

HOUSE BILL 1770

State of Washington

68th Legislature

2023 Regular Session

By Representatives Cheney, Chapman, Hutchins, Walsh, Waters, Sandlin, Volz, McClintock, Connors, Corry, Low, and Dent

1 AN ACT Relating to increasing the seriousness level of the crime  
2 of unlawful possession of a firearm; and amending RCW 9.94A.515.

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

4 **Sec. 1.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to  
5 read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH  
8 SERIOUSNESS LEVEL

9 XVI Aggravated Murder 1 (RCW 10.95.020)

10 XV Homicide by abuse (RCW 9A.32.055)

11 Malicious explosion 1 (RCW  
12 70.74.280(1))

13 Murder 1 (RCW 9A.32.030)

14 XIV Murder 2 (RCW 9A.32.050)

15 Trafficking 1 (RCW 9A.40.100(1))

16 XIII Malicious explosion 2 (RCW  
17 70.74.280(2))

1 Malicious placement of an explosive 1  
2 (RCW 70.74.270(1))  
3 XII Assault 1 (RCW 9A.36.011)  
4 Assault of a Child 1 (RCW 9A.36.120)  
5 Malicious placement of an imitation  
6 device 1 (RCW 70.74.272(1)(a))  
7 Promoting Commercial Sexual Abuse of  
8 a Minor (RCW 9.68A.101)  
9 Rape 1 (RCW 9A.44.040)  
10 Rape of a Child 1 (RCW 9A.44.073)  
11 Trafficking 2 (RCW 9A.40.100(3))  
12 XI Manslaughter 1 (RCW 9A.32.060)  
13 Rape 2 (RCW 9A.44.050)  
14 Rape of a Child 2 (RCW 9A.44.076)  
15 Vehicular Homicide, by being under the  
16 influence of intoxicating liquor or  
17 any drug (RCW 46.61.520)  
18 Vehicular Homicide, by the operation of  
19 any vehicle in a reckless manner  
20 (RCW 46.61.520)  
21 X Child Molestation 1 (RCW 9A.44.083)  
22 Criminal Mistreatment 1 (RCW  
23 9A.42.020)  
24 Indecent Liberties (with forcible  
25 compulsion) (RCW  
26 9A.44.100(1)(a))  
27 Kidnapping 1 (RCW 9A.40.020)  
28 Leading Organized Crime (RCW  
29 9A.82.060(1)(a))  
30 Malicious explosion 3 (RCW  
31 70.74.280(3))  
32 Sexually Violent Predator Escape (RCW  
33 9A.76.115)  
34 IX Abandonment of Dependent Person 1  
35 (RCW 9A.42.060)

1 Assault of a Child 2 (RCW 9A.36.130)  
2 Explosive devices prohibited (RCW  
3 70.74.180)  
4 Hit and Run—Death (RCW  
5 46.52.020(4)(a))  
6 Homicide by Watercraft, by being under  
7 the influence of intoxicating liquor  
8 or any drug (RCW 79A.60.050)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Malicious placement of an explosive 2  
12 (RCW 70.74.270(2))  
13 Robbery 1 (RCW 9A.56.200)  
14 Sexual Exploitation (RCW 9.68A.040)  
15 VIII Arson 1 (RCW 9A.48.020)  
16 Commercial Sexual Abuse of a Minor  
17 (RCW 9.68A.100)  
18 Homicide by Watercraft, by the  
19 operation of any vessel in a reckless  
20 manner (RCW 79A.60.050)  
21 Manslaughter 2 (RCW 9A.32.070)  
22 Promoting Prostitution 1 (RCW  
23 9A.88.070)  
24 Theft of Ammonia (RCW 69.55.010)  
25 Unlawful Possession of a Firearm in the  
26 first degree (RCW 9.41.040(1))  
27 VII Air bag diagnostic systems (causing  
28 bodily injury or death) (RCW  
29 46.37.660(2)(b))  
30 Air bag replacement requirements  
31 (causing bodily injury or death)  
32 (RCW 46.37.660(1)(b))  
33 Burglary 1 (RCW 9A.52.020)  
34 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW  
2 9A.48.120)  
3 Dealing in depictions of minor engaged  
4 in sexually explicit conduct 1  
5 (RCW 9.68A.050(1))  
6 Drive-by Shooting (RCW 9A.36.045)  
7 False Reporting 1 (RCW  
8 9A.84.040(2)(a))  
9 Homicide by Watercraft, by disregard  
10 for the safety of others (RCW  
11 79A.60.050)  
12 Indecent Liberties (without forcible  
13 compulsion) (RCW 9A.44.100(1)  
14 (b) and (c))  
15 Introducing Contraband 1 (RCW  
16 9A.76.140)  
17 Malicious placement of an explosive 3  
18 (RCW 70.74.270(3))  
19 Manufacture or import counterfeit,  
20 nonfunctional, damaged, or  
21 previously deployed air bag  
22 (causing bodily injury or death)  
23 (RCW 46.37.650(1)(b))  
24 Negligently Causing Death By Use of a  
25 Signal Preemption Device (RCW  
26 46.37.675)  
27 Sell, install, or reinstall counterfeit,  
28 nonfunctional, damaged, or  
29 previously deployed airbag (RCW  
30 46.37.650(2)(b))  
31 Sending, bringing into state depictions  
32 of minor engaged in sexually  
33 explicit conduct 1 (RCW  
34 9.68A.060(1))  
35 ~~((Unlawful Possession of a Firearm in~~  
36 ~~the first degree (RCW~~  
37 ~~9.41.040(1))))~~

1 Use of a Machine Gun or Bump-fire  
2 Stock in Commission of a Felony  
3 (RCW 9A.41.225)  
4 Vehicular Homicide, by disregard for  
5 the safety of others (RCW  
6 46.61.520)  
7 VI Bail Jumping with Murder 1 (RCW  
8 9A.76.170(3)(a))  
9 Bribery (RCW 9A.68.010)  
10 Incest 1 (RCW 9A.64.020(1))  
11 Intimidating a Judge (RCW 9A.72.160)  
12 Intimidating a Juror/Witness (RCW  
13 9A.72.110, 9A.72.130)  
14 Malicious placement of an imitation  
15 device 2 (RCW 70.74.272(1)(b))  
16 Possession of Depictions of a Minor  
17 Engaged in Sexually Explicit  
18 Conduct 1 (RCW 9.68A.070(1))  
19 Rape of a Child 3 (RCW 9A.44.079)  
20 Theft of a Firearm (RCW 9A.56.300)  
21 Theft from a Vulnerable Adult 1 (RCW  
22 9A.56.400(1))  
23 Unlawful Storage of Ammonia (RCW  
24 69.55.020)  
25 V Abandonment of Dependent Person 2  
26 (RCW 9A.42.070)  
27 Advancing money or property for  
28 extortionate extension of credit  
29 (RCW 9A.82.030)  
30 Air bag diagnostic systems (RCW  
31 46.37.660(2)(c))  
32 Air bag replacement requirements  
33 (RCW 46.37.660(1)(c))  
34 Bail Jumping with class A Felony  
35 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)  
2 Criminal Mistreatment 2 (RCW  
3 9A.42.030)  
4 Custodial Sexual Misconduct 1 (RCW  
5 9A.44.160)  
6 Dealing in Depictions of Minor  
7 Engaged in Sexually Explicit  
8 Conduct 2 (RCW 9.68A.050(2))  
9 Domestic Violence Court Order  
10 Violation (RCW 7.105.450,  
11 10.99.040, 10.99.050, 26.09.300,  
12 26.10.220, 26.26B.050, 26.50.110,  
13 26.52.070, or 74.34.145)  
14 Extortion 1 (RCW 9A.56.120)  
15 Extortionate Extension of Credit (RCW  
16 9A.82.020)  
17 Extortionate Means to Collect  
18 Extensions of Credit (RCW  
19 9A.82.040)  
20 Incest 2 (RCW 9A.64.020(2))  
21 Kidnapping 2 (RCW 9A.40.030)  
22 Manufacture or import counterfeit,  
23 nonfunctional, damaged, or  
24 previously deployed air bag (RCW  
25 46.37.650(1)(c))  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1 (RCW  
33 9A.76.070)

1 Sell, install, or reinstall counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed airbag (RCW  
4 46.37.650(2)(c))  
5 Sending, Bringing into State Depictions  
6 of Minor Engaged in Sexually  
7 Explicit Conduct 2 (RCW  
8 9.68A.060(2))  
9 Sexual Misconduct with a Minor 1  
10 (RCW 9A.44.093)  
11 Sexually Violating Human Remains  
12 (RCW 9A.44.105)  
13 Stalking (RCW 9A.46.110)  
14 Taking Motor Vehicle Without  
15 Permission 1 (RCW 9A.56.070)  
16 IV Arson 2 (RCW 9A.48.030)  
17 Assault 2 (RCW 9A.36.021)  
18 Assault 3 (of a Peace Officer with a  
19 Projectile Stun Gun) (RCW  
20 9A.36.031(1)(h))  
21 Assault 4 (third domestic violence  
22 offense) (RCW 9A.36.041(3))  
23 Assault by Watercraft (RCW  
24 79A.60.060)  
25 Bribing a Witness/Bribe Received by  
26 Witness (RCW 9A.72.090,  
27 9A.72.100)  
28 Cheating 1 (RCW 9.46.1961)  
29 Commercial Bribery (RCW 9A.68.060)  
30 Counterfeiting (RCW 9.16.035(4))  
31 Driving While Under the Influence  
32 (RCW 46.61.502(6))  
33 Endangerment with a Controlled  
34 Substance (RCW 9A.42.100)  
35 Escape 1 (RCW 9A.76.110)

1 Hate Crime (RCW 9A.36.080)  
2 Hit and Run—Injury (RCW  
3 46.52.020(4)(b))  
4 Hit and Run with Vessel—Injury  
5 Accident (RCW 79A.60.200(3))  
6 Identity Theft 1 (RCW 9.35.020(2))  
7 Indecent Exposure to Person Under Age  
8 14 (subsequent sex offense) (RCW  
9 9A.88.010)  
10 Influencing Outcome of Sporting Event  
11 (RCW 9A.82.070)  
12 Physical Control of a Vehicle While  
13 Under the Influence (RCW  
14 46.61.504(6))  
15 Possession of Depictions of a Minor  
16 Engaged in Sexually Explicit  
17 Conduct 2 (RCW 9.68A.070(2))  
18 Residential Burglary (RCW 9A.52.025)  
19 Robbery 2 (RCW 9A.56.210)  
20 Theft of Livestock 1 (RCW 9A.56.080)  
21 Threats to Bomb (RCW 9.61.160)  
22 Trafficking in Stolen Property 1 (RCW  
23 9A.82.050)  
24 Unlawful factoring of a credit card or  
25 payment card transaction (RCW  
26 9A.56.290(4)(b))  
27 Unlawful Possession of a Firearm in the  
28 second degree (RCW 9.41.040(2))  
29 Unlawful transaction of health coverage  
30 as a health care service contractor  
31 (RCW 48.44.016(3))  
32 Unlawful transaction of health coverage  
33 as a health maintenance  
34 organization (RCW 48.46.033(3))  
35 Unlawful transaction of insurance  
36 business (RCW 48.15.023(3))



1 Unlicensed practice as an insurance  
2 professional (RCW 48.17.063(2))  
3 Use of Proceeds of Criminal  
4 Profiteering (RCW 9A.82.080 (1)  
5 and (2))  
6 Vehicle Prowling 2 (third or subsequent  
7 offense) (RCW 9A.52.100(3))  
8 Vehicular Assault, by being under the  
9 influence of intoxicating liquor or  
10 any drug, or by the operation or  
11 driving of a vehicle in a reckless  
12 manner (RCW 46.61.522)  
13 Viewing of Depictions of a Minor  
14 Engaged in Sexually Explicit  
15 Conduct 1 (RCW 9.68A.075(1))  
16 Willful Failure to Return from Furlough  
17 (RCW 72.66.060)  
18 III Animal Cruelty 1 (Sexual Conduct or  
19 Contact) (RCW 16.52.205(3))  
20 Assault 3 (Except Assault 3 of a Peace  
21 Officer With a Projectile Stun Gun)  
22 (RCW 9A.36.031 except subsection  
23 (1)(h))  
24 Assault of a Child 3 (RCW 9A.36.140)  
25 Bail Jumping with class B or C Felony  
26 (RCW 9A.76.170(3)(c))  
27 Burglary 2 (RCW 9A.52.030)  
28 Communication with a Minor for  
29 Immoral Purposes (RCW  
30 9.68A.090)  
31 Criminal Gang Intimidation (RCW  
32 9A.46.120)  
33 Custodial Assault (RCW 9A.36.100)  
34 Cyber Harassment (RCW  
35 9A.90.120(2)(b))  
36 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)  
2 False Reporting 2 (RCW  
3 9A.84.040(2)(b))  
4 Harassment (RCW 9A.46.020)  
5 Intimidating a Public Servant (RCW  
6 9A.76.180)  
7 Introducing Contraband 2 (RCW  
8 9A.76.150)  
9 Malicious Injury to Railroad Property  
10 (RCW 81.60.070)  
11 Manufacture of Untraceable Firearm  
12 with Intent to Sell (RCW 9.41.190)  
13 Manufacture or Assembly of an  
14 Undetectable Firearm or  
15 Untraceable Firearm (RCW  
16 9.41.325)  
17 Mortgage Fraud (RCW 19.144.080)  
18 Negligently Causing Substantial Bodily  
19 Harm By Use of a Signal  
20 Preemption Device (RCW  
21 46.37.674)  
22 Organized Retail Theft 1 (RCW  
23 9A.56.350(2))  
24 Perjury 2 (RCW 9A.72.030)  
25 Possession of Incendiary Device (RCW  
26 9.40.120)  
27 Possession of Machine Gun, Bump-Fire  
28 Stock, Undetectable Firearm, or  
29 Short-Barreled Shotgun or Rifle  
30 (RCW 9.41.190)  
31 Promoting Prostitution 2 (RCW  
32 9A.88.080)  
33 Retail Theft with Special Circumstances  
34 1 (RCW 9A.56.360(2))  
35 Securities Act violation (RCW  
36 21.20.400)

1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Telephone Harassment (subsequent  
4 conviction or threat of death) (RCW  
5 9.61.230(2))  
6 Theft of Livestock 2 (RCW 9A.56.083)  
7 Theft with the Intent to Resell 1 (RCW  
8 9A.56.340(2))  
9 Trafficking in Stolen Property 2 (RCW  
10 9A.82.055)  
11 Unlawful Hunting of Big Game 1 (RCW  
12 77.15.410(3)(b))  
13 Unlawful Imprisonment (RCW  
14 9A.40.040)  
15 Unlawful Misbranding of Fish or  
16 Shellfish 1 (RCW 77.140.060(3))  
17 ~~((Unlawful possession of firearm in the  
18 second degree (RCW 9.41.040(2))))~~  
19 Unlawful Taking of Endangered Fish or  
20 Wildlife 1 (RCW 77.15.120(3)(b))  
21 Unlawful Trafficking in Fish, Shellfish,  
22 or Wildlife 1 (RCW  
23 77.15.260(3)(b))  
24 Unlawful Use of a Nondesignated  
25 Vessel (RCW 77.15.530(4))  
26 Vehicular Assault, by the operation or  
27 driving of a vehicle with disregard  
28 for the safety of others (RCW  
29 46.61.522)  
30 Willful Failure to Return from Work  
31 Release (RCW 72.65.070)  
32 II Commercial Fishing Without a License  
33 1 (RCW 77.15.500(3)(b))  
34 Computer Trespass 1 (RCW 9A.90.040)  
35 Counterfeiting (RCW 9.16.035(3))

1 Electronic Data Service Interference  
2 (RCW 9A.90.060)  
3 Electronic Data Tampering 1 (RCW  
4 9A.90.080)  
5 Electronic Data Theft (RCW 9A.90.100)  
6 Engaging in Fish Dealing Activity  
7 Unlicensed 1 (RCW 77.15.620(3))  
8 Escape from Community Custody  
9 (RCW 72.09.310)  
10 Failure to Register as a Sex Offender  
11 (second or subsequent offense)  
12 (RCW 9A.44.130 prior to June 10,  
13 2010, and RCW 9A.44.132)  
14 Health Care False Claims (RCW  
15 48.80.030)  
16 Identity Theft 2 (RCW 9.35.020(3))  
17 Improperly Obtaining Financial  
18 Information (RCW 9.35.010)  
19 Malicious Mischief 1 (RCW 9A.48.070)  
20 Organized Retail Theft 2 (RCW  
21 9A.56.350(3))  
22 Possession of Stolen Property 1 (RCW  
23 9A.56.150)  
24 Possession of a Stolen Vehicle (RCW  
25 9A.56.068)  
26 Retail Theft with Special Circumstances  
27 2 (RCW 9A.56.360(3))  
28 Scrap Processing, Recycling, or  
29 Supplying Without a License  
30 (second or subsequent offense)  
31 (RCW 19.290.100)  
32 Theft 1 (RCW 9A.56.030)  
33 Theft of a Motor Vehicle (RCW  
34 9A.56.065)

1 Theft of Rental, Leased, Lease-  
2 purchased, or Loaned Property  
3 (valued at \$5,000 or more) (RCW  
4 9A.56.096(5)(a))  
5 Theft with the Intent to Resell 2 (RCW  
6 9A.56.340(3))  
7 Trafficking in Insurance Claims (RCW  
8 48.30A.015)  
9 Unlawful factoring of a credit card or  
10 payment card transaction (RCW  
11 9A.56.290(4)(a))  
12 Unlawful Participation of Non-Indians  
13 in Indian Fishery (RCW  
14 77.15.570(2))  
15 Unlawful Practice of Law (RCW  
16 2.48.180)  
17 Unlawful Purchase or Use of a License  
18 (RCW 77.15.650(3)(b))  
19 Unlawful Trafficking in Fish, Shellfish,  
20 or Wildlife 2 (RCW  
21 77.15.260(3)(a))  
22 Unlicensed Practice of a Profession or  
23 Business (RCW 18.130.190(7))  
24 Voyeurism 1 (RCW 9A.44.115)  
25 I Attempting to Elude a Pursuing Police  
26 Vehicle (RCW 46.61.024)  
27 False Verification for Welfare (RCW  
28 74.08.055)  
29 Forgery (RCW 9A.60.020)  
30 Fraudulent Creation or Revocation of a  
31 Mental Health Advance Directive  
32 (RCW 9A.60.060)  
33 Malicious Mischief 2 (RCW 9A.48.080)  
34 Mineral Trespass (RCW 78.44.330)  
35 Possession of Stolen Property 2 (RCW  
36 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)  
2 Spotlighting Big Game 1 (RCW  
3 77.15.450(3)(b))  
4 Suspension of Department Privileges 1  
5 (RCW 77.15.670(3)(b))  
6 Taking Motor Vehicle Without  
7 Permission 2 (RCW 9A.56.075)  
8 Theft 2 (RCW 9A.56.040)  
9 Theft from a Vulnerable Adult 2 (RCW  
10 9A.56.400(2))  
11 Theft of Rental, Leased, Lease-  
12 purchased, or Loaned Property  
13 (valued at \$750 or more but less  
14 than \$5,000) (RCW  
15 9A.56.096(5)(b))  
16 Transaction of insurance business  
17 beyond the scope of licensure  
18 (RCW 48.17.063)  
19 Unlawful Fish and Shellfish Catch  
20 Accounting (RCW 77.15.630(3)(b))  
21 Unlawful Issuance of Checks or Drafts  
22 (RCW 9A.56.060)  
23 Unlawful Possession of Fictitious  
24 Identification (RCW 9A.56.320)  
25 Unlawful Possession of Instruments of  
26 Financial Fraud (RCW 9A.56.320)  
27 Unlawful Possession of Payment  
28 Instruments (RCW 9A.56.320)  
29 Unlawful Possession of a Personal  
30 Identification Device (RCW  
31 9A.56.320)  
32 Unlawful Production of Payment  
33 Instruments (RCW 9A.56.320)

1 Unlawful Releasing, Planting,  
2 Possessing, or Placing Deleterious  
3 Exotic Wildlife (RCW  
4 77.15.250(2)(b))  
5 Unlawful Trafficking in Food Stamps  
6 (RCW 9.91.142)  
7 Unlawful Use of Food Stamps (RCW  
8 9.91.144)  
9 Unlawful Use of Net to Take Fish 1  
10 (RCW 77.15.580(3)(b))  
11 Unlawful Use of Prohibited Aquatic  
12 Animal Species (RCW  
13 77.15.253(3))  
14 Vehicle Prowl 1 (RCW 9A.52.095)  
15 Violating Commercial Fishing Area or  
16 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---