
HOUSE BILL 1691

State of Washington

68th Legislature

2023 Regular Session

By Representatives Connors, Chapman, Maycumber, Robertson, Rude, Couture, Sandlin, Volz, McClintock, Graham, Cheney, McEntire, Corry, and Schmidt

1 AN ACT Relating to expanding penalties for the crime of
2 attempting to elude a pursuing police vehicle; amending RCW
3 46.61.024, 9.94A.515, and 9.94A.834; reenacting and amending RCW
4 9.94A.533; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.61.024 and 2010 c 8 s 9065 are each amended to
7 read as follows:

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

18 (b) Any driver of a motor vehicle who commits the offense
19 described in (a) of this subsection while there is also reasonable
20 suspicion that the driver has committed or is in the act of
21 committing theft of a motor vehicle in violation of RCW 9A.56.065, or

1 taking a motor vehicle without permission in the first degree in
2 violation of RCW 9A.56.070, shall be guilty of a class C felony
3 ranked as a seriousness level III offense.

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

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

12 **Sec. 2.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to
13 read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH
16 SERIOUSNESS LEVEL

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

1 Trafficking 2 (RCW 9A.40.100(3))
2 XI Manslaughter 1 (RCW 9A.32.060)
3 Rape 2 (RCW 9A.44.050)
4 Rape of a Child 2 (RCW 9A.44.076)
5 Vehicular Homicide, by being under the
6 influence of intoxicating liquor or
7 any drug (RCW 46.61.520)
8 Vehicular Homicide, by the operation of
9 any vehicle in a reckless manner
10 (RCW 46.61.520)
11 X Child Molestation 1 (RCW 9A.44.083)
12 Criminal Mistreatment 1 (RCW
13 9A.42.020)
14 Indecent Liberties (with forcible
15 compulsion) (RCW
16 9A.44.100(1)(a))
17 Kidnapping 1 (RCW 9A.40.020)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 Malicious explosion 3 (RCW
21 70.74.280(3))
22 Sexually Violent Predator Escape (RCW
23 9A.76.115)
24 IX Abandonment of Dependent Person 1
25 (RCW 9A.42.060)
26 Assault of a Child 2 (RCW 9A.36.130)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Hit and Run—Death (RCW
30 46.52.020(4)(a))
31 Homicide by Watercraft, by being under
32 the influence of intoxicating liquor
33 or any drug (RCW 79A.60.050)
34 Inciting Criminal Profiteering (RCW
35 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 VIII Arson 1 (RCW 9A.48.020)
6 Commercial Sexual Abuse of a Minor
7 (RCW 9.68A.100)
8 Homicide by Watercraft, by the
9 operation of any vessel in a reckless
10 manner (RCW 79A.60.050)
11 Manslaughter 2 (RCW 9A.32.070)
12 Promoting Prostitution 1 (RCW
13 9A.88.070)
14 Theft of Ammonia (RCW 69.55.010)
15 VII Air bag diagnostic systems (causing
16 bodily injury or death) (RCW
17 46.37.660(2)(b))
18 Air bag replacement requirements
19 (causing bodily injury or death)
20 (RCW 46.37.660(1)(b))
21 Burglary 1 (RCW 9A.52.020)
22 Child Molestation 2 (RCW 9A.44.086)
23 Civil Disorder Training (RCW
24 9A.48.120)
25 Dealing in depictions of minor engaged
26 in sexually explicit conduct 1
27 (RCW 9.68A.050(1))
28 Drive-by Shooting (RCW 9A.36.045)
29 False Reporting 1 (RCW
30 9A.84.040(2)(a))
31 Homicide by Watercraft, by disregard
32 for the safety of others (RCW
33 79A.60.050)

1 Indecent Liberties (without forcible
2 compulsion) (RCW 9A.44.100(1)
3 (b) and (c))
4 Introducing Contraband 1 (RCW
5 9A.76.140)
6 Malicious placement of an explosive 3
7 (RCW 70.74.270(3))
8 Manufacture or import counterfeit,
9 nonfunctional, damaged, or
10 previously deployed air bag
11 (causing bodily injury or death)
12 (RCW 46.37.650(1)(b))
13 Negligently Causing Death By Use of a
14 Signal Preemption Device (RCW
15 46.37.675)
16 Sell, install, or reinstall counterfeit,
17 nonfunctional, damaged, or
18 previously deployed airbag (RCW
19 46.37.650(2)(b))
20 Sending, bringing into state depictions
21 of minor engaged in sexually
22 explicit conduct 1 (RCW
23 9.68A.060(1))
24 Unlawful Possession of a Firearm in the
25 first degree (RCW 9.41.040(1))
26 Use of a Machine Gun or Bump-fire
27 Stock in Commission of a Felony
28 (RCW 9.41.225)
29 Vehicular Homicide, by disregard for
30 the safety of others (RCW
31 46.61.520)
32 VI Bail Jumping with Murder 1 (RCW
33 9A.76.170(3)(a))
34 Bribery (RCW 9A.68.010)
35 Incest 1 (RCW 9A.64.020(1))
36 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation
4 device 2 (RCW 70.74.272(1)(b))
5 Possession of Depictions of a Minor
6 Engaged in Sexually Explicit
7 Conduct 1 (RCW 9.68A.070(1))
8 Rape of a Child 3 (RCW 9A.44.079)
9 Theft of a Firearm (RCW 9A.56.300)
10 Theft from a Vulnerable Adult 1 (RCW
11 9A.56.400(1))
12 Unlawful Storage of Ammonia (RCW
13 69.55.020)
14 V Abandonment of Dependent Person 2
15 (RCW 9A.42.070)
16 Advancing money or property for
17 extortionate extension of credit
18 (RCW 9A.82.030)
19 Air bag diagnostic systems (RCW
20 46.37.660(2)(c))
21 Air bag replacement requirements
22 (RCW 46.37.660(1)(c))
23 Bail Jumping with class A Felony
24 (RCW 9A.76.170(3)(b))
25 Child Molestation 3 (RCW 9A.44.089)
26 Criminal Mistreatment 2 (RCW
27 9A.42.030)
28 Custodial Sexual Misconduct 1 (RCW
29 9A.44.160)
30 Dealing in Depictions of Minor
31 Engaged in Sexually Explicit
32 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 7.105.450,
3 10.99.040, 10.99.050, 26.09.300,
4 26.10.220, 26.26B.050, 26.50.110,
5 26.52.070, or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit (RCW
8 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Manufacture or import counterfeit,
15 nonfunctional, damaged, or
16 previously deployed air bag (RCW
17 46.37.650(1)(c))
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Possession of a Stolen Firearm (RCW
22 9A.56.310)
23 Rape 3 (RCW 9A.44.060)
24 Rendering Criminal Assistance 1 (RCW
25 9A.76.070)
26 Sell, install, or reinstall counterfeit,
27 nonfunctional, damaged, or
28 previously deployed airbag (RCW
29 46.37.650(2)(c))
30 Sending, Bringing into State Depictions
31 of Minor Engaged in Sexually
32 Explicit Conduct 2 (RCW
33 9.68A.060(2))
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9A.16.035(4))
21 Driving While Under the Influence
22 (RCW 46.61.502(6))
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hate Crime (RCW 9A.36.080)
27 Hit and Run—Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel—Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9A.35.020(2))
32 Indecent Exposure to Person Under Age
33 14 (subsequent sex offense) (RCW
34 9A.88.010)

1 Influencing Outcome of Sporting Event
2 (RCW 9A.82.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.070(2))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health coverage
19 as a health care service contractor
20 (RCW 48.44.016(3))
21 Unlawful transaction of health coverage
22 as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW 48.17.063(2))
28 Use of Proceeds of Criminal
29 Profiteering (RCW 9A.82.080 (1)
30 and (2))
31 Vehicle Prowling 2 (third or subsequent
32 offense) (RCW 9A.52.100(3))

1 Vehicular Assault, by being under the
2 influence of intoxicating liquor or
3 any drug, or by the operation or
4 driving of a vehicle in a reckless
5 manner (RCW 46.61.522)

6 Viewing of Depictions of a Minor
7 Engaged in Sexually Explicit
8 Conduct 1 (RCW 9.68A.075(1))

9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)

11 III Animal Cruelty 1 (Sexual Conduct or
12 Contact) (RCW 16.52.205(3))

13 Assault 3 (Except Assault 3 of a Peace
14 Officer With a Projectile Stun Gun)
15 (RCW 9A.36.031 except subsection
16 (1)(h))

17 Assault of a Child 3 (RCW 9A.36.140)

18 Attempting to Elude a Pursuing Police
19 Vehicle (where there is a reasonable
20 suspicion the offender has violated or is
21 violating RCW 9A.56.065 or
22 9A.56.070) (RCW 46.61.024(1)(b))

23 Bail Jumping with class B or C Felony
24 (RCW 9A.76.170(3)(c))

25 Burglary 2 (RCW 9A.52.030)

26 Communication with a Minor for
27 Immoral Purposes (RCW
28 9.68A.090)

29 Criminal Gang Intimidation (RCW
30 9A.46.120)

31 Custodial Assault (RCW 9A.36.100)

32 Cyber Harassment (RCW
33 9A.90.120(2)(b))

34 Escape 2 (RCW 9A.76.120)

35 Extortion 2 (RCW 9A.56.130)

1 False Reporting 2 (RCW
2 9A.84.040(2)(b))
3 Harassment (RCW 9A.46.020)
4 Intimidating a Public Servant (RCW
5 9A.76.180)
6 Introducing Contraband 2 (RCW
7 9A.76.150)
8 Malicious Injury to Railroad Property
9 (RCW 81.60.070)
10 Manufacture of Untraceable Firearm
11 with Intent to Sell (RCW 9.41.190)
12 Manufacture or Assembly of an
13 Undetectable Firearm or
14 Untraceable Firearm (RCW
15 9.41.325)
16 Mortgage Fraud (RCW 19.144.080)
17 Negligently Causing Substantial Bodily
18 Harm By Use of a Signal
19 Preemption Device (RCW
20 46.37.674)
21 Organized Retail Theft 1 (RCW
22 9A.56.350(2))
23 Perjury 2 (RCW 9A.72.030)
24 Possession of Incendiary Device (RCW
25 9.40.120)
26 Possession of Machine Gun, Bump-Fire
27 Stock, Undetectable Firearm, or
28 Short-Barreled Shotgun or Rifle
29 (RCW 9.41.190)
30 Promoting Prostitution 2 (RCW
31 9A.88.080)
32 Retail Theft with Special Circumstances
33 1 (RCW 9A.56.360(2))
34 Securities Act violation (RCW
35 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death) (RCW
5 9.61.230(2))
6 Theft of Livestock 2 (RCW 9A.56.083)
7 Theft with the Intent to Resell 1 (RCW
8 9A.56.340(2))
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Hunting of Big Game 1 (RCW
12 77.15.410(3)(b))
13 Unlawful Imprisonment (RCW
14 9A.40.040)
15 Unlawful Misbranding of Fish or
16 Shellfish 1 (RCW 77.140.060(3))
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish or
20 Wildlife 1 (RCW 77.15.120(3)(b))
21 Unlawful Trafficking in Fish, Shellfish,
22 or Wildlife 1 (RCW
23 77.15.260(3)(b))
24 Unlawful Use of a Nondesignated
25 Vessel (RCW 77.15.530(4))
26 Vehicular Assault, by the operation or
27 driving of a vehicle with disregard
28 for the safety of others (RCW
29 46.61.522)
30 Willful Failure to Return from Work
31 Release (RCW 72.65.070)
32 II Commercial Fishing Without a License
33 1 (RCW 77.15.500(3)(b))
34 Computer Trespass 1 (RCW 9A.90.040)
35 Counterfeiting (RCW 9.16.035(3))

1 Electronic Data Service Interference
2 (RCW 9A.90.060)
3 Electronic Data Tampering 1 (RCW
4 9A.90.080)
5 Electronic Data Theft (RCW 9A.90.100)
6 Engaging in Fish Dealing Activity
7 Unlicensed 1 (RCW 77.15.620(3))
8 Escape from Community Custody
9 (RCW 72.09.310)
10 Failure to Register as a Sex Offender
11 (second or subsequent offense)
12 (RCW 9A.44.130 prior to June 10,
13 2010, and RCW 9A.44.132)
14 Health Care False Claims (RCW
15 48.80.030)
16 Identity Theft 2 (RCW 9.35.020(3))
17 Improperly Obtaining Financial
18 Information (RCW 9.35.010)
19 Malicious Mischief 1 (RCW 9A.48.070)
20 Organized Retail Theft 2 (RCW
21 9A.56.350(3))
22 Possession of Stolen Property 1 (RCW
23 9A.56.150)
24 Possession of a Stolen Vehicle (RCW
25 9A.56.068)
26 Retail Theft with Special Circumstances
27 2 (RCW 9A.56.360(3))
28 Scrap Processing, Recycling, or
29 Supplying Without a License
30 (second or subsequent offense)
31 (RCW 19.290.100)
32 Theft 1 (RCW 9A.56.030)
33 Theft of a Motor Vehicle (RCW
34 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$5,000 or more) (RCW
4 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (except where there is a
27 reasonable suspicion the offender
28 has violated or is violating RCW
29 9A.56.065 or 9A.56.070) (RCW
30 46.61.024 except subsection (1)(b))
31 False Verification for Welfare (RCW
32 74.08.055)
33 Forgery (RCW 9A.60.020)
34 Fraudulent Creation or Revocation of a
35 Mental Health Advance Directive
36 (RCW 9A.60.060)

1 Malicious Mischief 2 (RCW 9A.48.080)
2 Mineral Trespass (RCW 78.44.330)
3 Possession of Stolen Property 2 (RCW
4 9A.56.160)
5 Reckless Burning 1 (RCW 9A.48.040)
6 Spotlighting Big Game 1 (RCW
7 77.15.450(3)(b))
8 Suspension of Department Privileges 1
9 (RCW 77.15.670(3)(b))
10 Taking Motor Vehicle Without
11 Permission 2 (RCW 9A.56.075)
12 Theft 2 (RCW 9A.56.040)
13 Theft from a Vulnerable Adult 2 (RCW
14 9A.56.400(2))
15 Theft of Rental, Leased, Lease-
16 purchased, or Loaned Property
17 (valued at \$750 or more but less
18 than \$5,000) (RCW
19 9A.56.096(5)(b))
20 Transaction of insurance business
21 beyond the scope of licensure
22 (RCW 48.17.063)
23 Unlawful Fish and Shellfish Catch
24 Accounting (RCW 77.15.630(3)(b))
25 Unlawful Issuance of Checks or Drafts
26 (RCW 9A.56.060)
27 Unlawful Possession of Fictitious
28 Identification (RCW 9A.56.320)
29 Unlawful Possession of Instruments of
30 Financial Fraud (RCW 9A.56.320)
31 Unlawful Possession of Payment
32 Instruments (RCW 9A.56.320)
33 Unlawful Possession of a Personal
34 Identification Device (RCW
35 9A.56.320)

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

19 **Sec. 3.** RCW 9.94A.834 and 2008 c 219 s 2 are each amended to
20 read as follows:

21 (1) The prosecuting attorney may file a special allegation of
22 endangerment by eluding in every criminal case involving a charge of
23 attempting to elude a police vehicle under RCW 46.61.024, when
24 sufficient admissible evidence exists, to show that one or more
25 persons other than the defendant or the pursuing law enforcement
26 officer were threatened with physical injury or harm by the actions
27 of the person committing the crime of attempting to elude a police
28 vehicle, or that the defendant committed or was committing any of the
29 following acts:

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

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

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

34 (2) In a criminal case in which there has been a special
35 allegation, the state shall prove beyond a reasonable doubt that the
36 accused committed the crime while endangering one or more persons
37 other than the defendant or the pursuing law enforcement officer, or

1 that the accused committed the crime and committed or was committing
2 an act described in subsection (1)(a) through (c) of this section.
3 The court shall make a finding of fact of whether or not one or more
4 persons other than the defendant or the pursuing law enforcement
5 officer were endangered at the time of the commission of the crime or
6 whether or not the accused also committed or was committing an act
7 described in subsection (1)(a) through (c) of this section, or if a
8 jury trial is had, the jury shall, if it finds the defendant guilty,
9 also find a special verdict as to whether or not one or more persons
10 other than the defendant or the pursuing law enforcement officer were
11 endangered during the commission of the crime or whether or not the
12 accused also committed or was committing an act described in
13 subsection (1)(a) through (c) of this section.

14 **Sec. 4.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are
15 each reenacted and amended to read as follows:

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

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

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

1 range determined under subsection (2) of this section based on the
2 felony crime of conviction as classified under RCW 9A.28.020:

3 (a) Five years for any felony defined under any law as a class A
4 felony or with a statutory maximum sentence of at least twenty years,
5 or both, and not covered under (f) of this subsection;

6 (b) Three years for any felony defined under any law as a class B
7 felony or with a statutory maximum sentence of ten years, or both,
8 and not covered under (f) of this subsection;

9 (c) Eighteen months for any felony defined under any law as a
10 class C felony or with a statutory maximum sentence of five years, or
11 both, and not covered under (f) of this subsection;

12 (d) If the offender is being sentenced for any firearm
13 enhancements under (a), (b), and/or (c) of this subsection and the
14 offender has previously been sentenced for any deadly weapon
15 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
16 subsection or subsection (4)(a), (b), and/or (c) of this section, or
17 both, all firearm enhancements under this subsection shall be twice
18 the amount of the enhancement listed;

19 (e) Notwithstanding any other provision of law, all firearm
20 enhancements under this section are mandatory, shall be served in
21 total confinement, and shall run consecutively to all other
22 sentencing provisions, including other firearm or deadly weapon
23 enhancements, for all offenses sentenced under this chapter. However,
24 whether or not a mandatory minimum term has expired, an offender
25 serving a sentence under this subsection may be:

26 (i) Granted an extraordinary medical placement when authorized
27 under RCW 9.94A.728(1)(c); or

28 (ii) Released under the provisions of RCW 9.94A.730;

29 (f) The firearm enhancements in this section shall apply to all
30 felony crimes except the following: Possession of a machine gun or
31 bump-fire stock, possessing a stolen firearm, drive-by shooting,
32 theft of a firearm, unlawful possession of a firearm in the first and
33 second degree, 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 years,
23 or both, and not covered under (f) of this subsection;

24 (b) One year for any felony defined under any law as a class B
25 felony or with a statutory maximum sentence of ten years, or both,
26 and not covered under (f) of this subsection;

27 (c) Six months for any felony defined under any law as a class C
28 felony or with a statutory maximum sentence of five years, or both,
29 and not covered under (f) of this subsection;

30 (d) If the offender is being sentenced under (a), (b), and/or (c)
31 of this subsection for any deadly weapon enhancements and the
32 offender has previously been sentenced for any deadly weapon
33 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
34 subsection or subsection (3)(a), (b), and/or (c) of this section, or
35 both, all deadly weapon enhancements under this subsection shall be
36 twice the amount of the enhancement listed;

37 (e) Notwithstanding any other provision of law, all deadly weapon
38 enhancements under this section are mandatory, shall be served in
39 total confinement, and shall run consecutively to all other
40 sentencing provisions, including other firearm or deadly weapon

1 enhancements, for all offenses sentenced under this chapter. However,
2 whether or not a mandatory minimum term has expired, an offender
3 serving a sentence under this subsection may be:

4 (i) Granted an extraordinary medical placement when authorized
5 under RCW 9.94A.728(1)(c); or

6 (ii) Released under the provisions of RCW 9.94A.730;

7 (f) The deadly weapon enhancements in this section shall apply to
8 all felony crimes except the following: Possession of a machine gun
9 or bump-fire stock, possessing a stolen firearm, drive-by shooting,
10 theft of a firearm, unlawful possession of a firearm in the first and
11 second degree, and use of a machine gun or bump-fire stock in a
12 felony;

13 (g) If the standard sentence range under this section exceeds the
14 statutory maximum sentence for the offense, the statutory maximum
15 sentence shall be the presumptive sentence unless the offender is a
16 persistent offender. If the addition of a deadly weapon enhancement
17 increases the sentence so that it would exceed the statutory maximum
18 for the offense, the portion of the sentence representing the
19 enhancement may not be reduced.

20 (5) The following additional times shall be added to the standard
21 sentence range if the offender or an accomplice committed the offense
22 while in a county jail or state correctional facility and the
23 offender is being sentenced for one of the crimes listed in this
24 subsection. If the offender or an accomplice committed one of the
25 crimes listed in this subsection while in a county jail or state
26 correctional facility, and the offender is being sentenced for an
27 anticipatory offense under chapter 9A.28 RCW to commit one of the
28 crimes listed in this subsection, the following additional times
29 shall be added to the standard sentence range determined under
30 subsection (2) of this section:

31 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
32 (a) or (b) or 69.50.410;

33 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
34 (c), (d), or (e);

35 (c) Twelve months for offenses committed under RCW 69.50.4013.

36 For the purposes of this subsection, all of the real property of
37 a state correctional facility or county jail shall be deemed to be
38 part of that facility or county jail.

39 (6) An additional twenty-four months shall be added to the
40 standard sentence range for any ranked offense involving a violation

1 of chapter 69.50 RCW if the offense was also a violation of RCW
2 69.50.435 or 9.94A.827. All enhancements under this subsection shall
3 run consecutively to all other sentencing provisions, for all
4 offenses sentenced under this chapter.

5 (7) An additional two years shall be added to the standard
6 sentence range for vehicular homicide committed while under the
7 influence of intoxicating liquor or any drug as defined by RCW
8 46.61.502 for each prior offense as defined in RCW 46.61.5055.

9 Notwithstanding any other provision of law, all impaired driving
10 enhancements under this subsection are mandatory, shall be served in
11 total confinement, and shall run consecutively to all other
12 sentencing provisions, including other impaired driving enhancements,
13 for all offenses sentenced under this chapter.

14 An offender serving a sentence under this subsection may be
15 granted an extraordinary medical placement when authorized under RCW
16 9.94A.728(1)(c).

17 (8)(a) The following additional times shall be added to the
18 standard sentence range for felony crimes committed on or after July
19 1, 2006, if the offense was committed with sexual motivation, as that
20 term is defined in RCW 9.94A.030. If the offender is being sentenced
21 for more than one offense, the sexual motivation enhancement must be
22 added to the total period of total confinement for all offenses,
23 regardless of which underlying offense is subject to a sexual
24 motivation enhancement. If the offender committed the offense with
25 sexual motivation and the offender is being sentenced for an
26 anticipatory offense under chapter 9A.28 RCW, the following
27 additional times shall be added to the standard sentence range
28 determined under subsection (2) of this section based on the felony
29 crime of conviction as classified under RCW 9A.28.020:

30 (i) Two years for any felony defined under the law as a class A
31 felony or with a statutory maximum sentence of at least twenty years,
32 or both;

33 (ii) Eighteen months for any felony defined under any law as a
34 class B felony or with a statutory maximum sentence of ten years, or
35 both;

36 (iii) One year for any felony defined under any law as a class C
37 felony or with a statutory maximum sentence of five years, or both;

38 (iv) If the offender is being sentenced for any sexual motivation
39 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
40 the offender has previously been sentenced for any sexual motivation

1 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
2 (iii) of this subsection, all sexual motivation enhancements under
3 this subsection shall be twice the amount of the enhancement listed;

4 (b) Notwithstanding any other provision of law, all sexual
5 motivation enhancements under this subsection are mandatory, shall be
6 served in total confinement, and shall run consecutively to all other
7 sentencing provisions, including other sexual motivation
8 enhancements, for all offenses sentenced under this chapter. However,
9 whether or not a mandatory minimum term has expired, an offender
10 serving a sentence under this subsection may be:

11 (i) Granted an extraordinary medical placement when authorized
12 under RCW 9.94A.728(1)(c); or

13 (ii) Released under the provisions of RCW 9.94A.730;

14 (c) The sexual motivation enhancements in this subsection apply
15 to all felony crimes;

16 (d) If the standard sentence range under this subsection exceeds
17 the statutory maximum sentence for the offense, the statutory maximum
18 sentence shall be the presumptive sentence unless the offender is a
19 persistent offender. If the addition of a sexual motivation
20 enhancement increases the sentence so that it would exceed the
21 statutory maximum for the offense, the portion of the sentence
22 representing the enhancement may not be reduced;

23 (e) The portion of the total confinement sentence which the
24 offender must serve under this subsection shall be calculated before
25 any earned early release time is credited to the offender;

26 (f) Nothing in this subsection prevents a sentencing court from
27 imposing a sentence outside the standard sentence range pursuant to
28 RCW 9.94A.535.

29 (9) An additional one-year enhancement shall be added to the
30 standard sentence range for the felony crimes of RCW 9A.44.073,
31 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
32 or after July 22, 2007, if the offender engaged, agreed, or offered
33 to engage the victim in the sexual conduct in return for a fee. If
34 the offender is being sentenced for more than one offense, the
35 one-year enhancement must be added to the total period of total
36 confinement for all offenses, regardless of which underlying offense
37 is subject to the enhancement. If the offender is being sentenced for
38 an anticipatory offense for the felony crimes of RCW 9A.44.073,
39 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
40 offender attempted, solicited another, or conspired to engage, agree,

1 or offer to engage the victim in the sexual conduct in return for a
2 fee, an additional one-year enhancement shall be added to the
3 standard sentence range determined under subsection (2) of this
4 section. For purposes of this subsection, "sexual conduct" means
5 sexual intercourse or sexual contact, both as defined in chapter
6 9A.44 RCW.

7 (10)(a) For a person age eighteen or older convicted of any
8 criminal street gang-related felony offense for which the person
9 compensated, threatened, or solicited a minor in order to involve the
10 minor in the commission of the felony offense, the standard sentence
11 range is determined by locating the sentencing grid sentence range
12 defined by the appropriate offender score and the seriousness level
13 of the completed crime, and multiplying the range by one hundred
14 twenty-five percent. If the standard sentence range under this
15 subsection exceeds the statutory maximum sentence for the offense,
16 the statutory maximum sentence is the presumptive sentence unless the
17 offender is a persistent offender.

18 (b) This subsection does not apply to any criminal street gang-
19 related felony offense for which involving a minor in the commission
20 of the felony offense is an element of the offense.

21 (c) The increased penalty specified in (a) of this subsection is
22 unavailable in the event that the prosecution gives notice that it
23 will seek an exceptional sentence based on an aggravating factor
24 under RCW 9.94A.535.

25 (11) An additional twelve months and one day shall be added to
26 the standard sentence range for a conviction of attempting to elude a
27 police vehicle as defined by RCW 46.61.024, if the conviction
28 included a finding by special allegation of endangering one or more
29 persons 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 who

1 is an occupant in the defendant's vehicle. These enhancements shall
2 be mandatory, shall be served in total confinement, and shall run
3 consecutively to all other sentencing provisions, 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 months shall be added to the standard
11 sentence range for an offense that is also a violation of RCW
12 9.94A.832.

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

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