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**SUBSTITUTE SENATE BILL 5442**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Roach, Oke and Rasmussen)

READ FIRST TIME 02/17/03.

1       AN ACT Relating to increasing penalties for manufacturing  
2 methamphetamine; amending RCW 69.50.406, 69.50.415, 9.94A.533,  
3 9.94A.518, and 9.94A.610; reenacting and amending RCW 69.50.401,  
4 9.94A.510, 9.94A.515, and 13.40.0357; prescribing penalties; providing  
5 an effective date; and providing an expiration date.

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

7       **Sec. 1.** RCW 69.50.401 and 1998 c 290 s 1 and 1998 c 82 s 2 are  
8 each reenacted and amended to read as follows:

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

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

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

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

4 (ii) amphetamine or delivery or possession with intent to deliver  
5 methamphetamine, is guilty of a crime and upon conviction may be  
6 imprisoned for not more than ten years, or (A) fined not more than  
7 twenty-five thousand dollars if the crime involved less than two  
8 kilograms of the drug, or both such imprisonment and fine; or (B) if  
9 the crime involved two or more kilograms of the drug, then fined not  
10 more than one hundred thousand dollars for the first two kilograms and  
11 not more than fifty dollars for each gram in excess of two kilograms,  
12 or both such imprisonment and fine. Three thousand dollars of the fine  
13 may not be suspended. As collected, the first three thousand dollars  
14 of the fine must be deposited with the law enforcement agency having  
15 responsibility for cleanup of laboratories, sites, or substances used  
16 in the manufacture of the methamphetamine. The fine moneys deposited  
17 with that law enforcement agency must be used for such clean-up cost;

18 (iii) manufacture of methamphetamine, is guilty of a class A felony  
19 and upon conviction may be imprisoned for not more than twenty years,  
20 or (A) fined not more than twenty-five thousand dollars if the crime  
21 involved less than two kilograms of the drug, or both such imprisonment  
22 and fine; or (B) if the crime involved two or more kilograms of the  
23 drug, then fined not more than one hundred thousand dollars for the  
24 first two kilograms and not more than fifty dollars for each gram in  
25 excess of two kilograms, or both such imprisonment and fine. Five  
26 thousand dollars of the fine may not be suspended. As collected, the  
27 first five thousand dollars of the fine must be deposited with the law  
28 enforcement agency having responsibility for cleanup of laboratories,  
29 sites, or substances used in the manufacture of the methamphetamine.  
30 The fine moneys deposited with that law enforcement agency must be used  
31 for such clean-up cost;

32 (iv) any other controlled substance classified in Schedule I, II,  
33 or III, is guilty of a crime and upon conviction may be imprisoned for  
34 not more than five years, fined not more than ten thousand dollars, or  
35 both;

36 (~~(iv)~~) (v) a substance classified in Schedule IV, except  
37 flunitrazepam, is guilty of a crime and upon conviction may be

1 imprisoned for not more than five years, fined not more than ten  
2 thousand dollars, or both;

3 ~~((v))~~ (vi) a substance classified in Schedule V, is guilty of a  
4 crime and upon conviction may be imprisoned for not more than five  
5 years, fined not more than ten thousand dollars, or both.

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

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

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

13 (ii) a counterfeit substance which is methamphetamine, is guilty of  
14 a crime and upon conviction may be imprisoned for not more than ten  
15 years, fined not more than twenty-five thousand dollars, or both;

16 (iii) any other counterfeit substance classified in Schedule I, II,  
17 or III, is guilty of a crime and upon conviction may be imprisoned for  
18 not more than five years, fined not more than ten thousand dollars, or  
19 both;

20 (iv) a counterfeit substance classified in Schedule IV, except  
21 flunitrazepam, is guilty of a crime and upon conviction may be  
22 imprisoned for not more than five years, fined not more than ten  
23 thousand dollars, or both;

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

27 (c) It is unlawful, except as authorized in this chapter and  
28 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for  
29 the sale, gift, delivery, dispensing, distribution, or administration  
30 of a controlled substance to any person and then sell, give, deliver,  
31 dispense, distribute, or administer to that person any other liquid,  
32 substance, or material in lieu of such controlled substance. Any  
33 person who violates this subsection is guilty of a crime and upon  
34 conviction may be imprisoned for not more than five years, fined not  
35 more than ten thousand dollars, or both.

36 (d) It is unlawful for any person to possess a controlled substance  
37 unless the substance was obtained directly from, or pursuant to, a  
38 valid prescription or order of a practitioner while acting in the

1 course of his or her professional practice, or except as otherwise  
2 authorized by this chapter. Any person who violates this subsection is  
3 guilty of a crime, and upon conviction may be imprisoned for not more  
4 than five years, fined not more than ten thousand dollars, or both,  
5 except as provided for in subsection (e) of this section.

6 (e) Except as provided for in subsection (a)(1)(~~(iii)~~) (iv) of  
7 this section any person found guilty of possession of forty grams or  
8 less of marihuana shall be guilty of a misdemeanor.

9 (f) It is unlawful to compensate, threaten, solicit, or in any  
10 other manner involve a person under the age of eighteen years in a  
11 transaction unlawfully to manufacture, sell, or deliver a controlled  
12 substance. A violation of this subsection shall be punished as a class  
13 C felony punishable in accordance with RCW 9A.20.021.

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

16 **Sec. 2.** RCW 69.50.406 and 1998 c 290 s 2 are each amended to read  
17 as follows:

18 (a) Any person eighteen years of age or over who violates RCW  
19 69.50.401(a) by distributing a controlled substance listed in Schedules  
20 I or II which is a narcotic drug or methamphetamine, or flunitrazepam  
21 listed in Schedule IV, to a person under eighteen years of age is  
22 punishable by the fine authorized by RCW 69.50.401(a)(1) (i) or (ii),  
23 by a term of imprisonment of up to twice that authorized by RCW  
24 69.50.401(a)(1) (i) or (ii), or by both.

25 (b) Any person eighteen years of age or over who violates RCW  
26 69.50.401(a) by distributing any other controlled substance listed in  
27 Schedules I, II, III, IV, and V to a person under eighteen years of age  
28 who is at least three years his junior is punishable by the fine  
29 authorized by RCW 69.50.401(a)(1) (~~(iii)~~) (iv), (~~(iv)~~) (v), or  
30 (~~(v)~~) (vi), by a term of imprisonment up to twice that authorized by  
31 RCW 69.50.401(a)(1) (~~(iii)~~) (iv), (~~(iv)~~) (v), or (~~(v)~~) (vi), or  
32 both.

33 **Sec. 3.** RCW 69.50.415 and 1996 c 205 s 8 are each amended to read  
34 as follows:

35 (a) A person who unlawfully delivers a controlled substance in  
36 violation of RCW 69.50.401(a)(1) (i), (ii), or (~~(iii)~~) (iv) which

1 controlled substance is subsequently used by the person to whom it was  
 2 delivered, resulting in the death of the user, is guilty of controlled  
 3 substances homicide.

4 (b) Controlled substances homicide is a class B felony punishable  
 5 according to RCW 9A.20.021.

6 **Sec. 4.** RCW 9.94A.510 and 2000 c 132 s 2 and 2000 c 28 s 11 are  
 7 each reenacted and amended to read as follows:

8 (1)

9 TABLE 1  
 10 Sentencing Grid

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XVI Life Sentence without Parole/Death Penalty										
XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548
XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	220	234	244	254	265	275	295	316	357	397
XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318
XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198
IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144

1	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
2		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
3		20	27	34	41	48	54	75	89	102	116
4	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
5		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
6		14	20	27	34	41	48	61	75	89	102
7	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
8		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
9		12	14	17	20	29	43	54	68	82	96
10	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
11		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
12		9	12	14	17	20	29	43	57	70	84
13	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
14		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
15		3	8	12	12	16	22	29	43	57	68
16	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
17		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
18		Days	6	9	12	14	18	22	29	43	57
19	I			3m	4m	5m	8m	13m	16m	20m	2y2m
20		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
21		Days	Days	5	6	8	12	14	18	22	29

22 Numbers in the first horizontal row of each seriousness category  
 23 represent sentencing midpoints in years(y) and months(m). Numbers in  
 24 the second and third rows represent standard sentence ranges in months,  
 25 or in days if so designated. 12+ equals one year and one day.

26 (2) For persons convicted of the anticipatory offenses of criminal  
 27 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
 28 standard sentence range is determined by locating the sentencing grid  
 29 sentence range defined by the appropriate offender score and the  
 30 seriousness level of the completed crime, and multiplying the range by  
 31 75 percent.

32 (3) The following additional times shall be added to the standard  
 33 sentence range for felony crimes committed after July 23, 1995, if the  
 34 offender or an accomplice was armed with a firearm as defined in RCW  
 35 9.41.010 and the offender is being sentenced for one of the crimes  
 36 listed in this subsection as eligible for any firearm enhancements  
 37 based on the classification of the completed felony crime. If the  
 38 offender is being sentenced for more than one offense, the firearm  
 39 enhancement or enhancements must be added to the total period of  
 40 confinement for all offenses, regardless of which underlying offense is  
 41 subject to a firearm enhancement. If the offender or an accomplice was

1 armed with a firearm as defined in RCW 9.41.010 and the offender is  
2 being sentenced for an anticipatory offense under chapter 9A.28 RCW to  
3 commit one of the crimes listed in this subsection as eligible for any  
4 firearm enhancements, the following additional times shall be added to  
5 the standard sentence range determined under subsection (2) of this  
6 section based on the felony crime of conviction as classified under RCW  
7 9A.28.020:

8 (a) Five years for any felony defined under any law as a class A  
9 felony or with a statutory maximum sentence of at least twenty years,  
10 or both, and not covered under (f) of this subsection.

11 (b) Three years for any felony defined under any law as a class B  
12 felony or with a statutory maximum sentence of ten years, or both, and  
13 not covered under (f) of this subsection.

14 (c) Eighteen months for any felony defined under any law as a class  
15 C felony or with a statutory maximum sentence of five years, or both,  
16 and not covered under (f) of this subsection.

17 (d) If the offender is being sentenced for any firearm enhancements  
18 under (a), (b), and/or (c) of this subsection and the offender has  
19 previously been sentenced for any deadly weapon enhancements after July  
20 23, 1995, under (a), (b), and/or (c) of this subsection or subsection  
21 (4)(a), (b), and/or (c) of this section, or both, all firearm  
22 enhancements under this subsection shall be twice the amount of the  
23 enhancement listed.

24 (e) Notwithstanding any other provision of law, all firearm  
25 enhancements under this section are mandatory, shall be served in total  
26 confinement, and shall run consecutively to all other sentencing  
27 provisions, including other firearm or deadly weapon enhancements, for  
28 all offenses sentenced under this chapter. However, whether or not a  
29 mandatory minimum term has expired, an offender serving a sentence  
30 under this subsection may be granted an extraordinary medical placement  
31 when authorized under RCW 9.94A.728(4).

32 (f) The firearm enhancements in this section shall apply to all  
33 felony crimes except the following: Possession of a machine gun,  
34 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
35 unlawful possession of a firearm in the first and second degree, and  
36 use of a machine gun in a felony.

37 (g) If the standard sentence range under this section exceeds the  
38 statutory maximum sentence for the offense, the statutory maximum

1 sentence shall be the presumptive sentence unless the offender is a  
2 persistent offender. If the addition of a firearm enhancement  
3 increases the sentence so that it would exceed the statutory maximum  
4 for the offense, the portion of the sentence representing the  
5 enhancement may not be reduced.

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

24 (a) Two years for any felony defined under any law as a class A  
25 felony or with a statutory maximum sentence of at least twenty years,  
26 or both, and not covered under (f) of this subsection.

27 (b) One year for any felony defined under any law as a class B  
28 felony or with a statutory maximum sentence of ten years, or both, and  
29 not covered under (f) of this subsection.

30 (c) Six months for any felony defined under any law as a class C  
31 felony or with a statutory maximum sentence of five years, or both, and  
32 not covered under (f) of this subsection.

33 (d) If the offender is being sentenced under (a), (b), and/or (c)  
34 of this subsection for any deadly weapon enhancements and the offender  
35 has previously been sentenced for any deadly weapon enhancements after  
36 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
37 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly

1 weapon enhancements under this subsection shall be twice the amount of  
2 the enhancement listed.

3 (e) Notwithstanding any other provision of law, all deadly weapon  
4 enhancements under this section are mandatory, shall be served in total  
5 confinement, and shall run consecutively to all other sentencing  
6 provisions, including other firearm or deadly weapon enhancements, for  
7 all offenses sentenced under this chapter. However, whether or not a  
8 mandatory minimum term has expired, an offender serving a sentence  
9 under this subsection may be granted an extraordinary medical placement  
10 when authorized under RCW 9.94A.728(4).

11 (f) The deadly weapon enhancements in this section shall apply to  
12 all felony crimes except the following: Possession of a machine gun,  
13 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
14 unlawful possession of a firearm in the first and second degree, and  
15 use of a machine gun in a felony.

16 (g) If the standard sentence range under this section exceeds the  
17 statutory maximum sentence for the offense, the statutory maximum  
18 sentence shall be the presumptive sentence unless the offender is a  
19 persistent offender. If the addition of a deadly weapon enhancement  
20 increases the sentence so that it would exceed the statutory maximum  
21 for the offense, the portion of the sentence representing the  
22 enhancement may not be reduced.

23 (5) The following additional times shall be added to the standard  
24 sentence range if the offender or an accomplice committed the offense  
25 while in a county jail or state correctional facility and the offender  
26 is being sentenced for one of the crimes listed in this subsection. If  
27 the offender or an accomplice committed one of the crimes listed in  
28 this subsection while in a county jail or state correctional facility,  
29 and the offender is being sentenced for an anticipatory offense under  
30 chapter 9A.28 RCW to commit one of the crimes listed in this  
31 subsection, the following additional times shall be added to the  
32 standard sentence range determined under subsection (2) of this  
33 section:

34 (a) Eighteen months for offenses committed under RCW  
35 69.50.401(a)(1) (i) ~~((or))~~, (ii), or (iii) or 69.50.410;

36 (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)  
37 ~~((iii))~~ (iv), ~~(and)~~ (v), and (vi);

38 (c) Twelve months for offenses committed under RCW 69.50.401(d).

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

4 (6) An additional twenty-four months shall be added to the standard  
5 sentence range for any ranked offense involving a violation of chapter  
6 69.50 RCW if the offense was also a violation of RCW 69.50.435 or  
7 9.94A.605.

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

12 **Sec. 5.** RCW 9.94A.533 and 2002 c 290 s 11 are each amended to read  
13 as follows:

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

16 (2) For persons convicted of the anticipatory offenses of criminal  
17 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
18 standard sentence range is determined by locating the sentencing grid  
19 sentence range defined by the appropriate offender score and the  
20 seriousness level of the completed crime, and multiplying the range by  
21 seventy-five percent.

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

1 section based on the felony crime of conviction as classified under RCW  
2 9A.28.020:

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

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

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

12 (d) If the offender is being sentenced for any firearm enhancements  
13 under (a), (b), and/or (c) of this subsection and the offender has  
14 previously been sentenced for any deadly weapon enhancements after July  
15 23, 1995, under (a), (b), and/or (c) of this subsection or subsection  
16 (4)(a), (b), and/or (c) of this section, or both, all firearm  
17 enhancements under this subsection shall be twice the amount of the  
18 enhancement listed;

19 (e) Notwithstanding any other provision of law, all firearm  
20 enhancements under this section are mandatory, shall be served in total  
21 confinement, and shall run consecutively to all other sentencing  
22 provisions, including other firearm or deadly weapon enhancements, for  
23 all offenses sentenced under this chapter. However, whether or not a  
24 mandatory minimum term has expired, an offender serving a sentence  
25 under this subsection may be granted an extraordinary medical placement  
26 when authorized under RCW 9.94A.728(4);

27 (f) The firearm enhancements in this section shall apply to all  
28 felony crimes except the following: Possession of a machine gun,  
29 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
30 unlawful possession of a firearm in the first and second degree, and  
31 use of a machine gun in a felony;

32 (g) If the standard sentence range under this section exceeds the  
33 statutory maximum sentence for the offense, the statutory maximum  
34 sentence shall be the presumptive sentence unless the offender is a  
35 persistent offender. If the addition of a firearm enhancement  
36 increases the sentence so that it would exceed the statutory maximum  
37 for the offense, the portion of the sentence representing the  
38 enhancement may not be reduced.

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

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

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

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

28 (d) If the offender is being sentenced under (a), (b), and/or (c)  
29 of this subsection for any deadly weapon enhancements and the offender  
30 has previously been sentenced for any deadly weapon enhancements after  
31 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
32 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly  
33 weapon enhancements under this subsection shall be twice the amount of  
34 the enhancement listed;

35 (e) Notwithstanding any other provision of law, all deadly weapon  
36 enhancements under this section are mandatory, shall be served in total  
37 confinement, and shall run consecutively to all other sentencing  
38 provisions, including other firearm or deadly weapon enhancements, for

1 all offenses sentenced under this chapter. However, whether or not a  
2 mandatory minimum term has expired, an offender serving a sentence  
3 under this subsection may be granted an extraordinary medical placement  
4 when authorized under RCW 9.94A.728(4);

5 (f) The deadly weapon enhancements in this section shall apply to  
6 all felony crimes except the following: Possession of a machine gun,  
7 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
8 unlawful possession of a firearm in the first and second degree, and  
9 use of a machine gun in a felony;

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

17 (5) The following additional times shall be added to the standard  
18 sentence range if the offender or an accomplice committed the offense  
19 while in a county jail or state correctional facility and the offender  
20 is being sentenced for one of the crimes listed in this subsection. If  
21 the offender or an accomplice committed one of the crimes listed in  
22 this subsection while in a county jail or state correctional facility,  
23 and the offender is being sentenced for an anticipatory offense under  
24 chapter 9A.28 RCW to commit one of the crimes listed in this  
25 subsection, the following additional times shall be added to the  
26 standard sentence range determined under subsection (2) of this  
27 section:

28 (a) Eighteen months for offenses committed under RCW  
29 69.50.401(a)(1) (i) ~~((or))~~, (ii), or (iii) or 69.50.410;

30 (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)  
31 ~~((+iii))~~ (iv), ~~((and))~~ (v), and (vi);

32 (c) Twelve months for offenses committed under RCW 69.50.401(d).

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

36 (6) An additional twenty-four months shall be added to the standard  
37 sentence range for any ranked offense involving a violation of chapter

1 69.50 RCW if the offense was also a violation of RCW 69.50.435 or  
2 9.94A.605.

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

7 **Sec. 6.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
8 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
9 s 4 are each reenacted and amended to read as follows:

10 TABLE 2

11 CRIMES INCLUDED WITHIN  
12 EACH SERIOUSNESS LEVEL

- 13 XVI Aggravated Murder 1 (RCW  
14 10.95.020)
- 15 XV Homicide by abuse (RCW 9A.32.055)  
16 Malicious explosion 1 (RCW  
17 70.74.280(1))  
18 Murder 1 (RCW 9A.32.030)
- 19 XIV Murder 2 (RCW 9A.32.050)
- 20 XIII Malicious explosion 2 (RCW  
21 70.74.280(2))  
22 Malicious placement of an explosive 1  
23 (RCW 70.74.270(1))
- 24 XII Assault 1 (RCW 9A.36.011)  
25 Assault of a Child 1 (RCW 9A.36.120)  
26 Malicious placement of an imitation  
27 device 1 (RCW 70.74.272(1)(a))  
28 Rape 1 (RCW 9A.44.040)  
29 Rape of a Child 1 (RCW 9A.44.073)
- 30 XI Manslaughter 1 (RCW 9A.32.060)  
31 Rape 2 (RCW 9A.44.050)  
32 Rape of a Child 2 (RCW 9A.44.076)
- 33 X Child Molestation 1 (RCW 9A.44.083)

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 Manufacture of methamphetamine  
10 (RCW 69.50.401(a)(1)(~~ii~~)) (iii)  
11 Over 18 and deliver heroin,  
12 methamphetamine, a narcotic  
13 from Schedule I or II, or  
14 flunitrazepam from Schedule IV  
15 to someone under 18 (RCW  
16 69.50.406)  
17 Sexually Violent Predator Escape  
18 (RCW 9A.76.115)  
19 IX Assault of a Child 2 (RCW 9A.36.130)  
20 Controlled Substance Homicide (RCW  
21 69.50.415)  
22 Explosive devices prohibited (RCW  
23 70.74.180)  
24 Hit and Run--Death (RCW  
25 46.52.020(4)(a))  
26 Homicide by Watercraft, by being  
27 under the influence of intoxicating  
28 liquor or any drug (RCW  
29 79A.60.050)  
30 Inciting Criminal Profiteering (RCW  
31 9A.82.060(1)(b))  
32 Malicious placement of an explosive 2  
33 (RCW 70.74.270(2))

1 Over 18 and deliver narcotic from  
2 Schedule III, IV, or V or a  
3 nonnarcotic, except flunitrazepam  
4 or methamphetamine, from  
5 Schedule I-V to someone under 18  
6 and 3 years junior (RCW  
7 69.50.406)  
8 Robbery 1 (RCW 9A.56.200)  
9 Sexual Exploitation (RCW 9.68A.040)  
10 Vehicular Homicide, by being under  
11 the influence of intoxicating  
12 liquor or any drug (RCW  
13 46.61.520)  
14 VIII Arson 1 (RCW 9A.48.020)  
15 Deliver or possess with intent to  
16 deliver methamphetamine (RCW  
17 69.50.401(a)(1)(ii))  
18 Homicide by Watercraft, by the  
19 operation of any vessel in a  
20 reckless manner (RCW  
21 79A.60.050)  
22 Manslaughter 2 (RCW 9A.32.070)  
23 Manufacture, deliver, or possess with  
24 intent to deliver amphetamine  
25 (RCW 69.50.401(a)(1)(ii))  
26 Manufacture, deliver, or possess with  
27 intent to deliver heroin or cocaine  
28 (when the offender has a criminal  
29 history in this state or any other  
30 state that includes a sex offense or  
31 serious violent offense or the  
32 Washington equivalent) (RCW  
33 69.50.401(a)(1)(i))

1 Possession of Ephedrine or any of its  
2 Salts or Isomers or Salts of  
3 Isomers, Pseudoephedrine or any  
4 of its Salts or Isomers or Salts of  
5 Isomers, Pressurized Ammonia  
6 Gas, or Pressurized Ammonia Gas  
7 Solution with intent to  
8 manufacture methamphetamine  
9 (RCW 69.50.440)

10 Promoting Prostitution 1 (RCW  
11 9A.88.070)

12 Selling for profit (controlled or  
13 counterfeit) any controlled  
14 substance (RCW 69.50.410)

15 Theft of Ammonia (RCW 69.55.010)

16 Vehicular Homicide, by the operation  
17 of any vehicle in a reckless  
18 manner (RCW 46.61.520)

19 VII Burglary 1 (RCW 9A.52.020)

20 Child Molestation 2 (RCW 9A.44.086)

21 Civil Disorder Training (RCW  
22 9A.48.120)

23 Dealing in depictions of minor  
24 engaged in sexually explicit  
25 conduct (RCW 9.68A.050)

26 Drive-by Shooting (RCW 9A.36.045)

27 Homicide by Watercraft, by disregard  
28 for the safety of others (RCW  
29 79A.60.050)

30 Indecent Liberties (without forcible  
31 compulsion) (RCW 9A.44.100(1)  
32 (b) and (c))

33 Introducing Contraband 1 (RCW  
34 9A.76.140)

35 Involving a minor in drug dealing  
36 (RCW 69.50.401(f))

1 Malicious placement of an explosive 3  
2 (RCW 70.74.270(3))  
3 Manufacture, deliver, or possess with  
4 intent to deliver heroin or cocaine  
5 (except when the offender has a  
6 criminal history in this state or  
7 any other state that includes a sex  
8 offense or serious violent offense  
9 or the Washington equivalent)  
10 (RCW 69.50.401(a)(1)(i))  
11 Sending, bringing into state depictions  
12 of minor engaged in sexually  
13 explicit conduct (RCW  
14 9.68A.060)  
15 Unlawful Possession of a Firearm in  
16 the first degree (RCW  
17 9.41.040(1)(a))  
18 Use of a Machine Gun in Commission  
19 of a Felony (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  
28 9A.72.160)  
29 Intimidating a Juror/Witness (RCW  
30 9A.72.110, 9A.72.130)  
31 Malicious placement of an imitation  
32 device 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule I or II (except heroin or  
4 cocaine) or flunitrazepam from  
5 Schedule IV (RCW  
6 69.50.401(a)(1)(i))  
7 Rape of a Child 3 (RCW 9A.44.079)  
8 Theft of a Firearm (RCW 9A.56.300)  
9 Unlawful Storage of Ammonia (RCW  
10 69.55.020)  
11 V Abandonment of dependent person 1  
12 (RCW 9A.42.060)  
13 Advancing money or property for  
14 extortionate extension of credit  
15 (RCW 9A.82.030)  
16 Bail Jumping with class A Felony  
17 (RCW 9A.76.170(3)(b))  
18 Child Molestation 3 (RCW 9A.44.089)  
19 Criminal Mistreatment 1 (RCW  
20 9A.42.020)  
21 Custodial Sexual Misconduct 1 (RCW  
22 9A.44.160)  
23 Delivery of imitation controlled  
24 substance by person eighteen or  
25 over to person under eighteen  
26 (RCW 69.52.030(2))  
27 Domestic Violence Court Order  
28 Violation (RCW 10.99.040,  
29 10.99.050, 26.09.300, 26.10.220,  
30 26.26.138, 26.50.110, 26.52.070,  
31 or 74.34.145)  
32 Extortion 1 (RCW 9A.56.120)  
33 Extortionate Extension of Credit  
34 (RCW 9A.82.020)  
35 Extortionate Means to Collect  
36 Extensions of Credit (RCW  
37 9A.82.040)

1 Incest 2 (RCW 9A.64.020(2))  
2 Kidnapping 2 (RCW 9A.40.030)  
3 Perjury 1 (RCW 9A.72.020)  
4 Persistent prison misbehavior (RCW  
5 9.94.070)  
6 Possession of a Stolen Firearm (RCW  
7 9A.56.310)  
8 Rape 3 (RCW 9A.44.060)  
9 Rendering Criminal Assistance 1  
10 (RCW 9A.76.070)  
11 Sexual Misconduct with a Minor 1  
12 (RCW 9A.44.093)  
13 Sexually Violating Human Remains  
14 (RCW 9A.44.105)  
15 Stalking (RCW 9A.46.110)  
16 Taking Motor Vehicle Without  
17 Permission 1 (RCW  
18 9A.56.070(1))  
19 IV Arson 2 (RCW 9A.48.030)  
20 Assault 2 (RCW 9A.36.021)  
21 Assault by Watercraft (RCW  
22 79A.60.060)  
23 Bribing a Witness/Bribe Received by  
24 Witness (RCW 9A.72.090,  
25 9A.72.100)  
26 Cheating 1 (RCW 9.46.1961)  
27 Commercial Bribery (RCW  
28 9A.68.060)  
29 Counterfeiting (RCW 9.16.035(4))  
30 Endangerment with a Controlled  
31 Substance (RCW 9A.42.100)  
32 Escape 1 (RCW 9A.76.110)  
33 Hit and Run--Injury (RCW  
34 46.52.020(4)(b))  
35 Hit and Run with Vessel--Injury  
36 Accident (RCW 79A.60.200(3))  
37 Identity Theft 1 (RCW 9.35.020(2)(a))

1 Indecent Exposure to Person Under  
2 Age Fourteen (subsequent sex  
3 offense) (RCW 9A.88.010)  
4 Influencing Outcome of Sporting  
5 Event (RCW 9A.82.070)  
6 Knowingly Trafficking in Stolen  
7 Property (RCW 9A.82.050(2))  
8 Malicious Harassment (RCW  
9 9A.36.080)  
10 Manufacture, deliver, or possess with  
11 intent to deliver narcotics from  
12 Schedule III, IV, or V or  
13 nonnarcotics from Schedule I-V  
14 (except marijuana, amphetamine,  
15 methamphetamines, or  
16 flunitrazepam) (RCW  
17 69.50.401(a)(1) (~~(iii)~~) (iv)  
18 through (~~(v)~~) (vi))  
19 Residential Burglary (RCW  
20 9A.52.025)  
21 Robbery 2 (RCW 9A.56.210)  
22 Theft of Livestock 1 (RCW 9A.56.080)  
23 Threats to Bomb (RCW 9.61.160)  
24 Use of Proceeds of Criminal  
25 Profiteering (RCW 9A.82.080 (1)  
26 and (2))  
27 Vehicular Assault, by being under the  
28 influence of intoxicating liquor or  
29 any drug, or by the operation or  
30 driving of a vehicle in a reckless  
31 manner (RCW 46.61.522)  
32 Willful Failure to Return from  
33 Furlough (RCW 72.66.060)  
34 III Abandonment of dependent person 2  
35 (RCW 9A.42.070)  
36 Assault 3 (RCW 9A.36.031)  
37 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony  
2 (RCW 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for  
5 Immoral Purposes (RCW  
6 9.68A.090)  
7 Criminal Gang Intimidation (RCW  
8 9A.46.120)  
9 Criminal Mistreatment 2 (RCW  
10 9A.42.030)  
11 Custodial Assault (RCW 9A.36.100)  
12 Delivery of a material in lieu of a  
13 controlled substance (RCW  
14 69.50.401(c))  
15 Escape 2 (RCW 9A.76.120)  
16 Extortion 2 (RCW 9A.56.130)  
17 Harassment (RCW 9A.46.020)  
18 Intimidating a Public Servant (RCW  
19 9A.76.180)  
20 Introducing Contraband 2 (RCW  
21 9A.76.150)  
22 Maintaining a Dwelling or Place for  
23 Controlled Substances (RCW  
24 69.50.402(a)(6))  
25 Malicious Injury to Railroad Property  
26 (RCW 81.60.070)  
27 Manufacture, deliver, or possess with  
28 intent to deliver marijuana (RCW  
29 69.50.401(a)(1)((~~iii~~)) (iv))  
30 Manufacture, distribute, or possess  
31 with intent to distribute an  
32 imitation controlled substance  
33 (RCW 69.52.030(1))  
34 Patronizing a Juvenile Prostitute  
35 (RCW 9.68A.100)  
36 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-  
4 Barreled Shotgun or Rifle (RCW  
5 9.41.190)  
6 Promoting Prostitution 2 (RCW  
7 9A.88.080)  
8 Recklessly Trafficking in Stolen  
9 Property (RCW 9A.82.050(1))  
10 Securities Act violation (RCW  
11 21.20.400)  
12 Tampering with a Witness (RCW  
13 9A.72.120)  
14 Telephone Harassment (subsequent  
15 conviction or threat of death)  
16 (RCW 9.61.230)  
17 Theft of Livestock 2 (RCW 9A.56.080)  
18 Unlawful Imprisonment (RCW  
19 9A.40.040)  
20 Unlawful possession of firearm in the  
21 second degree (RCW  
22 9.41.040(1)(b))  
23 Unlawful Use of Building for Drug  
24 Purposes (RCW 69.53.010)  
25 Vehicular Assault, by the operation or  
26 driving of a vehicle with disregard  
27 for the safety of others (RCW  
28 46.61.522)  
29 Willful Failure to Return from Work  
30 Release (RCW 72.65.070)  
31 II Computer Trespass 1 (RCW  
32 9A.52.110)  
33 Counterfeiting (RCW 9.16.035(3))  
34 Create, deliver, or possess a counterfeit  
35 controlled substance (RCW  
36 69.50.401(b))

1 Escape from Community Custody  
2 (RCW 72.09.310)  
3 Health Care False Claims (RCW  
4 48.80.030)  
5 Identity Theft 2 (RCW 9.35.020(2)(b))  
6 Improperly Obtaining Financial  
7 Information (RCW 9.35.010)  
8 Malicious Mischief 1 (RCW  
9 9A.48.070)  
10 Possession of controlled substance that  
11 is either heroin or narcotics from  
12 Schedule I or II or flunitrazepam  
13 from Schedule IV (RCW  
14 69.50.401(d))  
15 Possession of phencyclidine (PCP)  
16 (RCW 69.50.401(d))  
17 Possession of Stolen Property 1 (RCW  
18 9A.56.150)  
19 Theft 1 (RCW 9A.56.030)  
20 Theft of Rental, Leased, or Lease-  
21 purchased Property (valued at one  
22 thousand five hundred dollars or  
23 more) (RCW 9A.56.096(4))  
24 Trafficking in Insurance Claims (RCW  
25 48.30A.015)  
26 Unlawful Practice of Law (RCW  
27 2.48.180)  
28 Unlicensed Practice of a Profession or  
29 Business (RCW 18.130.190(7))  
30 I Attempting to Elude a Pursuing Police  
31 Vehicle (RCW 46.61.024)  
32 False Verification for Welfare (RCW  
33 74.08.055)  
34 Forged Prescription (RCW 69.41.020)  
35 Forged Prescription for a Controlled  
36 Substance (RCW 69.50.403)  
37 Forgery (RCW 9A.60.020)

1 Malicious Mischief 2 (RCW  
2 9A.48.080)  
3 Possess Controlled Substance that is a  
4 Narcotic from Schedule III, IV, or  
5 V or Non-narcotic from Schedule  
6 I-V (except phencyclidine or  
7 flunitrazepam) (RCW  
8 69.50.401(d))  
9 Possession of Stolen Property 2 (RCW  
10 9A.56.160)  
11 Reckless Burning 1 (RCW 9A.48.040)  
12 Taking Motor Vehicle Without  
13 Permission 2 (RCW  
14 9A.56.070(2))  
15 Theft 2 (RCW 9A.56.040)  
16 Theft of Rental, Leased, or Lease-  
17 purchased Property (valued at two  
18 hundred fifty dollars or more but  
19 less than one thousand five  
20 hundred dollars) (RCW  
21 9A.56.096(4))  
22 Unlawful Issuance of Checks or Drafts  
23 (RCW 9A.56.060)  
24 Unlawful Use of Food Stamps (RCW  
25 9.91.140 (2) and (3))  
26 Vehicle Prowl 1 (RCW 9A.52.095)

27 **Sec. 7.** RCW 9.94A.518 and 2002 c 290 s 9 are each amended to read  
28 as follows:

29 TABLE 4  
30 DRUG OFFENSES  
31 INCLUDED WITHIN EACH  
32 SERIOUSNESS LEVEL

1 III Any felony offense under chapter  
2 69.50 RCW with a deadly weapon  
3 special verdict under RCW  
4 9.94A.602  
5 Controlled Substance Homicide (RCW  
6 69.50.415)  
7 Delivery of imitation controlled  
8 substance by person eighteen or  
9 over to person under eighteen  
10 (RCW 69.52.030(2))  
11 Involving a minor in drug dealing  
12 (RCW 69.50.401(f))  
13 Manufacture of methamphetamine  
14 (RCW 69.50.401(a)(1)(~~(ii)~~) (iii))  
15 Over 18 and deliver heroin,  
16 methamphetamine, a narcotic  
17 from Schedule I or II, or  
18 flunitrazepam from Schedule IV  
19 to someone under 18 (RCW  
20 69.50.406)  
21 Over 18 and deliver narcotic from  
22 Schedule III, IV, or V or a  
23 nonnarcotic, except flunitrazepam  
24 or methamphetamine, from  
25 Schedule I-V to someone under 18  
26 and 3 years junior (RCW  
27 69.50.406)  
28 Possession of Ephedrine or any of its  
29 Salts or Isomers or Salts of  
30 Isomers, Pseudoephedrine or any  
31 of its Salts or Isomers or Salts of  
32 Isomers, ((or Anhydrous))  
33 Pressurized Ammonia Gas, or  
34 Pressurized Ammonia Gas  
35 Solution with intent to  
36 manufacture methamphetamine  
37 (RCW 69.50.440)

1 Selling for profit (controlled or  
2 counterfeit) any controlled  
3 substance (RCW 69.50.410)

4 II Create, deliver, or possess a counterfeit  
5 controlled substance (RCW  
6 69.50.401(b))

7 Deliver or possess with intent to  
8 deliver methamphetamine (RCW  
9 69.50.401(a)(1)(ii))

10 Delivery of a material in lieu of a  
11 controlled substance (RCW  
12 69.50.401(c))

13 Maintaining a Dwelling or Place for  
14 Controlled Substances (RCW  
15 69.50.402(a)(6))

16 Manufacture, deliver, or possess with  
17 intent to deliver amphetamine  
18 (RCW 69.50.401(a)(1)(ii))

19 Manufacture, deliver, or possess with  
20 intent to deliver narcotics from  
21 Schedule I or II or flunitrazepam  
22 from Schedule IV (RCW  
23 69.50.401(a)(1)(i))

24 Manufacture, deliver, or possess with  
25 intent to deliver narcotics from  
26 Schedule III, IV, or V or  
27 nonnarcotics from Schedule I-V  
28 (except marijuana, amphetamine,  
29 methamphetamines, or  
30 flunitrazepam) (RCW  
31 69.50.401(a)(1) (~~(iii)~~) (iv)  
32 through (~~(v)~~) (vi))

33 Manufacture, distribute, or possess  
34 with intent to distribute an  
35 imitation controlled substance  
36 (RCW 69.52.030(1))

37 I Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled  
2 Substance (RCW 69.50.403)  
3 Manufacture, deliver, or possess with  
4 intent to deliver marijuana (RCW  
5 69.50.401(a)(1)((~~iii~~)) (iv))  
6 Possess Controlled Substance that is a  
7 Narcotic from Schedule III, IV, or  
8 V or Nonnarcotic from Schedule  
9 I-V (RCW 69.50.401(d))  
10 Possession of Controlled Substance  
11 that is either heroin or narcotics  
12 from Schedule I or II (RCW  
13 69.50.401(d))  
14 Unlawful Use of Building for Drug  
15 Purposes (RCW 69.53.010)

16 **Sec. 8.** RCW 9.94A.610 and 1996 c 205 s 4 are each amended to read  
17 as follows:

18 (1) At the earliest possible date, and in no event later than ten  
19 days before release except in the event of escape or emergency  
20 furloughs as defined in RCW 72.66.010, the department of corrections  
21 shall send written notice of parole, community placement, work release  
22 placement, furlough, or escape about a specific inmate convicted of a  
23 serious drug offense to the following if such notice has been requested  
24 in writing about a specific inmate convicted of a serious drug offense:

25 (a) Any witnesses who testified against the inmate in any court  
26 proceedings involving the serious drug offense; and

27 (b) Any person specified in writing by the prosecuting attorney.  
28 Information regarding witnesses requesting the notice, information  
29 regarding any other person specified in writing by the prosecuting  
30 attorney to receive the notice, and the notice are confidential and  
31 shall not be available to the inmate.

32 (2) If an inmate convicted of a serious drug offense escapes from  
33 a correctional facility, the department of corrections shall  
34 immediately notify, by the most reasonable and expedient means  
35 available, the chief of police of the city and the sheriff of the  
36 county in which the inmate resided immediately before the inmate's  
37 arrest and conviction. If previously requested, the department shall

1 also notify the witnesses who are entitled to notice under this  
 2 section. If the inmate is recaptured, the department shall send notice  
 3 to the persons designated in this subsection as soon as possible but in  
 4 no event later than two working days after the department learns of  
 5 such recapture.

6 (3) If any witness is under the age of sixteen, the notice required  
 7 by this section shall be sent to the parents or legal guardian of the  
 8 child.

9 (4) The department of corrections shall send the notices required  
 10 by this section to the last address provided to the department by the  
 11 requesting party. The requesting party shall furnish the department  
 12 with a current address.

13 (5) For purposes of this section, "serious drug offense" means an  
 14 offense under RCW 69.50.401 (a)(1)(i) (~~(i)~~), (ii), or (iii) or  
 15 (b)(1)(i) or (ii).

16 **Sec. 9.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are  
 17 each reenacted and amended to read as follows:

18  
 19 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION
.....		
<b>Arson and Malicious Mischief</b>		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class)	
	(9A.48.090)	E

1	E	Tampering with Fire Alarm Apparatus	
2		(9.40.100)	E
3	A	Possession of Incendiary Device (9.40.120)	B+
4		<b>Assault and Other Crimes Involving</b>	
5		<b>Physical Harm</b>	
6	A	Assault 1 (9A.36.011)	B+
7	B+	Assault 2 (9A.36.021)	C+
8	C+	Assault 3 (9A.36.031)	D+
9	D+	Assault 4 (9A.36.041)	E
10	B+	Drive-By Shooting (9A.36.045)	C+
11	D+	Reckless Endangerment (9A.36.050)	E
12	C+	Promoting Suicide Attempt (9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		<b>Burglary and Trespass</b>	
16	B+	Burglary 1 (9A.52.020)	C+
17	B	Residential Burglary (9A.52.025)	C
18	B	Burglary 2 (9A.52.030)	C
19	D	Burglary Tools (Possession of) (9A.52.060)	E
20	D	Criminal Trespass 1 (9A.52.070)	E
21	E	Criminal Trespass 2 (9A.52.080)	E
22	C	Vehicle Prowling 1 (9A.52.095)	D
23	D	Vehicle Prowling 2 (9A.52.100)	E
24		<b>Drugs</b>	
25	E	Possession/Consumption of Alcohol	
26		(66.44.270)	E
27	C	Illegally Obtaining Legend Drug	
28		(69.41.020)	D
29	C+	Sale, Delivery, Possession of Legend Drug	
30		with Intent to Sell (69.41.030)	D+
31	E	Possession of Legend Drug (69.41.030)	E
32	B+	Violation of Uniform Controlled	
33		Substances Act - Narcotic,	
34		Methamphetamine, or Flunitrazepam Sale	
35		(69.50.401(a)(1) (i) <del>(i)</del> , (ii), or (iii))	B+

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(a)(1)(( <del>iii</del> )) (iv))	C
4	E	Possession of Marihuana <40 grams	
5		(69.50.401(e))	E
6	C	Fraudulently Obtaining Controlled	
7		Substance (69.50.403)	C
8	C+	Sale of Controlled Substance for Profit	
9		(69.50.410)	C+
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances (69.50.401(b)(1) (i)	
15		or (ii))	B
16	C	Violation of Uniform Controlled	
17		Substances Act - Nonnarcotic Counterfeit	
18		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
19	C	Violation of Uniform Controlled	
20		Substances Act - Possession of a Controlled	
21		Substance (69.50.401(d))	C
22	C	Violation of Uniform Controlled	
23		Substances Act - Possession of a Controlled	
24		Substance (69.50.401(c))	C
25		<b>Firearms and Weapons</b>	
26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm (9A.56.310)	C
28	E	Carrying Loaded Pistol Without Permit	
29		(9.41.050)	E
30	C	Possession of Firearms by Minor (<18)	
31		(9.41.040(1)(b)(iii))	C
32	D+	Possession of Dangerous Weapon	
33		(9.41.250)	E
34	D	Intimidating Another Person by use of	
35		Weapon (9.41.270)	E
36		<b>Homicide</b>	
37	A+	Murder 1 (9A.32.030)	A

1	A+	Murder 2 (9A.32.050)	B+
2	B+	Manslaughter 1 (9A.32.060)	C+
3	C+	Manslaughter 2 (9A.32.070)	D+
4	B+	Vehicle Homicide (46.61.520)	C+
5		<b>Kidnapping</b>	
6	A	Kidnap 1 (9A.40.020)	B+
7	B+	Kidnap 2 (9A.40.030)	C+
8	C+	Unlawful Imprisonment (9A.40.040)	D+
9		<b>Obstructing Governmental Operation</b>	
10	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
11	E	Resisting Arrest (9A.76.040)	E
12	B	Introducing Contraband 1 (9A.76.140)	C
13	C	Introducing Contraband 2 (9A.76.150)	D
14	E	Introducing Contraband 3 (9A.76.160)	E
15	B+	Intimidating a Public Servant (9A.76.180)	C+
16	B+	Intimidating a Witness (9A.72.110)	C+
17		<b>Public Disturbance</b>	
18	C+	Riot with Weapon (9A.84.010)	D+
19	D+	Riot Without Weapon (9A.84.010)	E
20	E	Failure to Disperse (9A.84.020)	E
21	E	Disorderly Conduct (9A.84.030)	E
22		<b>Sex Crimes</b>	
23	A	Rape 1 (9A.44.040)	B+
24	A-	Rape 2 (9A.44.050)	B+
25	C+	Rape 3 (9A.44.060)	D+
26	A-	Rape of a Child 1 (9A.44.073)	B+
27	B+	Rape of a Child 2 (9A.44.076)	C+
28	B	Incest 1 (9A.64.020(1))	C
29	C	Incest 2 (9A.64.020(2))	D
30	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
31	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
32	B+	Promoting Prostitution 1 (9A.88.070)	C+
33	C+	Promoting Prostitution 2 (9A.88.080)	D+
34			
35			
36			

1	E	O & A (Prostitution) (9A.88.030)	E
2	B+	Indecent Liberties (9A.44.100)	C+
3	A-	Child Molestation 1 (9A.44.083)	B+
4	B	Child Molestation 2 (9A.44.086)	C+
5		<b>Theft, Robbery, Extortion, and Forgery</b>	
6	B	Theft 1 (9A.56.030)	C
7	C	Theft 2 (9A.56.040)	D
8	D	Theft 3 (9A.56.050)	E
9	B	Theft of Livestock (9A.56.080)	C
10	C	Forgery (9A.60.020)	D
11	A	Robbery 1 (9A.56.200)	B+
12	B+	Robbery 2 (9A.56.210)	C+
13	B+	Extortion 1 (9A.56.120)	C+
14	C+	Extortion 2 (9A.56.130)	D+
15	C	Identity Theft 1 (9.35.020(2)(a))	D
16	D	Identity Theft 2 (9.35.020(2)(b))	E
17	D	Improperly Obtaining Financial	
18		Information (9.35.010)	E
19	B	Possession of Stolen Property 1	
20		(9A.56.150)	C
21	C	Possession of Stolen Property 2	
22		(9A.56.160)	D
23	D	Possession of Stolen Property 3	
24		(9A.56.170)	E
25	C	Taking Motor Vehicle Without Permission	
26		1 and 2 (9A.56.070 (1) and (2))	D
27		<b>Motor Vehicle Related Crimes</b>	
28	E	Driving Without a License (46.20.005)	E
29	B+	Hit and Run - Death (46.52.020(4)(a))	C+
30	C	Hit and Run - Injury (46.52.020(4)(b))	D
31	D	Hit and Run-Attended (46.52.020(5))	E
32	E	Hit and Run-Unattended (46.52.010)	E
33	C	Vehicular Assault (46.61.522)	D
34	C	Attempting to Elude Pursuing Police	
35		Vehicle (46.61.024)	D
36	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	
2		(46.61.502 and 46.61.504)	E
3		<b>Other</b>	
4	B	Bomb Threat (9.61.160)	C
5	C	Escape 1 <sup>1</sup> (9A.76.110)	C
6	C	Escape 2 <sup>1</sup> (9A.76.120)	C
7	D	Escape 3 (9A.76.130)	E
8	E	Obscene, Harassing, Etc., Phone Calls	
9		(9.61.230)	E
10	A	Other Offense Equivalent to an Adult Class	
11		A Felony	B+
12	B	Other Offense Equivalent to an Adult Class	
13		B Felony	C
14	C	Other Offense Equivalent to an Adult Class	
15		C Felony	D
16	D	Other Offense Equivalent to an Adult	
17		Gross Misdemeanor	E
18	E	Other Offense Equivalent to an Adult	
19		Misdemeanor	E
20	V	Violation of Order of Restitution,	
21		Community Supervision, or Confinement	
22		(13.40.200) <sup>2</sup>	V

23 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
24 and the standard range is established as follows:

25 1st escape or attempted escape during 12-month period - 4 weeks  
26 confinement

27 2nd escape or attempted escape during 12-month period - 8 weeks  
28 confinement

29 3rd and subsequent escape or attempted escape during 12-month  
30 period - 12 weeks confinement

31 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
32 it may impose a penalty of up to 30 days of confinement.

33 **JUVENILE SENTENCING STANDARDS**

34 This schedule must be used for juvenile offenders. The court may  
35 select sentencing option A, B, or C.

**OPTION A**  
**JUVENILE OFFENDER SENTENCING GRID**  
**STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B	LOCAL SANCTIONS (LS)		15-36 WEEKS	52-65 WEEKS
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C+	LS		15-36 WEEKS	
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C	LS			15-36 WEEKS
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Local Sanctions:

0 to 30 Days

D+	LS	0 to 12 Months Community Supervision		
		0 to 150 Hours Community Restitution		

D	LS	\$0 to \$500 Fine		
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E	LS			
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0            1            2            3            4  
or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior

1 felony adjudication shall count as one point. Each prior violation,  
2 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
3 point. Fractional points shall be rounded down.

4 (3) The standard range disposition for each offense is determined  
5 by the intersection of the column defined by the prior adjudications  
6 and the row defined by the current offense category.

7 (4) RCW 13.40.180 applies if the offender is being sentenced for  
8 more than one offense.

9 (5) A current offense that is a violation is equivalent to an  
10 offense category of E. However, a disposition for a violation shall  
11 not include confinement.

12 OR

13 **OPTION B**

14 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

15 If the juvenile offender is subject to a standard range disposition  
16 of local sanctions or 15 to 36 weeks of confinement and has not  
17 committed an A- or B+ offense, the court may impose a disposition  
18 under RCW 13.40.160(4) and 13.40.165.

19 OR

20 **OPTION C**

21 **MANIFEST INJUSTICE**

22 If the court determines that a disposition under option A or B would  
23 effectuate a manifest injustice, the court shall impose a disposition  
24 outside the standard range under RCW 13.40.160(2).

25 NEW SECTION. **Sec. 10.** Sections 4 and 6 of this act expire July 1,  
26 2004.

27 NEW SECTION. **Sec. 11.** Sections 5 and 7 of this act take effect  
28 July 1, 2004.

--- END ---