
ENGROSSED SUBSTITUTE SENATE BILL 5049

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson)

Read first time 02/23/1999.

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 where: (1) The defendant has been convicted of
8 (a) manufacture of methamphetamine as defined in RCW
9 69.50.401(a)(1)(ii); (b) possession of ephedrine or pseudoephedrine
10 with intent to manufacture methamphetamine, as defined in RCW
11 69.50.440; or (c) an attempt to commit or a conspiracy to commit a
12 crime under (a) or (b) of this subsection; and

13 (2) There has been a special allegation pleaded and proven beyond
14 a reasonable doubt that the defendant committed the crime:

15 (a) Inside a motor vehicle as defined in RCW 46.04.320, or a
16 trailer as defined in RCW 46.04.620, or a vessel as defined in RCW
17 88.02.010;

18 (b) Inside a house, apartment, mobile home, hotel, motel, or any
19 other dwelling or residence;

1 (c) In an area within one thousand feet of a child; or
 2 (d) In an area within one mile of a school;
 3 the court shall make a finding of fact of the special allegation, or if
 4 a jury trial is had, the jury shall, if it finds the defendant guilty,
 5 also find a special verdict as to the special allegation.

6 **Sec. 2.** RCW 9.94A.310 and 1999 c 352 s 2 and 1999 c 324 s 3 are
 7 each reenacted and amended to read as follows:

8 (1) TABLE 1

9 Sentencing Grid

10 SERIOUSNESS		11 OFFENDER SCORE									
12 LEVEL		0	1	2	3	4	5	6	7	8	9 or more
15 XVI	Life Sentence without Parole/Death Penalty										
17 XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y	
18	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-	
19	320	333	347	361	374	388	416	450	493	548	
21 XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y	
22	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	
23	220	234	244	254	265	275	295	316	357	397	
25 XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y	
26	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	
27	164	178	192	205	219	233	260	288	342	397	
29 XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m	
30	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-	
31	123	136	147	160	171	184	216	236	277	318	
33 XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m	
34	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-	
35	102	114	125	136	147	158	194	211	245	280	

1	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
2		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
3		68	75	82	89	96	102	130	144	171	198
4											
5	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
6		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
7		41	48	54	61	68	75	102	116	144	171
8											
9	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
10		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
11		27	34	41	48	54	61	89	102	116	144
12											
13	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
14		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
15		20	27	34	41	48	54	75	89	102	116
16											
17	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
18		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
19		14	20	27	34	41	48	61	75	89	102
20											
21	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
22		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
23		12	14	17	20	29	43	54	68	82	96
24											
25	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
26		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
27		9	12	14	17	20	29	43	57	70	84
28											
29	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
30		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
31		3	8	12	12	16	22	29	43	57	68
32											
33	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
34		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
35		Days	6	9	12	14	18	22	29	43	57
36											

1	I		3m	4m	5m	8m	13m	16m	20m	2y2m	
2		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
3		Days	Days	5	6	8	12	14	18	22	29

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

9 (2) For persons convicted of the anticipatory offenses of criminal
10 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
11 presumptive sentence is determined by locating the sentencing grid
12 sentence range defined by the appropriate offender score and the
13 seriousness level of the completed crime, and multiplying the range by
14 75 percent.

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

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

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

1 (c) Eighteen months for any felony defined under any law as a class
2 C 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 for any firearm enhancements
5 under (a), (b), and/or (c) of this subsection and the offender has
6 previously been sentenced for any deadly weapon enhancements after July
7 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
8 (4)(a), (b), and/or (c) of this section, or both, any and all firearm
9 enhancements under this subsection shall be twice the amount of the
10 enhancement listed.

11 (e) Notwithstanding any other provision of law, any and all firearm
12 enhancements under this section are mandatory, shall be served in total
13 confinement, and shall run consecutively to all other sentencing
14 provisions, including other firearm or deadly weapon enhancements, for
15 all offenses sentenced under this chapter. However, whether or not a
16 mandatory minimum term has expired, an offender serving a sentence
17 under this subsection may be granted an extraordinary medical placement
18 when authorized under RCW 9.94A.150(4).

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

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

31 (4) The following additional times shall be added to the
32 presumptive sentence for felony crimes committed after July 23, 1995,
33 if the offender or an accomplice was armed with a deadly weapon as
34 defined in this chapter other than a firearm as defined in RCW 9.41.010
35 and the offender is being sentenced for one of the crimes listed in
36 this subsection as eligible for any deadly weapon enhancements based on
37 the classification of the completed felony crime. If the offender is
38 being sentenced for more than one offense, the deadly weapon
39 enhancement or enhancements must be added to the total period of

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

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

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

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

20 (d) If the offender is being sentenced under (a), (b), and/or (c)
21 of this subsection for any deadly weapon enhancements and the offender
22 has previously been sentenced for any deadly weapon enhancements after
23 July 23, 1995, under (a), (b), and/or (c) of this subsection or
24 subsection (3)(a), (b), and/or (c) of this section, or both, any and
25 all deadly weapon enhancements under this subsection shall be twice the
26 amount of the enhancement listed.

27 (e) Notwithstanding any other provision of law, any and all deadly
28 weapon enhancements under this section are mandatory, shall be served
29 in total confinement, and shall run consecutively to all other
30 sentencing provisions, including other firearm or deadly weapon
31 enhancements, for all offenses sentenced under this chapter. However,
32 whether or not a mandatory minimum term has expired, an offender
33 serving a sentence under this subsection may be granted an
34 extraordinary medical placement when authorized under RCW 9.94A.150(4).

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

1 (g) If the presumptive sentence under this section exceeds the
2 statutory maximum for the offense, the statutory maximum sentence shall
3 be the presumptive sentence unless the offender is a persistent
4 offender as defined in RCW 9.94A.030. If the addition of a deadly
5 weapon enhancement increases the sentence so that it would exceed the
6 statutory maximum for the offense, the portion of the sentence
7 representing the enhancement may not be reduced.

8 (5) The following additional times shall be added to the
9 presumptive sentence if the offender or an accomplice committed the
10 offense while in a county jail or state correctional facility as that
11 term is defined in this chapter and the offender is being sentenced for
12 one of the crimes listed in this subsection. If the offender or an
13 accomplice committed one of the crimes listed in this subsection while
14 in a county jail or state correctional facility as that term is defined
15 in this chapter, and the offender is being sentenced for an
16 anticipatory offense under chapter 9A.28 RCW to commit one of the
17 crimes listed in this subsection, the following additional times shall
18 be added to the presumptive sentence determined under subsection (2) of
19 this section:

20 (a) Eighteen months for offenses committed under RCW
21 69.50.401(a)(1) (i) or (ii) or 69.50.410;

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

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

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

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

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

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