
SENATE BILL 6307

State of Washington

66th Legislature

2020 Regular Session

By Senators Lias, Kuderer, Dhingra, Saldaña, Pedersen, and Frockt

1 AN ACT Relating to communicating mass violence threats; amending
2 RCW 9A.46.060; reenacting and amending RCW 9.41.040 and 9.94A.515;
3 adding a new chapter to Title 9A RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) A person is guilty of communicating a
6 threat of mass violence if:

7 (a) The person knowingly makes a threat, directly or indirectly,
8 to any person or groups of persons to commit an act of mass violence
9 (i) on educational property or at a curricular or extracurricular
10 activity sponsored by a school; (ii) at a place of religious worship;
11 or (iii) at the person's current or former workplace;

12 (b) The threat is made in writing, verbally, or expressed through
13 any other means of communication including, but not limited to,
14 electronic communications;

15 (c) (i) Two or more people who are members of the intended group
16 of the threats must have received, read, or heard the threat of mass
17 violence and, as a result, placed in reasonable fear that the threat
18 would be carried out; or (ii) the threat causes evacuation or
19 lockdown of the location where the consequences of the threat would
20 occur; and

1 (d) A reasonable criminal justice participant would, under the
2 circumstances, believe the person has the present or future ability
3 to carry out the threat.

4 (2) A person who commits the offense of communicating a threat of
5 mass violence is guilty of a class C felony.

6 NEW SECTION. **Sec. 2.** Any offense of communicating a threat of
7 mass violence as set forth in section 1 of this act may be deemed to
8 have been committed at the place from which the threat or threats
9 were made, at the place where the threats were received, or at the
10 place where the consequences of the threat occurred.

11 NEW SECTION. **Sec. 3.** (1) A peace officer who responds to a call
12 regarding communicating a threat of mass violence and has probable
13 cause to believe that a crime has been committed shall exercise
14 arrest powers with reference to the criteria in RCW 10.31.100 and
15 shall:

16 (a) Seize all firearms and ammunition the peace officer has
17 reasonable grounds to believe were used or threatened to be used in
18 the commission of the offense;

19 (b) Seize all firearms in plain sight or discovered pursuant to a
20 lawful search; and

21 (c) Request consent to take temporary custody of any other
22 firearms and ammunition to which the arrested person has access at
23 the time of arrest until a judicial officer has heard the matter.

24 (2) The peace officer shall document all information about
25 firearms and concealed pistol licenses in the incident report.

26 NEW SECTION. **Sec. 4.** An appointed or elected public official,
27 public employee, or public agency as defined in RCW 4.24.470, or
28 units of local government and its employees, as provided in RCW
29 36.28A.010, are immune from civil liability for damages arising out
30 of the seizure or lack of seizure of a firearm, unless it is shown
31 that the official, employee, or agency acted with gross negligence or
32 in bad faith.

33 NEW SECTION. **Sec. 5.** When any defendant charged with a crime
34 involving communicating a threat of mass violence may be released
35 from custody before trial on bail or personal recognizance, the
36 prosecuting attorney shall request the court to order that the

1 defendant have no firearms access or possession as a condition of
2 pretrial release and request the court to verify that all firearms
3 owned, possessed, or accessible to the defendant have been turned
4 over to a law enforcement agency prior to the defendant's release.

5 NEW SECTION. **Sec. 6.** For any defendant subject to either an
6 order to surrender weapons or licenses pursuant to RCW 9.41.800 or an
7 extreme risk protection order under chapter 7.94 RCW at the time
8 communicating a threat of mass violence occurred, conviction under
9 this chapter also constitutes a violation of the order to surrender
10 weapons or the extreme risk protection order.

11 NEW SECTION. **Sec. 7.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires
13 otherwise.

14 (1) "Educational property" means any school building, bus,
15 campus, ground, recreational area, athletic field, or other property
16 owned, used, or operated by any board of education, school board of
17 trustees, or directors for the administration of any school.

18 (2) "Mass violence" means physical injury that a reasonable
19 person would conclude could lead to permanent injury, including
20 mental or emotional injury, or death to two or more people if carried
21 out.

22 (3) "Place of religious worship" means any church, chapel,
23 meetinghouse, synagogue, temple, longhouse, mosque, or other building
24 or location that is regularly used and clearly identifiable as a
25 place for religious worship.

26 (4) "School" means any public or private academic, training, or
27 learning facility or institution, school, community college, college,
28 or university.

29 (5) "Workplace" means any plant, yard, premises, room, building,
30 office, or other place where an employee or employees are employed
31 for the performance of labor or service over which the employer has
32 the right of access or control and includes, but is not limited to,
33 all workplaces covered by industrial insurance under Title 51 RCW, as
34 now or hereafter amended.

35 **Sec. 8.** RCW 9.41.040 and 2019 c 248 s 2, 2019 c 245 s 3, and
36 2019 c 46 s 5003 are each reenacted and amended to read as follows:

1 (1) (a) A person, whether an adult or juvenile, is guilty of the
2 crime of unlawful possession of a firearm in the first degree, if the
3 person owns, has in his or her possession, or has in his or her
4 control any firearm after having previously been convicted or found
5 not guilty by reason of insanity in this state or elsewhere of any
6 serious offense as defined in this chapter.

7 (b) Unlawful possession of a firearm in the first degree is a
8 class B felony punishable according to chapter 9A.20 RCW.

9 (2) (a) A person, whether an adult or juvenile, is guilty of the
10 crime of unlawful possession of a firearm in the second degree, if
11 the person does not qualify under subsection (1) of this section for
12 the crime of unlawful possession of a firearm in the first degree and
13 the person owns, has in his or her possession, or has in his or her
14 control any firearm:

15 (i) After having previously been convicted or found not guilty by
16 reason of insanity in this state or elsewhere of any felony not
17 specifically listed as prohibiting firearm possession under
18 subsection (1) of this section, or any of the following crimes when
19 committed by one family or household member against another,
20 committed on or after July 1, 1993: Assault in the fourth degree,
21 coercion, stalking, reckless endangerment, criminal trespass in the
22 first degree, or violation of the provisions of a protection order or
23 no-contact order restraining the person or excluding the person from
24 a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

25 (ii) After having previously been convicted or found not guilty
26 by reason of insanity in this state or elsewhere of harassment when
27 committed by one family or household member against another,
28 committed on or after June 7, 2018;

29 (iii) During any period of time that the person is subject to a
30 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,
31 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that:

32 (A) Was issued after a hearing of which the person received
33 actual notice, and at which the person had an opportunity to
34 participate;

35 (B) Restrains the person from harassing, stalking, or threatening
36 the person protected under the order or child of the person or
37 protected person, or engaging in other conduct that would place the
38 protected person in reasonable fear of bodily injury to the protected
39 person or child; and

1 (C)(I) Includes a finding that the person represents a credible
2 threat to the physical safety of the protected person or child and by
3 its terms explicitly prohibits the use, attempted use, or threatened
4 use of physical force against the protected person or child that
5 would reasonably be expected to cause bodily injury; or

6 (II) Includes an order under RCW 9.41.800 requiring the person to
7 surrender all firearms and prohibiting the person from accessing,
8 obtaining, or possessing firearms;

9 (iv) After having previously been involuntarily committed for
10 mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740,
11 71.34.750, chapter 10.77 RCW, or equivalent statutes of another
12 jurisdiction, unless his or her right to possess a firearm has been
13 restored as provided in RCW 9.41.047;

14 (v) After dismissal of criminal charges based on incompetency to
15 stand trial under RCW 10.77.088 when the court has made a finding
16 indicating that the defendant has a history of one or more violent
17 acts, unless his or her right to possess a firearm has been restored
18 as provided in RCW 9.41.047;

19 (vi) If the person is under eighteen years of age, except as
20 provided in RCW 9.41.042; (~~and/or~~)

21 (vii) If the person is free on bond or personal recognizance
22 pending trial, appeal, or sentencing for a serious offense as defined
23 in RCW 9.41.010; and/or

24 (viii) After having previously been convicted or found not guilty
25 by reason of insanity in this state or elsewhere of communicating a
26 threat of mass violence.

27 (b) (a)(iii) of this subsection does not apply to a sexual
28 assault protection order under chapter 7.90 RCW if the order has been
29 modified pursuant to RCW 7.90.170 to remove any restrictions on
30 firearm purchase, transfer, or possession.

31 (c) Unlawful possession of a firearm in the second degree is a
32 class C felony punishable according to chapter 9A.20 RCW.

33 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,
34 as used in this chapter, a person has been "convicted," whether in an
35 adult court or adjudicated in a juvenile court, at such time as a
36 plea of guilty has been accepted, or a verdict of guilty has been
37 filed, notwithstanding the pendency of any future proceedings
38 including, but not limited to, sentencing or disposition, posttrial
39 or postfact-finding motions, and appeals. Conviction includes a
40 dismissal entered after a period of probation, suspension or deferral

1 of sentence, and also includes equivalent dispositions by courts in
2 jurisdictions other than Washington state. A person shall not be
3 precluded from possession of a firearm if the conviction has been the
4 subject of a pardon, annulment, certificate of rehabilitation, or
5 other equivalent procedure based on a finding of the rehabilitation
6 of the person convicted or the conviction or disposition has been the
7 subject of a pardon, annulment, or other equivalent procedure based
8 on a finding of innocence. Where no record of the court's disposition
9 of the charges can be found, there shall be a rebuttable presumption
10 that the person was not convicted of the charge.

11 (4) (a) Notwithstanding subsection (1) or (2) of this section, a
12 person convicted or found not guilty by reason of insanity of an
13 offense prohibiting the possession of a firearm under this section
14 other than murder, manslaughter, robbery, rape, indecent liberties,
15 arson, assault, kidnapping, extortion, burglary, or violations with
16 respect to controlled substances under RCW 69.50.401 and 69.50.410,
17 who received a probationary sentence under RCW 9.95.200, and who
18 received a dismissal of the charge under RCW 9.95.240, shall not be
19 precluded from possession of a firearm as a result of the conviction
20 or finding of not guilty by reason of insanity. Notwithstanding any
21 other provisions of this section, if a person is prohibited from
22 possession of a firearm under subsection (1) or (2) of this section
23 and has not previously been convicted or found not guilty by reason
24 of insanity of a sex offense prohibiting firearm ownership under
25 subsection (1) or (2) of this section and/or any felony defined under
26 any law as a class A felony or with a maximum sentence of at least
27 twenty years, or both, the individual may petition a court of record
28 to have his or her right to possess a firearm restored:

29 (i) Under RCW 9.41.047; and/or

30 (ii) (A) If the conviction or finding of not guilty by reason of
31 insanity was for a felony offense, after five or more consecutive
32 years in the community without being convicted or found not guilty by
33 reason of insanity or currently charged with any felony, gross
34 misdemeanor, or misdemeanor crimes, if the individual has no prior
35 felony convictions that prohibit the possession of a firearm counted
36 as part of the offender score under RCW 9.94A.525; or

37 (B) If the conviction or finding of not guilty by reason of
38 insanity was for a nonfelony offense, after three or more consecutive
39 years in the community without being convicted or found not guilty by
40 reason of insanity or currently charged with any felony, gross

1 misdemeanor, or misdemeanor crimes, if the individual has no prior
2 felony convictions that prohibit the possession of a firearm counted
3 as part of the offender score under RCW 9.94A.525 and the individual
4 has completed all conditions of the sentence.

5 (b) An individual may petition a court of record to have his or
6 her right to possess a firearm restored under (a) of this subsection
7 (~~((4))~~) only at:

8 (i) The court of record that ordered the petitioner's prohibition
9 on possession of a firearm; or

10 (ii) The superior court in the county in which the petitioner
11 resides.

12 (5) In addition to any other penalty provided for by law, if a
13 person under the age of eighteen years is found by a court to have
14 possessed a firearm in a vehicle in violation of subsection (1) or
15 (2) of this section or to have committed an offense while armed with
16 a firearm during which offense a motor vehicle served an integral
17 function, the court shall notify the department of licensing within
18 twenty-four hours and the person's privilege to drive shall be
19 revoked under RCW 46.20.265, unless the offense is the juvenile's
20 first offense in violation of this section and has not committed an
21 offense while armed with a firearm, an unlawful possession of a
22 firearm offense, or an offense in violation of chapter 66.44, 69.52,
23 69.41, or 69.50 RCW.

24 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed
25 or interpreted as preventing an offender from being charged and
26 subsequently convicted for the separate felony crimes of theft of a
27 firearm or possession of a stolen firearm, or both, in addition to
28 being charged and subsequently convicted under this section for
29 unlawful possession of a firearm in the first or second degree.
30 Notwithstanding any other law, if the offender is convicted under
31 this section for unlawful possession of a firearm in the first or
32 second degree and for the felony crimes of theft of a firearm or
33 possession of a stolen firearm, or both, then the offender shall
34 serve consecutive sentences for each of the felony crimes of
35 conviction listed in this subsection.

36 (7) Each firearm unlawfully possessed under this section shall be
37 a separate offense.

38 **Sec. 9.** RCW 9A.46.060 and 2019 c 271 s 8 are each amended to
39 read as follows:

1 As used in this chapter, "harassment" may include, but is not
2 limited to, any of the following crimes:

- 3 (1) Harassment (RCW 9A.46.020);
- 4 (2) Hate crime (RCW 9A.36.080);
- 5 (3) Telephone harassment (RCW 9.61.230);
- 6 (4) Assault in the first degree (RCW 9A.36.011);
- 7 (5) Assault of a child in the first degree (RCW 9A.36.120);
- 8 (6) Assault in the second degree (RCW 9A.36.021);
- 9 (7) Assault of a child in the second degree (RCW 9A.36.130);
- 10 (8) Assault in the fourth degree (RCW 9A.36.041);
- 11 (9) Reckless endangerment (RCW 9A.36.050);
- 12 (10) Extortion in the first degree (RCW 9A.56.120);
- 13 (11) Extortion in the second degree (RCW 9A.56.130);
- 14 (12) Coercion (RCW 9A.36.070);
- 15 (13) Burglary in the first degree (RCW 9A.52.020);
- 16 (14) Burglary in the second degree (RCW 9A.52.030);
- 17 (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 18 (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 19 (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 20 (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 21 (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 22 (20) Kidnapping in the first degree (RCW 9A.40.020);
- 23 (21) Kidnapping in the second degree (RCW 9A.40.030);
- 24 (22) Unlawful imprisonment (RCW 9A.40.040);
- 25 (23) Rape in the first degree (RCW 9A.44.040);
- 26 (24) Rape in the second degree (RCW 9A.44.050);
- 27 (25) Rape in the third degree (RCW 9A.44.060);
- 28 (26) Indecent liberties (RCW 9A.44.100);
- 29 (27) Rape of a child in the first degree (RCW 9A.44.073);
- 30 (28) Rape of a child in the second degree (RCW 9A.44.076);
- 31 (29) Rape of a child in the third degree (RCW 9A.44.079);
- 32 (30) Child molestation in the first degree (RCW 9A.44.083);
- 33 (31) Child molestation in the second degree (RCW 9A.44.086);
- 34 (32) Child molestation in the third degree (RCW 9A.44.089);
- 35 (33) Stalking (RCW 9A.46.110);
- 36 (34) Cyberstalking (RCW 9.61.260);
- 37 (35) Residential burglary (RCW 9A.52.025);
- 38 (36) Violation of a temporary, permanent, or final protective
39 order issued pursuant to chapter 7.90, 9A.46, 10.14, 10.99, 26.09, or
40 26.50 RCW;

1 (37) Unlawful discharge of a laser in the first degree (RCW
 2 9A.49.020); (~~and~~)
 3 (38) Unlawful discharge of a laser in the second degree (RCW
 4 9A.49.030); and
 5 (39) Communication of a threat of mass violence (section 1 of
 6 this act).

7 **Sec. 10.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019
 8 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read
 9 as follows:

10 TABLE 2

11 CRIMES INCLUDED WITHIN EACH
 12 SERIOUSNESS LEVEL

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

1 Rape of a Child 2 (RCW 9A.44.076)
2 Vehicular Homicide, by being under the
3 influence of intoxicating liquor or
4 any drug (RCW 46.61.520)
5 Vehicular Homicide, by the operation of
6 any vehicle in a reckless manner
7 (RCW 46.61.520)
8 X Child Molestation 1 (RCW 9A.44.083)
9 Criminal Mistreatment 1 (RCW
10 9A.42.020)
11 Indecent Liberties (with forcible
12 compulsion) (RCW
13 9A.44.100(1)(a))
14 Kidnapping 1 (RCW 9A.40.020)
15 Leading Organized Crime (RCW
16 9A.82.060(1)(a))
17 Malicious explosion 3 (RCW
18 70.74.280(3))
19 Sexually Violent Predator Escape (RCW
20 9A.76.115)
21 IX Abandonment of Dependent Person 1
22 (RCW 9A.42.060)
23 Assault of a Child 2 (RCW 9A.36.130)
24 Explosive devices prohibited (RCW
25 70.74.180)
26 Hit and Run—Death (RCW
27 46.52.020(4)(a))
28 Homicide by Watercraft, by being under
29 the influence of intoxicating liquor
30 or any drug (RCW 79A.60.050)
31 Inciting Criminal Profiteering (RCW
32 9A.82.060(1)(b))
33 Malicious placement of an explosive 2
34 (RCW 70.74.270(2))
35 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 VIII Arson 1 (RCW 9A.48.020)
3 Commercial Sexual Abuse of a Minor
4 (RCW 9.68A.100)
5 Homicide by Watercraft, by the
6 operation of any vessel in a reckless
7 manner (RCW 79A.60.050)
8 Manslaughter 2 (RCW 9A.32.070)
9 Promoting Prostitution 1 (RCW
10 9A.88.070)
11 Theft of Ammonia (RCW 69.55.010)
12 VII Air bag diagnostic systems (causing
13 bodily injury or death) (RCW
14 46.37.660(2)(b))
15 Air bag replacement requirements
16 (causing bodily injury or death)
17 (RCW 46.37.660(1)(b))
18 Burglary 1 (RCW 9A.52.020)
19 Child Molestation 2 (RCW 9A.44.086)
20 Civil Disorder Training (RCW
21 9A.48.120)
22 Dealing in depictions of minor engaged
23 in sexually explicit conduct 1
24 (RCW 9.68A.050(1))
25 Drive-by Shooting (RCW 9A.36.045)
26 Homicide by Watercraft, by disregard
27 for the safety of others (RCW
28 79A.60.050)
29 Indecent Liberties (without forcible
30 compulsion) (RCW 9A.44.100(1)
31 (b) and (c))
32 Introducing Contraband 1 (RCW
33 9A.76.140)
34 Malicious placement of an explosive 3
35 (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 Unlawful Possession of a Firearm in the
18 first degree (RCW 9.41.040(1))
19 Use of a Machine Gun or Bump-fire
20 Stock in Commission of a Felony
21 (RCW 9.41.225)
22 Vehicular Homicide, by disregard for
23 the safety of others (RCW
24 46.61.520)
25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(3)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation
33 device 2 (RCW 70.74.272(1)(b))
34 Possession of Depictions of a Minor
35 Engaged in Sexually Explicit
36 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)
2 Theft of a Firearm (RCW 9A.56.300)
3 Theft from a Vulnerable Adult 1 (RCW
4 9A.56.400(1))
5 Unlawful Storage of Ammonia (RCW
6 69.55.020)
7 V Abandonment of Dependent Person 2
8 (RCW 9A.42.070)
9 Advancing money or property for
10 extortionate extension of credit
11 (RCW 9A.82.030)
12 Air bag diagnostic systems (RCW
13 46.37.660(2)(c))
14 Air bag replacement requirements
15 (RCW 46.37.660(1)(c))
16 Bail Jumping with class A Felony
17 (RCW 9A.76.170(3)(b))
18 Child Molestation 3 (RCW 9A.44.089)
19 Criminal Mistreatment 2 (RCW
20 9A.42.030)
21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)
23 Dealing in Depictions of Minor
24 Engaged in Sexually Explicit
25 Conduct 2 (RCW 9.68A.050(2))
26 Domestic Violence Court Order
27 Violation (RCW 10.99.040,
28 10.99.050, 26.09.300, 26.10.220,
29 26.26B.050, 26.50.110, 26.52.070,
30 or 74.34.145)
31 Extortion 1 (RCW 9A.56.120)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Extortionate Means to Collect
35 Extensions of Credit (RCW
36 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))
2 Kidnapping 2 (RCW 9A.40.030)
3 Manufacture or import counterfeit,
4 nonfunctional, damaged, or
5 previously deployed air bag (RCW
6 46.37.650(1)(c))
7 Perjury 1 (RCW 9A.72.020)
8 Persistent prison misbehavior (RCW
9 9.94.070)
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)
12 Rape 3 (RCW 9A.44.060)
13 Rendering Criminal Assistance 1 (RCW
14 9A.76.070)
15 Sell, install, or reinstall counterfeit,
16 nonfunctional, damaged, or
17 previously deployed airbag (RCW
18 46.37.650(2)(c))
19 Sending, Bringing into State Depictions
20 of Minor Engaged in Sexually
21 Explicit Conduct 2 (RCW
22 9.68A.060(2))
23 Sexual Misconduct with a Minor 1
24 (RCW 9A.44.093)
25 Sexually Violating Human Remains
26 (RCW 9A.44.105)
27 Stalking (RCW 9A.46.110)
28 Taking Motor Vehicle Without
29 Permission 1 (RCW 9A.56.070)
30 IV Arson 2 (RCW 9A.48.030)
31 Assault 2 (RCW 9A.36.021)
32 Assault 3 (of a Peace Officer with a
33 Projectile Stun Gun) (RCW
34 9A.36.031(1)(h))
35 Assault 4 (third domestic violence
36 offense) (RCW 9A.36.041(3))

1 Assault by Watercraft (RCW
2 79A.60.060)
3 Bribing a Witness/Bribe Received by
4 Witness (RCW 9A.72.090,
5 9A.72.100)
6 Cheating 1 (RCW 9.46.1961)
7 Commercial Bribery (RCW 9A.68.060)
8 Communicating a Threat of Mass
9 Violence (section 1 of this act)
10 Counterfeiting (RCW 9.16.035(4))
11 Driving While Under the Influence
12 (RCW 46.61.502(6))
13 Endangerment with a Controlled
14 Substance (RCW 9A.42.100)
15 Escape 1 (RCW 9A.76.110)
16 Hate Crime (RCW 9A.36.080)
17 Hit and Run—Injury (RCW
18 46.52.020(4)(b))
19 Hit and Run with Vessel—Injury
20 Accident (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2))
22 Indecent Exposure to Person Under Age
23 Fourteen (subsequent sex offense)
24 (RCW 9A.88.010)
25 Influencing Outcome of Sporting Event
26 (RCW 9A.82.070)
27 Physical Control of a Vehicle While
28 Under the Influence (RCW
29 46.61.504(6))
30 Possession of Depictions of a Minor
31 Engaged in Sexually Explicit
32 Conduct 2 (RCW 9.68A.070(2))
33 Residential Burglary (RCW 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)
35 Theft of Livestock 1 (RCW 9A.56.080)

1 Threats to Bomb (RCW 9.61.160)
2 Trafficking in Stolen Property 1 (RCW
3 9A.82.050)
4 Unlawful factoring of a credit card or
5 payment card transaction (RCW
6 9A.56.290(4)(b))
7 Unlawful transaction of health coverage
8 as a health care service contractor
9 (RCW 48.44.016(3))
10 Unlawful transaction of health coverage
11 as a health maintenance
12 organization (RCW 48.46.033(3))
13 Unlawful transaction of insurance
14 business (RCW 48.15.023(3))
15 Unlicensed practice as an insurance
16 professional (RCW 48.17.063(2))
17 Use of Proceeds of Criminal
18 Profiteering (RCW 9A.82.080 (1)
19 and (2))
20 Vehicle Prowling 2 (third or subsequent
21 offense) (RCW 9A.52.100(3))
22 Vehicular Assault, by being under the
23 influence of intoxicating liquor or
24 any drug, or by the operation or
25 driving of a vehicle in a reckless
26 manner (RCW 46.61.522)
27 Viewing of Depictions of a Minor
28 Engaged in Sexually Explicit
29 Conduct 1 (RCW 9.68A.075(1))
30 Willful Failure to Return from Furlough
31 (RCW 72.66.060)
32 III Animal Cruelty 1 (Sexual Conduct or
33 Contact) (RCW 16.52.205(3))
34 Assault 3 (Except Assault 3 of a Peace
35 Officer With a Projectile Stun Gun)
36 (RCW 9A.36.031 except subsection
37 (1)(h))

1 Assault of a Child 3 (RCW 9A.36.140)
2 Bail Jumping with class B or C Felony
3 (RCW 9A.76.170(3)(c))
4 Burglary 2 (RCW 9A.52.030)
5 Communication with a Minor for
6 Immoral Purposes (RCW
7 9.68A.090)
8 Criminal Gang Intimidation (RCW
9 9A.46.120)
10 Custodial Assault (RCW 9A.36.100)
11 Cyberstalking (subsequent conviction or
12 threat of death) (RCW 9.61.260(3))
13 Escape 2 (RCW 9A.76.120)
14 Extortion 2 (RCW 9A.56.130)
15 Harassment (RCW 9A.46.020)
16 Intimidating a Public Servant (RCW
17 9A.76.180)
18 Introducing Contraband 2 (RCW
19 9A.76.150)
20 Malicious Injury to Railroad Property
21 (RCW 81.60.070)
22 Manufacture of Untraceable Firearm
23 with Intent to Sell (RCW 9.41.190)
24 Manufacture or Assembly of an
25 Undetectable Firearm or
26 Untraceable Firearm (RCW
27 9.41.325)
28 Mortgage Fraud (RCW 19.144.080)
29 Negligently Causing Substantial Bodily
30 Harm By Use of a Signal
31 Preemption Device (RCW
32 46.37.674)
33 Organized Retail Theft 1 (RCW
34 9A.56.350(2))
35 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun, Bump-Fire
4 Stock, Undetectable Firearm, or
5 Short-Barreled Shotgun or Rifle
6 (RCW 9.41.190)
7 Promoting Prostitution 2 (RCW
8 9A.88.080)
9 Retail Theft with Special Circumstances
10 1 (RCW 9A.56.360(2))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death) (RCW
17 9.61.230(2))
18 Theft of Livestock 2 (RCW 9A.56.083)
19 Theft with the Intent to Resell 1 (RCW
20 9A.56.340(2))
21 Trafficking in Stolen Property 2 (RCW
22 9A.82.055)
23 Unlawful Hunting of Big Game 1 (RCW
24 77.15.410(3)(b))
25 Unlawful Imprisonment (RCW
26 9A.40.040)
27 Unlawful Misbranding of Fish or
28 Shellfish 1 (RCW 77.140.060(3))
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(2))
31 Unlawful Taking of Endangered Fish or
32 Wildlife 1 (RCW 77.15.120(3)(b))
33 Unlawful Trafficking in Fish, Shellfish,
34 or Wildlife 1 (RCW
35 77.15.260(3)(b))

1 Unlawful Use of a Nondesignated
2 Vessel (RCW 77.15.530(4))
3 Vehicular Assault, by the operation or
4 driving of a vehicle with disregard
5 for the safety of others (RCW
6 46.61.522)
7 Willful Failure to Return from Work
8 Release (RCW 72.65.070)
9 II Commercial Fishing Without a License
10 1 (RCW 77.15.500(3)(b))
11 Computer Trespass 1 (RCW 9A.90.040)
12 Counterfeiting (RCW 9.16.035(3))
13 Electronic Data Service Interference
14 (RCW 9A.90.060)
15 Electronic Data Tampering 1 (RCW
16 9A.90.080)
17 Electronic Data Theft (RCW 9A.90.100)
18 Engaging in Fish Dealing Activity
19 Unlicensed 1 (RCW 77.15.620(3))
20 Escape from Community Custody
21 (RCW 72.09.310)
22 Failure to Register as a Sex Offender
23 (second or subsequent offense)
24 (RCW 9A.44.130 prior to June 10,
25 2010, and RCW 9A.44.132)
26 Health Care False Claims (RCW
27 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(3))
29 Improperly Obtaining Financial
30 Information (RCW 9.35.010)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Organized Retail Theft 2 (RCW
33 9A.56.350(3))
34 Possession of Stolen Property 1 (RCW
35 9A.56.150)

1 Possession of a Stolen Vehicle (RCW
2 9A.56.068)
3 Retail Theft with Special Circumstances
4 2 (RCW 9A.56.360(3))
5 Scrap Processing, Recycling, or
6 Supplying Without a License
7 (second or subsequent offense)
8 (RCW 19.290.100)
9 Theft 1 (RCW 9A.56.030)
10 Theft of a Motor Vehicle (RCW
11 9A.56.065)
12 Theft of Rental, Leased, Lease-
13 purchased, or Loaned Property
14 (valued at five thousand dollars or
15 more) (RCW 9A.56.096(5)(a))
16 Theft with the Intent to Resell 2 (RCW
17 9A.56.340(3))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful factoring of a credit card or
21 payment card transaction (RCW
22 9A.56.290(4)(a))
23 Unlawful Participation of Non-Indians
24 in Indian Fishery (RCW
25 77.15.570(2))
26 Unlawful Practice of Law (RCW
27 2.48.180)
28 Unlawful Purchase or Use of a License
29 (RCW 77.15.650(3)(b))
30 Unlawful Trafficking in Fish, Shellfish,
31 or Wildlife 2 (RCW
32 77.15.260(3)(a))
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Voyeurism 1 (RCW 9A.44.115)

1 I Attempting to Elude a Pursuing Police
2 Vehicle (RCW 46.61.024)
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forgery (RCW 9A.60.020)
6 Fraudulent Creation or Revocation of a
7 Mental Health Advance Directive
8 (RCW 9A.60.060)
9 Malicious Mischief 2 (RCW 9A.48.080)
10 Mineral Trespass (RCW 78.44.330)
11 Possession of Stolen Property 2 (RCW
12 9A.56.160)
13 Reckless Burning 1 (RCW 9A.48.040)
14 Spotlighting Big Game 1 (RCW
15 77.15.450(3)(b))
16 Suspension of Department Privileges 1
17 (RCW 77.15.670(3)(b))
18 Taking Motor Vehicle Without
19 Permission 2 (RCW 9A.56.075)
20 Theft 2 (RCW 9A.56.040)
21 Theft from a Vulnerable Adult 2 (RCW
22 9A.56.400(2))
23 Theft of Rental, Leased, Lease-
24 purchased, or Loaned Property
25 (valued at seven hundred fifty
26 dollars or more but less than five
27 thousand dollars) (RCW
28 9A.56.096(5)(b))
29 Transaction of insurance business
30 beyond the scope of licensure
31 (RCW 48.17.063)
32 Unlawful Fish and Shellfish Catch
33 Accounting (RCW 77.15.630(3)(b))
34 Unlawful Issuance of Checks or Drafts
35 (RCW 9A.56.060)

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

28 NEW SECTION. **Sec. 11.** Sections 1 through 7 of this act
29 constitute a new chapter in Title 9A RCW.

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