
HOUSE BILL 1840

State of Washington

68th Legislature

2023 Regular Session

By Representatives Cheney, Walen, Graham, Rude, and Walsh

1 AN ACT Relating to addressing catalytic converter theft; amending
2 RCW 19.290.020, 19.290.030, 9A.56.410, 9.94A.515, 36.28A.240, and
3 43.43.885; reenacting and amending RCW 9.94A.533; adding a new
4 section to chapter 9.94A RCW; making an appropriation; and
5 prescribing penalties.

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

7 **Sec. 1.** RCW 19.290.020 and 2022 c 221 s 3 are each amended to
8 read as follows:

9 (1) At the time of a transaction, every scrap metal business
10 doing business in this state shall produce wherever that business is
11 conducted an accurate and legible record of each transaction
12 involving private metal property, precious metals, or nonferrous
13 metal property. This record must be written in the English language,
14 documented on a standardized form or in electronic form, and contain
15 the following information:

16 (a) The signature of the person with whom the transaction is
17 made;

18 (b) The time, date, location, and value of the transaction;

19 (c) The name of the employee representing the scrap metal
20 business in the transaction;

1 (d) The name, street address, and telephone number of the person
2 with whom the transaction is made;

3 (e) The license plate number and state of issuance of the license
4 plate on the motor vehicle used to deliver the private metal property
5 or nonferrous metal property subject to the transaction;

6 (f) A description of the motor vehicle used to deliver the
7 private metal property or nonferrous metal property subject to the
8 transaction;

9 (g) The current driver's license number or other government-
10 issued picture identification card number of the seller or a copy of
11 the seller's government-issued picture identification card;

12 (h) A description of the predominant types of private metal
13 property or nonferrous metal property subject to the transaction,
14 utilizing the institute of scrap recycling industries' generally
15 accepted terminology, and including weight, quantity, or volume; and

16 (i) For every transaction specifically involving a catalytic
17 converter that has been removed from a vehicle, documentation
18 indicating that the private metal property in the seller's possession
19 is the result of the seller replacing private metal property from a
20 vehicle registered in the seller's name.

21 (2) For every transaction that involves private metal property or
22 nonferrous metal property, every scrap metal business doing business
23 in the state shall require the person with whom a transaction is
24 being made to sign a declaration. The declaration may be included as
25 part of the transactional record required under subsection (1) of
26 this section, or on a receipt for the transaction. The declaration
27 must state substantially the following:

28 "I, the undersigned, affirm under penalty of law that the
29 property that is subject to this transaction is not to the best of my
30 knowledge stolen property."

31 The declaration must be signed and dated by the person with whom
32 the transaction is being made. An employee of the scrap metal
33 business must witness the signing and dating of the declaration and
34 sign the declaration accordingly before any transaction may be
35 consummated.

36 (3) The record and declaration required under this section must
37 be open to the inspection of any commissioned law enforcement officer
38 of the state or any of its political subdivisions at all times during
39 the ordinary hours of business, or at reasonable times if ordinary
40 hours of business are not kept, and must be maintained wherever that

1 business is conducted for five years following the date of the
2 transaction.

3 **Sec. 2.** RCW 19.290.030 and 2022 c 221 s 4 are each amended to
4 read as follows:

5 (1) No scrap metal business may enter into a transaction to
6 purchase or receive private metal property, precious metals, or
7 nonferrous metal property from any person who cannot produce at least
8 one piece of current government-issued picture identification,
9 including a valid driver's license or identification card issued by
10 any state.

11 (2) No scrap metal business may enter into a transaction to
12 purchase or receive private metal property from any person who is not
13 a commercial enterprise or owner of the vehicle from which the
14 catalytic converter was removed. No scrap metal business may enter
15 into a transaction with an owner of a vehicle from which a catalytic
16 converter was removed unless the owner provides the year, make,
17 model, and vehicle identification number for the vehicle from which
18 it was removed.

19 (3) No scrap metal business may purchase or receive private metal
20 property or commercial metal property unless the seller: (a) Has a
21 commercial account with the scrap metal business; (b) can prove
22 ownership of the property by producing written documentation that the
23 seller is the owner of the property; or (c) can produce written
24 documentation that the seller is an employee or agent authorized to
25 sell the property on behalf of a commercial enterprise.

26 ((+3)) (4) No scrap metal business may enter into a transaction
27 to purchase or receive metallic wire that was burned in whole or in
28 part to remove insulation unless the seller can produce written proof
29 to the scrap metal business that the wire was lawfully burned.

30 ((+4)) (5)(a) No transaction involving private metal property or
31 nonferrous metal property may be made in cash or with any person who
32 does not provide a street address and photographic identification
33 under the requirements of RCW 19.290.020(1) (d) and (g) except as
34 described in (b) and (c) of this subsection. The person with whom the
35 transaction is being made may only be paid by a nontransferable
36 check, mailed by the scrap metal business to a street address
37 provided under RCW 19.290.020, no earlier than ((three)) five
38 business days after the transaction was made. A transaction occurs on
39 the date provided in the record required under RCW 19.290.020.

1 (b) A scrap metal business that is in compliance with this
2 chapter may pay up to a maximum of \$30 in cash, stored value device,
3 or electronic funds transfer for nonferrous metal property. The
4 balance of the value of the transaction may be made by
5 nontransferable check, stored value device, or electronic funds
6 transfer at the time the transaction is made if the scrap metal
7 business digitally captures:

8 (i) A copy of one piece of current government-issued picture
9 identification, including a current driver's license or
10 identification card issued by any state; and

11 (ii) Either a picture or video of either the material subject to
12 the transaction in the form received or the material subject to the
13 transaction within the vehicle which the material was transported to
14 the scrap metal business.

15 (c) Payment to individual sellers of private metal property as
16 defined in this chapter may not be made at the time of the
17 transaction and shall not be paid earlier than ~~((three))~~ five
18 business days after the transaction was made. Records of payment for
19 private metal property as defined in this chapter must be kept in the
20 same file or record as all records collected under this subsection
21 and retained and be available for review for ~~((two))~~ three years from
22 the date of the transaction.

23 ~~((+5))~~ (6)(a) A scrap metal business's usage of video
24 surveillance shall be sufficient to comply with subsection ~~((+4))~~
25 (5)(b)(ii) of this section so long as the video captures the material
26 subject to the transaction.

27 (b) A digital image or picture taken under this section must be
28 available for ~~((two))~~ three years from the date of transaction, while
29 a video recording must be available for 30 days.

30 ~~((+6))~~ (7) No scrap metal business may purchase or receive beer
31 kegs from anyone except a manufacturer of beer kegs or licensed
32 brewery.

33 **Sec. 3.** RCW 9A.56.410 and 2022 c 221 s 5 are each amended to
34 read as follows:

35 (1) ~~((+1))~~ Except as provided in subsection (2) of this section,
36 it is a gross misdemeanor under chapter 9A.20 RCW for:

37 (a) Any person to deliberately remove, alter, or obliterate any
38 manufacturer's make, model, or serial number, personal identification
39 number, or identifying marks engraved or etched upon an item of

1 private metal property, nonferrous metal property, or commercial
2 metal property in order to deceive a scrap metal business;

3 (b) Any scrap metal business to enter into a transaction to
4 purchase or receive any private metal property, nonferrous metal
5 property, or commercial metal property where the manufacturer's make,
6 model, or serial number, personal identification number, or
7 identifying marks engraved or etched upon the property have been
8 deliberately and conspicuously removed, altered, or obliterated;

9 (c) Any person to knowingly make, cause, or allow to be made any
10 false entry or misstatement of any material matter in any book,
11 record, or writing required to be kept under this chapter;

12 (d) Any scrap metal business to enter into a transaction to
13 purchase or receive private metal property, nonferrous metal
14 property, or commercial metal property from any person under the age
15 of 18 years or any person who is discernibly under the influence of
16 intoxicating liquor or drugs;

17 (e) Any scrap metal business to enter into a transaction to
18 purchase or receive private metal property, nonferrous metal
19 property, or commercial metal property with anyone whom the scrap
20 metal business has been informed by a law enforcement agency to have
21 been convicted of a crime involving drugs, burglary, robbery, theft,
22 or possession of or receiving stolen property, manufacturing,
23 delivering, or possessing with intent to deliver methamphetamine, or
24 possession of ephedrine or any of its salts or isomers or salts of
25 isomers, pseudoephedrine or any of its salts or isomers or salts of
26 isomers, or anhydrous ammonia with intent to manufacture
27 methamphetamine within the past four years whether the person is
28 acting in his or her own behalf or as the agent of another;

29 (f) Any person to sign the declaration required under RCW
30 19.290.020 knowing that the private metal property or nonferrous
31 metal property subject to the transaction is stolen. The signature of
32 a person on the declaration required under RCW 19.290.020 constitutes
33 evidence of intent to defraud a scrap metal business if that person
34 is found to have known that the private metal property or nonferrous
35 metal property subject to the transaction was stolen;

36 (g) Any scrap metal business to possess private metal property or
37 commercial metal property that was not lawfully purchased or received
38 under the requirements of this chapter;

39 (h) Any scrap metal business to engage in a series of
40 transactions valued at less than \$30 with the same seller for the

1 purposes of avoiding the requirements of RCW 19.290.030(~~((4))~~) (5);
2 or

3 (i) Any person to knowingly make a false or fictitious oral or
4 written statement or to furnish or exhibit any false, fictitious, or
5 misrepresented identification, with the intent to deceive a scrap
6 metal business as to the actual seller of the scrap metal.

7 (2) A second or subsequent violation of subsection (1)(a) or (b)
8 of this section is a class C felony.

9 (3) It is a gross misdemeanor under chapter 9A.20 RCW for any
10 scrap metal business to purchase or receive private metal property
11 knowing that the private metal property subject to the transaction is
12 stolen. It is a gross misdemeanor under chapter 9A.20 RCW for any
13 owner, partner, or employee of a scrap metal business to purchase or
14 receive private metal property knowing that the private metal
15 property subject to the transaction is stolen.

16 (4) Notwithstanding any fines imposed as part of the sentence
17 under this section, each offense is punishable by a \$1,000 fine per
18 catalytic converter, 10 percent of which shall be directed to the no-
19 buy list database program in RCW 43.43.885, and the remainder shall
20 be directed to the Washington association of sheriffs and police
21 chiefs solely for grants issued under RCW 36.28A.240.

22 ~~((3))~~ (5)(a) Facilitating the offer of used catalytic
23 converters for sale without first verifying proof of ownership of the
24 catalytic converter, or failing to retain verified records of
25 ownership of used catalytic converters offered for sale for at least
26 ~~((two))~~ three years, is an unfair or deceptive act or practice or
27 unfair method of competition in the conduct of trade or commerce for
28 purposes of the consumer protection act, chapter 19.86 RCW.

29 (b) All damages awarded to the state of Washington under chapter
30 19.86 RCW shall be distributed as follows:

31 (i) Ninety percent to the grant and training program in RCW
32 36.28A.240; and

33 (ii) Ten percent to the no-buy list database program in RCW
34 43.43.885.

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

37 TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
1	
2	
3	XVI Aggravated Murder 1 (RCW 10.95.020)
4	XV Homicide by abuse (RCW 9A.32.055)
5	Malicious explosion 1 (RCW
6	70.74.280(1))
7	Murder 1 (RCW 9A.32.030)
8	XIV Murder 2 (RCW 9A.32.050)
9	Trafficking 1 (RCW 9A.40.100(1))
10	XIII Malicious explosion 2 (RCW
11	70.74.280(2))
12	Malicious placement of an explosive 1
13	(RCW 70.74.270(1))
14	XII Assault 1 (RCW 9A.36.011)
15	Assault of a Child 1 (RCW 9A.36.120)
16	Malicious placement of an imitation
17	device 1 (RCW 70.74.272(1)(a))
18	Promoting Commercial Sexual Abuse of
19	a Minor (RCW 9.68A.101)
20	Rape 1 (RCW 9A.44.040)
21	Rape of a Child 1 (RCW 9A.44.073)
22	Trafficking 2 (RCW 9A.40.100(3))
23	XI Manslaughter 1 (RCW 9A.32.060)
24	Rape 2 (RCW 9A.44.050)
25	Rape of a Child 2 (RCW 9A.44.076)
26	Vehicle Homicide, by being under the
27	influence of intoxicating liquor or
28	any drug (RCW 46.61.520)
29	Vehicle Homicide, by the operation of
30	any vehicle in a reckless manner
31	(RCW 46.61.520)
32	X Child Molestation 1 (RCW 9A.44.083)
33	Criminal Mistreatment 1 (RCW
34	9A.42.020)

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape (RCW
10 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run—Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 79A.60.050)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 Malicious placement of an explosive 2
24 (RCW 70.74.270(2))
25 Robbery 1 (RCW 9A.56.200)
26 Sexual Exploitation (RCW 9.68A.040)
27 VIII Arson 1 (RCW 9A.48.020)
28 Commercial Sexual Abuse of a Minor
29 (RCW 9.68A.100)
30 Homicide by Watercraft, by the
31 operation of any vessel in a reckless
32 manner (RCW 79A.60.050)
33 Manslaughter 2 (RCW 9A.32.070)
34 Promoting Prostitution 1 (RCW
35 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 VII Air bag diagnostic systems (causing
3 bodily injury or death) (RCW
4 46.37.660(2)(b))
5 Air bag replacement requirements
6 (causing bodily injury or death)
7 (RCW 46.37.660(1)(b))
8 Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Civil Disorder Training (RCW
11 9A.48.120)
12 Dealing in depictions of minor engaged
13 in sexually explicit conduct 1
14 (RCW 9.68A.050(1))
15 Drive-by Shooting (RCW 9A.36.045)
16 False Reporting 1 (RCW
17 9A.84.040(2)(a))
18 Homicide by Watercraft, by disregard
19 for the safety of others (RCW
20 79A.60.050)
21 Indecent Liberties (without forcible
22 compulsion) (RCW 9A.44.100(1)
23 (b) and (c))
24 Introducing Contraband 1 (RCW
25 9A.76.140)
26 Malicious placement of an explosive 3
27 (RCW 70.74.270(3))
28 Manufacture or import counterfeit,
29 nonfunctional, damaged, or
30 previously deployed air bag
31 (causing bodily injury or death)
32 (RCW 46.37.650(1)(b))
33 Negligently Causing Death By Use of a
34 Signal Preemption Device (RCW
35 46.37.675)

1 Sell, install, or reinstall counterfeit,
2 nonfunctional, damaged, or
3 previously deployed airbag (RCW
4 46.37.650(2)(b))
5 Sending, bringing into state depictions
6 of minor engaged in sexually
7 explicit conduct 1 (RCW
8 9.68A.060(1))
9 Unlawful Possession of a Firearm in the
10 first degree (RCW 9.41.040(1))
11 Use of a Machine Gun or Bump-fire
12 Stock in Commission of a Felony
13 (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW 9A.72.160)
22 Intimidating a Juror/Witness (RCW
23 9A.72.110, 9A.72.130)
24 Malicious placement of an imitation
25 device 2 (RCW 70.74.272(1)(b))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.070(1))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Theft from a Vulnerable Adult 1 (RCW
32 9A.56.400(1))
33 Unlawful Storage of Ammonia (RCW
34 69.55.020)
35 V Abandonment of Dependent Person 2
36 (RCW 9A.42.070)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW
5 46.37.660(2)(c))

6 Air bag replacement requirements
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW
12 9A.42.030)

13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)

15 Dealing in Depictions of Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order
19 Violation (RCW 7.105.450,
20 10.99.040, 10.99.050, 26.09.300,
21 26.10.220, 26.26B.050, 26.50.110,
22 26.52.070, or 74.34.145)

23 Extortion 1 (RCW 9A.56.120)

24 Extortionate Extension of Credit (RCW
25 9A.82.020)

26 Extortionate Means to Collect
27 Extensions of Credit (RCW
28 9A.82.040)

29 Incest 2 (RCW 9A.64.020(2))

30 Kidnapping 2 (RCW 9A.40.030)

31 Manufacture or import counterfeit,
32 nonfunctional, damaged, or
33 previously deployed air bag (RCW
34 46.37.650(1)(c))

35 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sell, install, or reinstall counterfeit,
9 nonfunctional, damaged, or
10 previously deployed airbag (RCW
11 46.37.650(2)(c))
12 Sending, Bringing into State Depictions
13 of Minor Engaged in Sexually
14 Explicit Conduct 2 (RCW
15 9.68A.060(2))
16 Sexual Misconduct with a Minor 1
17 (RCW 9A.44.093)
18 Sexually Violating Human Remains
19 (RCW 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 Taking Motor Vehicle Without
22 Permission 1 (RCW 9A.56.070)
23 IV Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault 3 (of a Peace Officer with a
26 Projectile Stun Gun) (RCW
27 9A.36.031(1)(h))
28 Assault 4 (third domestic violence
29 offense) (RCW 9A.36.041(3))
30 Assault by Watercraft (RCW
31 79A.60.060)
32 Bribing a Witness/Bribe Received by
33 Witness (RCW 9A.72.090,
34 9A.72.100)
35 Cheating 1 (RCW 9.46.1961)
36 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))
2 Driving While Under the Influence
3 (RCW 46.61.502(6))
4 Endangerment with a Controlled
5 Substance (RCW 9A.42.100)
6 Escape 1 (RCW 9A.76.110)
7 Hate Crime (RCW 9A.36.080)
8 Hit and Run—Injury (RCW
9 46.52.020(4)(b))
10 Hit and Run with Vessel—Injury
11 Accident (RCW 79A.60.200(3))
12 Identity Theft 1 (RCW 9.35.020(2))
13 Indecent Exposure to Person Under Age
14 14 (subsequent sex offense) (RCW
15 9A.88.010)
16 Influencing Outcome of Sporting Event
17 (RCW 9A.82.070)
18 Physical Control of a Vehicle While
19 Under the Influence (RCW
20 46.61.504(6))
21 Possession of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 2 (RCW 9.68A.070(2))
24 Residential Burglary (RCW 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Trafficking in Stolen Property 1 (RCW
29 9A.82.050)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(b))
33 Unlawful transaction of health coverage
34 as a health care service contractor
35 (RCW 48.44.016(3))

1 Unlawful transaction of health coverage
2 as a health maintenance
3 organization (RCW 48.46.033(3))
4 Unlawful transaction of insurance
5 business (RCW 48.15.023(3))
6 Unlicensed practice as an insurance
7 professional (RCW 48.17.063(2))
8 Use of Proceeds of Criminal
9 Profiteering (RCW 9A.82.080 (1)
10 and (2))
11 Vehicle Prowling 2 (third or subsequent
12 offense) (RCW 9A.52.100(3))
13 Vehicular Assault, by being under the
14 influence of intoxicating liquor or
15 any drug, or by the operation or
16 driving of a vehicle in a reckless
17 manner (RCW 46.61.522)
18 Viewing of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.075(1))
21 Willful Failure to Return from Furlough
22 (RCW 72.66.060)
23 III Animal Cruelty 1 (Sexual Conduct or
24 Contact) (RCW 16.52.205(3))
25 Assault 3 (Except Assault 3 of a Peace
26 Officer With a Projectile Stun Gun)
27 (RCW 9A.36.031 except subsection
28 (1)(h))
29 Assault of a Child 3 (RCW 9A.36.140)
30 Bail Jumping with class B or C Felony
31 (RCW 9A.76.170(3)(c))
32 Burglary 2 (RCW 9A.52.030)
33 Communication with a Minor for
34 Immoral Purposes (RCW
35 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Custodial Assault (RCW 9A.36.100)
4 Cyber Harassment (RCW
5 9A.90.120(2)(b))
6 Escape 2 (RCW 9A.76.120)
7 Extortion 2 (RCW 9A.56.130)
8 False Reporting 2 (RCW
9 9A.84.040(2)(b))
10 Harassment (RCW 9A.46.020)
11 Intimidating a Public Servant (RCW
12 9A.76.180)
13 Introducing Contraband 2 (RCW
14 9A.76.150)
15 Malicious Injury to Railroad Property
16 (RCW 81.60.070)
17 Manufacture of Untraceable Firearm
18 with Intent to Sell (RCW 9.41.190)
19 Manufacture or Assembly of an
20 Undetectable Firearm or
21 Untraceable Firearm (RCW
22 9.41.325)
23 Mortgage Fraud (RCW 19.144.080)
24 Negligently Causing Substantial Bodily
25 Harm By Use of a Signal
26 Preemption Device (RCW
27 46.37.674)
28 Organized Retail Theft 1 (RCW
29 9A.56.350(2))
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun, Bump-Fire
34 Stock, Undetectable Firearm, or
35 Short-Barreled Shotgun or Rifle
36 (RCW 9.41.190)

1 Promoting Prostitution 2 (RCW
2 9A.88.080)
3 Retail Theft with Special Circumstances
4 1 (RCW 9A.56.360(2))
5 Securities Act violation (RCW
6 21.20.400)
7 Tampering with a Witness (RCW
8 9A.72.120)
9 Telephone Harassment (subsequent
10 conviction or threat of death) (RCW
11 9.61.230(2))
12 Theft of Livestock 2 (RCW 9A.56.083)
13 Theft with the Intent to Resell 1 (RCW
14 9A.56.340(2))
15 Trafficking in Stolen Property 2 (RCW
16 9A.82.055)
17 Unlawful Hunting of Big Game 1 (RCW
18 77.15.410(3)(b))
19 Unlawful Imprisonment (RCW
20 9A.40.040)
21 Unlawful Misbranding of Fish or
22 Shellfish 1 (RCW 77.140.060(3))
23 Unlawful possession of firearm in the
24 second degree (RCW 9.41.040(2))
25 Unlawful Taking of Endangered Fish or
26 Wildlife 1 (RCW 77.15.120(3)(b))
27 Unlawful Trafficking in Fish, Shellfish,
28 or Wildlife 1 (RCW
29 77.15.260(3)(b))
30 Unlawful Use of a Nondesignated
31 Vessel (RCW 77.15.530(4))
32 Vehicular Assault, by the operation or
33 driving of a vehicle with disregard
34 for the safety of others (RCW
35 46.61.522)

1 Willful Failure to Return from Work
2 Release (RCW 72.65.070)
3 II Commercial Fishing Without a License
4 1 (RCW 77.15.500(3)(b))
5 Computer Trespass 1 (RCW 9A.90.040)
6 Counterfeiting (RCW 9.16.035(3))
7 Electronic Data Service Interference
8 (RCW 9A.90.060)
9 Electronic Data Tampering 1 (RCW
10 9A.90.080)
11 Electronic Data Theft (RCW 9A.90.100)
12 Engaging in Fish Dealing Activity
13 Unlicensed 1 (RCW 77.15.620(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.130 prior to June 10,
19 2010, and RCW 9A.44.132)
20 Health Care False Claims (RCW
21 48.80.030)
22 Identity Theft 2 (RCW 9.35.020(3))
23 Improperly Obtaining Financial
24 Information (RCW 9.35.010)
25 Malicious Mischief 1 (RCW 9A.48.070)
26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Possession of a Stolen Vehicle (RCW
31 9A.56.068)
32 Retail Theft with Special Circumstances
33 2 (RCW 9A.56.360(3))

1 Scrap Processing, Recycling, or
2 Supplying Without a License
3 (second or subsequent offense)
4 (RCW 19.290.100)

5 Theft 1 (RCW 9A.56.030)

6 Theft 2 (commercial metal property,
7 nonferrous metal property, or
8 private metal property, and the
9 damage to the owner's property
10 exceeds \$750 but does not exceed
11 \$5,000) (RCW 9A.56.040(1)(c))

12 Theft of a Motor Vehicle (RCW
13 9A.56.065)

14 Theft of Rental, Leased, Lease-
15 purchased, or Loaned Property
16 (valued at \$5,000 or more) (RCW
17 9A.56.096(5)(a))

18 Theft with the Intent to Resell 2 (RCW
19 9A.56.340(3))

20 Trafficking in Insurance Claims (RCW
21 48.30A.015)

22 Unlawful factoring of a credit card or
23 payment card transaction (RCW
24 9A.56.290(4)(a))

25 Unlawful Participation of Non-Indians
26 in Indian Fishery (RCW
27 77.15.570(2))

28 Unlawful Practice of Law (RCW
29 2.48.180)

30 Unlawful Purchase or Use of a License
31 (RCW 77.15.650(3)(b))

32 Unlawful Removal, Alteration, or
33 Obliteration of Identifying
34 Information of Metal Property
35 (second or subsequent offense)
36 (RCW 9A.56.410)

1 Unlawful Trafficking in Fish, Shellfish,
2 or Wildlife 2 (RCW
3 77.15.260(3)(a))
4 Unlawful Transaction to Purchase or
5 Receive Metal Property (second or
6 subsequent offense) (RCW
7 9A.56.410)
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 Voyeurism 1 (RCW 9A.44.115)
11 I Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)
13 False Verification for Welfare (RCW
14 74.08.055)
15 Forgery (RCW 9A.60.020)
16 Fraudulent Creation or Revocation of a
17 Mental Health Advance Directive
18 (RCW 9A.60.060)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Mineral Trespass (RCW 78.44.330)
21 Possession of Stolen Property 2 (RCW
22 9A.56.160)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Spotlighting Big Game 1 (RCW
25 77.15.450(3)(b))
26 Suspension of Department Privileges 1
27 (RCW 77.15.670(3)(b))
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)

1 Theft 2 (RCW 9A.56.040) (valued at
2 \$750 or more but less than \$5,000,
3 and other than a firearm or motor
4 vehicle; a public record, writing, or
5 instrument kept, filed, or deposited
6 according to law with or in the
7 keeping of any public office or
8 public servant; or an access device)
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)
34 Unlawful Releasing, Planting,
35 Possessing, or Placing Deleterious
36 Exotic Wildlife (RCW
37 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps
2 (RCW 9.91.142)
3 Unlawful Use of Food Stamps (RCW
4 9.91.144)
5 Unlawful Use of Net to Take Fish 1
6 (RCW 77.15.580(3)(b))
7 Unlawful Use of Prohibited Aquatic
8 Animal Species (RCW
9 77.15.253(3))
10 Vehicle Prowl 1 (RCW 9A.52.095)
11 Violating Commercial Fishing Area or
12 Time 1 (RCW 77.15.550(3)(b))

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A
14 RCW to read as follows:

15 In a criminal case where:

16 (1) The defendant has been convicted of theft in the second
17 degree; and

18 (2) There has been a special allegation pleaded and proven beyond
19 a reasonable doubt that the defendant stole private metal property as
20 defined in RCW 19.290.010 for the purpose of selling, transferring,
21 or exchanging it online;

22 the court shall make a finding of fact of the special allegation or,
23 if a jury is had, the jury shall, if it finds the defendant guilty,
24 also find a special verdict as to the special allegation.

25 **Sec. 6.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are
26 each reenacted and amended to read as follows:

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

29 (2) For persons convicted of the anticipatory offenses of
30 criminal attempt, solicitation, or conspiracy under chapter 9A.28
31 RCW, the standard sentence range is determined by locating the
32 sentencing grid sentence range defined by the appropriate offender
33 score and the seriousness level of the completed crime, and
34 multiplying the range by seventy-five percent.

35 (3) The following additional times shall be added to the standard
36 sentence range for felony crimes committed after July 23, 1995, if

1 the offender or an accomplice was armed with a firearm as defined in
2 RCW 9.41.010 and the offender is being sentenced for one of the
3 crimes listed in this subsection as eligible for any firearm
4 enhancements based on the classification of the completed felony
5 crime. If the offender is being sentenced for more than one offense,
6 the firearm enhancement or enhancements must be added to the total
7 period of confinement for all offenses, regardless of which
8 underlying offense is subject to a firearm enhancement. If the
9 offender or an accomplice was armed with a firearm as defined in RCW
10 9.41.010 and the offender is being sentenced for an anticipatory
11 offense under chapter 9A.28 RCW to commit one of the crimes listed in
12 this subsection as eligible for any firearm enhancements, the
13 following additional times shall be added to the standard sentence
14 range determined under subsection (2) of this section based on the
15 felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

25 (d) If the offender is being sentenced for any firearm
26 enhancements under (a), (b), and/or (c) of this subsection and the
27 offender has previously been sentenced for any deadly weapon
28 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
29 subsection or subsection (4)(a), (b), and/or (c) of this section, or
30 both, all firearm enhancements under this subsection shall be twice
31 the amount of the enhancement listed;

32 (e) Notwithstanding any other provision of law, all firearm
33 enhancements under this section are mandatory, shall be served in
34 total confinement, and shall run consecutively to all other
35 sentencing provisions, including other firearm or deadly weapon
36 enhancements, for all offenses sentenced under this chapter. However,
37 whether or not a mandatory minimum term has expired, an offender
38 serving a sentence under this subsection may be:

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

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

2 (f) The firearm enhancements in this section shall apply to all
3 felony crimes except the following: Possession of a machine gun or
4 bump-fire stock, possessing a stolen firearm, drive-by shooting,
5 theft of a firearm, unlawful possession of a firearm in the first and
6 second degree, and use of a machine gun or bump-fire stock in a
7 felony;

8 (g) If the standard sentence range under this section exceeds the
9 statutory maximum sentence for the offense, the statutory maximum
10 sentence shall be the presumptive sentence unless the offender is a
11 persistent offender. If the addition of a firearm enhancement
12 increases the sentence so that it would exceed the statutory maximum
13 for the offense, the portion of the sentence representing the
14 enhancement may not be reduced.

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

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

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

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

4 (d) If the offender is being sentenced under (a), (b), and/or (c)
5 of this subsection for any deadly weapon enhancements and the
6 offender has previously been sentenced for any deadly weapon
7 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
8 subsection or subsection (3)(a), (b), and/or (c) of this section, or
9 both, all deadly weapon enhancements under this subsection shall be
10 twice the amount of the enhancement listed;

11 (e) Notwithstanding any other provision of law, all deadly weapon
12 enhancements under this section are mandatory, shall be served in
13 total confinement, and shall run consecutively to all other
14 sentencing provisions, including other firearm or deadly weapon
15 enhancements, for all offenses sentenced under this chapter. However,
16 whether or not a mandatory minimum term has expired, an offender
17 serving a sentence under this subsection may be:

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

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

21 (f) The deadly weapon enhancements in this section shall apply to
22 all felony crimes except the following: Possession of a machine gun
23 or bump-fire stock, possessing a stolen firearm, drive-by shooting,
24 theft of a firearm, unlawful possession of a firearm in the first and
25 second degree, and use of a machine gun or bump-fire stock in a
26 felony;

27 (g) If the standard sentence range under this section exceeds the
28 statutory maximum sentence for the offense, the statutory maximum
29 sentence shall be the presumptive sentence unless the offender is a
30 persistent offender. If the addition of a deadly weapon enhancement
31 increases the sentence so that it would exceed the statutory maximum
32 for the offense, the portion of the sentence representing the
33 enhancement may not be reduced.

34 (5) The following additional times shall be added to the standard
35 sentence range if the offender or an accomplice committed the offense
36 while in a county jail or state correctional facility and the
37 offender is being sentenced for one of the crimes listed in this
38 subsection. If the offender or an accomplice committed one of the
39 crimes listed in this subsection while in a county jail or state
40 correctional facility, and the offender is being sentenced for an

1 anticipatory offense under chapter 9A.28 RCW to commit one of the
2 crimes listed in this subsection, the following additional times
3 shall be added to the standard sentence range determined under
4 subsection (2) of this section:

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

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

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

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

13 (6) An additional twenty-four months shall be added to the
14 standard sentence range for any ranked offense involving a violation
15 of chapter 69.50 RCW if the offense was also a violation of RCW
16 69.50.435 or 9.94A.827. All enhancements under this subsection shall
17 run consecutively to all other sentencing provisions, for all
18 offenses sentenced under this chapter.

19 (7) An additional two years shall be added to the standard
20 sentence range for vehicular homicide committed while under the
21 influence of intoxicating liquor or any drug as defined by RCW
22 46.61.502 for each prior offense as defined in RCW 46.61.5055.

23 Notwithstanding any other provision of law, all impaired driving
24 enhancements under this subsection are mandatory, shall be served in
25 total confinement, and shall run consecutively to all other
26 sentencing provisions, including other impaired driving enhancements,
27 for all offenses sentenced under this chapter.

28 An offender serving a sentence under this subsection may be
29 granted an extraordinary medical placement when authorized under RCW
30 9.94A.728(1)(c).

31 (8)(a) The following additional times shall be added to the
32 standard sentence range for felony crimes committed on or after July
33 1, 2006, if the offense was committed with sexual motivation, as that
34 term is defined in RCW 9.94A.030. If the offender is being sentenced
35 for more than one offense, the sexual motivation enhancement must be
36 added to the total period of total confinement for all offenses,
37 regardless of which underlying offense is subject to a sexual
38 motivation enhancement. If the offender committed the offense with
39 sexual motivation and the offender is being sentenced for an
40 anticipatory offense under chapter 9A.28 RCW, the following

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

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

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

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

12 (iv) If the offender is being sentenced for any sexual motivation
13 enhancements under (a) (i), (ii), and/or (iii) of this subsection and
14 the offender has previously been sentenced for any sexual motivation
15 enhancements on or after July 1, 2006, under (a) (i), (ii), and/or
16 (iii) of this subsection, all sexual motivation enhancements under
17 this subsection shall be twice the amount of the enhancement listed;

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

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

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

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

30 (d) If the standard sentence range under this subsection exceeds
31 the statutory maximum sentence for the offense, the statutory maximum
32 sentence shall be the presumptive sentence unless the offender is a
33 persistent offender. If the addition of a sexual motivation
34 enhancement increases the sentence so that it would exceed the
35 statutory maximum for the offense, the portion of the sentence
36 representing the enhancement may not be reduced;

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

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

4 (9) An additional one-year enhancement shall be added to the
5 standard sentence range for the felony crimes of RCW 9A.44.073,
6 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
7 or after July 22, 2007, if the offender engaged, agreed, or offered
8 to engage the victim in the sexual conduct in return for a fee. If
9 the offender is being sentenced for more than one offense, the
10 one-year enhancement must be added to the total period of total
11 confinement for all offenses, regardless of which underlying offense
12 is subject to the enhancement. If the offender is being sentenced for
13 an anticipatory offense for the felony crimes of RCW 9A.44.073,
14 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
15 offender attempted, solicited another, or conspired to engage, agree,
16 or offer to engage the victim in the sexual conduct in return for a
17 fee, an additional one-year enhancement shall be added to the
18 standard sentence range determined under subsection (2) of this
19 section. For purposes of this subsection, "sexual conduct" means
20 sexual intercourse or sexual contact, both as defined in chapter
21 9A.44 RCW.

22 (10)(a) For a person age eighteen or older convicted of any
23 criminal street gang-related felony offense for which the person
24 compensated, threatened, or solicited a minor in order to involve the
25 minor in the commission of the felony offense, the standard sentence
26 range is determined by locating the sentencing grid sentence range
27 defined by the appropriate offender score and the seriousness level
28 of the completed crime, and multiplying the range by one hundred
29 twenty-five percent. If the standard sentence range under this
30 subsection exceeds the statutory maximum sentence for the offense,
31 the statutory maximum sentence is the presumptive sentence unless the
32 offender is a persistent offender.

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

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

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

6 (12) An additional twelve months shall be added to the standard
7 sentence range for an offense that is also a violation of RCW
8 9.94A.831.

9 (13) An additional twelve months shall be added to the standard
10 sentence range for vehicular homicide committed while under the
11 influence of intoxicating liquor or any drug as defined by RCW
12 46.61.520 or for vehicular assault committed while under the
13 influence of intoxicating liquor or any drug as defined by RCW
14 46.61.522, or for any felony driving under the influence (RCW
15 46.61.502(6)) or felony physical control under the influence (RCW
16 46.61.504(6)) for each child passenger under the age of sixteen who
17 is an occupant in the defendant's vehicle. These enhancements shall
18 be mandatory, shall be served in total confinement, and shall run
19 consecutively to all other sentencing provisions, including other
20 minor child enhancements, for all offenses sentenced under this
21 chapter. If the addition of a minor child enhancement increases the
22 sentence so that it would exceed the statutory maximum for the
23 offense, the portion of the sentence representing the enhancement
24 shall be mandatory, shall be served in total confinement, and shall
25 run consecutively to all other sentencing provisions.

26 (14) An additional twelve months shall be added to the standard
27 sentence range for an offense that is also a violation of RCW
28 9.94A.832.

29 (15) An additional 12 months shall be added to the standard
30 sentence range for an offense that is also a violation of section 5
31 of this act.

32 (16) Regardless of any provisions in this section, if a person is
33 being sentenced in adult court for a crime committed under age
34 eighteen, the court has full discretion to depart from mandatory
35 sentencing enhancements and to take the particular circumstances
36 surrounding the defendant's youth into account.

37 **Sec. 7.** RCW 36.28A.240 and 2022 c 221 s 8 are each amended to
38 read as follows:

1 (1) To the extent funds are appropriated, the Washington
2 association of sheriffs and police chiefs shall develop a
3 comprehensive state law enforcement strategy targeting metal theft in
4 consultation with the criminal justice training commission,
5 including:

6 (a) Development of best practices for targeting illegal
7 purchasers and sellers involved in metal theft, with specific
8 enforcement focus on catalytic converter theft;

9 (b) Strategies for development and maintenance of relationships
10 between local law enforcement agencies and licensed scrap metal
11 recyclers, including recommendations for scheduled or regular
12 interactions, with a focus on deterring unlawful purchases and
13 identifying individuals suspected of involvement in unlawful metal
14 theft and individuals who attempt to conduct a transaction while
15 under the influence of controlled substances; and

16 (c) Establishment of a grant and training program to assist local
17 law enforcement agencies in the support of special enforcement
18 targeting metal theft. Grant applications shall be reviewed by the
19 Washington association of sheriffs and police chiefs in consultation
20 with other appropriate entities, such as those involved in
21 enforcement against metal theft. Grant applicants with a demonstrated
22 increase in metal theft over the previous 24 months are encouraged to
23 focus solely on metal theft and unlawful purchasing and selling of
24 unlawfully obtained metal in their jurisdiction, but may coordinate
25 with other jurisdictions.

26 (2) Each grant applicant shall:

27 (a) Show a significant metal theft problem in the jurisdiction or
28 jurisdictions receiving the grant;

29 (b) Propose an enforcement program that best suits the specific
30 metal theft problem in the jurisdiction, including the number of
31 enforcement stings to be conducted under the program;

32 (c) Demonstrate community coordination focusing on prevention,
33 intervention, and suppression; and

34 (d) Collect data on performance, including the number of
35 enforcement stings to be conducted.

36 (3) Grant awards may not be used to supplant preexisting funding
37 sources for special enforcement targeting metal theft.

38 (4) The Washington association of sheriffs and police chiefs
39 shall prepare a report each year detailing the following:

1 (a) Any funds received by the Washington association of sheriffs
2 and police chiefs in the previous one-year period for purposes of the
3 comprehensive state law enforcement strategy targeting metal theft,
4 including any funds distributed pursuant to RCW 9A.56.410; and

5 (b) Any expenses related to the comprehensive state law
6 enforcement strategy targeting metal theft.

7 (5) The Washington association of sheriffs and police chiefs
8 shall submit the annual report described in subsection (4) of this
9 section to the governor and the appropriate committees of the
10 legislature by December 1st of each year.

11 **Sec. 8.** RCW 43.43.885 and 2022 c 221 s 9 are each amended to
12 read as follows:

13 (1) Beginning on July 1, 2014, to the extent funds are
14 appropriated, the Washington association of sheriffs and police
15 chiefs shall implement and operate an ongoing electronic statewide
16 no-buy list database program.

17 (2) The database must be made available on a secured network or
18 website.

19 (3) The no-buy list database program shall allow for any scrap
20 metal business to enter a customer's name and date of birth into the
21 database. The database must determine if the customer pursuing the
22 transaction with the scrap metal business has been convicted in
23 Washington of any crime involving burglary, robbery, theft, or
24 possession of or receiving stolen property within the past four
25 years.

26 (4) If the customer has been convicted of any crime involving
27 burglary, robbery, theft, or possession of or receiving stolen
28 property within the past four years despite whether the person was
29 acting in his or her own behalf or as the agent of another then, at a
30 minimum, the no-buy list database program must immediately send an
31 alert to the scrap metal business stating: (a) That the customer is
32 listed on a current no-buy list, (b) the four-year expiration period
33 for the customer's most recent crime listed, and (c) a notification
34 that entering into a transaction with the customer is prohibited
35 under RCW 9A.56.410.

36 (5) The database shall also include individuals who have
37 attempted to purchase or sell unlawfully obtained metals at licensed
38 scrap metal recyclers and individuals who attempt to conduct a
39 transaction while under the influence of controlled substances.

1 (6) Local jurisdictions applying for grants under RCW 36.28A.240
2 must provide updates to the no-buy list database annually and 120
3 days after a grant is distributed.

4 (7) The Washington association of sheriffs and police chiefs
5 shall prepare a report each year detailing the following:

6 (a) Any funds received by the Washington association of sheriffs
7 and police chiefs in the previous one-year period for purposes of the
8 no-buy list database program, including any funds distributed
9 pursuant to RCW 9A.56.410; and

10 (b) Any expenses related to the no-buy list database program.

11 (8) The Washington association of sheriffs and police chiefs
12 shall submit the report described in subsection (7) of this section
13 to the governor and the appropriate committees of the legislature by
14 December 1st of each year.

15 NEW SECTION. Sec. 9. The sum of \$3,000,000, or as much thereof
16 as may be necessary, is appropriated for the fiscal year ending June
17 30, 2024, from the general fund to the Washington association of
18 sheriffs and police chiefs for the purposes of sections 7 and 8 of
19 this act.

--- END ---