
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-5190.1/96

ATTY/TYPIST: KT:mos

BRIEF TITLE:

2 **SSB 6182** - H COMM AMD
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50 RCW
8 to read as follows:

9 It is unlawful for any person to possess ephedrine or
10 pseudoephedrine with intent to manufacture methamphetamine. Any person
11 who violates this section is guilty of a crime and may be imprisoned
12 for not more than ten years, fined not more than twenty-five thousand
13 dollars, or both.

14 **Sec. 2.** RCW 69.50.401 and 1989 c 271 s 104 are each amended to
15 read as follows:

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

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

20 (i) a controlled substance classified in Schedule I or II which is
21 a narcotic drug or methamphetamine, is guilty of a crime and upon
22 conviction may be imprisoned for not more than ten years, or (A) fined
23 not more than twenty-five thousand dollars if the crime involved less
24 than two kilograms of the drug, or both such imprisonment and fine; or
25 (B) if the crime involved two or more kilograms of the drug, then fined
26 not more than one hundred thousand dollars for the first two kilograms
27 and not more than fifty dollars for each gram in excess of two
28 kilograms, or both such imprisonment and fine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **Sec. 3.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
12 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
13 amended to read as follows:

14 TABLE 2

15 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

16	XV	Aggravated Murder 1 (RCW 10.95.020)
17	XIV	Murder 1 (RCW 9A.32.030)
18		Homicide by abuse (RCW 9A.32.055)
19	XIII	Murder 2 (RCW 9A.32.050)
20	XII	Assault 1 (RCW 9A.36.011)
21		Assault of a Child 1 (RCW 9A.36.120)
22	XI	Rape 1 (RCW 9A.44.040)
23		Rape of a Child 1 (RCW 9A.44.073)
24	X	Kidnapping 1 (RCW 9A.40.020)
25		Rape 2 (RCW 9A.44.050)
26		Rape of a Child 2 (RCW 9A.44.076)
27		Child Molestation 1 (RCW 9A.44.083)
28		Damaging building, etc., by explosion with
29		threat to human being (RCW
30		70.74.280(1))
31		Over 18 and deliver heroin or narcotic
32		from Schedule I or II to someone
33		under 18 (RCW 69.50.406)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))

3 IX Assault of a Child 2 (RCW 9A.36.130)
4 Robbery 1 (RCW 9A.56.200)
5 Manslaughter 1 (RCW 9A.32.060)
6 Explosive devices prohibited (RCW
7 70.74.180)
8 Indecent Liberties (with forcible
9 compulsion) (RCW 9A.44.100(1)(a))
10 Endangering life and property by
11 explosives with threat to human being
12 (RCW 70.74.270)
13 Over 18 and deliver narcotic from Schedule
14 III, IV, or V or a nonnarcotic from
15 Schedule I-V to someone under 18 and
16 3 years junior (RCW 69.50.406)
17 Controlled Substance Homicide (RCW
18 69.50.415)
19 Sexual Exploitation (RCW 9.68A.040)
20 Inciting Criminal Profiteering (RCW
21 9A.82.060(1)(b))
22 Vehicular Homicide, by being under the
23 influence of intoxicating liquor or
24 any drug (RCW 46.61.520)

25 VIII Arson 1 (RCW 9A.48.020)
26 Promoting Prostitution 1 (RCW 9A.88.070)
27 Selling for profit (controlled or
28 counterfeit) any controlled substance
29 (RCW 69.50.410)
30 Manufacture, deliver, or possess with
31 intent to deliver heroin ~~((or))~~,
32 cocaine, or methamphetamine (RCW
33 69.50.401(a)(1)(i))
34 ~~((Manufacture, deliver, or possess with
35 intent to deliver methamphetamine
36 (RCW 69.50.401(a)(1)(ii)))~~)
37 Possession of ephedrine or pseudoephedrine
38 with intent to manufacture

1 methamphetamine (RCW 69.50.---
2 (section 1 of this act))
3 Vehicular Homicide, by the operation of
4 any vehicle in a reckless manner (RCW
5 46.61.520)

6 VII Burglary 1 (RCW 9A.52.020)
7 Vehicular Homicide, by disregard for the
8 safety of others (RCW 46.61.520)
9 Introducing Contraband 1 (RCW 9A.76.140)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1) (b) and
12 (c))
13 Child Molestation 2 (RCW 9A.44.086)
14 Dealing in depictions of minor engaged in
15 sexually explicit conduct (RCW
16 9.68A.050)
17 Sending, bringing into state depictions of
18 minor engaged in sexually explicit
19 conduct (RCW 9.68A.060)
20 Involving a minor in drug dealing (RCW
21 69.50.401(f))
22 Reckless Endangerment 1 (RCW 9A.36.045)
23 Unlawful Possession of a Firearm in the
24 first degree (RCW 9.41.040(1)(a))

25 VI Bribery (RCW 9A.68.010)
26 Manslaughter 2 (RCW 9A.32.070)
27 Rape of a Child 3 (RCW 9A.44.079)
28 Intimidating a Juror/Witness (RCW
29 9A.72.110, 9A.72.130)
30 Damaging building, etc., by explosion with
31 no threat to human being (RCW
32 70.74.280(2))
33 Endangering life and property by
34 explosives with no threat to human
35 being (RCW 70.74.270)
36 Incest 1 (RCW 9A.64.020(1))
37 Manufacture, deliver, or possess with
38 intent to deliver narcotics from

1 Schedule I or II (except heroin or
2 cocaine) (RCW 69.50.401(a)(1)(i))
3 Intimidating a Judge (RCW 9A.72.160)
4 Bail Jumping with Murder 1 (RCW
5 9A.76.170(2)(a))
6 Theft of a Firearm (RCW 9A.56.300)

7 V Persistent prison misbehavior (RCW
8 9.94.070)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Rape 3 (RCW 9A.44.060)
11 Sexual Misconduct with a Minor 1 (RCW
12 9A.44.093)
13 Child Molestation 3 (RCW 9A.44.089)
14 Kidnapping 2 (RCW 9A.40.030)
15 Extortion 1 (RCW 9A.56.120)
16 Incest 2 (RCW 9A.64.020(2))
17 Perjury 1 (RCW 9A.72.020)
18 Extortionate Extension of Credit (RCW
19 9A.82.020)
20 Advancing money or property for
21 extortionate extension of credit (RCW
22 9A.82.030)
23 Extortionate Means to Collect Extensions
24 of Credit (RCW 9A.82.040)
25 Rendering Criminal Assistance 1 (RCW
26 9A.76.070)
27 Bail Jumping with class A Felony (RCW
28 9A.76.170(2)(b))
29 Sexually Violating Human Remains (RCW
30 9A.44.105)
31 Delivery of imitation controlled substance
32 by person eighteen or over to person
33 under eighteen (RCW 69.52.030(2))
34 Possession of a Stolen Firearm (RCW
35 9A.56.310)

36 IV Residential Burglary (RCW 9A.52.025)
37 Theft of Livestock 1 (RCW 9A.56.080)
38 Robbery 2 (RCW 9A.56.210)

1 Assault 2 (RCW 9A.36.021)
2 Escape 1 (RCW 9A.76.110)
3 Arson 2 (RCW 9A.48.030)
4 Commercial Bribery (RCW 9A.68.060)
5 Bribing a Witness/Bribe Received by
6 Witness (RCW 9A.72.090, 9A.72.100)
7 Malicious Harassment (RCW 9A.36.080)
8 Threats to Bomb (RCW 9.61.160)
9 Willful Failure to Return from Furlough
10 (RCW 72.66.060)
11 Hit and Run « Injury Accident (RCW
12 46.52.020(4))
13 Vehicular Assault (RCW 46.61.522)
14 Manufacture, deliver, or possess with
15 intent to deliver narcotics from
16 Schedule III, IV, or V or
17 nonnarcotics from Schedule I-V
18 (except marijuana or
19 methamphetamines) (RCW
20 69.50.401(a)(1)(ii) through (iv))
21 Influencing Outcome of Sporting Event (RCW
22 9A.82.070)
23 Use of Proceeds of Criminal Profiteering
24 (RCW 9A.82.080 (1) and (2))
25 Knowingly Trafficking in Stolen Property
26 (RCW 9A.82.050(2))

27 III Criminal Mistreatment 2 (RCW 9A.42.030)
28 Extortion 2 (RCW 9A.56.130)
29 Unlawful Imprisonment (RCW 9A.40.040)
30 Assault 3 (RCW 9A.36.031)
31 Assault of a Child 3 (RCW 9A.36.140)
32 Custodial Assault (RCW 9A.36.100)
33 Unlawful possession of firearm in the
34 second degree (RCW 9.41.040(1)(b))
35 Harassment (RCW 9A.46.020)
36 Promoting Prostitution 2 (RCW 9A.88.080)
37 Willful Failure to Return from Work
38 Release (RCW 72.65.070)
39 Burglary 2 (RCW 9A.52.030)

1 Introducing Contraband 2 (RCW 9A.76.150)
2 Communication with a Minor for Immoral
3 Purposes (RCW 9.68A.090)
4 Patronizing a Juvenile Prostitute (RCW
5 9.68A.100)
6 Escape 2 (RCW 9A.76.120)
7 Perjury 2 (RCW 9A.72.030)
8 Bail Jumping with class B or C Felony (RCW
9 9A.76.170(2)(c))
10 Intimidating a Public Servant (RCW
11 9A.76.180)
12 Tampering with a Witness (RCW 9A.72.120)
13 Manufacture, deliver, or possess with
14 intent to deliver marijuana (RCW
15 69.50.401(a)(1)(ii))
16 Delivery of a material in lieu of a
17 controlled substance (RCW
18 69.50.401(c))
19 Manufacture, distribute, or possess with
20 intent to distribute an imitation
21 controlled substance (RCW
22 69.52.030(1))
23 Recklessly Trafficking in Stolen Property
24 (RCW 9A.82.050(1))
25 Theft of livestock 2 (RCW 9A.56.080)
26 Securities Act violation (RCW 21.20.400)
27 II Unlawful Practice of Law (RCW 2.48.180)
28 Malicious Mischief 1 (RCW 9A.48.070)
29 Possession of Stolen Property 1 (RCW
30 9A.56.150)
31 Theft 1 (RCW 9A.56.030)
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlicensed Practice of a Profession or
35 Business (RCW 18.130.190(7))
36 Health Care False Claims (RCW 48.80.030)
37 Possession of controlled substance that is
38 either heroin or narcotics from
39 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW
5 69.50.401(b))
6 Computer Trespass 1 (RCW 9A.52.110)
7 Escape from Community Custody (RCW
8 72.09.310)

9 I Theft 2 (RCW 9A.56.040)
10 Possession of Stolen Property 2 (RCW
11 9A.56.160)
12 Forgery (RCW 9A.60.020)
13 Taking Motor Vehicle Without Permission
14 (RCW 9A.56.070)
15 Vehicle Prowl 1 (RCW 9A.52.095)
16 Attempting to Elude a Pursuing Police
17 Vehicle (RCW 46.61.024)
18 Malicious Mischief 2 (RCW 9A.48.080)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Unlawful Issuance of Checks or Drafts (RCW
21 9A.56.060)
22 Unlawful Use of Food Stamps (RCW 9.91.140
23 (2) and (3))
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forged Prescription (RCW 69.41.020)
27 Forged Prescription for a Controlled
28 Substance (RCW 69.50.403)
29 Possess Controlled Substance that is a
30 Narcotic from Schedule III, IV, or V
31 or Non-narcotic from Schedule I-V
32 (except phencyclidine) (RCW
33 69.50.401(d))"

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