

By Representative Goodman

**SB 6133** - H COMM AMD

By Committee on Community Safety, Justice, & Reentry

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50  
4 RCW to read as follows:

5 (1) Each retail outlet must report any attempt or incident of  
6 robbery in the first or second degree at the retail outlet to the  
7 board within 10 days of the attempt or incident.

8 (2) The board's chief enforcement officer must regularly consult  
9 with the Washington state patrol to provide details of attempts or  
10 incidents of robbery in the first or second degree of a retail outlet  
11 and to discuss any evidence that indicates a pattern of, or  
12 coordinated effort by, a criminal enterprise.

13 **Sec. 2.** RCW 9.94A.832 and 2013 c 270 s 1 are each amended to  
14 read as follows:

15 In a criminal case where(~~+~~  
16 ~~(1)The~~) the defendant has been convicted of robbery in the  
17 first degree or robbery in the second degree(~~+~~) and  
18 (~~(2)There~~) there has been a special allegation pleaded and  
19 proven beyond a reasonable doubt that the defendant committed a  
20 robbery of (~~a~~):

21 (1) A pharmacy as defined in RCW 18.64.011(~~(21)~~); or  
22 (2) A cannabis retail outlet, licensed under chapter 69.50 RCW,  
23 and the defendant committed the robbery by using a vehicle to damage  
24 or gain access to the retail outlet; the court shall make a finding  
25 of fact of the special allegation, or if a jury is had, the jury  
26 shall, if it finds the defendant guilty, also find a special verdict  
27 as to the special allegation.

28 **Sec. 3.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are  
29 each reenacted and amended to read as follows:

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

3 (2) For persons convicted of the anticipatory offenses of  
4 criminal attempt, solicitation, or conspiracy under chapter 9A.28  
5 RCW, the standard sentence range is determined by locating the  
6 sentencing grid sentence range defined by the appropriate offender  
7 score and the seriousness level of the completed crime, and  
8 multiplying the range by seventy-five percent.

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

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

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

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

35 (d) If the offender is being sentenced for any firearm  
36 enhancements under (a), (b), and/or (c) of this subsection and the  
37 offender has previously been sentenced for any deadly weapon  
38 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
39 subsection or subsection (4) (a), (b), and/or (c) of this section, or

1 both, all firearm enhancements under this subsection shall be twice  
2 the amount of the enhancement listed;

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

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

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

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

19 (g) If the standard sentence range under this section exceeds the  
20 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 firearm enhancement  
23 increases the sentence so that it would exceed the statutory maximum  
24 for the offense, the portion of the sentence representing the  
25 enhancement may not be reduced.

26 (4) 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 deadly weapon other  
29 than a firearm as defined in RCW 9.41.010 and the offender is being  
30 sentenced for one of the crimes listed in this subsection as eligible  
31 for any deadly weapon enhancements based on the classification of the  
32 completed felony crime. If the offender is being sentenced for more  
33 than one offense, the deadly weapon enhancement or enhancements must  
34 be added to the total period of confinement for all offenses,  
35 regardless of which underlying offense is subject to a deadly weapon  
36 enhancement. If the offender or an accomplice was armed with a deadly  
37 weapon other than a firearm as defined in RCW 9.41.010 and the  
38 offender is being sentenced for an anticipatory offense under chapter  
39 9A.28 RCW to commit one of the crimes listed in this subsection as  
40 eligible for any deadly weapon enhancements, the following additional

1 times shall be added to the standard sentence range determined under  
2 subsection (2) of this section based on the felony crime of  
3 conviction as classified under RCW 9A.28.020:

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

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

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

13 (d) If the offender is being sentenced under (a), (b), and/or (c)  
14 of this subsection for any deadly weapon enhancements and the  
15 offender has previously been sentenced for any deadly weapon  
16 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
17 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
18 both, all deadly weapon enhancements under this subsection shall be  
19 twice the amount of the enhancement listed;

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

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

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

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

36 (g) If the standard sentence range under this section exceeds the  
37 statutory maximum sentence for the offense, the statutory maximum  
38 sentence shall be the presumptive sentence unless the offender is a  
39 persistent offender. If the addition of a deadly weapon enhancement  
40 increases the sentence so that it would exceed the statutory maximum

1 for the offense, the portion of the sentence representing the  
2 enhancement may not be reduced.

3 (5) The following additional times shall be added to the standard  
4 sentence range if the offender or an accomplice committed the offense  
5 while in a county jail or state correctional facility and the  
6 offender is being sentenced for one of the crimes listed in this  
7 subsection. If the offender or an accomplice committed one of the  
8 crimes listed in this subsection while in a county jail or state  
9 correctional facility, and the offender is being sentenced for an  
10 anticipatory offense under chapter 9A.28 RCW to commit one of the  
11 crimes listed in this subsection, the following additional times  
12 shall be added to the standard sentence range determined under  
13 subsection (2) of this section:

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

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

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

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

22 (6) An additional twenty-four months shall be added to the  
23 standard sentence range for any ranked offense involving a violation  
24 of chapter 69.50 RCW if the offense was also a violation of RCW  
25 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
26 run consecutively to all other sentencing provisions, for all  
27 offenses sentenced under this chapter.

28 (7) An additional two years shall be added to the standard  
29 sentence range for vehicular homicide committed while under the  
30 influence of intoxicating liquor or any drug as defined by RCW  
31 46.61.502 for each prior offense as defined in RCW 46.61.5055.

32 Notwithstanding any other provision of law, all impaired driving  
33 enhancements under this subsection are mandatory, shall be served in  
34 total confinement, and shall run consecutively to all other  
35 sentencing provisions, including other impaired driving enhancements,  
36 for all offenses sentenced under this chapter.

37 An offender serving a sentence under this subsection may be  
38 granted an extraordinary medical placement when authorized under RCW  
39 9.94A.728(1)(c).

1 (8)(a) The following additional times shall be added to the  
2 standard sentence range for felony crimes committed on or after July  
3 1, 2006, if the offense was committed with sexual motivation, as that  
4 term is defined in RCW 9.94A.030. If the offender is being sentenced  
5 for more than one offense, the sexual motivation enhancement must be  
6 added to the total period of total confinement for all offenses,  
7 regardless of which underlying offense is subject to a sexual  
8 motivation enhancement. If the offender committed the offense with  
9 sexual motivation and the offender is being sentenced for an  
10 anticipatory offense under chapter 9A.28 RCW, the following  
11 additional times shall be added to the standard sentence range  
12 determined under subsection (2) of this section based on the felony  
13 crime of conviction as classified under RCW 9A.28.020:

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

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

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

22 (iv) If the offender is being sentenced for any sexual motivation  
23 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
24 the offender has previously been sentenced for any sexual motivation  
25 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or  
26 (iii) of this subsection, all sexual motivation enhancements under  
27 this subsection shall be twice the amount of the enhancement listed;

28 (b) Notwithstanding any other provision of law, all sexual  
29 motivation enhancements under this subsection are mandatory, shall be  
30 served in total confinement, and shall run consecutively to all other  
31 sentencing provisions, including other sexual motivation  
32 enhancements, for all offenses sentenced under this chapter. However,  
33 whether or not a mandatory minimum term has expired, an offender  
34 serving a sentence under this subsection may be:

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

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

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

1 (d) If the standard sentence range under this subsection exceeds  
2 the statutory maximum sentence for the offense, the statutory maximum  
3 sentence shall be the presumptive sentence unless the offender is a  
4 persistent offender. If the addition of a sexual motivation  
5 enhancement increases the sentence so that it would exceed the  
6 statutory maximum for the offense, the portion of the sentence  
7 representing the enhancement may not be reduced;

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

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

14 (9) An additional one-year enhancement shall be added to the  
15 standard sentence range for the felony crimes of RCW 9A.44.073,  
16 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
17 or after July 22, 2007, if the offender engaged, agreed, or offered  
18 to engage the victim in the sexual conduct in return for a fee. If  
19 the offender is being sentenced for more than one offense, the  
20 one-year enhancement must be added to the total period of total  
21 confinement for all offenses, regardless of which underlying offense  
22 is subject to the enhancement. If the offender is being sentenced for  
23 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
24 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
25 offender attempted, solicited another, or conspired to engage, agree,  
26 or offer to engage the victim in the sexual conduct in return for a  
27 fee, an additional one-year enhancement shall be added to the  
28 standard sentence range determined under subsection (2) of this  
29 section. For purposes of this subsection, "sexual conduct" means  
30 sexual intercourse or sexual contact, both as defined in chapter  
31 9A.44 RCW.

32 (10)(a) For a person age eighteen or older convicted of any  
33 criminal street gang-related felony offense for which the person  
34 compensated, threatened, or solicited a minor in order to involve the  
35 minor in the commission of the felony offense, the standard sentence  
36 range is determined by locating the sentencing grid sentence range  
37 defined by the appropriate offender score and the seriousness level  
38 of the completed crime, and multiplying the range by one hundred  
39 twenty-five percent. If the standard sentence range under this  
40 subsection exceeds the statutory maximum sentence for the offense,

1 the statutory maximum sentence is the presumptive sentence unless the  
2 offender is a persistent offender.

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

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

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

15 (12) An additional twelve months shall be added to the standard  
16 sentence range for an offense that is also a violation of RCW  
17 9.94A.831.

18 (13) An additional twelve months shall be added to the standard  
19 sentence range for vehicular homicide committed while under the  
20 influence of intoxicating liquor or any drug as defined by RCW  
21 46.61.520 or for vehicular assault committed while under the  
22 influence of intoxicating liquor or any drug as defined by RCW  
23 46.61.522, or for any felony driving under the influence (RCW  
24 46.61.502(6)) or felony physical control under the influence (RCW  
25 46.61.504(6)) for each child passenger under the age of sixteen who  
26 is an occupant in the defendant's vehicle. These enhancements shall  
27 be mandatory, shall be served in total confinement, and shall run  
28 consecutively to all other sentencing provisions, including other  
29 minor child enhancements, for all offenses sentenced under this  
30 chapter. If the addition of a minor child enhancement increases the  
31 sentence so that it would exceed the statutory maximum for the  
32 offense, the portion of the sentence representing the enhancement  
33 shall be mandatory, shall be served in total confinement, and shall  
34 run consecutively to all other sentencing provisions.

35 (14) (a) An additional (~~twelve~~) 12 months shall be added to the  
36 standard sentence range for an offense that is also a violation of  
37 RCW 9.94A.832(1).

38 (b) An additional 12 months may be added to the standard sentence  
39 range for an offense that is also a violation of RCW 9.94A.832(2).



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

6 Correct the title.

EFFECT: Removes language establishing a special allegation for robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual or individuals, but retains language establishing a special allegation for robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet.

Makes discretionary the 12-month sentencing enhancement for the special allegation for robbery in the first or second degree of a licensed cannabis retail outlet.

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