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**SENATE BILL 5407**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senator Wilson, L.

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

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

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

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

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

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

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

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

18 (5) For the purposes of this section:

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

20 (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 2020 c 344 s 4 are each amended to  
4 read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH  
7 SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW 10.95.020)
- 9 XV Homicide by abuse (RCW 9A.32.055)
- 10 Malicious explosion 1 (RCW  
11 70.74.280(1))
- 12 Murder 1 (RCW 9A.32.030)
- 13 XIV Murder 2 (RCW 9A.32.050)
- 14 Trafficking 1 (RCW 9A.40.100(1))
- 15 XIII Malicious explosion 2 (RCW  
16 70.74.280(2))
- 17 Malicious placement of an explosive 1  
18 (RCW 70.74.270(1))
- 19 XII Assault 1 (RCW 9A.36.011)
- 20 Assault of a Child 1 (RCW 9A.36.120)
- 21 Malicious placement of an imitation  
22 device 1 (RCW 70.74.272(1)(a))
- 23 Promoting Commercial Sexual Abuse of  
24 a Minor (RCW 9.68A.101)
- 25 Rape 1 (RCW 9A.44.040)
- 26 Rape of a Child 1 (RCW 9A.44.073)
- 27 Trafficking 2 (RCW 9A.40.100(3))
- 28 XI Manslaughter 1 (RCW 9A.32.060)
- 29 Rape 2 (RCW 9A.44.050)
- 30 Rape of a Child 2 (RCW 9A.44.076)
- 31 Vehicular Homicide, by being under the  
32 influence of intoxicating liquor or  
33 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 False Reporting 1 (RCW  
23 9A.84.040(2)(a))  
24 Homicide by Watercraft, by disregard  
25 for the safety of others (RCW  
26 79A.60.050)  
27 Indecent Liberties (without forcible  
28 compulsion) (RCW 9A.44.100(1)  
29 (b) and (c))  
30 Introducing Contraband 1 (RCW  
31 9A.76.140)  
32 Malicious placement of an explosive 3  
33 (RCW 70.74.270(3))

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

1 Possession of Depictions of a Minor  
2 Engaged in Sexually Explicit  
3 Conduct 1 (RCW 9.68A.070(1))  
4 Rape of a Child 3 (RCW 9A.44.079)  
5 Theft of a Firearm (RCW 9A.56.300)  
6 Theft from a Vulnerable Adult 1 (RCW  
7 9A.56.400(1))  
8 Unlawful Storage of Ammonia (RCW  
9 69.55.020)  
10 V Abandonment of Dependent Person 2  
11 (RCW 9A.42.070)  
12 Advancing money or property for  
13 extortionate extension of credit  
14 (RCW 9A.82.030)  
15 Air bag diagnostic systems (RCW  
16 46.37.660(2)(c))  
17 Air bag replacement requirements  
18 (RCW 46.37.660(1)(c))  
19 Bail Jumping with class A Felony  
20 (RCW 9A.76.170(3)(b))  
21 Child Molestation 3 (RCW 9A.44.089)  
22 Criminal Mistreatment 2 (RCW  
23 9A.42.030)  
24 Custodial Sexual Misconduct 1 (RCW  
25 9A.44.160)  
26 Dealing in Depictions of Minor  
27 Engaged in Sexually Explicit  
28 Conduct 2 (RCW 9.68A.050(2))  
29 Domestic Violence Court Order  
30 Violation (RCW 10.99.040,  
31 10.99.050, 26.09.300, 26.10.220,  
32 26.26B.050, 26.50.110, 26.52.070,  
33 or 74.34.145)  
34 Extortion 1 (RCW 9A.56.120)  
35 Extortionate Extension of Credit (RCW  
36 9A.82.020)

1 Extortionate Means to Collect  
2 Extensions of Credit (RCW  
3 9A.82.040)  
4 Incest 2 (RCW 9A.64.020(2))  
5 Kidnapping 2 (RCW 9A.40.030)  
6 Manufacture or import counterfeit,  
7 nonfunctional, damaged, or  
8 previously deployed air bag (RCW  
9 46.37.650(1)(c))  
10 Perjury 1 (RCW 9A.72.020)  
11 Persistent prison misbehavior (RCW  
12 9.94.070)  
13 Possession of a Stolen Firearm (RCW  
14 9A.56.310)  
15 Rape 3 (RCW 9A.44.060)  
16 Rendering Criminal Assistance 1 (RCW  
17 9A.76.070)  
18 Sell, install, or reinstall counterfeit,  
19 nonfunctional, damaged, or  
20 previously deployed airbag (RCW  
21 46.37.650(2)(c))  
22 Sending, Bringing into State Depictions  
23 of Minor Engaged in Sexually  
24 Explicit Conduct 2 (RCW  
25 9.68A.060(2))  
26 Sexual Misconduct with a Minor 1  
27 (RCW 9A.44.093)  
28 Sexually Violating Human Remains  
29 (RCW 9A.44.105)  
30 Stalking (RCW 9A.46.110)  
31 Taking Motor Vehicle Without  
32 Permission 1 (RCW 9A.56.070)  
33 IV Arson 2 (RCW 9A.48.030)  
34 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a  
2 Projectile Stun Gun) (RCW  
3 9A.36.031(1)(h))  
4 Assault 4 (third domestic violence  
5 offense) (RCW 9A.36.041(3))  
6 Assault by Watercraft (RCW  
7 79A.60.060)  
8 Bribing a Witness/Bribe Received by  
9 Witness (RCW 9A.72.090,  
10 9A.72.100)  
11 Cheating 1 (RCW 9.46.1961)  
12 Commercial Bribery (RCW 9A.68.060)  
13 Counterfeiting (RCW 9.16.035(4))  
14 Driving While Under the Influence  
15 (RCW 46.61.502(6))  
16 Endangerment with a Controlled  
17 Substance (RCW 9A.42.100)  
18 Escape 1 (RCW 9A.76.110)  
19 Hate Crime (RCW 9A.36.080)  
20 Hit and Run—Injury (RCW  
21 46.52.020(4)(b))  
22 Hit and Run with Vessel—Injury  
23 Accident (RCW 79A.60.200(3))  
24 Identity Theft 1 (RCW 9.35.020(2))  
25 Indecent Exposure to Person Under Age  
26 Fourteen (subsequent sex offense)  
27 (RCW 9A.88.010)  
28 Influencing Outcome of Sporting Event  
29 (RCW 9A.82.070)  
30 Physical Control of a Vehicle While  
31 Under the Influence (RCW  
32 46.61.504(6))  
33 Possession of Depictions of a Minor  
34 Engaged in Sexually Explicit  
35 Conduct 2 (RCW 9.68A.070(2))

1 Residential Burglary (RCW 9A.52.025)  
2 Robbery 2 (RCW 9A.56.210)  
3 Theft of Livestock 1 (RCW 9A.56.080)  
4 Threats to Bomb (RCW 9.61.160)  
5 Trafficking in Stolen Property 1 (RCW  
6 9A.82.050)  
7 Unlawful factoring of a credit card or  
8 payment card transaction (RCW  
9 9A.56.290(4)(b))  
10 Unlawful transaction of health coverage  
11 as a health care service contractor  
12 (RCW 48.44.016(3))  
13 Unlawful transaction of health coverage  
14 as a health maintenance  
15 organization (RCW 48.46.033(3))  
16 Unlawful transaction of insurance  
17 business (RCW 48.15.023(3))  
18 Unlicensed practice as an insurance  
19 professional (RCW 48.17.063(2))  
20 Use of Proceeds of Criminal  
21 Profiteering (RCW 9A.82.080 (1)  
22 and (2))  
23 Vehicle Prowling 2 (third or subsequent  
24 offense) (RCW 9A.52.100(3))  
25 Vehicular Assault, by being under the  
26 influence of intoxicating liquor or  
27 any drug, or by the operation or  
28 driving of a vehicle in a reckless  
29 manner (RCW 46.61.522)  
30 Viewing of Depictions of a Minor  
31 Engaged in Sexually Explicit  
32 Conduct 1 (RCW 9.68A.075(1))  
33 Willful Failure to Return from Furlough  
34 (RCW 72.66.060)  
35 III Animal Cruelty 1 (Sexual Conduct or  
36 Contact) (RCW 16.52.205(3))

1 Assault 3 (Except Assault 3 of a Peace  
2 Officer With a Projectile Stun Gun)  
3 (RCW 9A.36.031 except subsection  
4 (1)(h))  
5 Assault of a Child 3 (RCW 9A.36.140)  
6 Bail Jumping with class B or C Felony  
7 (RCW 9A.76.170(3)(c))  
8 Burglary 2 (RCW 9A.52.030)  
9 Communication with a Minor for  
10 Immoral Purposes (RCW  
11 9.68A.090)  
12 Criminal Gang Intimidation (RCW  
13 9A.46.120)  
14 Custodial Assault (RCW 9A.36.100)  
15 Cyberstalking (subsequent conviction or  
16 threat of death) (RCW 9.61.260(3))  
17 Escape 2 (RCW 9A.76.120)  
18 Extortion 2 (RCW 9A.56.130)  
19 False Reporting 2 (RCW  
20 9A.84.040(2)(b))  
21 Harassment (RCW 9A.46.020)  
22 Intimidating a Public Servant (RCW  
23 9A.76.180)  
24 Introducing Contraband 2 (RCW  
25 9A.76.150)  
26 Malicious Injury to Railroad Property  
27 (RCW 81.60.070)  
28 Manufacture of Untraceable Firearm  
29 with Intent to Sell (RCW 9.41.190)  
30 Manufacture or Assembly of an  
31 Undetectable Firearm or  
32 Untraceable Firearm (RCW  
33 9.41.325)  
34 Mortgage Fraud (RCW 19.144.080)

1 Negligently Causing Substantial Bodily  
2 Harm By Use of a Signal  
3 Preemption Device (RCW  
4 46.37.674)  
5 Organized Retail Theft 1 (RCW  
6 9A.56.350(2))  
7 Perjury 2 (RCW 9A.72.030)  
8 Possession of Incendiary Device (RCW  
9 9.40.120)  
10 Possession of Machine Gun, Bump-Fire  
11 Stock, Undetectable Firearm, or  
12 Short-Barreled Shotgun or Rifle  
13 (RCW 9.41.190)  
14 Promoting Prostitution 2 (RCW  
15 9A.88.080)  
16 Retail Theft with Special Circumstances  
17 1 (RCW 9A.56.360(2))  
18 Securities Act violation (RCW  
19 21.20.400)  
20 Tampering with a Witness (RCW  
21 9A.72.120)  
22 Telephone Harassment (subsequent  
23 conviction or threat of death) (RCW  
24 9.61.230(2))  
25 Theft of Livestock 2 (RCW 9A.56.083)  
26 Theft with the Intent to Resell 1 (RCW  
27 9A.56.340(2))  
28 Trafficking in Stolen Property 2 (RCW  
29 9A.82.055)  
30 Unlawful Hunting of Big Game 1 (RCW  
31 77.15.410(3)(b))  
32 Unlawful Imprisonment (RCW  
33 9A.40.040)  
34 Unlawful Misbranding of Fish or  
35 Shellfish 1 (RCW 77.140.060(3))

1 Unlawful possession of firearm in the  
2 second degree (RCW 9A.04.020(2))  
3 Unlawful Taking of Endangered Fish or  
4 Wildlife 1 (RCW 77.15.120(3)(b))  
5 Unlawful Trafficking in Fish, Shellfish,  
6 or Wildlife 1 (RCW  
7 77.15.260(3)(b))  
8 Unlawful Use of a Nondesignated  
9 Vessel (RCW 77.15.530(4))  
10 Vehicular Assault, by the operation or  
11 driving of a vehicle with disregard  
12 for the safety of others (RCW  
13 46.61.522)  
14 Willful Failure to Return from Work  
15 Release (RCW 72.65.070)  
16 II Commercial Fishing Without a License  
17 1 (RCW 77.15.500(3)(b))  
18 Computer Trespass 1 (RCW 9A.90.040)  
19 Counterfeiting (RCW 9.16.035(3))  
20 Electronic Data Service Interference  
21 (RCW 9A.90.060)  
22 Electronic Data Tampering 1 (RCW  
23 9A.90.080)  
24 Electronic Data Theft (RCW 9A.90.100)  
25 Engaging in Fish Dealing Activity  
26 Unlicensed 1 (RCW 77.15.620(3))  
27 Escape from Community Custody  
28 (RCW 72.09.310)  
29 Failure to Register as a Sex Offender  
30 (second or subsequent offense)  
31 (RCW 9A.44.130 prior to June 10,  
32 2010, and RCW 9A.44.132)  
33 Health Care False Claims (RCW  
34 48.80.030)  
35 Identity Theft 2 (RCW 9.35.020(3))

1 Improperly Obtaining Financial  
2 Information (RCW 9.35.010)  
3 Malicious Mischief 1 (RCW 9A.48.070)  
4 Organized Retail Theft 2 (RCW  
5 9A.56.350(3))  
6 Possession of Stolen Property 1 (RCW  
7 9A.56.150)  
8 Possession of a Stolen Vehicle (RCW  
9 9A.56.068)  
10 Retail Theft with Special Circumstances  
11 2 (RCW 9A.56.360(3))  
12 Scrap Processing, Recycling, or  
13 Supplying Without a License  
14 (second or subsequent offense)  
15 (RCW 19.290.100)  
16 Theft 1 (RCW 9A.56.030)  
17 Theft of a Motor Vehicle (RCW  
18 9A.56.065)  
19 Theft of Rental, Leased, Lease-  
20 purchased, or Loaned Property  
21 (valued at five thousand dollars or  
22 more) (RCW 9A.56.096(5)(a))  
23 Theft with the Intent to Resell 2 (RCW  
24 9A.56.340(3))  
25 Trafficking in Insurance Claims (RCW  
26 48.30A.015)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(a))  
30 Unlawful Participation of Non-Indians  
31 in Indian Fishery (RCW  
32 77.15.570(2))  
33 Unlawful Practice of Law (RCW  
34 2.48.180)  
35 Unlawful Purchase or Use of a License  
36 (RCW 77.15.650(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,  
2 or Wildlife 2 (RCW  
3 77.15.260(3)(a))  
4 Unlicensed Practice of a Profession or  
5 Business (RCW 18.130.190(7))  
6 Voyeurism 1 (RCW 9A.44.115)  
7 I Attempting to Elude a Pursuing Police  
8 Vehicle (RCW 46.61.024)  
9 False Verification for Welfare (RCW  
10 74.08.055)  
11 Forgery (RCW 9A.60.020)  
12 Fraudulent Creation or Revocation of a  
13 Mental Health Advance Directive  
14 (RCW 9A.60.060)  
15 Malicious Mischief 2 (RCW 9A.48.080)  
16 Mineral Trespass (RCW 78.44.330)  
17 Possession of Stolen Property 2 (RCW  
18 9A.56.160)  
19 Reckless Burning 1 (RCW 9A.48.040)  
20 Spotlighting Big Game 1 (RCW  
21 77.15.450(3)(b))  
22 Suspension of Department Privileges 1  
23 (RCW 77.15.670(3)(b))  
24 Taking Motor Vehicle Without  
25 Permission 2 (RCW 9A.56.075)  
26 Theft 2 (RCW 9A.56.040)  
27 Theft from a Vulnerable Adult 2 (RCW  
28 9A.56.400(2))  
29 Theft of Rental, Leased, Lease-  
30 purchased, or Loaned Property  
31 (valued at seven hundred fifty  
32 dollars or more but less than five  
33 thousand dollars) (RCW  
34 9A.56.096(5)(b))

1 Transaction of insurance business  
2 beyond the scope of licensure  
3 (RCW 48.17.063)  
4 Unlawful Fish and Shellfish Catch  
5 Accounting (RCW 77.15.630(3)(b))  
6 Unlawful Issuance of Checks or Drafts  
7 (RCW 9A.56.060)  
8 Unlawful Possession of Fictitious  
9 Identification (RCW 9A.56.320)  
10 Unlawful Possession of Instruments of  
11 Financial Fraud (RCW 9A.56.320)  
12 Unlawful Possession of Payment  
13 Instruments (RCW 9A.56.320)  
14 Unlawful Possession of a Personal  
15 Identification Device (RCW  
16 9A.56.320)  
17 Unlawful Production of Payment  
18 Instruments (RCW 9A.56.320)  
19 Unlawful Releasing, Planting,  
20 Possessing, or Placing Deleterious  
21 Exotic Wildlife (RCW  
22 77.15.250(2)(b))  
23 Unlawful Trafficking in Food Stamps  
24 (RCW 9.91.142)  
25 Unlawful Use of Food Stamps (RCW  
26 9.91.144)  
27 Unlawful Use of Net to Take Fish 1  
28 (RCW 77.15.580(3)(b))  
29 Unlawful Use of Prohibited Aquatic  
30 Animal Species (RCW  
31 77.15.253(3))  
32 Vehicle Prowl 1 (RCW 9A.52.095)  
33 Violating Commercial Fishing Area or  
34 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---