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HOUSE BILL 2362

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State of Washington

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By Representatives J. Kohl, Appelwick, Sommers, Ogden, Wineberry, Thibaudeau, Eide, Jacobsen, Anderson and Caver

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to transfer and possession of pistols and short  
2 firearms; amending RCW 9.41.050, 9.41.070, 9.41.080, 9.41.090,  
3 9.41.095, 9.41.097, 9.41.098, 9.41.110, 9.41.240, 9.41.230, and  
4 13.40.0357; reenacting and amending RCW 9.41.010 and 9.41.040; adding  
5 new sections to chapter 9.41 RCW; and prescribing penalties.

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

7 **Sec. 1.** RCW 9.41.010 and 1992 c 205 s 117 and 1992 c 145 s 5 are  
8 each reenacted and amended to read as follows:

9 (1) "Short firearm" or "pistol" (~~as used in this chapter~~) means  
10 any firearm with a barrel less than twelve inches in length.

11 (2) "Crime of violence" (~~as used in this chapter~~) means:

12 (a) Any of the following felonies, as now existing or hereafter  
13 amended: Any felony defined under any law as a class A felony or an  
14 attempt to commit a class A felony, criminal solicitation of or  
15 criminal conspiracy to commit a class A felony, manslaughter in the  
16 first degree, manslaughter in the second degree, indecent liberties if  
17 committed by forcible compulsion, rape in the second degree, kidnapping  
18 in the second degree, arson in the second degree, assault in the second  
19 degree, assault of a child in the second degree, extortion in the first

1 degree, burglary in the second degree, and robbery in the second  
2 degree;

3 (b) Any conviction or adjudication for a felony offense in effect  
4 at any time prior to July 1, 1976, which is comparable to a felony  
5 classified as a crime of violence in subsection (2)(a) of this section;  
6 and

7 (c) Any federal or out-of-state conviction or adjudication for an  
8 offense comparable to a felony classified as a crime of violence under  
9 subsection (2) (a) or (b) of this section.

10 (3) "Firearm" (~~((as used in this chapter))~~) means a weapon or device  
11 from which a projectile may be fired by an explosive such as gunpowder.

12 (4) "Commercial seller" (~~((as used in this chapter))~~) means a person  
13 who has a federal firearms license.

14 (5) "Person" if referring to anyone selling, giving, or  
15 transferring possession of a firearm to another person means and  
16 includes, but is not limited to, any donor, bailor, seller, transferor,  
17 lender, lessor, manufacturer, distributor, or commercial seller of the  
18 firearm. If used in reference to a person to whom possession of a  
19 firearm is to be given or transferred, "person" means and includes, but  
20 is not limited to, any purchaser, borrower, donee, bailee, transferee,  
21 lessee, or user of the firearm.

22 **Sec. 2.** RCW 9.41.040 and 1992 c 205 s 118 and 1992 c 168 s 2 are  
23 each reenacted and amended to read as follows:

24 (1) A person is guilty of the crime of unlawful possession of a  
25 (~~short~~) firearm (~~(or pistol)~~), if(~~(-)~~): (a) Having previously been  
26 convicted or, as a juvenile, adjudicated in this state or elsewhere of  
27 a crime of violence or of a felony in which a firearm was used or  
28 displayed, the person owns or has in his or her possession any short  
29 firearm or pistol or; (b) except as provided in RCW 9.41.240, the  
30 person is under eighteen years of age and is in possession of any  
31 firearm.

32 (2) Unlawful possession of a (~~short~~) firearm (~~(or pistol)~~) shall  
33 be punished as a class C felony under chapter 9A.20 RCW.

34 (3) As used in this section, a person has been "convicted or  
35 adjudicated" at such time as a plea of guilty has been accepted or a  
36 verdict of guilty has been filed, notwithstanding the pendency of any  
37 future proceedings including but not limited to sentencing or  
38 disposition, post-trial or post-factfinding motions, and appeals. A

1 person shall not be precluded from possession if the conviction or  
2 adjudication has been the subject of a pardon, annulment, certificate  
3 of rehabilitation, or other equivalent procedure based on a finding of  
4 the rehabilitation of the person convicted or adjudicated or the  
5 conviction or disposition has been the subject of a pardon, annulment,  
6 or other equivalent procedure based on a finding of innocence.

7 ~~(4) ((Except as provided in subsection (5) of this section,))~~ A  
8 person is guilty of the crime of unlawful possession of a ~~((short))~~  
9 firearm or pistol if, after having been convicted or adjudicated of any  
10 felony violation of the uniform controlled substances act, chapter  
11 69.50 RCW, or equivalent statutes of another jurisdiction, the person  
12 owns or has in his or her possession or under his or her control any  
13 ~~((short))~~ firearm or pistol.

14 ~~(5) ((Notwithstanding subsection (1) of this section, a person  
15 convicted of an offense other than murder, manslaughter, robbery, rape,  
16 indecent liberties, arson, assault, kidnapping, extortion, burglary, or  
17 violations with respect to controlled substances under RCW 69.50.401(a)  
18 and 69.50.410, who received a probationary sentence under RCW 9.95.200,  
19 and who received a dismissal of the charge under RCW 9.95.240, shall  
20 not be precluded from ownership, possession, or control of a firearm as  
21 a result of the conviction.~~

22 ~~(6))~~(a) A person who has been committed by court order for  
23 treatment of mental illness under RCW 71.05.320 or chapter 10.77 RCW,  
24 or equivalent statutes of another jurisdiction, may not possess, in any  
25 manner, a firearm as defined in RCW 9.41.010.

26 (b) At the time of commitment, the court shall specifically state  
27 to the person under (a) of this subsection and give the person notice  
28 in writing that the person is barred from possession of firearms.

29 (c) The secretary of social and health services shall develop  
30 appropriate rules to create an approval process under this subsection.  
31 The rules must provide for the immediate restoration of the right to  
32 possess a firearm upon a showing in a court of competent jurisdiction  
33 that a person no longer is required to participate in an inpatient or  
34 outpatient treatment program, and is no longer required to take  
35 medication to treat any condition related to the commitment. Unlawful  
36 possession of a firearm under this subsection shall be punished as a  
37 class C felony under chapter 9A.20 RCW.

1       **Sec. 3.** RCW 9.41.050 and 1982 1st ex.s. c 47 s 3 are each amended  
2 to read as follows:

3       (1) Except in the person's place of abode or fixed place of  
4 business, a person shall not carry a pistol concealed on his or her  
5 person without a license to carry a concealed weapon.

6       (2) A person who is in possession of an unloaded (~~pistol~~) firearm  
7 shall not leave the unloaded (~~pistol~~) firearm in a vehicle unless the  
8 unloaded (~~pistol~~) firearm is locked within the vehicle and concealed  
9 from view from outside the vehicle.

10       (3) Except as provided in RCW 77.32.238, a person shall not carry  
11 or place a loaded (~~pistol~~) firearm in any vehicle (~~unless the person~~  
12 has a license to carry a concealed weapon and: (a) ~~The pistol is on~~  
13 ~~the licensee's person, (b) the licensee is within the vehicle at all~~  
14 ~~times that the pistol is there, or (c) the licensee is away from the~~  
15 ~~vehicle and the pistol is locked within the vehicle and concealed from~~  
16 ~~view from outside the vehicle)).~~

17       **Sec. 4.** RCW 9.41.070 and 1992 c 168 s 1 are each amended to read  
18 as follows:

19       (1) The judge of a court of record, the chief of police of a  
20 municipality, or the sheriff of a county, shall within thirty days  
21 after the filing of an application of any person issue a license to  
22 such person to carry a pistol concealed on his or her person within  
23 this state for four years from date of issue, for the purposes of  
24 protection or while engaged in business, sport, or while traveling.  
25 However, if the applicant does not have a valid permanent Washington  
26 driver's license or Washington state identification card or has not  
27 been a resident of the state for the previous consecutive ninety days,  
28 the issuing authority shall have up to sixty days after the filing of  
29 the application to issue a license. Such applicant's constitutional  
30 right to bear arms shall not be denied, unless he or she:

31       (a) Is ineligible to own a pistol under the provisions of RCW  
32 9.41.040; or

33       (b) Is under (~~twenty-one~~) eighteen years of age; or

34       (c) Is subject to a court order or injunction regarding firearms  
35 pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

36       (d) Is free on bond or personal recognizance pending trial, appeal,  
37 or sentencing for a crime of violence; or

1 (e) Has an outstanding warrant for his or her arrest from any court  
2 of competent jurisdiction for a felony or misdemeanor; or

3 (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d)  
4 within one year before filing an application to carry a pistol  
5 concealed on his or her person; or

6 (g) Has been convicted of any of the following offenses: Assault  
7 in the third degree, indecent liberties, malicious mischief in the  
8 first degree, possession of stolen property in the first or second  
9 degree, or theft in the first or second degree. Any person who becomes  
10 ineligible for a concealed pistol permit as a result of a conviction  
11 for a crime listed in this subsection (1)(g) and then successfully  
12 completes all terms of his or her sentence, as evidenced by a  
13 certificate of discharge issued under RCW 9.94A.220 in the case of a  
14 sentence under chapter 9.94A RCW, and has not again been convicted of  
15 any crime and is not under indictment for any crime, may, one year or  
16 longer after such successful sentence completion, petition the district  
17 court for a declaration that the person is no longer ineligible for a  
18 concealed pistol permit under this subsection (1)(g).

19 (2) Any person whose firearms rights have been restricted and who  
20 has been granted relief from disabilities by the secretary of the  
21 treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C.  
22 Sec. 921(a)(20) shall have his or her right to acquire, receive,  
23 transfer, ship, transport, carry, and possess firearms in accordance  
24 with Washington state law restored.

25 (3) The license shall be revoked by the issuing authority  
26 immediately upon conviction of a crime which makes such a person  
27 ineligible to own a pistol or upon the third conviction for a violation  
28 of this chapter within five calendar years.

29 (4) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the  
30 issuing authority shall:

31 (a) On the first forfeiture, revoke the license for one year;

32 (b) On the second forfeiture, revoke the license for two years;

33 (c) On the third or subsequent forfeiture, revoke the license for  
34 five years.

35 Any person whose license is revoked as a result of a forfeiture of a  
36 firearm under RCW 9.41.098(1)(d) may not reapply for a new license  
37 until the end of the revocation period. The issuing authority shall  
38 notify, in writing, the department of licensing upon revocation of a  
39 license. The department of licensing shall record the revocation.

1 (5) The license shall be in triplicate, in form to be prescribed by  
2 the department of licensing, and shall bear the name, address, and  
3 description, fingerprints, and signature of the licensee, and the  
4 licensee's driver's license number or state identification card number  
5 if used for identification in applying for the license. The license  
6 application shall contain a warning substantially as follows:

7 CAUTION: Although state and local laws do not differ, federal  
8 law and state law on the possession of firearms differ. If you  
9 are prohibited by federal law from possessing a firearm, you  
10 may be prosecuted in federal court. A state license is not a  
11 defense to a federal prosecution.

12 The license application shall contain a description of the major  
13 differences between state and federal law and an explanation of the  
14 fact that local laws and ordinances on firearms are preempted by state  
15 law and must be consistent with state law. The application shall  
16 contain questions about the applicant's place of birth, whether the  
17 applicant is a United States citizen, and if not a citizen whether the  
18 applicant has declared the intent to become a citizen and whether he or  
19 she has been required to register with the state or federal government  
20 and any identification or registration number, if applicable. The  
21 applicant shall not be required to produce a birth certificate or other  
22 evidence of citizenship. An applicant who is not a citizen shall  
23 provide documentation showing resident alien status and the applicant's  
24 intent to become a citizen. A person who makes a false statement  
25 regarding citizenship on the application is guilty of a misdemeanor. A  
26 person who is not a citizen of the United States, or has not declared  
27 his or her intention to become a citizen shall meet the additional  
28 requirements of RCW 9.41.170.

29 The original thereof shall be delivered to the licensee, the  
30 duplicate shall within seven days be sent by registered mail to the  
31 director of licensing and the triplicate shall be preserved for six  
32 years, by the authority issuing said license.

33 (6) The fee for the original issuance of a four-year license shall  
34 be twenty-three dollars: PROVIDED, That no other additional charges by  
35 any branch or unit of government shall be borne by the applicant for  
36 the issuance of the license: PROVIDED FURTHER, That the fee shall be  
37 distributed as follows:

38 (a) Four dollars shall be paid to the state general fund;

1 (b) Four dollars shall be paid to the agency taking the  
2 fingerprints of the person licensed;

3 (c) Twelve dollars shall be paid to the issuing authority for the  
4 purpose of enforcing this chapter; and

5 (d) Three dollars to the firearms range account in the general  
6 fund.

7 (7) The fee for the renewal of such license shall be fifteen  
8 dollars: PROVIDED, That no other additional charges by any branch or  
9 unit of government shall be borne by the applicant for the renewal of  
10 the license: PROVIDED FURTHER, That the fee shall be distributed as  
11 follows:

12 (a) Four dollars shall be paid to the state general fund;

13 (b) Eight dollars shall be paid to the issuing authority for the  
14 purpose of enforcing this chapter; and

15 (c) Three dollars to the firearms range account in the general  
16 fund.

17 (8) Payment shall be by cash, check, or money order at the option  
18 of the applicant. Additional methods of payment may be allowed at the  
19 option of the issuing authority.

20 (9) A licensee may renew a license if the licensee applies for  
21 renewal within ninety days before or after the expiration date of the  
22 license. A license so renewed shall take effect on the expiration date  
23 of the prior license. A licensee renewing after the expiration date of  
24 the license must pay a late renewal penalty of ten dollars in addition  
25 to the renewal fee specified in subsection (7) of this section. The  
26 fee shall be distributed as follows:

27 (a) Three dollars shall be deposited in the state wildlife fund and  
28 used exclusively for the printing and distribution of a pamphlet on the  
29 legal limits of the use of firearms, firearms safety, and the  
30 preemptive nature of state law. The pamphlet shall be given to each  
31 applicant for a license; and

32 (b) Seven dollars shall be paid to the issuing authority for the  
33 purpose of enforcing this chapter.

34 (10) Notwithstanding the requirements of subsections (1) through  
35 (9) of this section, the chief of police of the municipality or the  
36 sheriff of the county of the applicant's residence may issue a  
37 temporary emergency license for good cause pending review under  
38 subsection (1) of this section.

1 (11) A political subdivision of the state shall not modify the  
2 requirements of this section or chapter, nor may a political  
3 subdivision ask the applicant to voluntarily submit any information not  
4 required by this section. A civil suit may be brought to enjoin a  
5 wrongful refusal to issue a license or a wrongful modification of the  
6 requirements of this section or chapter. The civil suit may be brought  
7 in the county in which the application was made or in Thurston county  
8 at the discretion of the petitioner. Any person who prevails against  
9 a public agency in any action in the courts for a violation of this  
10 chapter shall be awarded costs, including reasonable attorneys' fees,  
11 incurred in connection with such legal action.

12 **Sec. 5.** RCW 9.41.080 and 1935 c 172 s 8 are each amended to read  
13 as follows:

14 No person shall deliver a pistol to any person under the age of  
15 twenty-one or to one who he or she has reasonable cause to believe has  
16 been convicted of a crime of violence, or is a drug addict, an habitual  
17 drunkard, or of unsound mind. A violation of this section is a class  
18 C felony.

19 **Sec. 6.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as  
20 follows:

21 (1) In addition to the other requirements of this chapter, no  
22 commercial seller or other person shall deliver a pistol to ((the)) a  
23 purchaser ((thereof)) or to any other person until:

24 (a) The purchaser or other person intended to receive possession of  
25 the firearm produces a valid concealed pistol license and the  
26 commercial seller or other person delivering possession of the firearm  
27 has recorded the purchaser's name, license number, and detailed  
28 identification of the firearm to be delivered and has notified the  
29 issuing agency, such record to be made in triplicate and processed as  
30 provided in subsection (4) of this section; or

31 (b) The seller or other person delivering possession of the firearm  
32 is notified in writing by the chief of police of the municipality or  
33 the sheriff of the county that the purchaser or other person intended  
34 to receive possession of the firearm meets the requirements of RCW  
35 9.41.040 and that the application to purchase or transfer possession is  
36 granted(~~;~~~~or~~



1       ~~(c) Five consecutive days including Saturday, Sunday and holidays~~  
2 ~~have elapsed from the time of receipt of the application for the~~  
3 ~~purchase thereof as provided herein by the chief of police or sheriff~~  
4 ~~designated in subsection (4) of this section, and, when delivered, said~~  
5 ~~pistol shall be securely wrapped and shall be unloaded. However, if~~  
6 ~~the purchaser does not have a valid permanent Washington driver's~~  
7 ~~license or state identification card or has not been a resident of the~~  
8 ~~state for the previous consecutive ninety days, the waiting period~~  
9 ~~under this subsection (1)(c) shall be up to sixty days.~~

10       ~~(2) In any case under subsection (1)(c) of this section where the~~  
11 ~~applicant has an outstanding warrant for his or her arrest from any~~  
12 ~~court of competent jurisdiction for a felony or misdemeanor, the seller~~  
13 ~~shall hold the delivery of the pistol until the warrant for arrest is~~  
14 ~~served and satisfied by appropriate court appearance. The local~~  
15 ~~jurisdiction for purposes of the sale shall confirm the existence of~~  
16 ~~outstanding warrants within seventy two hours after notification of the~~  
17 ~~application to purchase a pistol is received. The local jurisdiction~~  
18 ~~shall also immediately confirm the satisfaction of the warrant on~~  
19 ~~request of the seller so that the hold may be released if the warrant~~  
20 ~~was for a crime other than a crime of violence)).~~

21       ~~((3))~~ (2) In any case where the chief or sheriff of the local  
22 jurisdiction has reasonable grounds based on the following  
23 circumstances: (a) Open criminal charges~~((τ))~~i (b) pending criminal  
24 proceedings~~((τ))~~i (c) pending commitment proceedings~~((τ))~~i (d) an  
25 outstanding warrant for a crime of violence~~((τ-ør))~~i (e) an arrest for  
26 a crime of violence if the records of disposition have not yet been  
27 reported or entered sufficiently to determine eligibility to purchase  
28 a pistol; (f) conviction for any violation of the uniform controlled  
29 substances act; (g) a conviction for violation of the domestic violence  
30 protection act, chapter 26.50 RCW; or (h) commitment by court order for  
31 treatment of mental illness under RCW 71.05.320 or chapter 10.77 RCW,  
32 or equivalent statutes of another jurisdiction, the local jurisdiction  
33 may hold either the sale ((and)) or delivery, or both, of the ((pistol  
34 beyond five days)) firearm up to ((thirty)) sixty days in order to  
35 confirm existing records in this state or elsewhere. After ((thirty))  
36 sixty days, the hold will be lifted unless an extension of the  
37 ((thirty)) sixty days is approved by a local district court or  
38 municipal court for good cause shown. An applicant shall be notified  
39 of each hold placed on the sale by local law enforcement and of any

1 application to the court for additional hold period to confirm records  
2 or confirm the identity of the applicant.

3 ~~((4))~~ (3) At the time of applying for possession or the purchase  
4 of a pistol, the purchaser or other person seeking possession shall  
5 sign in triplicate and deliver to the seller or other person  
6 transferring possession an application containing his or her full name,  
7 address, place of birth, and the date and hour of the application; the  
8 applicant's driver's license number or state identification card  
9 number; and a description of the weapon including, the make, model,  
10 caliber and manufacturer's number; and a statement that the purchaser  
11 or person seeking possession is eligible to own a pistol under RCW  
12 9.41.040. The application shall contain a warning substantially as  
13 follows:

14 CAUTION: Although state and local laws do not differ, federal  
15 law and state law on the possession of firearms differ. If you  
16 are prohibited by federal law from possessing a firearm, you  
17 may be prosecuted in federal court. State permission to  
18 purchase a firearm is not a defense to a federal prosecution.

19 The purchaser or other person seeking possession shall be given a copy  
20 of the department of fish and wildlife pamphlet on the legal limits of  
21 the use of firearms, firearms safety, and the fact that local laws and  
22 ordinances on firearms are preempted by state law and must be  
23 consistent with state law.

24 The seller or other person transferring possession of the firearm  
25 shall, by the end of the business day, sign and attach his or her  
26 address and deliver the original of the application and such other  
27 documentation as required under subsection (1) of this section to the  
28 chief of police of the municipality or the sheriff of the county of  
29 which the seller is a resident. The seller or other person  
30 transferring possession shall deliver the pistol to the purchaser  
31 ~~((following the period of time specified in this section))~~ or other  
32 person seeking possession unless the seller or other person  
33 transferring possession is notified in writing by the chief of police  
34 of the municipality or the sheriff of the county, whichever is  
35 applicable, denying the purchaser's application to purchase and the  
36 grounds thereof. The application shall not be denied unless the  
37 purchaser or other person seeking possession fails to meet the  
38 requirements specified in RCW 9.41.040. The chief of police of the

1 municipality or the county sheriff shall maintain a file containing the  
2 original of the application to purchase or receive possession of a  
3 pistol.

4 **Sec. 7.** RCW 9.41.095 and 1969 ex.s. c 227 s 3 are each amended to  
5 read as follows:

6 Any person whose application to purchase or receive a pistol as  
7 provided in RCW 9.41.090 as now or hereinafter amended is denied shall  
8 have a right to appeal to the legislative body of the municipality or  
9 of the county, whichever is applicable, for a review of the denial at  
10 a public hearing to be conducted within fifteen days after denial. It  
11 shall be the duty of the law enforcement officer recommending the  
12 denial to appear at such hearing and to present proof relating to the  
13 grounds for denial. In the event that the evidence so presented does  
14 not sustain one of the grounds for denial enumerated in RCW 9.41.090,  
15 the legislative authority shall authorize the sale.

16 Any person aggrieved by a determination of the appropriate  
17 legislative body not to permit the sale of such weapon is entitled to  
18 judicial review by the superior court in the appropriate county.

19 **Sec. 8.** RCW 9.41.097 and 1983 c 232 s 5 are each amended to read  
20 as follows:

21 The department of social and health services, mental health  
22 institutions, and other health care facilities shall, upon request of  
23 a court or law enforcement agency, supply such relevant information as  
24 is necessary to determine the eligibility of a person to possess a  
25 pistol under RCW 9.41.040(5), or to be issued a concealed pistol  
26 license under RCW 9.41.070 or to purchase or receive a pistol under RCW  
27 9.41.090. Such information shall be used exclusively for the purposes  
28 specified in this section and shall not be made available for public  
29 inspection except by the person who is the subject of the information.

30 **Sec. 9.** RCW 9.41.098 and 1993 c 243 s 1 are each amended to read  
31 as follows:

32 (1) The superior courts and the courts of limited jurisdiction of  
33 the state may order forfeiture of a firearm which is proven to be:

34 (a) Found concealed on a person not authorized by RCW 9.41.060 or  
35 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute  
36 defense to forfeiture if the person possessed a valid Washington

1 concealed pistol license within the preceding two years and has not  
2 become ineligible for a concealed pistol license in the interim.  
3 Before the firearm may be returned, the person must pay the past due  
4 renewal fee and the current renewal fee;

5 (b) (~~Commercially sold~~) Transferred to any person without an  
6 application as required by RCW 9.41.090;

7 (c) Found in the possession or under the control of a person at the  
8 time the person committed or was arrested for committing a crime of  
9 violence or a crime in which a firearm was used or displayed or a  
10 felony violation of the Uniform Controlled Substances Act, chapter  
11 69.50 RCW;

12 (d) Found concealed on a person who is in any place in which a  
13 concealed pistol license is required, and who is under the influence of  
14 any drug or under the influence of intoxicating liquor, having 0.10  
15 grams or more of alcohol per two hundred ten liters of breath or 0.10  
16 percent or more by weight of alcohol in the person's blood, as shown by  
17 analysis of the person's breath, blood, or other bodily substance;

18 (e) Found in the possession of a person prohibited from possessing  
19 the firearm under RCW 9.41.040;

20 (f) Found in the possession of a person free on bail or personal  
21 recognizance pending trial, appeal, or sentencing for a crime of  
22 violence or a crime in which a firearm was used or displayed, except  
23 that violations of Title 77 RCW shall not result in forfeiture under  
24 this section;

25 (g) Found in the possession of a person found to have been mentally  
26 incompetent while in possession of a firearm when apprehended or who is  
27 thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

28 (h) Known to have been used or displayed by a person in the  
29 violation of a proper written order of a court of general jurisdiction;  
30 or

31 (i) Known to have been used in the commission of a crime of  
32 violence or a crime in which a firearm was used or displayed or a  
33 felony violation of the (~~Uniformed [Uniform]~~) Uniform Controlled  
34 Substances Act, chapter 69.50 RCW.

35 (2) Upon order of forfeiture, the court in its discretion shall  
36 order destruction of any firearm that is illegal for any person to  
37 possess. A court may temporarily retain forfeited firearms needed for  
38 evidence.

1 (a) Except as provided in (b), (c), and (d) of this subsection,  
2 firearms that are: (i) Judicially forfeited and no longer needed for  
3 evidence; or (ii) forfeited due to a failure to make a claim under RCW  
4 63.32.010 or 63.40.010; may be disposed of in any manner determined by  
5 the local legislative authority. Any proceeds of an auction or trade  
6 may be retained by the legislative authority. This subsection (2)(a)  
7 applies only to firearms that come into the possession of the law  
8 enforcement agency after June 30, 1993, and applies only if the law  
9 enforcement agency has complied with (b) of this subsection.

10 By midnight, June 30, 1993, every law enforcement agency shall  
11 prepare an inventory, under oath, of every firearm that has been  
12 judicially forfeited, has been seized and may be subject to judicial  
13 forfeiture, or that has been, or may be, forfeited due to a failure to  
14 make a claim under RCW 63.32.010 or 63.40.010.

15 (b) Except as provided in (c) of this subsection, of the  
16 inventoried firearms a law enforcement agency shall destroy illegal  
17 firearms, may retain a maximum of ten percent of legal forfeited  
18 firearms for agency use, and shall either:

19 (i) Comply with the provisions for the auction of firearms in RCW  
20 9.41.098 that were in effect immediately preceding May 7, 1993; or

21 (ii) Trade, auction, or arrange for the auction of, rifles and  
22 shotguns. In addition, the law enforcement agency shall either trade,  
23 auction, or arrange for the auction of, short firearms, or shall pay a  
24 fee of twenty-five dollars to the state treasurer for every short  
25 firearm neither auctioned nor traded, to a maximum of fifty thousand  
26 dollars. The fees shall be accompanied by an inventory, under oath, of  
27 every short firearm listed in the inventory required by (a) of this  
28 subsection, that has been neither traded nor auctioned. The state  
29 treasurer shall credit the fees to the firearms range account  
30 established in RCW 77.12.720. All trades or auctions of firearms under  
31 this subsection shall be to commercial sellers. Proceeds of any  
32 auction less costs, including actual costs of storage and sale, shall  
33 be forwarded to the firearms range account established in RCW  
34 77.12.720.

35 (c) Antique firearms as defined by RCW 9.41.150 and firearms  
36 recognized as curios, relics, and firearms of particular historical  
37 significance by the United States treasury department bureau of  
38 alcohol, tobacco, and firearms are exempt from destruction and shall be  
39 disposed of by auction or trade to commercial sellers.

1 (d) Firearms in the possession of the Washington state patrol on or  
2 after May 7, 1993, that are judicially forfeited and no longer needed  
3 for evidence, or forfeited due to a failure to make a claim under RCW  
4 63.35.020, must be disposed of as follows: (i) Firearms illegal for  
5 any person to possess must be destroyed; (ii) the Washington state  
6 patrol may retain a maximum of ten percent of legal firearms for agency  
7 use; and (iii) all other legal firearms must be auctioned or traded to  
8 commercial sellers. The Washington state patrol may retain any  
9 proceeds of an auction or trade.

10 (3) The court shall order the firearm returned to the owner upon a  
11 showing that there is no probable cause to believe a violation of  
12 subsection (1) of this section existed or the firearm was stolen from  
13 the owner or the owner neither had knowledge of nor consented to the  
14 act or omission involving the firearm which resulted in its forfeiture.

15 (4) A law enforcement officer of the state or of any county or  
16 municipality may confiscate a firearm found to be in the possession of  
17 a person under circumstances specified in subsection (1) of this  
18 section. After confiscation, the firearm shall not be surrendered  
19 except: (a) To the prosecuting attorney for use in subsequent legal  
20 proceedings; (b) for disposition according to an order of a court  
21 having jurisdiction as provided in subsection (1) of this section; or  
22 (c) to the owner if the proceedings are dismissed or as directed in  
23 subsection (3) of this section.

24 **Sec. 10.** RCW 9.41.110 and 1979 c 158 s 2 are each amended to read  
25 as follows:

26 The duly constituted licensing authorities of any city, town, or  
27 political subdivision of this state shall grant licenses in forms  
28 prescribed by the director of licensing effective for not more than one  
29 year from the date of issue permitting the licensee to sell pistols  
30 within this state subject to the following conditions, for breach of  
31 any of which the license shall be forfeited and the licensee subject to  
32 punishment as provided in RCW 9.41.010 through 9.41.160.

33 (1) The business shall be carried on only in the building  
34 designated in the license and the licensee, or partners, or corporate  
35 officers of the licensee shall be approved by the sheriff of the county  
36 or chief of police of the city or town in which the licensee does  
37 business to be eligible to purchase a pistol as provided in RCW  
38 9.41.090.

1 (2) The license or a copy thereof, certified by the issuing  
2 authority, shall be displayed on the premises where it can easily be  
3 read.

4 (3) No pistol shall be sold (a) in violation of any provisions of  
5 RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any  
6 circumstances unless the purchaser is personally known to the seller or  
7 shall present clear evidence of his or her identity.

8 (4) A true record in triplicate shall be made of every pistol sold,  
9 in a book kept for the purpose, the form of which may be prescribed by  
10 the director of licensing and shall be personally signed by the  
11 purchaser and by the person effecting the sale, each in the presence of  
12 the other, and shall contain the date of sale, the caliber, make, model  
13 and manufacturer's number of the weapon, the name, address, occupation,  
14 color and place of birth of the purchaser and a statement signed by the  
15 purchaser that he or she has never been convicted in this state or  
16 elsewhere of a crime of violence. One copy shall within six hours be  
17 sent by registered mail to the chief of police of the municipality or  
18 the sheriff of the county of which the dealer is a resident; the  
19 duplicate the dealer shall within seven days send to the director of  
20 licensing; the triplicate the dealer shall retain for six years.

21 (5) This section shall not apply to sales at wholesale.

22 (6) The dealer's licenses authorized to be issued by this section  
23 are general licenses covering all sales by the licensee within the  
24 effective period of the licenses.

25 (7) Except as provided in RCW 9.41.090 as now or hereinafter  
26 amended, every city, town and political subdivision of this state is  
27 prohibited from requiring the purchaser to secure a permit to purchase  
28 or from requiring the dealer to secure an individual permit for each  
29 sale.

30 The fee paid for issuing (~~said~~) the license shall be (~~five~~) one  
31 hundred dollars which fee shall be (~~paid into the state treasury~~)  
32 retained by the local jurisdiction issuing the license.

33 **Sec. 11.** RCW 9.41.240 and 1971 c 34 s 1 are each amended to read  
34 as follows:

35 No (~~minor~~) person under the age of (~~fourteen~~) eighteen years  
36 shall handle or have in his or her possession or under his or her  
37 control, except while accompanied by or under the immediate charge of  
38 his or her parent or guardian or other adult approved for the purpose

1 of this section by the parent or guardian, or while under the  
2 supervision of a certified safety instructor at an established gun  
3 range or firearm training class, any firearm of any kind for hunting or  
4 target practice or for other purposes. Every person (~~violating any of~~  
5 ~~the foregoing provisions, or~~) aiding or knowingly permitting any  
6 (~~such minor~~) person under the age of eighteen years to violate (~~the~~  
7 ~~same~~) this section, shall be guilty of a misdemeanor.

8 **Sec. 12.** RCW 9.41.230 and 1909 c 249 s 307 are each amended to  
9 read as follows:

10 Every person who shall aim any gun, pistol, revolver or other  
11 firearm, whether loaded or not, at or towards any human being, or who  
12 shall willfully discharge any firearm, air gun or other weapon, or  
13 throw any deadly missile in a public place, or in any place where any  
14 person might be endangered thereby, although no injury result, shall be  
15 guilty of a (~~misdemeanor~~) class C felony.

16 NEW SECTION. **Sec. 13.** A new section is added to chapter 9.41 RCW  
17 to read as follows:

18 Any person who gives or acquires possession of any pistol or short  
19 firearm in violation of this chapter is absolutely and strictly liable  
20 for any damage to any person or the property of any person that occurs  
21 as the direct and proximate use of or threat of use of the firearm.  
22 Any firearm found in the possession of any person in the state of  
23 Washington that has been acquired in violation of this chapter after  
24 the effective date of this act is subject to confiscation and  
25 forfeiture as provided in RCW 9.41.098.

26 **Sec. 14.** RCW 13.40.0357 and 1989 c 407 s 7 are each amended to  
27 read as follows:

28 SCHEDULE A

29 DESCRIPTION AND OFFENSE CATEGORY

| 30 |                                     | JUVENILE              |
|----|-------------------------------------|-----------------------|
| 31 | JUVENILE                            | DISPOSITION           |
| 32 | DISPOSITION                         | CATEGORY FOR ATTEMPT, |
| 33 | OFFENSE                             | BAILJUMP, CONSPIRACY, |
| 34 | CATEGORY DESCRIPTION (RCW CITATION) | OR SOLICITATION       |
| 35 | .....                               | .....                 |



|    |    |                                   |    |
|----|----|-----------------------------------|----|
| 1  |    | Arson and Malicious Mischief      |    |
| 2  | A  | Arson 1 (9A.48.020)               | B+ |
| 3  | B  | Arson 2 (9A.48.030)               | C  |
| 4  | C  | Reckless Burning 1 (9A.48.040)    | D  |
| 5  | D  | Reckless Burning 2 (9A.48.050)    | E  |
| 6  | B  | Malicious Mischief 1 (9A.48.070)  | C  |
| 7  | C  | Malicious Mischief 2 (9A.48.080)  | D  |
| 8  | D  | Malicious Mischief 3 (<\$50 is    |    |
| 9  |    | E class) (9A.48.090)              | E  |
| 10 | E  | Tampering with Fire Alarm         |    |
| 11 |    | Apparatus (9.40.100)              | E  |
| 12 | A  | Possession of Incendiary Device   |    |
| 13 |    | (9.40.120)                        | B+ |
| 14 |    | Assault and Other Crimes          |    |
| 15 |    | Involving Physical Harm           |    |
| 16 | A  | Assault 1 (9A.36.011)             | B+ |
| 17 | B+ | Assault 2 (9A.36.021)             | C+ |
| 18 | C+ | Assault 3 (9A.36.031)             | D+ |
| 19 | D+ | Assault 4 (9A.36.041)             | E  |
| 20 | D+ | Reckless Endangerment             |    |
| 21 |    | (9A.36.050)                       | E  |
| 22 | C+ | Promoting Suicide Attempt         |    |
| 23 |    | (9A.36.060)                       | D+ |
| 24 | D+ | Coercion (9A.36.070)              | E  |
| 25 | C+ | Custodial Assault (9A.36.100)     | D+ |
| 26 |    | Burglary and Trespass             |    |
| 27 | B+ | Burglary 1 (9A.52.020)            | C+ |
| 28 | B  | Burglary 2 (9A.52.030)            | C  |
| 29 | D  | Burglary Tools (Possession of)    |    |
| 30 |    | (9A.52.060)                       | E  |
| 31 | D  | Criminal Trespass 1 (9A.52.070)   | E  |
| 32 | E  | Criminal Trespass 2 (9A.52.080)   | E  |
| 33 | D  | Vehicle Prowling (9A.52.100)      | E  |
| 34 |    | Drugs                             |    |
| 35 | E  | Possession/Consumption of Alcohol |    |
| 36 |    | (66.44.270)                       | E  |

|    |    |   |    |
|----|----|---|----|
| 1  | C  | Illegally Obtaining Legend Drug         |    |
| 2  |    | (69.41.020)                             | D  |
| 3  | C+ | Sale, Delivery, Possession of Legend    |    |
| 4  |    | Drug with Intent to Sell                |    |
| 5  |    | (69.41.030)                             | D+ |
| 6  | E  | Possession of Legend Drug               |    |
| 7  |    | (69.41.030)                             | E  |
| 8  | B+ | Violation of Uniform Controlled         |    |
| 9  |    | Substances Act - Narcotic Sale          |    |
| 10 |    | (69.50.401(a)(1)(i))                    | B+ |
| 11 | C  | Violation of Uniform Controlled         |    |
| 12 |    | Substances Act - Nonnarcotic Sale       |    |
| 13 |    | (69.50.401(a)(1)(ii))                   | C  |
| 14 | E  | Possession of Marihuana <40 grams       |    |
| 15 |    | (69.50.401(e))                          | E  |
| 16 | C  | Fraudulently Obtaining Controlled       |    |
| 17 |    | Substance (69.50.403)                   | C  |
| 18 | C+ | Sale of Controlled Substance            |    |
| 19 |    | for Profit (69.50.410)                  | C+ |
| 20 | E  | <del>((Glue Sniffing (9.47A.050))</del> | E  |
| 21 |    | <u>Unlawful Inhalation (9.47A.020)</u>  |    |
| 22 | B  | Violation of Uniform Controlled         |    |
| 23 |    | Substances Act - Narcotic               |    |
| 24 |    | Counterfeit Substances                  |    |
| 25 |    | (69.50.401(b)(1)(i))                    | B  |
| 26 | C  | Violation of Uniform Controlled         |    |
| 27 |    | Substances Act - Nonnarcotic            |    |
| 28 |    | Counterfeit Substances                  |    |
| 29 |    | (69.50.401(b)(1) (ii), (iii), (iv))     | C  |
| 30 | C  | Violation of Uniform Controlled         |    |
| 31 |    | Substances Act - Possession of a        |    |
| 32 |    | Controlled Substance                    |    |
| 33 |    | (69.50.401(d))                          | C  |
| 34 | C  | Violation of Uniform Controlled         |    |
| 35 |    | Substances Act - Possession of a        |    |
| 36 |    | Controlled Substance                    |    |
| 37 |    | (69.50.401(c))                          | C  |

|    |                 |   |                 |
|----|-----------------|---|-----------------|
| 1  |                 | Firearms and Weapons                          |                 |
| 2  | <del>((C+</del> | <del>Committing Crime when Armed</del>        |                 |
| 3  |                 | <del>(9.41.025)</del>                         | <del>D+))</del> |
| 4  | <u>C</u>        | <u>Unlawful Possession of a Firearm</u>       |                 |
| 5  |                 | <u>(9.41.040)</u>                             | <u>D</u>        |
| 6  | E               | Carrying Loaded Pistol Without                |                 |
| 7  |                 | Permit (9.41.050)                             | E               |
| 8  | <del>((E</del>  | <del>Use of Firearms by Minor (&lt;14)</del>  |                 |
| 9  |                 | <del>(9.41.240)</del>                         | <del>E))</del>  |
| 10 | <u>C</u>        | <u>Aiming or Discharging Firearm</u>          |                 |
| 11 |                 | <u>(9.41.230)</u>                             | <u>D</u>        |
| 12 | D+              | Possession of Dangerous Weapon                |                 |
| 13 |                 | (9.41.250)                                    | E               |
| 14 | D               | Intimidating Another Person by use            |                 |
| 15 |                 | of Weapon (9.41.270)                          | E               |
| 16 |                 | Homicide                                      |                 |
| 17 | A+              | Murder 1 (9A.32.030)                          | A               |
| 18 | A+              | Murder 2 (9A.32.050)                          | B+              |
| 19 | B+              | Manslaughter 1 (9A.32.060)                    | C+              |
| 20 | C+              | Manslaughter 2 (9A.32.070)                    | D+              |
| 21 | B+              | Vehicular Homicide (46.61.520)                | C+              |
| 22 |                 | Kidnapping                                    |                 |
| 23 | A               | Kidnap 1 (9A.40.020)                          | B+              |
| 24 | B+              | Kidnap 2 (9A.40.030)                          | C+              |
| 25 | C+              | Unlawful Imprisonment                         |                 |
| 26 |                 | (9A.40.040)                                   | D+              |
| 27 | D               | Custodial Interference                        |                 |
| 28 |                 | <del>((9A.40.050))</del> <u>1 (9A.40.060)</u> | E               |
| 29 |                 | Obstructing Governmental Operation            |                 |
| 30 | E               | Obstructing a Public Servant                  |                 |
| 31 |                 | (9A.76.020)                                   | E               |
| 32 | E               | Resisting Arrest (9A.76.040)                  | E               |
| 33 | B               | Introducing Contraband 1                      |                 |
| 34 |                 | (9A.76.140)                                   | C               |

|    |                |  |                |
|----|----------------|--|----------------|
| 1  | C              | Introducing Contraband 2                                 |                |
| 2  |                | (9A.76.150)  | D              |
| 3  | E              | Introducing Contraband 3                                 |                |
| 4  |                | (9A.76.160)  | E              |
| 5  | B+             | Intimidating a Public Servant                            |                |
| 6  |                | (9A.76.180)  | C+             |
| 7  | B+             | Intimidating a Witness                                   |                |
| 8  |                | (9A.72.110)  | C+             |
| 9  | <del>((E</del> | <del>Criminal Contempt</del>                             |                |
| 10 |                | <del>(9.23.010)</del>                                    | <del>E))</del> |
| 11 |                | Public Disturbance                                       |                |
| 12 | C+             | Riot with Weapon (9A.84.010)                             | D+             |
| 13 | D+             | Riot Without Weapon                                      |                |
| 14 |                | (9A.84.010)  | E              |
| 15 | E              | Failure to Disperse (9A.84.020)                          | E              |
| 16 | E              | Disorderly Conduct (9A.84.030)                           | E              |
| 17 |                | Sex Crimes   |                |
| 18 | A              | Rape 1 (9A.44.040)                                       | B+             |
| 19 | A-             | Rape 2 (9A.44.050)                                       | B+             |
| 20 | C+             | Rape 3 (9A.44.060)                                       | D+             |
| 21 | A-             | Rape of a Child 1 (9A.44.073)                            | B+             |
| 22 | B              | Rape of a Child 2 (9A.44.076)                            | C+             |
| 23 | B              | Incest 1 (9A.64.020(1))                                  | C              |
| 24 | C              | Incest 2 (9A.64.020(2))                                  | D              |
| 25 | D+             | <del>((Public Indecency))</del> <u>Indecent Exposure</u> |                |
| 26 |                | (Victim <14) (9A.88.010)                                 | E              |
| 27 | E              | <del>((Public Indecency))</del> <u>Indecent Exposure</u> |                |
| 28 |                | (Victim 14 or over) (9A.88.010)                          | E              |
| 29 | B+             | Promoting Prostitution 1                                 |                |
| 30 |                | (9A.88.070)  | C+             |
| 31 | C+             | Promoting Prostitution 2                                 |                |
| 32 |                | (9A.88.080)  | D+             |
| 33 | E              | O & A (Prostitution) (9A.88.030)                         | E              |
| 34 | B+             | Indecent Liberties (9A.44.100)                           | C+             |
| 35 | B+             | Child Molestation 1 (9A.44.083)                          | C+             |
| 36 | C+             | Child Molestation 2 (9A.44.086)                          | C              |

|    |                 |   |                 |
|----|-----------------|---|-----------------|
| 1  |                 | Theft, Robbery, Extortion, and Forgery                  |                 |
| 2  | B               | Theft 1 (9A.56.030)                                     | C               |
| 3  | C               | Theft 2 (9A.56.040)                                     | D               |
| 4  | D               | Theft 3 (9A.56.050)                                     | E               |
| 5  | B               | Theft of Livestock (9A.56.080)                          | C               |
| 6  | C               | Forgery ( <del>((9A.56.020))</del> ) <u>(9A.60.020)</u> | D               |
| 7  | A               | Robbery 1 (9A.56.200)                                   | B+              |
| 8  | B+              | Robbery 2 (9A.56.210)                                   | C+              |
| 9  | B+              | Extortion 1 (9A.56.120)                                 | C+              |
| 10 | C+              | Extortion 2 (9A.56.130)                                 | D+              |
| 11 | B               | Possession of Stolen Property 1                         |                 |
| 12 |                 | (9A.56.150)   | C               |
| 13 | C               | Possession of Stolen Property 2                         |                 |
| 14 |                 | (9A.56.160)   | D               |
| 15 | D               | Possession of Stolen Property 3                         |                 |
| 16 |                 | (9A.56.170)   | E               |
| 17 | C               | Taking Motor Vehicle Without                            |                 |
| 18 |                 | Owner's Permission (9A.56.070)                          | D               |
| 19 |                 | Motor Vehicle Related Crimes                            |                 |
| 20 | E               | Driving Without a License                               |                 |
| 21 |                 | (46.20.021)   | E               |
| 22 | C               | Hit and Run - Injury                                    |                 |
| 23 |                 | (46.52.020(4))  | D               |
| 24 | D               | Hit and Run-Attended                                    |                 |
| 25 |                 | (46.52.020(5))  | E               |
| 26 | E               | Hit and Run-Unattended                                  |                 |
| 27 |                 | (46.52.010)   | E               |
| 28 | C               | Vehicular Assault (46.61.522)                           | D               |
| 29 | C               | Attempting to Elude Pursuing                            |                 |
| 30 |                 | Police Vehicle (46.61.024)                              | D               |
| 31 | E               | Reckless Driving (46.61.500)                            | E               |
| 32 | D               | Driving While Under the Influence                       |                 |
| 33 |                 | (46.61.515)   | E               |
| 34 | <del>((B+</del> | <del>Negligent Homicide by Motor</del>                  |                 |
| 35 |                 | <del>Vehicle (46.61.520)</del>                          | <del>C+))</del> |
| 36 | D               | Vehicle Prowling (9A.52.100)                            | E               |
| 37 | C               | Taking Motor Vehicle Without                            |                 |
| 38 |                 | Owner's Permission (9A.56.070)                          | D               |

|    |   |   |    |
|----|---|---|----|
| 1  |   | Other                                     |    |
| 2  | B | Bomb Threat (9.61.160)                    | C  |
| 3  | C | Escape 1 (9A.76.110)                      | C  |
| 4  | C | Escape 2 (9A.76.120)                      | C  |
| 5  | D | Escape 3 (9A.76.130)                      | E  |
| 6  | C | Failure to Appear in Court                |    |
| 7  |   | (10.19.130)                               | D  |
| 8  |   | <del>((E Tampering with Fire Alarm</del>  |    |
| 9  |   | <del>Apparatus (9.40.100) ----- E))</del> |    |
| 10 | E | Obscene, Harassing, Etc.,                 |    |
| 11 |   | Phone Calls (9.61.230)                    | E  |
| 12 | A | Other Offense Equivalent to an            |    |
| 13 |   | Adult Class A Felony                      | B+ |
| 14 | B | Other Offense Equivalent to an            |    |
| 15 |   | Adult Class B Felony                      | C  |
| 16 | C | Other Offense Equivalent to an            |    |
| 17 |   | Adult Class C Felony                      | D  |
| 18 | D | Other Offense Equivalent to an            |    |
| 19 |   | Adult Gross Misdemeanor                   | E  |
| 20 | E | Other Offense Equivalent to an            |    |
| 21 |   | Adult Misdemeanor                         | E  |
| 22 | V | Violation of Order of Restitution,        |    |
| 23 |   | Community Supervision, or                 |    |
| 24 |   | Confinement (13.40.200)                   | V  |

25 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
26 and the standard range is established as follows:

27 1st escape or attempted escape during 12-month period - 4 weeks  
28 confinement

29 2nd escape or attempted escape during 12-month period - 8 weeks  
30 confinement

31 3rd and subsequent escape or attempted escape during 12-month  
32 period - 12 weeks confinement

33 If the court finds that a respondent has violated terms of an order,  
34 it may impose a penalty of up to 30 days of confinement.

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SCHEDULE B  
PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

| OFFENSE  | 0-12   | 13-24  | 25 Months |
|----------|--------|--------|-----------|
| CATEGORY | Months | Months | or More   |
| .....    |        |        |           |
| A+       | .9     | .9     | .9        |
| A        | .9     | .8     | .6        |
| A-       | .9     | .8     | .5        |
| B+       | .9     | .7     | .4        |
| B        | .9     | .6     | .3        |
| C+       | .6     | .3     | .2        |
| C        | .5     | .2     | .2        |
| D+       | .3     | .2     | .1        |
| D        | .2     | .1     | .1        |
| E        | .1     | .1     | .1        |

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C  
CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

1

AGE

|   |          |       |    |    |    |    |    |
|---|----------|-------|----|----|----|----|----|
| 2 | OFFENSE  | 12 &  |    |    |    |    |    |
| 3 | CATEGORY | Under | 13 | 14 | 15 | 16 | 17 |

4 .....  
.....

|    |    |     |          |       |         |       |     |
|----|----|-----|----------|-------|---------|-------|-----|
| 5  | A+ |     | STANDARD | RANGE | 180-224 | WEEKS |     |
| 6  | A  | 250 | 300      | 350   | 375     | 375   | 375 |
| 7  | A- | 150 | 150      | 150   | 200     | 200   | 200 |
| 8  | B+ | 110 | 110      | 120   | 130     | 140   | 150 |
| 9  | B  | 45  | 45       | 50    | 50      | 57    | 57  |
| 10 | C+ | 44  | 44       | 49    | 49      | 55    | 55  |
| 11 | C  | 40  | 40       | 45    | 45      | 50    | 50  |
| 12 | D+ | 16  | 18       | 20    | 22      | 24    | 26  |
| 13 | D  | 14  | 16       | 18    | 20      | 22    | 24  |
| 14 | E  | 4   | 4        | 4     | 6       | 8     | 10  |

15 JUVENILE SENTENCING STANDARDS  
 16 SCHEDULE D-1

17 This schedule may only be used for minor/first offenders. After the  
 18 determination is made that a youth is a minor/first offender, the court  
 19 has the discretion to select sentencing option A, B, or C.

20 MINOR/FIRST OFFENDER

21 OPTION A  
 22 STANDARD RANGE

|    |        |             |              |               |
|----|--------|-------------|--------------|---------------|
| 23 |        |             | Community    |               |
| 24 |        | Community   | Service      |               |
| 25 | Points | Supervision | Hours        | Fine          |
| 26 | 1-9    | 0-3 months  | and/or 0-8   | and/or 0-\$10 |
| 27 | 10-19  | 0-3 months  | and/or 0-8   | and/or 0-\$10 |
| 28 | 20-29  | 0-3 months  | and/or 0-16  | and/or 0-\$10 |
| 29 | 30-39  | 0-3 months  | and/or 8-24  | and/or 0-\$25 |
| 30 | 40-49  | 3-6 months  | and/or 16-32 | and/or 0-\$25 |
| 31 | 50-59  | 3-6 months  | and/or 24-40 | and/or 0-\$25 |



|   |        |             |              |                 |
|---|--------|-------------|--------------|-----------------|
| 1 | 60-69  | 6-9 months  | and/or 32-48 | and/or 0-\$50   |
| 2 | 70-79  | 6-9 months  | and/or 40-55 | and/or 0-\$50   |
| 3 | 80-89  | 9-12 months | and/or 48-64 | and/or 10-\$100 |
| 4 | 90-109 | 9-12 months | and/or 56-72 | and/or 10-\$100 |

5 OR

6 OPTION B  
7 STATUTORY OPTION

- 8 0-12 Months Community Supervision
- 9 0-150 Hours Community Service
- 10 0-100 Fine

11 A term of community supervision with a maximum of 150 hours, \$100.00  
12 fine, and 12 months supervision.

13 OR

14 OPTION C  
15 MANIFEST INJUSTICE

16 When a term of community supervision would effectuate a manifest  
17 injustice, another disposition may be imposed. When a judge imposes a  
18 sentence of confinement exceeding 30 days, the court shall sentence the  
19 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)  
20 13.40.030(2), as now or hereafter amended, shall be used to determine  
21 the range.

22 JUVENILE SENTENCING STANDARDS  
23 SCHEDULE D-2

24 This schedule may only be used for middle offenders. After the  
25 determination is made that a youth is a middle offender, the court has  
26 the discretion to select sentencing option A, B, or C.

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MIDDLE OFFENDER

OPTION A  
STANDARD RANGE

| Points  | Community Supervision | Community Service Hours | Fine           | Confinement Days | Confinement Weeks |
|---------|-----------------------|-------------------------|----------------|------------------|-------------------|
| .....   |                       |                         |                |                  |                   |
| 1-9     | 0-3 months            | and/or 0-8              | and/or 0-\$10  | and/or 0         |                   |
| 10-19   | 0-3 months            | and/or 0-8              | and/or 0-\$10  | and/or 0         |                   |
| 20-29   | 0-3 months            | and/or 0-16             | and/or 0-\$10  | and/or 0         |                   |
| 30-39   | 0-3 months            | and/or 8-24             | and/or 0-\$25  | and/or 2-4       |                   |
| 40-49   | 3-6 months            | and/or 16-32            | and/or 0-\$25  | and/or 2-4       |                   |
| 50-59   | 3-6 months            | and/or 24-40            | and/or 0-\$25  | and/or 5-10      |                   |
| 60-69   | 6-9 months            | and/or 32-48            | and/or 0-\$50  | and/or 5-10      |                   |
| 70-79   | 6-9 months            | and/or 40-56            | and/or 0-\$50  | and/or 10-20     |                   |
| 80-89   | 9-12 months           | and/or 48-64            | and/or 0-\$100 | and/or 10-20     |                   |
| 90-109  | 9-12 months           | and/or 56-72            | and/or 0-\$100 | and/or 15-30     |                   |
| 110-129 |                       |                         |                |                  | 8-12              |
| 130-149 |                       |                         |                |                  | 13-16             |
| 150-199 |                       |                         |                |                  | 21-28             |
| 200-249 |                       |                         |                |                  | 30-40             |
| 250-299 |                       |                         |                |                  | 52-65             |
| 300-374 |                       |                         |                |                  | 80-100            |
| 375+    |                       |                         |                |                  | 103-129           |

25 Middle offenders with more than 110 points do not have to be committed.  
26 They may be assigned community supervision under option B.  
27 All A+ offenses 180-224 weeks

28  
29  
30  
31

OR  
OPTION B  
STATUTORY OPTION

32 0-12 Months Community Supervision  
33 0-150 Hours Community Service  
34 0-100 Fine

1 The court may impose a determinate disposition of community supervision  
2 and/or up to 30 days confinement; in which case, if confinement has  
3 been imposed, the court shall state either aggravating or mitigating  
4 factors as set forth in RCW 13.40.150, as now or hereafter amended.

5 OR

6  
7 OPTION C

8 MANIFEST INJUSTICE

9 If the court determines that a disposition under A or B would  
10 effectuate a manifest injustice, the court shall sentence the juvenile  
11 to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)  
12 13.40.030(2), as now or hereafter amended, shall be used to determine  
13 range.

14 JUVENILE SENTENCING STANDARDS

15 SCHEDULE D-3

16 This schedule may only be used for serious offenders. After the  
17 determination is made that a youth is a serious offender, the court has  
18 the discretion to select sentencing option A or B.

19 SERIOUS OFFENDER

20 OPTION A

21 STANDARD RANGE

| 22 | Points   | Institution Time |
|----|----------|------------------|
| 23 | 0-129    | 8-12 weeks       |
| 24 | 130-149  | 13-16 weeks      |
| 25 | 150-199  | 21-28 weeks      |
| 26 | 200-249  | 30-40 weeks      |
| 27 | 250-299  | 52-65 weeks      |
| 28 | 300-374  | 80-100 weeks     |
| 29 | 375+     | 103-129 weeks    |
| 30 | All A+   |                  |
| 31 | Offenses | 180-224 weeks    |

1 OR

2  
3 OPTION B

4 MANIFEST INJUSTICE

5 A disposition outside the standard range shall be determined and shall  
6 be comprised of confinement or community supervision or a combination  
7 thereof. When a judge finds a manifest injustice and imposes a  
8 sentence of confinement exceeding 30 days, the court shall sentence the  
9 juvenile to a maximum term, and the provisions of RCW (~~(13.40.030(5))~~)  
10 13.40.030(2), as now or hereafter amended, shall be used to determine  
11 the range.

12 NEW SECTION. **Sec. 15.** A new section is added to chapter 9.41 RCW  
13 to read as follows:

14 The local legislative authority may establish local fees for  
15 processing of applications for sale or transfer of possession of  
16 pistols or short firearms that reasonably reflect the actual costs of  
17 the law enforcement agency to which the applications are directed. In  
18 addition to the local processing fee, an application is subject to a  
19 recording fee of twenty-five dollars, which the local legislative  
20 authority shall retain for use in local law enforcement.

21 NEW SECTION. **Sec. 16.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

--- END ---