
HOUSE BILL 2094

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Chandler, Ludwig, Riley, Sheldon, Mielke, Appelwick, D. Sommers, Van Luven, Morton, Ferguson, Horn, Vance, Wineberry, May, Fuhrman, Hochstatter and Roland.

Read first time February 22, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to the involvement of minors in drug operations;
2 amending RCW 69.50.401; and prescribing penalties.

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

4 **Sec. 1.** RCW 69.50.401 and 1989 c 271 s 104 are each amended to
5 read as follows:

6 (a) Except as authorized by this chapter, it is unlawful for any
7 person to manufacture, deliver, or possess with intent to manufacture
8 or deliver, a controlled substance.

9 (1) Any person who violates this subsection with respect to:

10 (i) a controlled substance classified in Schedule I or II which is
11 a narcotic drug, is guilty of a crime and upon conviction may be
12 imprisoned for not more than ten years, or (A) fined not more than
13 twenty-five thousand dollars if the crime involved less than two
14 kilograms of the drug, or both such imprisonment and fine; or (B) if
15 the crime involved two or more kilograms of the drug, then fined not

1 more than one hundred thousand dollars for the first two kilograms and
2 not more than fifty dollars for each gram in excess of two kilograms,
3 or both such imprisonment and fine;

4 (ii) any other controlled substance classified in Schedule I, II,
5 or III, is guilty of a crime and upon conviction may be imprisoned for
6 not more than five years, fined not more than ten thousand dollars, or
7 both;

8 (iii) a substance classified in Schedule IV, is guilty of a crime
9 and upon conviction may be imprisoned for not more than five years,
10 fined not more than ten thousand dollars, or both;

11 (iv) a substance classified in Schedule V, is guilty of a crime and
12 upon conviction may be imprisoned for not more than five years, fined
13 not more than ten thousand dollars, or both.

14 (b) Except as authorized by this chapter, it is unlawful for any
15 person to create, deliver, or possess a counterfeit substance.

16 (1) Any person who violates this subsection with respect to:

17 (i) a counterfeit substance classified in Schedule I or II which is
18 a narcotic drug, is guilty of a crime and upon conviction may be
19 imprisoned for not more than ten years, fined not more than twenty-five
20 thousand dollars, or both;

21 (ii) any other counterfeit substance classified in Schedule I, II,
22 or III, is guilty of a crime and upon conviction may be imprisoned for
23 not more than five years, fined not more than ten thousand dollars, or
24 both;

25 (iii) a counterfeit substance classified in Schedule IV, is guilty
26 of a crime and upon conviction may be imprisoned for not more than five
27 years, fined not more than ten thousand dollars, or both;

28 (iv) a counterfeit substance classified in Schedule V, is guilty of
29 a crime and upon conviction may be imprisoned for not more than five
30 years, fined not more than ten thousand dollars, or both.

1 (c) It is unlawful, except as authorized in this chapter and
2 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
3 the sale, gift, delivery, dispensing, distribution, or administration
4 of a controlled substance to any person and then sell, give, deliver,
5 dispense, distribute, or administer to that person any other liquid,
6 substance, or material in lieu of such controlled substance. Any
7 person who violates this subsection is guilty of a crime and upon
8 conviction may be imprisoned for not more than five years, fined not
9 more than ten thousand dollars, or both.

10 (d) It is unlawful for any person to possess a controlled substance
11 unless the substance was obtained directly from, or pursuant to, a
12 valid prescription or order of a practitioner while acting in the
13 course of his professional practice, or except as otherwise authorized
14 by this chapter. Any person who violates this subsection is guilty of
15 a crime, and upon conviction may be imprisoned for not more than five
16 years, fined not more than ten thousand dollars, or both, except as
17 provided for in subsection (e) of this section.

18 (e) Except as provided for in subsection (a)(1)(ii) of this section
19 any person found guilty of possession of forty grams or less of
20 marihuana shall be guilty of a misdemeanor.

21 (f) It is unlawful to compensate, threaten, solicit, or in any
22 other manner involve a person under the age of eighteen years in a
23 transaction unlawfully to manufacture, sell, or deliver a controlled
24 substance. A violation of this subsection shall be punished as a class
25 C felony punishable in accordance with RCW 9A.20.021. A violation of
26 this subsection after a previous conviction under this subsection shall
27 be punished as a class B felony punishable in accordance with RCW
28 9A.20.021.

1 (g) It is not a defense to a violation of subsection (f) of this
2 section that the accused did not know the age of the individual
3 protected under that subsection.

4 This section shall not apply to offenses defined and punishable
5 under the provisions of RCW 69.50.410.