

---

**SUBSTITUTE SENATE BILL 6406**

---

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Wilson, L., Holy, Becker, Padden, Wagoner, Muzzall, Short, Schoesler, Warnick, Ericksen, Braun, Brown, Honeyford, O'Ban, and Rivers)

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

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

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

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

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

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

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

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

19 (5) For the purposes of this section:

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

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

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

3 **Sec. 2.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c  
4 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read  
5 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))
- 18 Malicious placement of an explosive 1  
19 (RCW 70.74.270(1))
- 20 XII Assault 1 (RCW 9A.36.011)
- 21 Assault of a Child 1 (RCW 9A.36.120)
- 22 Malicious placement of an imitation  
23 device 1 (RCW 70.74.272(1)(a))
- 24 Promoting Commercial Sexual Abuse of  
25 a Minor (RCW 9.68A.101)
- 26 Rape 1 (RCW 9A.44.040)
- 27 Rape of a Child 1 (RCW 9A.44.073)
- 28 Trafficking 2 (RCW 9A.40.100(3))
- 29 XI Manslaughter 1 (RCW 9A.32.060)
- 30 Rape 2 (RCW 9A.44.050)
- 31 Rape of a Child 2 (RCW 9A.44.076)
- 32 Vehicular Homicide, by being under the  
33 influence of intoxicating liquor or  
34 any drug (RCW 46.61.520)

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

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

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

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

10 Kidnapping 1 (RCW 9A.40.020)

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

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

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

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

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

20 Explosive devices prohibited (RCW  
21 70.74.180)

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

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

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

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

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

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

1 Homicide by Watercraft, by the  
2 operation of any vessel in a reckless  
3 manner (RCW 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Promoting Prostitution 1 (RCW  
6 9A.88.070)  
7 Theft of Ammonia (RCW 69.55.010)  
8 VII Air bag diagnostic systems (causing  
9 bodily injury or death) (RCW  
10 46.37.660(2)(b))  
11 Air bag replacement requirements  
12 (causing bodily injury or death)  
13 (RCW 46.37.660(1)(b))  
14 Burglary 1 (RCW 9A.52.020)  
15 Child Molestation 2 (RCW 9A.44.086)  
16 Civil Disorder Training (RCW  
17 9A.48.120)  
18 Dealing in depictions of minor engaged  
19 in sexually explicit conduct 1  
20 (RCW 9.68A.050(1))  
21 Drive-by Shooting (RCW 9A.36.045)  
22 Homicide by Watercraft, by disregard  
23 for the safety of others (RCW  
24 79A.60.050)  
25 Indecent Liberties (without forcible  
26 compulsion) (RCW 9A.44.100(1)  
27 (b) and (c))  
28 Introducing Contraband 1 (RCW  
29 9A.76.140)  
30 Malicious placement of an explosive 3  
31 (RCW 70.74.270(3))  
32 Manufacture or import counterfeit,  
33 nonfunctional, damaged, or  
34 previously deployed air bag  
35 (causing bodily injury or death)  
36 (RCW 46.37.650(1)(b))

1 Negligently Causing Death By Use of a  
2 Signal Preemption Device (RCW  
3 46.37.675)  
4 Sell, install, or reinstall counterfeit,  
5 nonfunctional, damaged, or  
6 previously deployed airbag (RCW  
7 46.37.650(2)(b))  
8 Sending, bringing into state depictions  
9 of minor engaged in sexually  
10 explicit conduct 1 (RCW  
11 9.68A.060(1))  
12 Theft of a firearm from a residence,  
13 store, shop, sales outlet, or vehicle  
14 (section 1 of this act)  
15 Unlawful Possession of a Firearm in the  
16 first degree (RCW 9.41.040(1))  
17 Use of a Machine Gun or Bump-fire  
18 Stock in Commission of a Felony  
19 (RCW 9.41.225)  
20 Vehicular Homicide, by disregard for  
21 the safety of others (RCW  
22 46.61.520)  
23 VI Bail Jumping with Murder 1 (RCW  
24 9A.76.170(3)(a))  
25 Bribery (RCW 9A.68.010)  
26 Incest 1 (RCW 9A.64.020(1))  
27 Intimidating a Judge (RCW 9A.72.160)  
28 Intimidating a Juror/Witness (RCW  
29 9A.72.110, 9A.72.130)  
30 Malicious placement of an imitation  
31 device 2 (RCW 70.74.272(1)(b))  
32 Possession of Depictions of a Minor  
33 Engaged in Sexually Explicit  
34 Conduct 1 (RCW 9.68A.070(1))  
35 Rape of a Child 3 (RCW 9A.44.079)  
36 Theft of a Firearm (RCW 9A.56.300)

1 Theft from a Vulnerable Adult 1 (RCW  
2 9A.56.400(1))  
3 Unlawful Storage of Ammonia (RCW  
4 69.55.020)  
5 V Abandonment of Dependent Person 2  
6 (RCW 9A.42.070)  
7 Advancing money or property for  
8 extortionate extension of credit  
9 (RCW 9A.82.030)  
10 Air bag diagnostic systems (RCW  
11 46.37.660(2)(c))  
12 Air bag replacement requirements  
13 (RCW 46.37.660(1)(c))  
14 Bail Jumping with class A Felony  
15 (RCW 9A.76.170(3)(b))  
16 Child Molestation 3 (RCW 9A.44.089)  
17 Criminal Mistreatment 2 (RCW  
18 9A.42.030)  
19 Custodial Sexual Misconduct 1 (RCW  
20 9A.44.160)  
21 Dealing in Depictions of Minor  
22 Engaged in Sexually Explicit  
23 Conduct 2 (RCW 9.68A.050(2))  
24 Domestic Violence Court Order  
25 Violation (RCW 10.99.040,  
26 10.99.050, 26.09.300, 26.10.220,  
27 26.26B.050, 26.50.110, 26.52.070,  
28 or 74.34.145)  
29 Extortion 1 (RCW 9A.56.120)  
30 Extortionate Extension of Credit (RCW  
31 9A.82.020)  
32 Extortionate Means to Collect  
33 Extensions of Credit (RCW  
34 9A.82.040)  
35 Incest 2 (RCW 9A.64.020(2))  
36 Kidnapping 2 (RCW 9A.40.030)

1 Manufacture or import counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed air bag (RCW  
4 46.37.650(1)(c))  
5 Perjury 1 (RCW 9A.72.020)  
6 Persistent prison misbehavior (RCW  
7 9.94.070)  
8 Possession of a Stolen Firearm (RCW  
9 9A.56.310)  
10 Rape 3 (RCW 9A.44.060)  
11 Rendering Criminal Assistance 1 (RCW  
12 9A.76.070)  
13 Sell, install, or reinstall counterfeit,  
14 nonfunctional, damaged, or  
15 previously deployed airbag (RCW  
16 46.37.650(2)(c))  
17 Sending, Bringing into State Depictions  
18 of Minor Engaged in Sexually  
19 Explicit Conduct 2 (RCW  
20 9.68A.060(2))  
21 Sexual Misconduct with a Minor 1  
22 (RCW 9A.44.093)  
23 Sexually Violating Human Remains  
24 (RCW 9A.44.105)  
25 Stalking (RCW 9A.46.110)  
26 Taking Motor Vehicle Without  
27 Permission 1 (RCW 9A.56.070)  
28 IV Arson 2 (RCW 9A.48.030)  
29 Assault 2 (RCW 9A.36.021)  
30 Assault 3 (of a Peace Officer with a  
31 Projectile Stun Gun) (RCW  
32 9A.36.031(1)(h))  
33 Assault 4 (third domestic violence  
34 offense) (RCW 9A.36.041(3))  
35 Assault by Watercraft (RCW  
36 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Driving While Under the Influence  
8 (RCW 46.61.502(6))  
9 Endangerment with a Controlled  
10 Substance (RCW 9A.42.100)  
11 Escape 1 (RCW 9A.76.110)  
12 Hate Crime (RCW 9A.36.080)  
13 Hit and Run—Injury (RCW  
14 46.52.020(4)(b))  
15 Hit and Run with Vessel—Injury  
16 Accident (RCW 79A.60.200(3))  
17 Identity Theft 1 (RCW 9.35.020(2))  
18 Indecent Exposure to Person Under Age  
19 Fourteen (subsequent sex offense)  
20 (RCW 9A.88.010)  
21 Influencing Outcome of Sporting Event  
22 (RCW 9A.82.070)  
23 Physical Control of a Vehicle While  
24 Under the Influence (RCW  
25 46.61.504(6))  
26 Possession of Depictions of a Minor  
27 Engaged in Sexually Explicit  
28 Conduct 2 (RCW 9.68A.070(2))  
29 Residential Burglary (RCW 9A.52.025)  
30 Robbery 2 (RCW 9A.56.210)  
31 Theft of Livestock 1 (RCW 9A.56.080)  
32 Threats to Bomb (RCW 9.61.160)  
33 Trafficking in Stolen Property 1 (RCW  
34 9A.82.050)



1 Unlawful factoring of a credit card or  
2 payment card transaction (RCW  
3 9A.56.290(4)(b))  
4 Unlawful transaction of health coverage  
5 as a health care service contractor  
6 (RCW 48.44.016(3))  
7 Unlawful transaction of health coverage  
8 as a health maintenance  
9 organization (RCW 48.46.033(3))  
10 Unlawful transaction of insurance  
11 business (RCW 48.15.023(3))  
12 Unlicensed practice as an insurance  
13 professional (RCW 48.17.063(2))  
14 Use of Proceeds of Criminal  
15 Profiteering (RCW 9A.82.080 (1)  
16 and (2))  
17 Vehicle Prowling 2 (third or subsequent  
18 offense) (RCW 9A.52.100(3))  
19 Vehicular Assault, by being under the  
20 influence of intoxicating liquor or  
21 any drug, or by the operation or  
22 driving of a vehicle in a reckless  
23 manner (RCW 46.61.522)  
24 Viewing of Depictions of a Minor  
25 Engaged in Sexually Explicit  
26 Conduct 1 (RCW 9.68A.075(1))  
27 Willful Failure to Return from Furlough  
28 (RCW 72.66.060)  
29 III Animal Cruelty 1 (Sexual Conduct or  
30 Contact) (RCW 16.52.205(3))  
31 Assault 3 (Except Assault 3 of a Peace  
32 Officer With a Projectile Stun Gun)  
33 (RCW 9A.36.031 except subsection  
34 (1)(h))  
35 Assault of a Child 3 (RCW 9A.36.140)  
36 Bail Jumping with class B or C Felony  
37 (RCW 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)  
2 Communication with a Minor for  
3 Immoral Purposes (RCW  
4 9.68A.090)  
5 Criminal Gang Intimidation (RCW  
6 9A.46.120)  
7 Custodial Assault (RCW 9A.36.100)  
8 Cyberstalking (subsequent conviction or  
9 threat of death) (RCW 9.61.260(3))  
10 Escape 2 (RCW 9A.76.120)  
11 Extortion 2 (RCW 9A.56.130)  
12 Harassment (RCW 9A.46.020)  
13 Intimidating a Public Servant (RCW  
14 9A.76.180)  
15 Introducing Contraband 2 (RCW  
16 9A.76.150)  
17 Malicious Injury to Railroad Property  
18 (RCW 81.60.070)  
19 Manufacture of Untraceable Firearm  
20 with Intent to Sell (RCW 9.41.190)  
21 Manufacture or Assembly of an  
22 Undetectable Firearm or  
23 Untraceable Firearm (RCW  
24 9.41.325)  
25 Mortgage Fraud (RCW 19.144.080)  
26 Negligently Causing Substantial Bodily  
27 Harm By Use of a Signal  
28 Preemption Device (RCW  
29 46.37.674)  
30 Organized Retail Theft 1 (RCW  
31 9A.56.350(2))  
32 Perjury 2 (RCW 9A.72.030)  
33 Possession of Incendiary Device (RCW  
34 9.40.120)

1 Possession of Machine Gun, Bump-Fire  
2 Stock, Undetectable Firearm, or  
3 Short-Barreled Shotgun or Rifle  
4 (RCW 9.41.190)  
5 Promoting Prostitution 2 (RCW  
6 9A.88.080)  
7 Retail Theft with Special Circumstances  
8 1 (RCW 9A.56.360(2))  
9 Securities Act violation (RCW  
10 21.20.400)  
11 Tampering with a Witness (RCW  
12 9A.72.120)  
13 Telephone Harassment (subsequent  
14 conviction or threat of death) (RCW  
15 9.61.230(2))  
16 Theft of Livestock 2 (RCW 9A.56.083)  
17 Theft with the Intent to Resell 1 (RCW  
18 9A.56.340(2))  
19 Trafficking in Stolen Property 2 (RCW  
20 9A.82.055)  
21 Unlawful Hunting of Big Game 1 (RCW  
22 77.15.410(3)(b))  
23 Unlawful Imprisonment (RCW  
24 9A.40.040)  
25 Unlawful Misbranding of Fish or  
26 Shellfish 1 (RCW 77.140.060(3))  
27 Unlawful possession of firearm in the  
28 second degree (RCW 9.41.040(2))  
29 Unlawful Taking of Endangered Fish or  
30 Wildlife 1 (RCW 77.15.120(3)(b))  
31 Unlawful Trafficking in Fish, Shellfish,  
32 or Wildlife 1 (RCW  
33 77.15.260(3)(b))  
34 Unlawful Use of a Nondesignated  
35 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or  
2 driving of a vehicle with disregard  
3 for the safety of others (RCW  
4 46.61.522)

5 Willful Failure to Return from Work  
6 Release (RCW 72.65.070)

7 II Commercial Fishing Without a License  
8 1 (RCW 77.15.500(3)(b))

9 Computer Trespass 1 (RCW 9A.90.040)

10 Counterfeiting (RCW 9.16.035(3))

11 Electronic Data Service Interference  
12 (RCW 9A.90.060)

13 Electronic Data Tampering 1 (RCW  
14 9A.90.080)

15 Electronic Data Theft (RCW 9A.90.100)

16 Engaging in Fish Dealing Activity  
17 Unlicensed 1 (RCW 77.15.620(3))

18 Escape from Community Custody  
19 (RCW 72.09.310)

20 Failure to Register as a Sex Offender  
21 (second or subsequent offense)  
22 (RCW 9A.44.130 prior to June 10,  
23 2010, and RCW 9A.44.132)

24 Health Care False Claims (RCW  
25 48.80.030)

26 Identity Theft 2 (RCW 9.35.020(3))

27 Improperly Obtaining Financial  
28 Information (RCW 9.35.010)

29 Malicious Mischief 1 (RCW 9A.48.070)

30 Organized Retail Theft 2 (RCW  
31 9A.56.350(3))

32 Possession of Stolen Property 1 (RCW  
33 9A.56.150)

34 Possession of a Stolen Vehicle (RCW  
35 9A.56.068)

1 Retail Theft with Special Circumstances  
2 2 (RCW 9A.56.360(3))  
3 Scrap Processing, Recycling, or  
4 Supplying Without a License  
5 (second or subsequent offense)  
6 (RCW 19.290.100)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft of a Motor Vehicle (RCW  
9 9A.56.065)  
10 Theft of Rental, Leased, Lease-  
11 purchased, or Loaned Property  
12 (valued at five thousand dollars or  
13 more) (RCW 9A.56.096(5)(a))  
14 Theft with the Intent to Resell 2 (RCW  
15 9A.56.340(3))  
16 Trafficking in Insurance Claims (RCW  
17 48.30A.015)  
18 Unlawful factoring of a credit card or  
19 payment card transaction (RCW  
20 9A.56.290(4)(a))  
21 Unlawful Participation of Non-Indians  
22 in Indian Fishery (RCW  
23 77.15.570(2))  
24 Unlawful Practice of Law (RCW  
25 2.48.180)  
26 Unlawful Purchase or Use of a License  
27 (RCW 77.15.650(3)(b))  
28 Unlawful Trafficking in Fish, Shellfish,  
29 or Wildlife 2 (RCW  
30 77.15.260(3)(a))  
31 Unlicensed Practice of a Profession or  
32 Business (RCW 18.130.190(7))  
33 Voyeurism 1 (RCW 9A.44.115)  
34 I Attempting to Elude a Pursuing Police  
35 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW  
2 74.08.055)  
3 Forgery (RCW 9A.60.020)  
4 Fraudulent Creation or Revocation of a  
5 Mental Health Advance Directive  
6 (RCW 9A.60.060)  
7 Malicious Mischief 2 (RCW 9A.48.080)  
8 Mineral Trespass (RCW 78.44.330)  
9 Possession of Stolen Property 2 (RCW  
10 9A.56.160)  
11 Reckless Burning 1 (RCW 9A.48.040)  
12 Spotlighting Big Game 1 (RCW  
13 77.15.450(3)(b))  
14 Suspension of Department Privileges 1  
15 (RCW 77.15.670(3)(b))  
16 Taking Motor Vehicle Without  
17 Permission 2 (RCW 9A.56.075)  
18 Theft 2 (RCW 9A.56.040)  
19 Theft from a Vulnerable Adult 2 (RCW  
20 9A.56.400(2))  
21 Theft of Rental, Leased, Lease-  
22 purchased, or Loaned Property  
23 (valued at seven hundred fifty  
24 dollars or more but less than five  
25 thousand dollars) (RCW  
26 9A.56.096(5)(b))  
27 Transaction of insurance business  
28 beyond the scope of licensure  
29 (RCW 48.17.063)  
30 Unlawful Fish and Shellfish Catch  
31 Accounting (RCW 77.15.630(3)(b))  
32 Unlawful Issuance of Checks or Drafts  
33 (RCW 9A.56.060)  
34 Unlawful Possession of Fictitious  
35 Identification (RCW 9A.56.320)

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

--- **END** ---