (RCW 9A.36.045)
20 False Reporting 1 (RCW
21 9A.84.040(2)(a))
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 Taking Motor Vehicle Without
13 Permission 1 (RCW 9A.56.070)
14 Unlawful Possession of a Firearm in the
15 first degree (RCW 9.41.040(1))
16 Use of a Machine Gun or Bump-fire
17 Stock in Commission of a Felony
18 (RCW 9.41.225)
19 Vehicular Homicide, by disregard for
20 the safety of others (RCW
21 46.61.520)
22 VI Bail Jumping with Murder 1 (RCW
23 9A.76.170(3)(a))
24 Bribery (RCW 9A.68.010)
25 Incest 1 (RCW 9A.64.020(1))
26 Intimidating a Judge (RCW 9A.72.160)
27 Intimidating a Juror/Witness (RCW
28 9A.72.110, 9A.72.130)
29 Malicious placement of an imitation
30 device 2 (RCW 70.74.272(1)(b))
31 Possession of Depictions of a Minor
32 Engaged in Sexually Explicit
33 Conduct 1 (RCW 9.68A.070(1))
34 Rape of a Child 3 (RCW 9A.44.079)
35 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 2 (RCW
20 9A.44.170)
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 7.105.450,
26 10.99.040, 10.99.050, 26.09.300,
27 26.26B.050, or 26.52.070)
28 Extortion 1 (RCW 9A.56.120)
29 Extortionate Extension of Credit (RCW
30 9A.82.020)
31 Extortionate Means to Collect
32 Extensions of Credit (RCW
33 9A.82.040)
34 Incest 2 (RCW 9A.64.020(2))
35 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 14 (subsequent sex offense) (RCW
20 9A.88.010)
21 Influencing Outcome of Sporting Event
22 (RCW 9A.82.070)
23 Organized Retail Theft 1 (RCW
24 9A.56.350(2))
25 Physical Control of a Vehicle While
26 Under the Influence (RCW
27 46.61.504(6))
28 Possession of a Stolen Vehicle (RCW
29 9A.56.068)
30 Possession of Depictions of a Minor
31 Engaged in Sexually Explicit
32 Conduct 2 (RCW 9.68A.070(2))
33 Residential Burglary (RCW 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)

1 Theft of a Motor Vehicle (RCW
2 9A.56.065)
3 Theft of Livestock 1 (RCW 9A.56.080)
4 Threats to Bomb (RCW 9.61.160)
5 Trafficking in Catalytic Converters 1
6 (RCW 9A.82.190)
7 Trafficking in Stolen Property 1 (RCW
8 9A.82.050)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(b))
12 Unlawful transaction of health coverage
13 as a health care service contractor
14 (RCW 48.44.016(3))
15 Unlawful transaction of health coverage
16 as a health maintenance
17 organization (RCW 48.46.033(3))
18 Unlawful transaction of insurance
19 business (RCW 48.15.023(3))
20 Unlicensed practice as an insurance
21 professional (RCW 48.17.063(2))
22 Use of Proceeds of Criminal
23 Profiteering (RCW 9A.82.080 (1)
24 and (2))
25 Vehicle Prowling 2 (third or subsequent
26 offense) (RCW 9A.52.100(3))
27 Vehicular Assault, by being under the
28 influence of intoxicating liquor or
29 any drug, or by the operation or
30 driving of a vehicle in a reckless
31 manner (RCW 46.61.522)
32 Viewing of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.075(1))
35 III Animal Cruelty 1 (RCW 16.52.205)

1 Assault 3 (Except Assault 3 of a Peace
2 Officer With a Projectile Stun Gun)
3 (RCW 9A.36.031 except subsection
4 (1)(h))
5 Assault of a Child 3 (RCW 9A.36.140)
6 Attempting to Elude a Pursuing Police
7 Vehicle (where there is a reasonable
8 suspicion the offender has violated
9 or is violating RCW 9A.56.065 or
10 9A.56.070) (RCW 46.61.024(1)(b))
11 Bail Jumping with class B or C Felony
12 (RCW 9A.76.170(3)(c))
13 Burglary 2 (RCW 9A.52.030)
14 Communication with a Minor for
15 Immoral Purposes (RCW
16 9.68A.090)
17 Criminal Gang Intimidation (RCW
18 9A.46.120)
19 Custodial Assault (RCW 9A.36.100)
20 Cyber Harassment (RCW
21 9A.90.120(2)(b))
22 Escape 2 (RCW 9A.76.120)
23 Extortion 2 (RCW 9A.56.130)
24 False Reporting 2 (RCW
25 9A.84.040(2)(b))
26 Harassment (RCW 9A.46.020)
27 Hazing (RCW 28B.10.901(2)(b))
28 Intimidating a Public Servant (RCW
29 9A.76.180)
30 Introducing Contraband 2 (RCW
31 9A.76.150)
32 Malicious Injury to Railroad Property
33 (RCW 81.60.070)
34 Manufacture of Untraceable Firearm
35 with Intent to Sell (RCW 9.41.190)

1 Manufacture or Assembly of an
2 Undetectable Firearm or
3 Untraceable Firearm (RCW
4 9.41.325)
5 Mortgage Fraud (RCW 19.144.080)
6 Negligently Causing Substantial Bodily
7 Harm By Use of a Signal
8 Preemption Device (RCW
9 46.37.674)
10 ~~((Organized Retail Theft 1 (RCW
11 9A.56.350(2))))~~
12 Organized Retail Theft 2 (RCW
13 9A.56.350(3))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device (RCW
16 9.40.120)
17 Possession of Machine Gun, Bump-Fire
18 Stock, Undetectable Firearm, or
19 Short-Barreled Shotgun or Rifle
20 (RCW 9.41.190)
21 Promoting Prostitution 2 (RCW
22 9A.88.080)
23 Retail Theft with Special Circumstances
24 1 (RCW 9A.56.360(2))
25 Securities Act violation (RCW
26 21.20.400)
27 Taking Motor Vehicle Without
28 Permission 2 (RCW 9A.56.075)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 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 Catalytic Converters 2
2 (RCW 9A.82.200)
3 Trafficking in Stolen Property 2 (RCW
4 9A.82.055)
5 Unlawful Hunting of Big Game 1
6 (RCW 77.15.410(3)(b))
7 Unlawful Imprisonment (RCW
8 9A.40.040)
9 Unlawful Misbranding of Fish or
10 Shellfish 1 (RCW 77.140.060(3))
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Unlawful Taking of Endangered Fish or
14 Wildlife 1 (RCW 77.15.120(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 1 (RCW
17 77.15.260(3)(b))
18 Unlawful Use of a Nondesignated
19 Vessel (RCW 77.15.530(4))
20 Vehicular Assault, by the operation or
21 driving of a vehicle with disregard
22 for the safety of others (RCW
23 46.61.522)
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
33 9A.90.100)
34 Engaging in Fish Dealing Activity
35 Unlicensed 1 (RCW 77.15.620(3))

1 Escape from Community Custody
2 (RCW 72.09.310)
3 Failure to Register as a Sex Offender
4 (second or subsequent offense)
5 (RCW 9A.44.130 prior to June 10,
6 2010, and RCW 9A.44.132)
7 Health Care False Claims (RCW
8 48.80.030)
9 Identity Theft 2 (RCW 9.35.020(3))
10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)
12 Malicious Mischief 1 (RCW 9A.48.070)
13 ~~((Organized Retail Theft 2 (RCW~~
14 ~~9A.56.350(3))))~~
15 Possession of Stolen Property 1 (RCW
16 9A.56.150)
17 ~~((Possession of a Stolen Vehicle (RCW~~
18 ~~9A.56.068))))~~
19 Possession, sale, or offering for sale of
20 seven or more unmarked catalytic
21 converters (RCW 9A.82.180(5))
22 Retail Theft with Special Circumstances
23 2 (RCW 9A.56.360(3))
24 Scrap Processing, Recycling, or
25 Supplying Without a License
26 (second or subsequent offense)
27 (RCW 19.290.100)
28 Theft 1 (RCW 9A.56.030)
29 ~~((Theft of a Motor Vehicle (RCW~~
30 ~~9A.56.065))))~~
31 Theft of Rental, Leased, Lease-
32 purchased, or Loaned Property
33 (valued at \$5,000 or more) (RCW
34 9A.56.096(5)(a))
35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlawful Purchase or Use of a License
12 (RCW 77.15.650(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 2 (RCW
15 77.15.260(3)(a))
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism 1 (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (except where there is a
21 reasonable suspicion the offender
22 has violated or is violating RCW
23 9A.56.065 or 9A.56.070) (RCW
24 46.61.024(1)(a))
25 False Verification for Welfare (RCW
26 74.08.055)
27 Forgery (RCW 9A.60.020)
28 Fraudulent Creation or Revocation of a
29 Mental Health Advance Directive
30 (RCW 9A.60.060)
31 Malicious Mischief 2 (RCW 9A.48.080)
32 Mineral Trespass (RCW 78.44.330)
33 Possession of Stolen Property 2 (RCW
34 9A.56.160)
35 Reckless Burning 1 (RCW 9A.48.040)

1 Spotlighting Big Game 1 (RCW
2 77.15.450(3)(b))
3 Suspension of Department Privileges 1
4 (RCW 77.15.670(3)(b))
5 ~~((Taking Motor Vehicle Without
6 Permission 2 (RCW 9A.56.075)))~~
7 Theft 2 (RCW 9A.56.040)
8 Theft from a Vulnerable Adult 2 (RCW
9 9A.56.400(2))
10 Theft of Rental, Leased, Lease-
11 purchased, or Loaned Property
12 (valued at \$750 or more but less
13 than \$5,000) (RCW
14 9A.56.096(5)(b))
15 Transaction of insurance business
16 beyond the scope of licensure
17 (RCW 48.17.063)
18 Unlawful Fish and Shellfish Catch
19 Accounting (RCW 77.15.630(3)(b))
20 Unlawful Issuance of Checks or Drafts
21 (RCW 9A.56.060)
22 Unlawful Possession of Fictitious
23 Identification (RCW 9A.56.320)
24 Unlawful Possession of Instruments of
25 Financial Fraud (RCW 9A.56.320)
26 Unlawful Possession of Payment
27 Instruments (RCW 9A.56.320)
28 Unlawful Possession of a Personal
29 Identification Device (RCW
30 9A.56.320)
31 Unlawful Production of Payment
32 Instruments (RCW 9A.56.320)
33 Unlawful Releasing, Planting,
34 Possessing, or Placing Deleterious
35 Exotic Wildlife (RCW
36 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps
2 (RCW 9.91.142)
3 Unlawful Use of Food Stamps (RCW
4 9.91.144)
5 Unlawful Use of Net to Take Fish 1
6 (RCW 77.15.580(3)(b))
7 Vehicle Prowl 1 (RCW 9A.52.095)
8 Violating Commercial Fishing Area or
9 Time 1 (RCW 77.15.550(3)(b))

10 **PART IV - GRANT PROGRAM FOR MOTOR VEHICLE AND RETAIL THEFT**
11 **PROSECUTORS**

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.101
13 RCW to read as follows:

14 (1) Subject to the availability of funds appropriated for this
15 specific purpose, the criminal justice training commission shall
16 establish a motor vehicle and retail theft prosecution grant program
17 in collaboration with the Washington association of prosecuting
18 attorneys.

19 (2) The grant program must award grant funds to local
20 jurisdictions to assist county prosecuting attorneys with the
21 prosecution of felony offenses involving motor vehicle or retail
22 theft, with priority given to county prosecuting attorneys in
23 counties with the highest per capita motor vehicle and retail theft
24 crime rates in the state.

25 (3) Grant funds must be used to hire special deputy prosecuting
26 attorneys, as described under RCW 36.27.040, and any necessary
27 support staff, supplies, and equipment, for the limited purpose of
28 prosecuting felony offenses involving motor vehicle or retail theft,
29 including but not limited to: Organized retail theft in the first or
30 second degree, possession of a stolen vehicle, retail theft with
31 special circumstances in the first or second degree, taking a motor
32 vehicle without permission in the first or second degree, and theft
33 of a motor vehicle.

34 **PART V - MISCELLANEOUS PROVISIONS**

1 NEW SECTION. **Sec. 12.** Section 7 of this act expires January 1,
2 2026.

3 NEW SECTION. **Sec. 13.** Section 8 of this act takes effect
4 January 1, 2026.

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