
HOUSE BILL 1994

State of Washington

67th Legislature

2022 Regular Session

By Representative Young

1 AN ACT Relating to crimes involving catalytic converter theft;
2 amending RCW 9A.56.040, 9.94A.515, and 9.94A.515; reenacting and
3 amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW;
4 prescribing penalties; providing an effective date; and providing an
5 expiration date.

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

7 **Sec. 1.** RCW 9A.56.040 and 2017 c 266 s 11 are each amended to
8 read as follows:

9 (1) Except as provided in RCW 9A.56.400, a person is guilty of
10 theft in the second degree if he or she commits theft of:

11 (a) Property or services which exceed(s) (~~seven hundred fifty~~
12 ~~dollars~~) \$750 in value but does not exceed (~~five thousand dollars~~)
13 \$5,000 in value, other than a firearm as defined in RCW 9.41.010 or a
14 motor vehicle;

15 (b) A public record, writing, or instrument kept, filed, or
16 deposited according to law with or in the keeping of any public
17 office or public servant;

18 (c) Commercial metal property, nonferrous metal property, or
19 private metal property, as those terms are defined in RCW 19.290.010,
20 and the costs of the damage to the owner's property exceed (~~seven~~

1 ~~hundred fifty dollars))~~ \$750 but does not exceed (~~five thousand~~
2 ~~dollars))~~ \$5,000 in value; or

3 (d) An access device.

4 (2) (~~Theft~~) Except as provided in subsection (3) of this
5 section, theft in the second degree is a class C felony.

6 (3) A second or subsequent violation of subsection (1)(c) of this
7 section is a class B felony. For the purposes of this subsection, a
8 first violation includes a conviction for a violation of RCW
9 9A.56.050 or an equivalent local ordinance if the conviction is the
10 result of a charge that was originally filed as a violation of
11 subsection (1)(c) of this section.

12 **Sec. 2.** RCW 9.94A.515 and 2020 c 344 s 4 are each amended to
13 read as follows:

14

15 TABLE 2

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

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault 4 (third domestic violence
12 offense) (RCW 9A.36.041(3))
13 Assault by Watercraft (RCW
14 79A.60.060)
15 Bribing a Witness/Bribe Received by
16 Witness (RCW 9A.72.090,
17 9A.72.100)
18 Cheating 1 (RCW 9A.46.1961)
19 Commercial Bribery (RCW 9A.68.060)
20 Counterfeiting (RCW 9.16.035(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 9.35.020(2))
32 Indecent Exposure to Person Under Age
33 ((~~Fourteen~~) 14) (subsequent sex
34 offense) (RCW 9A.88.010)

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

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

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

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

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

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

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

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

20 Burglary 2 (RCW 9A.52.030)

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

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

26 Custodial Assault (RCW 9A.36.100)

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

29 Escape 2 (RCW 9A.76.120)

30 Extortion 2 (RCW 9A.56.130)

31 False Reporting 2 (RCW
32 9A.84.040(2)(b))

33 Harassment (RCW 9A.46.020)

34 Intimidating a Public Servant (RCW
35 9A.76.180)

1 Introducing Contraband 2 (RCW
2 9A.76.150)
3 Malicious Injury to Railroad Property
4 (RCW 81.60.070)
5 Manufacture of Untraceable Firearm
6 with Intent to Sell (RCW 9.41.190)
7 Manufacture or Assembly of an
8 Undetectable Firearm or
9 Untraceable Firearm (RCW
10 9.41.325)
11 Mortgage Fraud (RCW 19.144.080)
12 Negligently Causing Substantial Bodily
13 Harm By Use of a Signal
14 Preemption Device (RCW
15 46.37.674)
16 Organized Retail Theft 1 (RCW
17 9A.56.350(2))
18 Perjury 2 (RCW 9A.72.030)
19 Possession of Incendiary Device (RCW
20 9.40.120)
21 Possession of Machine Gun, Bump-Fire
22 Stock, Undetectable Firearm, or
23 Short-Barreled Shotgun or Rifle
24 (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Retail Theft with Special Circumstances
28 1 (RCW 9A.56.360(2))
29 Securities Act violation (RCW
30 21.20.400)
31 Tampering with a Witness (RCW
32 9A.72.120)
33 Telephone Harassment (subsequent
34 conviction or threat of death) (RCW
35 9.61.230(2))

1 Counterfeiting (RCW 9.16.035(3))
2 Electronic Data Service Interference
3 (RCW 9A.90.060)
4 Electronic Data Tampering 1 (RCW
5 9A.90.080)
6 Electronic Data Theft (RCW 9A.90.100)
7 Engaging in Fish Dealing Activity
8 Unlicensed 1 (RCW 77.15.620(3))
9 Escape from Community Custody
10 (RCW 72.09.310)
11 Failure to Register as a Sex Offender
12 (second or subsequent offense)
13 (RCW 9A.44.130 prior to June 10,
14 2010, and RCW 9A.44.132)
15 Health Care False Claims (RCW
16 48.80.030)
17 Identity Theft 2 (RCW 9.35.020(3))
18 Improperly Obtaining Financial
19 Information (RCW 9.35.010)
20 Malicious Mischief 1 (RCW 9A.48.070)
21 Organized Retail Theft 2 (RCW
22 9A.56.350(3))
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Possession of a Stolen Vehicle (RCW
26 9A.56.068)
27 Retail Theft with Special Circumstances
28 2 (RCW 9A.56.360(3))
29 Scrap Processing, Recycling, or
30 Supplying Without a License
31 (second or subsequent offense)
32 (RCW 19.290.100)
33 Theft 1 (RCW 9A.56.030)

1 Forgery (RCW 9A.60.020)
2 Fraudulent Creation or Revocation of a
3 Mental Health Advance Directive
4 (RCW 9A.60.060)
5 Malicious Mischief 2 (RCW 9A.48.080)
6 Mineral Trespass (RCW 78.44.330)
7 Possession of Stolen Property 2 (RCW
8 9A.56.160)
9 Reckless Burning 1 (RCW 9A.48.040)
10 Spotlighting Big Game 1 (RCW
11 77.15.450(3)(b))
12 Suspension of Department Privileges 1
13 (RCW 77.15.670(3)(b))
14 Taking Motor Vehicle Without
15 Permission 2 (RCW 9A.56.075)
16 Theft 2 (valued at \$750 or more but less
17 than \$5,000, and other than a
18 firearm or motor vehicle; a public
19 record, writing, or instrument kept,
20 filed, or deposited according to law
21 with or in the keeping of any public
22 office or public servant; or an
23 access device) (RCW 9A.56.040(1)
24 (a), (b), or (d))
25 Theft from a Vulnerable Adult 2 (RCW
26 9A.56.400(2))
27 Theft of Rental, Leased, Lease-
28 purchased, or Loaned Property
29 (valued at (~~seven hundred fifty~~
30 ~~dollars~~) \$750 or more but less than
31 (~~five thousand dollars~~) \$5,000)
32 (RCW 9A.56.096(5)(b))
33 Transaction of insurance business
34 beyond the scope of licensure
35 (RCW 48.17.063)
36 Unlawful Fish and Shellfish Catch
37 Accounting (RCW 77.15.630(3)(b))

1 Unlawful Issuance of Checks or Drafts
 2 (RCW 9A.56.060)
 3 Unlawful Possession of Fictitious
 4 Identification (RCW 9A.56.320)
 5 Unlawful Possession of Instruments of
 6 Financial Fraud (RCW 9A.56.320)
 7 Unlawful Possession of Payment
 8 Instruments (RCW 9A.56.320)
 9 Unlawful Possession of a Personal
 10 Identification Device (RCW
 11 9A.56.320)
 12 Unlawful Production of Payment
 13 Instruments (RCW 9A.56.320)
 14 Unlawful Releasing, Planting,
 15 Possessing, or Placing Deleterious
 16 Exotic Wildlife (RCW
 17 77.15.250(2)(b))
 18 Unlawful Trafficking in Food Stamps
 19 (RCW 9.91.142)
 20 Unlawful Use of Food Stamps (RCW
 21 9.91.144)
 22 Unlawful Use of Net to Take Fish 1
 23 (RCW 77.15.580(3)(b))
 24 Unlawful Use of Prohibited Aquatic
 25 Animal Species (RCW
 26 77.15.253(3))
 27 Vehicle Prowl 1 (RCW 9A.52.095)
 28 Violating Commercial Fishing Area or
 29 Time 1 (RCW 77.15.550(3)(b))

30 **Sec. 3.** RCW 9.94A.515 and 2021 c 215 s 99 are each amended to
 31 read as follows:

32 TABLE 2
 33 CRIMES INCLUDED WITHIN EACH
 34 SERIOUSNESS LEVEL

35 XVI Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW
3 70.74.280(1))
4 Murder 1 (RCW 9A.32.030)
5 XIV Murder 2 (RCW 9A.32.050)
6 Trafficking 1 (RCW 9A.40.100(1))
7 XIII Malicious explosion 2 (RCW
8 70.74.280(2))
9 Malicious placement of an explosive 1
10 (RCW 70.74.270(1))
11 XII Assault 1 (RCW 9A.36.011)
12 Assault of a Child 1 (RCW 9A.36.120)
13 Malicious placement of an imitation
14 device 1 (RCW 70.74.272(1)(a))
15 Promoting Commercial Sexual Abuse of
16 a Minor (RCW 9.68A.101)
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(3))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 Vehicular Homicide, by the operation of
27 any vehicle in a reckless manner
28 (RCW 46.61.520)
29 X Child Molestation 1 (RCW 9A.44.083)
30 Criminal Mistreatment 1 (RCW
31 9A.42.020)
32 Indecent Liberties (with forcible
33 compulsion) (RCW
34 9A.44.100(1)(a))
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape (RCW
6 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being under
15 the influence of intoxicating liquor
16 or any drug (RCW 79A.60.050)
17 Inciting Criminal Profiteering (RCW
18 9A.82.060(1)(b))
19 Malicious placement of an explosive 2
20 (RCW 70.74.270(2))
21 Robbery 1 (RCW 9A.56.200)
22 Sexual Exploitation (RCW 9.68A.040)
23 VIII Arson 1 (RCW 9A.48.020)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Homicide by Watercraft, by the
27 operation of any vessel in a reckless
28 manner (RCW 79A.60.050)
29 Manslaughter 2 (RCW 9A.32.070)
30 Promoting Prostitution 1 (RCW
31 9A.88.070)
32 Theft of Ammonia (RCW 69.55.010)
33 VII Air bag diagnostic systems (causing
34 bodily injury or death) (RCW
35 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))
11 Drive-by Shooting (RCW 9A.36.045)
12 False Reporting 1 (RCW
13 9A.84.040(2)(a))
14 Homicide by Watercraft, by disregard
15 for the safety of others (RCW
16 79A.60.050)
17 Indecent Liberties (without forcible
18 compulsion) (RCW 9A.44.100(1)
19 (b) and (c))
20 Introducing Contraband 1 (RCW
21 9A.76.140)
22 Malicious placement of an explosive 3
23 (RCW 70.74.270(3))
24 Manufacture or import counterfeit,
25 nonfunctional, damaged, or
26 previously deployed air bag
27 (causing bodily injury or death)
28 (RCW 46.37.650(1)(b))
29 Negligently Causing Death By Use of a
30 Signal Preemption Device (RCW
31 46.37.675)
32 Sell, install, or reinstall counterfeit,
33 nonfunctional, damaged, or
34 previously deployed airbag (RCW
35 46.37.650(2)(b))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct 1 (RCW
4 9.68A.060(1))
5 Unlawful Possession of a Firearm in the
6 first degree (RCW 9.41.040(1))
7 Use of a Machine Gun or Bump-fire
8 Stock in Commission of a Felony
9 (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW 9A.72.160)
18 Intimidating a Juror/Witness (RCW
19 9A.72.110, 9A.72.130)
20 Malicious placement of an imitation
21 device 2 (RCW 70.74.272(1)(b))
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 1 (RCW 9.68A.070(1))
25 Rape of a Child 3 (RCW 9A.44.079)
26 Theft of a Firearm (RCW 9A.56.300)
27 Theft from a Vulnerable Adult 1 (RCW
28 9A.56.400(1))
29 Unlawful Storage of Ammonia (RCW
30 69.55.020)
31 V Abandonment of Dependent Person 2
32 (RCW 9A.42.070)
33 Advancing money or property for
34 extortionate extension of credit
35 (RCW 9A.82.030)

1 Air bag diagnostic systems (RCW
2 46.37.660(2)(c))
3 Air bag replacement requirements
4 (RCW 46.37.660(1)(c))
5 Bail Jumping with class A Felony
6 (RCW 9A.76.170(3)(b))
7 Child Molestation 3 (RCW 9A.44.089)
8 Criminal Mistreatment 2 (RCW
9 9A.42.030)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Dealing in Depictions of Minor
13 Engaged in Sexually Explicit
14 Conduct 2 (RCW 9.68A.050(2))
15 Domestic Violence Court Order
16 Violation (RCW 7.105.450,
17 10.99.040, 10.99.050, 26.09.300,
18 26.10.220, 26.26B.050, 26.50.110,
19 26.52.070, or 74.34.145)
20 Extortion 1 (RCW 9A.56.120)
21 Extortionate Extension of Credit (RCW
22 9A.82.020)
23 Extortionate Means to Collect
24 Extensions of Credit (RCW
25 9A.82.040)
26 Incest 2 (RCW 9A.64.020(2))
27 Kidnapping 2 (RCW 9A.40.030)
28 Manufacture or import counterfeit,
29 nonfunctional, damaged, or
30 previously deployed air bag (RCW
31 46.37.650(1)(c))
32 Perjury 1 (RCW 9A.72.020)
33 Persistent prison misbehavior (RCW
34 9.94.070)
35 Possession of a Stolen Firearm (RCW
36 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sell, install, or reinstall counterfeit,
5 nonfunctional, damaged, or
6 previously deployed airbag (RCW
7 46.37.650(2)(c))
8 Sending, Bringing into State Depictions
9 of Minor Engaged in Sexually
10 Explicit Conduct 2 (RCW
11 9.68A.060(2))
12 Sexual Misconduct with a Minor 1
13 (RCW 9A.44.093)
14 Sexually Violating Human Remains
15 (RCW 9A.44.105)
16 Stalking (RCW 9A.46.110)
17 Taking Motor Vehicle Without
18 Permission 1 (RCW 9A.56.070)
19 IV Arson 2 (RCW 9A.48.030)
20 Assault 2 (RCW 9A.36.021)
21 Assault 3 (of a Peace Officer with a
22 Projectile Stun Gun) (RCW
23 9A.36.031(1)(h))
24 Assault 4 (third domestic violence
25 offense) (RCW 9A.36.041(3))
26 Assault by Watercraft (RCW
27 79A.60.060)
28 Bribing a Witness/Bribe Received by
29 Witness (RCW 9A.72.090,
30 9A.72.100)
31 Cheating 1 (RCW 9.46.1961)
32 Commercial Bribery (RCW 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Driving While Under the Influence
35 (RCW 46.61.502(6))

1 Endangerment with a Controlled
2 Substance (RCW 9A.42.100)
3 Escape 1 (RCW 9A.76.110)
4 Hate Crime (RCW 9A.36.080)
5 Hit and Run—Injury (RCW
6 46.52.020(4)(b))
7 Hit and Run with Vessel—Injury
8 Accident (RCW 79A.60.200(3))
9 Identity Theft 1 (RCW 9.35.020(2))
10 Indecent Exposure to Person Under Age
11 ((~~Fourteen~~) 14 (subsequent sex
12 offense) (RCW 9A.88.010)
13 Influencing Outcome of Sporting Event
14 (RCW 9A.82.070)
15 Physical Control of a Vehicle While
16 Under the Influence (RCW
17 46.61.504(6))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 2 (RCW 9.68A.070(2))
21 Residential Burglary (RCW 9A.52.025)
22 Robbery 2 (RCW 9A.56.210)
23 Theft of Livestock 1 (RCW 9A.56.080)
24 Threats to Bomb (RCW 9.61.160)
25 Trafficking in Stolen Property 1 (RCW
26 9A.82.050)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(b))
30 Unlawful transaction of health coverage
31 as a health care service contractor
32 (RCW 48.44.016(3))
33 Unlawful transaction of health coverage
34 as a health maintenance
35 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance
2 business (RCW 48.15.023(3))
3 Unlicensed practice as an insurance
4 professional (RCW 48.17.063(2))
5 Use of Proceeds of Criminal
6 Profiteering (RCW 9A.82.080 (1)
7 and (2))
8 Vehicle Prowling 2 (third or subsequent
9 offense) (RCW 9A.52.100(3))
10 Vehicular Assault, by being under the
11 influence of intoxicating liquor or
12 any drug, or by the operation or
13 driving of a vehicle in a reckless
14 manner (RCW 46.61.522)
15 Viewing of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 1 (RCW 9.68A.075(1))
18 Willful Failure to Return from Furlough
19 (RCW 72.66.060)
20 III Animal Cruelty 1 (Sexual Conduct or
21 Contact) (RCW 16.52.205(3))
22 Assault 3 (Except Assault 3 of a Peace
23 Officer With a Projectile Stun Gun)
24 (RCW 9A.36.031 except subsection
25 (1)(h))
26 Assault of a Child 3 (RCW 9A.36.140)
27 Bail Jumping with class B or C Felony
28 (RCW 9A.76.170(3)(c))
29 Burglary 2 (RCW 9A.52.030)
30 Communication with a Minor for
31 Immoral Purposes (RCW
32 9.68A.090)
33 Criminal Gang Intimidation (RCW
34 9A.46.120)
35 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction or
2 threat of death) (RCW 9.61.260(3))
3 Escape 2 (RCW 9A.76.120)
4 Extortion 2 (RCW 9A.56.130)
5 False Reporting 2 (RCW
6 9A.84.040(2)(b))
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Malicious Injury to Railroad Property
13 (RCW 81.60.070)
14 Manufacture of Untraceable Firearm
15 with Intent to Sell (RCW 9.41.190)
16 Manufacture or Assembly of an
17 Undetectable Firearm or
18 Untraceable Firearm (RCW
19 9.41.325)
20 Mortgage Fraud (RCW 19.144.080)
21 Negligently Causing Substantial Bodily
22 Harm By Use of a Signal
23 Preemption Device (RCW
24 46.37.674)
25 Organized Retail Theft 1 (RCW
26 9A.56.350(2))
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun, Bump-Fire
31 Stock, Undetectable Firearm, or
32 Short-Barreled Shotgun or Rifle
33 (RCW 9.41.190)
34 Promoting Prostitution 2 (RCW
35 9A.88.080)

1 Retail Theft with Special Circumstances
2 1 (RCW 9A.56.360(2))
3 Securities Act violation (RCW
4 21.20.400)
5 Tampering with a Witness (RCW
6 9A.72.120)
7 Telephone Harassment (subsequent
8 conviction or threat of death) (RCW
9 9.61.230(2))
10 Theft 2 (second or subsequent offense)
11 (commercial metal property,
12 nonferrous metal property, or
13 private metal property, and the
14 damage to the owner's property
15 exceeds \$750 but does not exceed
16 \$5,000) (RCW 9A.56.040(3))
17 Theft of Livestock 2 (RCW 9A.56.083)
18 Theft with the Intent to Resell 1 (RCW
19 9A.56.340(2))
20 Trafficking in Stolen Property 2 (RCW
21 9A.82.055)
22 Unlawful Hunting of Big Game 1 (RCW
23 77.15.410(3)(b))
24 Unlawful Imprisonment (RCW
25 9A.40.040)
26 Unlawful Misbranding of Fish or
27 Shellfish 1 (RCW 77.140.060(3))
28 Unlawful possession of firearm in the
29 second degree (RCW 9.41.040(2))
30 Unlawful Taking of Endangered Fish or
31 Wildlife 1 (RCW 77.15.120(3)(b))
32 Unlawful Trafficking in Fish, Shellfish,
33 or Wildlife 1 (RCW
34 77.15.260(3)(b))
35 Unlawful Use of a Nondesignated
36 Vessel (RCW 77.15.530(4))

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

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

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

9 Computer Trespass 1 (RCW 9A.90.040)

10 Counterfeiting (RCW 9.16.035(3))

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

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

15 Electronic Data Theft (RCW 9A.90.100)

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

18 Escape from Community Custody
19 (RCW 72.09.310)

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

24 Health Care False Claims (RCW
25 48.80.030)

26 Identity Theft 2 (RCW 9.35.020(3))

27 Improperly Obtaining Financial
28 Information (RCW 9.35.010)

29 Malicious Mischief 1 (RCW 9A.48.070)

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

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

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

1 Retail Theft with Special Circumstances
2 2 (RCW 9A.56.360(3))
3 Scrap Processing, Recycling, or
4 Supplying Without a License
5 (second or subsequent offense)
6 (RCW 19.290.100)
7 Theft 1 (RCW 9A.56.030)
8 Theft 2 (commercial metal property,
9 nonferrous metal property, or
10 private metal property, and the
11 damage to the owner's property
12 exceeds \$750 but does not exceed
13 \$5,000) (RCW 9A.56.040(1)(c))
14 Theft of a Motor Vehicle (RCW
15 9A.56.065)
16 Theft of Rental, Leased, Lease-
17 purchased, or Loaned Property
18 (valued at (~~five thousand dollars~~)
19 \$5,000 or more) (RCW
20 9A.56.096(5)(a))
21 Theft with the Intent to Resell 2 (RCW
22 9A.56.340(3))
23 Trafficking in Insurance Claims (RCW
24 48.30A.015)
25 Unlawful factoring of a credit card or
26 payment card transaction (RCW
27 9A.56.290(4)(a))
28 Unlawful Participation of Non-Indians
29 in Indian Fishery (RCW
30 77.15.570(2))
31 Unlawful Practice of Law (RCW
32 2.48.180)
33 Unlawful Purchase or Use of a License
34 (RCW 77.15.650(3)(b))
35 Unlawful Trafficking in Fish, Shellfish,
36 or Wildlife 2 (RCW
37 77.15.260(3)(a))

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 Voyeurism 1 (RCW 9A.44.115)
4 I Attempting to Elude a Pursuing Police
5 Vehicle (RCW 46.61.024)
6 False Verification for Welfare (RCW
7 74.08.055)
8 Forgery (RCW 9A.60.020)
9 Fraudulent Creation or Revocation of a
10 Mental Health Advance Directive
11 (RCW 9A.60.060)
12 Malicious Mischief 2 (RCW 9A.48.080)
13 Mineral Trespass (RCW 78.44.330)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Reckless Burning 1 (RCW 9A.48.040)
17 Spotlighting Big Game 1 (RCW
18 77.15.450(3)(b))
19 Suspension of Department Privileges 1
20 (RCW 77.15.670(3)(b))
21 Taking Motor Vehicle Without
22 Permission 2 (RCW 9A.56.075)
23 Theft 2 (valued at \$750 or more but less
24 than \$5,000, and other than a
25 firearm or motor vehicle; a public
26 record, writing, or instrument kept,
27 filed, or deposited according to law
28 with or in the keeping of any public
29 office or public servant; or an
30 access device) (RCW 9A.56.040(1))
31 (a), (b), or (d)
32 Theft from a Vulnerable Adult 2 (RCW
33 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at (~~seven hundred fifty~~
4 ~~dollars~~) \$750 or more but less than
5 (~~five thousand dollars~~) \$5,000)
6 (RCW 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Releasing, Planting,
26 Possessing, or Placing Deleterious
27 Exotic Wildlife (RCW
28 77.15.250(2)(b))
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unlawful Use of Net to Take Fish 1
34 (RCW 77.15.580(3)(b))
35 Unlawful Use of Prohibited Aquatic
36 Animal Species (RCW
37 77.15.253(3))

1 Vehicle Prowl 1 (RCW 9A.52.095)

2 Violating Commercial Fishing Area or

3 Time 1 (RCW 77.15.550(3)(b))

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A
5 RCW to read as follows:

6 In a criminal case where:

7 (1) The defendant has been convicted of theft in the second
8 degree; and

9 (2) There has been a special allegation pleaded and proven beyond
10 a reasonable doubt that, during the commission of the theft, the
11 defendant engaged in a confrontation with the property owner or a
12 third party attempting to prevent the theft from occurring;
13 the court shall make a finding of fact of the special allegation, or
14 if a jury is had, the jury shall, if it finds the defendant guilty,
15 also find a special verdict as to the special allegation.

16 **Sec. 5.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are
17 each reenacted and amended to read as follows:

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

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

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

1 offense under chapter 9A.28 RCW to commit one of the crimes listed in
2 this subsection as eligible for any firearm enhancements, the
3 following additional times shall be added to the standard sentence
4 range determined under subsection (2) of this section based on the
5 felony crime of conviction as classified under RCW 9A.28.020:

6 (a) Five years for any felony defined under any law as a class A
7 felony or with a statutory maximum sentence of at least (~~twenty~~) 20
8 years, or both, and not covered under (f) of this subsection;

9 (b) Three years for any felony defined under any law as a class B
10 felony or with a statutory maximum sentence of (~~ten~~) 10 years, or
11 both, and not covered under (f) of this subsection;

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

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

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

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

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

32 (f) The firearm enhancements in this section shall apply to all
33 felony crimes except the following: Possession of a machine gun or
34 bump-fire stock, possessing a stolen firearm, drive-by shooting,
35 theft of a firearm, unlawful possession of a firearm in the first and
36 second degree, and use of a machine gun or bump-fire stock in a
37 felony;

38 (g) If the standard sentence range under this section exceeds the
39 statutory maximum sentence for the offense, the statutory maximum
40 sentence shall be the presumptive sentence unless the offender is a

1 persistent offender. If the addition of a firearm enhancement
2 increases the sentence so that it would exceed the statutory maximum
3 for the offense, the portion of the sentence representing the
4 enhancement may not be reduced.

5 (4) The following additional times shall be added to the standard
6 sentence range for felony crimes committed after July 23, 1995, if
7 the offender or an accomplice was armed with a deadly weapon other
8 than a firearm as defined in RCW 9.41.010 and the offender is being
9 sentenced for one of the crimes listed in this subsection as eligible
10 for any deadly weapon enhancements based on the classification of the
11 completed felony crime. If the offender is being sentenced for more
12 than one offense, the deadly weapon enhancement or enhancements must
13 be added to the total period of confinement for all offenses,
14 regardless of which underlying offense is subject to a deadly weapon
15 enhancement. If the offender or an accomplice was armed with a deadly
16 weapon other than a firearm as defined in RCW 9.41.010 and the
17 offender is being sentenced for an anticipatory offense under chapter
18 9A.28 RCW to commit one of the crimes listed in this subsection as
19 eligible for any deadly weapon enhancements, the following additional
20 times shall be added to the standard sentence range determined under
21 subsection (2) of this section based on the felony crime of
22 conviction as classified under RCW 9A.28.020:

23 (a) Two years for any felony defined under any law as a class A
24 felony or with a statutory maximum sentence of at least (~~twenty~~) 20
25 years, or both, and not covered under (f) of this subsection;

26 (b) One year for any felony defined under any law as a class B
27 felony or with a statutory maximum sentence of (~~ten~~) 10 years, or
28 both, and not covered under (f) of this subsection;

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

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

39 (e) Notwithstanding any other provision of law, all deadly weapon
40 enhancements under this section are mandatory, shall be served in

1 total confinement, and shall run consecutively to all other
2 sentencing provisions, including other firearm or deadly weapon
3 enhancements, for all offenses sentenced under this chapter. However,
4 whether or not a mandatory minimum term has expired, an offender
5 serving a sentence under this subsection may be:

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

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

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

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

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

33 (a) Eighteen months for offenses committed under RCW 69.50.401(2)

34 (a) or (b) or 69.50.410;

35 (b) Fifteen months for offenses committed under RCW 69.50.401(2)

36 (c), (d), or (e);

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

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

1 (6) An additional (~~twenty-four~~) 24 months shall be added to the
2 standard sentence range for any ranked offense involving a violation
3 of chapter 69.50 RCW if the offense was also a violation of RCW
4 69.50.435 or 9.94A.827. All enhancements under this subsection shall
5 run consecutively to all other sentencing provisions, for all
6 offenses sentenced under this chapter.

7 (7) An additional two years shall be added to the standard
8 sentence range for vehicular homicide committed while under the
9 influence of intoxicating liquor or any drug as defined by RCW
10 46.61.502 for each prior offense as defined in RCW 46.61.5055.

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

16 An offender serving a sentence under this subsection may be
17 granted an extraordinary medical placement when authorized under RCW
18 9.94A.728(1)(c).

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

32 (i) Two years for any felony defined under the law as a class A
33 felony or with a statutory maximum sentence of at least (~~twenty~~) 20
34 years, or both;

35 (ii) Eighteen months for any felony defined under any law as a
36 class B felony or with a statutory maximum sentence of (~~ten~~) 10
37 years, or both;

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

1 (iv) If the offender is being sentenced for any sexual motivation
2 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
3 the offender has previously been sentenced for any sexual motivation
4 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
5 (iii) of this subsection, all sexual motivation enhancements under
6 this subsection shall be twice the amount of the enhancement listed;

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

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

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

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

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

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

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

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

1 an anticipatory offense for the felony crimes of RCW 9A.44.073,
2 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
3 offender attempted, solicited another, or conspired to engage, agree,
4 or offer to engage the victim in the sexual conduct in return for a
5 fee, an additional one-year enhancement shall be added to the
6 standard sentence range determined under subsection (2) of this
7 section. For purposes of this subsection, "sexual conduct" means
8 sexual intercourse or sexual contact, both as defined in chapter
9 9A.44 RCW.

10 (10)(a) For a person age (~~(eighteen)~~) 18 or older convicted of
11 any criminal street gang-related felony offense for which the person
12 compensated, threatened, or solicited a minor in order to involve the
13 minor in the commission of the felony offense, the standard sentence
14 range is determined by locating the sentencing grid sentence range
15 defined by the appropriate offender score and the seriousness level
16 of the completed crime, and multiplying the range by (~~(one hundred~~
17 ~~twenty-five)~~) 125 percent. If the standard sentence range under this
18 subsection exceeds the statutory maximum sentence for the offense,
19 the statutory maximum sentence is the presumptive sentence unless the
20 offender is a persistent offender.

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

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

28 (11) An additional (~~(twelve)~~) 12 months and one day shall be
29 added to the standard sentence range for a conviction of attempting
30 to elude a police vehicle as defined by RCW 46.61.024, if the
31 conviction included a finding by special allegation of endangering
32 one or more persons under RCW 9.94A.834.

33 (12) An additional (~~(twelve)~~) 12 months shall be added to the
34 standard sentence range for an offense that is also a violation of
35 RCW 9.94A.831.

36 (13) An additional (~~(twelve)~~) 12 months shall be added to the
37 standard sentence range for vehicular homicide committed while under
38 the influence of intoxicating liquor or any drug as defined by RCW
39 46.61.520 or for vehicular assault committed while under the
40 influence of intoxicating liquor or any drug as defined by RCW

1 46.61.522, or for any felony driving under the influence (RCW
2 46.61.502(6)) or felony physical control under the influence (RCW
3 46.61.504(6)) for each child passenger under the age of (~~sixteen~~)
4 16 who is an occupant in the defendant's vehicle. These enhancements
5 shall be mandatory, shall be served in total confinement, and shall
6 run consecutively to all other sentencing provisions, including other
7 minor child enhancements, for all offenses sentenced under this
8 chapter. If the addition of a minor child enhancement increases the
9 sentence so that it would exceed the statutory maximum for the
10 offense, the portion of the sentence representing the enhancement
11 shall be mandatory, shall be served in total confinement, and shall
12 run consecutively to all other sentencing provisions.

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

16 (15) An additional 12 months shall be added to the standard
17 sentence range for an offense that is also a violation of section 4
18 of this act.

19 (16) Regardless of any provisions in this section, if a person is
20 being sentenced in adult court for a crime committed under age
21 (~~eighteen~~) 18, the court has full discretion to depart from
22 mandatory sentencing enhancements and to take the particular
23 circumstances surrounding the defendant's youth into account.

24 NEW SECTION. **Sec. 6.** Section 2 of this act expires July 1,
25 2022.

26 NEW SECTION. **Sec. 7.** Section 3 of this act takes effect July 1,
27 2022.

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