
SENATE BILL 5049

State of Washington

68th Legislature

2023 Regular Session

By Senator L. Wilson

Prefiled 12/15/22.

1 AN ACT Relating to firearm theft; amending RCW 9.94A.515 and
2 9.94A.589; adding a new section to chapter 9A.56 RCW; and prescribing
3 penalties.

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

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

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

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

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

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

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

19 (5) For the purposes of this section:

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

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

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

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

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH
7 SERIOUSNESS LEVEL

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

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

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

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

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

10 Kidnapping 1 (RCW 9A.40.020)

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

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

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

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

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

20 Explosive devices prohibited (RCW
21 70.74.180)

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

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

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

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

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

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

1 Homicide by Watercraft, by the
2 operation of any vessel in a reckless
3 manner (RCW 79A.60.050)
4 Manslaughter 2 (RCW 9A.32.070)
5 Promoting Prostitution 1 (RCW
6 9A.88.070)
7 Theft of Ammonia (RCW 69.55.010)
8 VII Air bag diagnostic systems (causing
9 bodily injury or death) (RCW
10 46.37.660(2)(b))
11 Air bag replacement requirements
12 (causing bodily injury or death)
13 (RCW 46.37.660(1)(b))
14 Burglary 1 (RCW 9A.52.020)
15 Child Molestation 2 (RCW 9A.44.086)
16 Civil Disorder Training (RCW
17 9A.48.120)
18 Dealing in depictions of minor engaged
19 in sexually explicit conduct 1
20 (RCW 9.68A.050(1))
21 Drive-by Shooting (RCW 9A.36.045)
22 False Reporting 1 (RCW
23 9A.84.040(2)(a))
24 Homicide by Watercraft, by disregard
25 for the safety of others (RCW
26 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1)
29 (b) and (c))
30 Introducing Contraband 1 (RCW
31 9A.76.140)
32 Malicious placement of an explosive 3
33 (RCW 70.74.270(3))

1 Manufacture or import counterfeit,
2 nonfunctional, damaged, or
3 previously deployed air bag
4 (causing bodily injury or death)
5 (RCW 46.37.650(1)(b))
6 Negligently Causing Death By Use of a
7 Signal Preemption Device (RCW
8 46.37.675)
9 Sell, install, or reinstall counterfeit,
10 nonfunctional, damaged, or
11 previously deployed airbag (RCW
12 46.37.650(2)(b))
13 Sending, bringing into state depictions
14 of minor engaged in sexually
15 explicit conduct 1 (RCW
16 9.68A.060(1))
17 Theft of a firearm from a residence,
18 store, shop, sales outlet, or vehicle
19 (section 1 of this act)
20 Unlawful Possession of a Firearm in the
21 first degree (RCW 9.41.040(1))
22 Use of a Machine Gun or Bump-fire
23 Stock in Commission of a Felony
24 (RCW 9.41.225)
25 Vehicular Homicide, by disregard for
26 the safety of others (RCW
27 46.61.520)
28 VI Bail Jumping with Murder 1 (RCW
29 9A.76.170(3)(a))
30 Bribery (RCW 9A.68.010)
31 Incest 1 (RCW 9A.64.020(1))
32 Intimidating a Judge (RCW 9A.72.160)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation
36 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.070(1))
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Theft from a Vulnerable Adult 1 (RCW
7 9A.56.400(1))
8 Unlawful Storage of Ammonia (RCW
9 69.55.020)
10 V Abandonment of Dependent Person 2
11 (RCW 9A.42.070)
12 Advancing money or property for
13 extortionate extension of credit
14 (RCW 9A.82.030)
15 Air bag diagnostic systems (RCW
16 46.37.660(2)(c))
17 Air bag replacement requirements
18 (RCW 46.37.660(1)(c))
19 Bail Jumping with class A Felony
20 (RCW 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Criminal Mistreatment 2 (RCW
23 9A.42.030)
24 Custodial Sexual Misconduct 1 (RCW
25 9A.44.160)
26 Dealing in Depictions of Minor
27 Engaged in Sexually Explicit
28 Conduct 2 (RCW 9.68A.050(2))
29 Domestic Violence Court Order
30 Violation (RCW 7.105.450,
31 10.99.040, 10.99.050, 26.09.300,
32 26.10.220, 26.26B.050, 26.50.110,
33 26.52.070, or 74.34.145)
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Manufacture or import counterfeit,
7 nonfunctional, damaged, or
8 previously deployed air bag (RCW
9 46.37.650(1)(c))
10 Perjury 1 (RCW 9A.72.020)
11 Persistent prison misbehavior (RCW
12 9.94.070)
13 Possession of a Stolen Firearm (RCW
14 9A.56.310)
15 Rape 3 (RCW 9A.44.060)
16 Rendering Criminal Assistance 1 (RCW
17 9A.76.070)
18 Sell, install, or reinstall counterfeit,
19 nonfunctional, damaged, or
20 previously deployed airbag (RCW
21 46.37.650(2)(c))
22 Sending, Bringing into State Depictions
23 of Minor Engaged in Sexually
24 Explicit Conduct 2 (RCW
25 9.68A.060(2))
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW 9A.56.070)
33 IV Arson 2 (RCW 9A.48.030)
34 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault 4 (third domestic violence
5 offense) (RCW 9A.36.041(3))
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Driving While Under the Influence
15 (RCW 46.61.502(6))
16 Endangerment with a Controlled
17 Substance (RCW 9A.42.100)
18 Escape 1 (RCW 9A.76.110)
19 Hate Crime (RCW 9A.36.080)
20 Hit and Run—Injury (RCW
21 46.52.020(4)(b))
22 Hit and Run with Vessel—Injury
23 Accident (RCW 79A.60.200(3))
24 Identity Theft 1 (RCW 9.35.020(2))
25 Indecent Exposure to Person Under Age
26 14 (subsequent sex offense) (RCW
27 9A.88.010)
28 Influencing Outcome of Sporting Event
29 (RCW 9A.82.070)
30 Physical Control of a Vehicle While
31 Under the Influence (RCW
32 46.61.504(6))
33 Possession of Depictions of a Minor
34 Engaged in Sexually Explicit
35 Conduct 2 (RCW 9.68A.070(2))

1 Residential Burglary (RCW 9A.52.025)
2 Robbery 2 (RCW 9A.56.210)
3 Theft of Livestock 1 (RCW 9A.56.080)
4 Threats to Bomb (RCW 9.61.160)
5 Trafficking in Stolen Property 1 (RCW
6 9A.82.050)
7 Unlawful factoring of a credit card or
8 payment card transaction (RCW
9 9A.56.290(4)(b))
10 Unlawful transaction of health coverage
11 as a health care service contractor
12 (RCW 48.44.016(3))
13 Unlawful transaction of health coverage
14 as a health maintenance
15 organization (RCW 48.46.033(3))
16 Unlawful transaction of insurance
17 business (RCW 48.15.023(3))
18 Unlicensed practice as an insurance
19 professional (RCW 48.17.063(2))
20 Use of Proceeds of Criminal
21 Profiteering (RCW 9A.82.080 (1)
22 and (2))
23 Vehicle Prowling 2 (third or subsequent
24 offense) (RCW 9A.52.100(3))
25 Vehicular Assault, by being under the
26 influence of intoxicating liquor or
27 any drug, or by the operation or
28 driving of a vehicle in a reckless
29 manner (RCW 46.61.522)
30 Viewing of Depictions of a Minor
31 Engaged in Sexually Explicit
32 Conduct 1 (RCW 9.68A.075(1))
33 Willful Failure to Return from Furlough
34 (RCW 72.66.060)
35 III Animal Cruelty 1 (Sexual Conduct or
36 Contact) (RCW 16.52.205(3))

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 Bail Jumping with class B or C Felony
7 (RCW 9A.76.170(3)(c))
8 Burglary 2 (RCW 9A.52.030)
9 Communication with a Minor for
10 Immoral Purposes (RCW
11 9.68A.090)
12 Criminal Gang Intimidation (RCW
13 9A.46.120)
14 Custodial Assault (RCW 9A.36.100)
15 Cyber Harassment (RCW
16 9A.90.120(2)(b))
17 Escape 2 (RCW 9A.76.120)
18 Extortion 2 (RCW 9A.56.130)
19 False Reporting 2 (RCW
20 9A.84.040(2)(b))
21 Harassment (RCW 9A.46.020)
22 Intimidating a Public Servant (RCW
23 9A.76.180)
24 Introducing Contraband 2 (RCW
25 9A.76.150)
26 Malicious Injury to Railroad Property
27 (RCW 81.60.070)
28 Manufacture of Untraceable Firearm
29 with Intent to Sell (RCW 9.41.190)
30 Manufacture or Assembly of an
31 Undetectable Firearm or
32 Untraceable Firearm (RCW
33 9.41.325)
34 Mortgage Fraud (RCW 19.144.080)

1 Negligently Causing Substantial Bodily
2 Harm By Use of a Signal
3 Preemption Device (RCW
4 46.37.674)
5 Organized Retail Theft 1 (RCW
6 9A.56.350(2))
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun, Bump-Fire
11 Stock, Undetectable Firearm, or
12 Short-Barreled Shotgun or Rifle
13 (RCW 9.41.190)
14 Promoting Prostitution 2 (RCW
15 9A.88.080)
16 Retail Theft with Special Circumstances
17 1 (RCW 9A.56.360(2))
18 Securities Act violation (RCW
19 21.20.400)
20 Tampering with a Witness (RCW
21 9A.72.120)
22 Telephone Harassment (subsequent
23 conviction or threat of death) (RCW
24 9.61.230(2))
25 Theft of Livestock 2 (RCW 9A.56.083)
26 Theft with the Intent to Resell 1 (RCW
27 9A.56.340(2))
28 Trafficking in Stolen Property 2 (RCW
29 9A.82.055)
30 Unlawful Hunting of Big Game 1 (RCW
31 77.15.410(3)(b))
32 Unlawful Imprisonment (RCW
33 9A.40.040)
34 Unlawful Misbranding of Fish or
35 Shellfish 1 (RCW 77.140.060(3))

1 Unlawful possession of firearm in the
2 second degree (RCW 9A.04.020)

3 Unlawful Taking of Endangered Fish or
4 Wildlife 1 (RCW 77.15.120(3)(b))

5 Unlawful Trafficking in Fish, Shellfish,
6 or Wildlife 1 (RCW
7 77.15.260(3)(b))

8 Unlawful Use of a Nondesignated
9 Vessel (RCW 77.15.530(4))

10 Vehicular Assault, by the operation or
11 driving of a vehicle with disregard
12 for the safety of others (RCW
13 46.61.522)

14 Willful Failure to Return from Work
15 Release (RCW 72.65.070)

16 II Commercial Fishing Without a License
17 1 (RCW 77.15.500(3)(b))

18 Computer Trespass 1 (RCW 9A.90.040)

19 Counterfeiting (RCW 9.16.035(3))

20 Electronic Data Service Interference
21 (RCW 9A.90.060)

22 Electronic Data Tampering 1 (RCW
23 9A.90.080)

24 Electronic Data Theft (RCW 9A.90.100)

25 Engaging in Fish Dealing Activity
26 Unlicensed 1 (RCW 77.15.620(3))

27 Escape from Community Custody
28 (RCW 72.09.310)

29 Failure to Register as a Sex Offender
30 (second or subsequent offense)
31 (RCW 9A.44.130 prior to June 10,
32 2010, and RCW 9A.44.132)

33 Health Care False Claims (RCW
34 48.80.030)

35 Identity Theft 2 (RCW 9.35.020(3))

1 Improperly Obtaining Financial
2 Information (RCW 9.35.010)
3 Malicious Mischief 1 (RCW 9A.48.070)
4 Organized Retail Theft 2 (RCW
5 9A.56.350(3))
6 Possession of Stolen Property 1 (RCW
7 9A.56.150)
8 Possession of a Stolen Vehicle (RCW
9 9A.56.068)
10 Retail Theft with Special Circumstances
11 2 (RCW 9A.56.360(3))
12 Scrap Processing, Recycling, or
13 Supplying Without a License
14 (second or subsequent offense)
15 (RCW 19.290.100)
16 Theft 1 (RCW 9A.56.030)
17 Theft of a Motor Vehicle (RCW
18 9A.56.065)
19 Theft of Rental, Leased, Lease-
20 purchased, or Loaned Property
21 (valued at \$5,000 or more) (RCW
22 9A.56.096(5)(a))
23 Theft with the Intent to Resell 2 (RCW
24 9A.56.340(3))
25 Trafficking in Insurance Claims (RCW
26 48.30A.015)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(a))
30 Unlawful Participation of Non-Indians
31 in Indian Fishery (RCW
32 77.15.570(2))
33 Unlawful Practice of Law (RCW
34 2.48.180)
35 Unlawful Purchase or Use of a License
36 (RCW 77.15.650(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,
2 or Wildlife 2 (RCW
3 77.15.260(3)(a))
4 Unlicensed Practice of a Profession or
5 Business (RCW 18.130.190(7))
6 Voyeurism 1 (RCW 9A.44.115)
7 I Attempting to Elude a Pursuing Police
8 Vehicle (RCW 46.61.024)
9 False Verification for Welfare (RCW
10 74.08.055)
11 Forgery (RCW 9A.60.020)
12 Fraudulent Creation or Revocation of a
13 Mental Health Advance Directive
14 (RCW 9A.60.060)
15 Malicious Mischief 2 (RCW 9A.48.080)
16 Mineral Trespass (RCW 78.44.330)
17 Possession of Stolen Property 2 (RCW
18 9A.56.160)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Spotlighting Big Game 1 (RCW
21 77.15.450(3)(b))
22 Suspension of Department Privileges 1
23 (RCW 77.15.670(3)(b))
24 Taking Motor Vehicle Without
25 Permission 2 (RCW 9A.56.075)
26 Theft 2 (RCW 9A.56.040)
27 Theft from a Vulnerable Adult 2 (RCW
28 9A.56.400(2))
29 Theft of Rental, Leased, Lease-
30 purchased, or Loaned Property
31 (valued at \$750 or more but less
32 than \$5,000) (RCW
33 9A.56.096(5)(b))
34 Transaction of insurance business
35 beyond the scope of licensure
36 (RCW 48.17.063)

1 Unlawful Fish and Shellfish Catch
2 Accounting (RCW 77.15.630(3)(b))
3 Unlawful Issuance of Checks or Drafts
4 (RCW 9A.56.060)
5 Unlawful Possession of Fictitious
6 Identification (RCW 9A.56.320)
7 Unlawful Possession of Instruments of
8 Financial Fraud (RCW 9A.56.320)
9 Unlawful Possession of Payment
10 Instruments (RCW 9A.56.320)
11 Unlawful Possession of a Personal
12 Identification Device (RCW
13 9A.56.320)
14 Unlawful Production of Payment
15 Instruments (RCW 9A.56.320)
16 Unlawful Releasing, Planting,
17 Possessing, or Placing Deleterious
18 Exotic Wildlife (RCW
19 77.15.250(2)(b))
20 Unlawful Trafficking in Food Stamps
21 (RCW 9.91.142)
22 Unlawful Use of Food Stamps (RCW
23 9.91.144)
24 Unlawful Use of Net to Take Fish 1
25 (RCW 77.15.580(3)(b))
26 Unlawful Use of Prohibited Aquatic
27 Animal Species (RCW
28 77.15.253(3))
29 Vehicle Prowl 1 (RCW 9A.52.095)
30 Violating Commercial Fishing Area or
31 Time 1 (RCW 77.15.550(3)(b))

32 **Sec. 3.** RCW 9.94A.589 and 2020 c 276 s 1 are each amended to
33 read as follows:

34 (1) (a) Except as provided in (b), (c), or (d) of this subsection,
35 whenever a person is to be sentenced for two or more current
36 offenses, the sentence range for each current offense shall be

1 determined by using all other current and prior convictions as if
2 they were prior convictions for the purpose of the offender score:
3 PROVIDED, That if the court enters a finding that some or all of the
4 current offenses encompass the same criminal conduct then those
5 current offenses shall be counted as one crime. Sentences imposed
6 under this subsection shall be served concurrently. Consecutive
7 sentences may only be imposed under the exceptional sentence
8 provisions of RCW 9.94A.535. "Same criminal conduct," as used in this
9 subsection, means two or more crimes that require the same criminal
10 intent, are committed at the same time and place, and involve the
11 same victim. This definition applies in cases involving vehicular
12 assault or vehicular homicide even if the victims occupied the same
13 vehicle.

14 (b) Whenever a person is convicted of two or more serious violent
15 offenses arising from separate and distinct criminal conduct, the
16 standard sentence range for the offense with the highest seriousness
17 level under RCW 9.94A.515 shall be determined using the offender's
18 prior convictions and other current convictions that are not serious
19 violent offenses in the offender score and the standard sentence
20 range for other serious violent offenses shall be determined by using
21 an offender score of zero. The standard sentence range for any
22 offenses that are not serious violent offenses shall be determined
23 according to (a) of this subsection. All sentences imposed under this
24 subsection (1)(b) shall be served consecutively to each other and
25 concurrently with sentences imposed under (a) of this subsection.
26 Even if the court orders the confinement terms to run consecutively
27 to each other, the terms of community custody shall run concurrently
28 to each other, unless the court expressly orders the community
29 custody terms to run consecutively to each other.

30 (c) If an offender is convicted under RCW 9.41.040 for unlawful
31 possession of a firearm in the first or second degree and for ~~((the))~~
32 one or more of the following felony crimes ~~((of theft))~~: (i) Theft of
33 a firearm; or (ii) theft of a firearm from a residence, store, shop,
34 sales outlet, or vehicle (section 1 of this act); or (iii) possession
35 of a stolen firearm, ~~((or both,))~~ the standard sentence range for
36 each of these current offenses shall be determined by using all other
37 current and prior convictions, except other current convictions for
38 the felony crimes listed in this subsection (1)(c), as if they were
39 prior convictions. The offender shall serve consecutive sentences for

1 each conviction of the felony crimes listed in this subsection
2 (1)(c), and for each firearm unlawfully possessed.

3 (d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6),
4 or 46.61.5055(4) shall be served consecutively to any sentences
5 imposed under RCW 46.20.740 and 46.20.750.

6 (2)(a) Whenever a person while under sentence for conviction of a
7 felony commits another felony and is sentenced to another term of
8 confinement, the latter term of confinement shall not begin until
9 expiration of all prior terms of confinement. However, any terms of
10 community custody shall run concurrently to each other, unless the
11 court pronouncing the current sentence expressly orders that they be
12 served consecutively.

13 (b) Whenever a second or later felony conviction results in
14 consecutive community custody with conditions not currently in
15 effect, under the prior sentence or sentences of community custody,
16 the court may require that the conditions of community custody
17 contained in the second or later sentence begin during the immediate
18 term of community custody and continue throughout the duration of the
19 consecutive term of community custody.

20 (3) Subject to subsections (1) and (2) of this section, whenever
21 a person is sentenced for a felony that was committed while the
22 person was not under sentence for conviction of a felony, the
23 sentence shall run concurrently with any felony sentence which has
24 been imposed by any court in this or another state or by a federal
25 court subsequent to the commission of the crime being sentenced
26 unless the court pronouncing the current sentence expressly orders
27 that the confinement terms be served consecutively to each other.
28 Even if the court orders the confinement terms to run consecutively
29 to each other, the terms of community custody shall run concurrently
30 to each other, unless the court expressly orders the community
31 custody terms to run consecutively to each other.

32 (4) Whenever any person granted probation under RCW 9.95.210 or
33 9.92.060, or both, has the probationary sentence revoked and a prison
34 sentence imposed, that sentence shall run consecutively to any
35 sentence imposed pursuant to this chapter, unless the court
36 pronouncing the subsequent sentence expressly orders that they be
37 served concurrently.

38 (5) In the case of consecutive sentences, all periods of total
39 confinement shall be served before any partial confinement, community
40 restitution, community supervision, or any other requirement or

1 conditions of any of the sentences. Except for exceptional sentences
2 as authorized under RCW 9.94A.535, if two or more sentences that run
3 consecutively include periods of community supervision, the aggregate
4 of the community supervision period shall not exceed twenty-four
5 months.

--- **END** ---