
SUBSTITUTE SENATE BILL 6260

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner)

Read first time 02/04/2000.

1 AN ACT Relating to manufacture of a controlled substance with
2 children present; reenacting and amending RCW 9.94A.310; adding a new
3 section to chapter 9.94A RCW; and 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:

8 (1) The defendant has been convicted of (a) manufacture of a
9 controlled substance under RCW 69.50.401(a) relating to manufacture of
10 methamphetamine; or (b) possession of ephedrine or pseudoephedrine with
11 intent to manufacture methamphetamine, as defined in RCW 69.50.440; and

12 (2) There has been a special allegation pleaded and proven beyond
13 a reasonable doubt that the defendant committed the crime when a person
14 under the age of eighteen was present in or upon the premises of
15 manufacture;

16 the court shall make a finding of fact of the special allegation, or if
17 a jury trial is had, the jury shall, if it finds the defendant guilty,
18 also find a special verdict as to the special allegation.

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

3 (1)

TABLE 1

		Sentencing Grid								
LEVEL	SERIOUSNESS									
	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

1	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
2		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
3		41	48	54	61	68	75	102	116	144	171
4											
5	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
6		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
7		27	34	41	48	54	61	89	102	116	144
8											
9	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
10		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
11		20	27	34	41	48	54	75	89	102	116
12											
13	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
14		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
15		14	20	27	34	41	48	61	75	89	102
16											
17	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
18		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
19		12	14	17	20	29	43	54	68	82	96
20											
21	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
22		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
23		9	12	14	17	20	29	43	57	70	84
24											
25	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
26		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
27		3	8	12	12	16	22	29	43	57	68
28											
29	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
30		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
31		Days	6	9	12	14	18	22	29	43	57
32											
33	I			3m	4m	5m	8m	13m	16m	20m	2y2m
34		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
35		Days	Days	5	6	8	12	14	18	22	29
36											

37 NOTE: Numbers in the first horizontal row of each seriousness category
38 represent sentencing midpoints in years(y) and months(m). Numbers in

1 the second and third rows represent presumptive sentencing ranges in
2 months, or in days if so designated. 12+ equals one year and one day.

3 (2) For persons convicted of the anticipatory offenses of criminal
4 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
5 presumptive sentence is determined by locating the sentencing grid
6 sentence range defined by the appropriate offender score and the
7 seriousness level of the completed crime, and multiplying the range by
8 75 percent.

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

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

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

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

35 (d) If the offender is being sentenced for any firearm enhancements
36 under (a), (b), and/or (c) of this subsection and the offender has
37 previously been sentenced for any deadly weapon enhancements after July
38 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
39 (4)(a), (b), and/or (c) of this section, or both, any and all firearm

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

3 (e) Notwithstanding any other provision of law, any and all firearm
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.150(4).

11 (f) The firearm enhancements in this section shall apply to all
12 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 presumptive sentence under this section exceeds the
17 statutory maximum for the offense, the statutory maximum sentence shall
18 be the presumptive sentence unless the offender is a persistent
19 offender as defined in RCW 9.94A.030. If the addition of a firearm
20 enhancement increases the sentence so that it would exceed the
21 statutory maximum for the offense, the portion of the sentence
22 representing the enhancement may not be reduced.

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

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

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

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

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

12 (d) If the offender is being sentenced under (a), (b), and/or (c)
13 of this subsection for any deadly weapon enhancements and the offender
14 has previously been sentenced for any deadly weapon enhancements after
15 July 23, 1995, under (a), (b), and/or (c) of this subsection or
16 subsection (3)(a), (b), and/or (c) of this section, or both, any and
17 all deadly weapon enhancements under this subsection shall be twice the
18 amount of the enhancement listed.

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

27 (f) The deadly weapon enhancements in this section shall apply to
28 all 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 presumptive sentence under this section exceeds the
33 statutory maximum for the offense, the statutory maximum sentence shall
34 be the presumptive sentence unless the offender is a persistent
35 offender as defined in RCW 9.94A.030. If the addition of a deadly
36 weapon enhancement increases the sentence so that it would exceed the
37 statutory maximum for the offense, the portion of the sentence
38 representing the enhancement may not be reduced.

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

13 (a) Eighteen months for offenses committed under RCW
14 69.50.401(a)(1) (i) or (ii) or 69.50.410;

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

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

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

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

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

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