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**SUBSTITUTE HOUSE BILL 1210**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst)

Read first time 02/26/1999.

1 AN ACT Relating to methamphetamine manufacture; reenacting and  
2 amending RCW 9.94A.310; adding a new section to chapter 9.94A RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW  
6 to read as follows:

7 In a criminal case in which there has been a special allegation and  
8 evidence establishing that a methamphetamine manufacturing laboratory  
9 was being operated inside a motor vehicle as defined in RCW 46.04.320,  
10 a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW  
11 88.02.010, the court shall make a finding of fact of whether the  
12 methamphetamine manufacturing laboratory was being operated inside a  
13 motor vehicle, trailer, or vessel at the time of the commission of the  
14 crime, or if a jury trial is had, the jury shall, if it finds the  
15 defendant guilty, also find a special verdict as to whether or not the  
16 methamphetamine manufacturing laboratory was being operated inside a  
17 motor vehicle, trailer, or vessel at the time of the commission of the  
18 crime.

1 **Sec. 2.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are  
 2 each reenacted and amended to read as follows:

3 (1) TABLE 1

4 Sentencing Grid

5 SERIOUSNESS

6 SCORE

OFFENDER SCORE

7  
 8 0 1 2 3 4 5 6 7 8 9 or  
 9 more

10 XV Life Sentence without Parole/Death Penalty

12 XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m36y 40y  
 13 240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
 14 320 333 347 361 374 388 416 450 493 548

16 XIII 14y4m 15y4m 16y2m 17y 17y11m18y9m 20y5m 22y2m 25y7m 29y  
 17 123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
 18 220 234 244 254 265 275 295 316 357 397

20 XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
 21 93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
 22 123 136 147 160 171 184 216 236 277 318

24 XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m20y5m  
 25 78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
 26 102 114 125 136 147 158 194 211 245 280

28 X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
 29 51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
 30 68 75 82 89 96 102 130 144 171 198

32 IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
 33 31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
 34 41 48 54 61 68 75 102 116 144 171

36 VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
 37 21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
 38 27 34 41 48 54 61 89 102 116 144

|    |     |      |      |      |      |      |      |      |      |      |      |
|----|-----|------|------|------|------|------|------|------|------|------|------|
| 1  |     |      |      |      |      |      |      |      |      |      |      |
| 2  | VII | 18m  | 2y   | 2y6m | 3y   | 3y6m | 4y   | 5y6m | 6y6m | 7y6m | 8y6m |
| 3  |     | 15-  | 21-  | 26-  | 31-  | 36-  | 41-  | 57-  | 67-  | 77-  | 87-  |
| 4  |     | 20   | 27   | 34   | 41   | 48   | 54   | 75   | 89   | 102  | 116  |
| 5  |     |      |      |      |      |      |      |      |      |      |      |
| 6  | VI  | 13m  | 18m  | 2y   | 2y6m | 3y   | 3y6m | 4y6m | 5y6m | 6y6m | 7y6m |
| 7  |     | 12+- | 15-  | 21-  | 26-  | 31-  | 36-  | 46-  | 57-  | 67-  | 77-  |
| 8  |     | 14   | 20   | 27   | 34   | 41   | 48   | 61   | 75   | 89   | 102  |
| 9  |     |      |      |      |      |      |      |      |      |      |      |
| 10 | V   | 9m   | 13m  | 15m  | 18m  | 2y2m | 3y2m | 4y   | 5y   | 6y   | 7y   |
| 11 |     | 6-   | 12+- | 13-  | 15-  | 22-  | 33-  | 41-  | 51-  | 62-  | 72-  |
| 12 |     | 12   | 14   | 17   | 20   | 29   | 43   | 54   | 68   | 82   | 96   |
| 13 |     |      |      |      |      |      |      |      |      |      |      |
| 14 | IV  | 6m   | 9m   | 13m  | 15m  | 18m  | 2y2m | 3y2m | 4y2m | 5y2m | 6y2m |
| 15 |     | 3-   | 6-   | 12+- | 13-  | 15-  | 22-  | 33-  | 43-  | 53-  | 63-  |
| 16 |     | 9    | 12   | 14   | 17   | 20   | 29   | 43   | 57   | 70   | 84   |
| 17 |     |      |      |      |      |      |      |      |      |      |      |
| 18 | III | 2m   | 5m   | 8m   | 11m  | 14m  | 20m  | 2y2m | 3y2m | 4y2m | 5y   |
| 19 |     | 1-   | 3-   | 4-   | 9-   | 12+- | 17-  | 22-  | 33-  | 43-  | 51-  |
| 20 |     | 3    | 8    | 12   | 12   | 16   | 22   | 29   | 43   | 57   | 68   |
| 21 |     |      |      |      |      |      |      |      |      |      |      |
| 22 | II  |      | 4m   | 6m   | 8m   | 13m  | 16m  | 20m  | 2y2m | 3y2m | 4y2m |
| 23 |     | 0-90 | 2-   | 3-   | 4-   | 12+- | 14-  | 17-  | 22-  | 33-  | 43-  |
| 24 |     | Days | 6    | 9    | 12   | 14   | 18   | 22   | 29   | 43   | 57   |
| 25 |     |      |      |      |      |      |      |      |      |      |      |
| 26 | I   |      |      | 3m   | 4m   | 5m   | 8m   | 13m  | 16m  | 20m  | 2y2m |
| 27 |     | 0-60 | 0-90 | 2-   | 2-   | 3-   | 4-   | 12+- | 14-  | 17-  | 22-  |
| 28 |     | Days | Days | 5    | 6    | 8    | 12   | 14   | 18   | 22   | 29   |
| 29 |     |      |      |      |      |      |      |      |      |      |      |

30 NOTE: Numbers in the first horizontal row of each seriousness category  
31 represent sentencing midpoints in years(y) and months(m). Numbers in  
32 the second and third rows represent presumptive sentencing ranges in  
33 months, or in days if so designated. 12+ equals one year and one day.

34 (2) For persons convicted of the anticipatory offenses of criminal  
35 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
36 presumptive sentence is determined by locating the sentencing grid  
37 sentence range defined by the appropriate offender score and the

1 seriousness level of the completed crime, and multiplying the range by  
2 75 percent.

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

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

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

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

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

36 (e) Notwithstanding any other provision of law, any and all  
37 firearm enhancements under this section are mandatory, shall be served  
38 in total confinement, and shall run consecutively to all other

1 sentencing provisions, including other firearm or deadly weapon  
2 enhancements, for all offenses sentenced under this chapter.

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

8 (g) If the presumptive sentence under this section exceeds the  
9 statutory maximum for the offense, the statutory maximum sentence shall  
10 be the presumptive sentence unless the offender is a persistent  
11 offender as defined in RCW 9.94A.030. If the addition of a firearm  
12 enhancement increases the sentence so that it would exceed the  
13 statutory maximum for the offense, the portion of the sentence  
14 representing the enhancement may not be reduced.

15 (4) The following additional times shall be added to the  
16 presumptive sentence for felony crimes committed after July 23, 1995,  
17 if the offender or an accomplice was armed with a deadly weapon as  
18 defined in this chapter other than a firearm as defined in RCW 9.41.010  
19 and the offender is being sentenced for one of the crimes listed in  
20 this subsection as eligible for any deadly weapon enhancements based on  
21 the classification of the completed felony crime. If the offender is  
22 being sentenced for more than one offense, the deadly weapon  
23 enhancement or enhancements must be added to the total period of  
24 confinement for all offenses, regardless of which underlying offense is  
25 subject to a deadly weapon enhancement. If the offender or an  
26 accomplice was armed with a deadly weapon other than a firearm as  
27 defined in RCW 9.41.010 and the offender is being sentenced for an  
28 anticipatory offense under chapter 9A.28 RCW to commit one of the  
29 crimes listed in this subsection as eligible for any deadly weapon  
30 enhancements, the following additional times shall be added to the  
31 presumptive sentence determined under subsection (2) of this section  
32 based on the felony crime of conviction as classified under RCW  
33 9A.28.020:

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

37 (b) One year for any felony defined under any law as a class B  
38 felony or with a maximum sentence of ten years, or both, and not  
39 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 maximum sentence of five years, or both, and not  
3 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 offender  
6 has previously been sentenced for any deadly weapon enhancements after  
7 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
8 subsection (3)(a), (b), and/or (c) of this section, or both, any and  
9 all deadly weapon enhancements under this subsection shall be twice the  
10 amount of the enhancement listed.

11 (e) Notwithstanding any other provision of law, any and all deadly  
12 weapon enhancements under this section are mandatory, shall be served  
13 in 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.

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

21 (g) If the presumptive sentence under this section exceeds the  
22 statutory maximum for the offense, the statutory maximum sentence shall  
23 be the presumptive sentence unless the offender is a persistent  
24 offender as defined in RCW 9.94A.030. If the addition of a deadly  
25 weapon enhancement increases the sentence so that it would exceed the  
26 statutory maximum for the offense, the portion of the sentence  
27 representing the enhancement may not be reduced.

28 (5) The following additional times shall be added to the  
29 presumptive sentence if the offender or an accomplice committed the  
30 offense while in a county jail or state correctional facility as that  
31 term is defined in this chapter and the offender is being sentenced for  
32 one of the crimes listed in this subsection. If the offender or an  
33 accomplice committed one of the crimes listed in this subsection while  
34 in a county jail or state correctional facility as that term is defined  
35 in this chapter, and the offender is being sentenced for an  
36 anticipatory offense under chapter 9A.28 RCW to commit one of the  
37 crimes listed in this subsection, the following additional times shall  
38 be added to the presumptive sentence determined under subsection (2) of  
39 this section:

1 (a) Eighteen months for offenses committed under RCW  
2 69.50.401(a)(1) (i) or (ii) or 69.50.410;

3 (b) Fifteen months for offenses committed under RCW  
4 69.50.401(a)(1) (iii), (iv), and (v);

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

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

9 (6) An additional twenty-four months shall be added to the  
10 presumptive sentence for any ranked offense involving a violation of  
11 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435  
12 or section 1 of this act.

13 (7) An additional two years shall be added to the presumptive  
14 sentence for vehicular homicide committed while under the influence of  
15 intoxicating liquor or any drug as defined by RCW 46.61.502 for each  
16 prior offense as defined in RCW 46.61.5055.

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