

HOUSE BILL 1863

State of Washington

57th Legislature

2001 Regular Session

By Representatives Kagi, Ballasiotes, O'Brien, Dickerson, Darneille and Wood

Read first time 02/07/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to drug offenders; amending RCW 9.94A.360;
2 reenacting and amending RCW 9.94A.320; adding a new section to chapter
3 70.96A RCW; adding a new section to chapter 43.20A RCW; providing an
4 effective date; and declaring an emergency.

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

6 Sec. 1. RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
7 2000 c 66 s 2 are each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

10	XVI	Aggravated Murder 1 (RCW 10.95.020)
11	XV	Homicide by abuse (RCW 9A.32.055)
12		Malicious explosion 1 (RCW 70.74.280(1))
13		Murder 1 (RCW 9A.32.030)
14	XIV	Murder 2 (RCW 9A.32.050)
15	XIII	Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1 (RCW
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation device
6 1 (RCW 70.74.272(1)(a))
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)

9 XI Manslaughter 1 (RCW 9A.32.060)
10 Rape 2 (RCW 9A.44.050)
11 Rape of a Child 2 (RCW 9A.44.076)

12 X Child Molestation 1 (RCW 9A.44.083)
13 Indecent Liberties (with forcible
14 compulsion) (RCW 9A.44.100(1)(a))
15 Kidnapping 1 (RCW 9A.40.020)
16 Leading Organized Crime (RCW
17 9A.82.060(1)(a))
18 Malicious explosion 3 (RCW 70.74.280(3))
19 Manufacture of methamphetamine (RCW
20 69.50.401(a)(1)(ii))
21 Over 18 and deliver heroin,
22 methamphetamine, a narcotic from
23 Schedule I or II, or flunitrazepam
24 from Schedule IV to someone under 18
25 (RCW 69.50.406)

26 IX Assault of a Child 2 (RCW 9A.36.130)
27 Controlled Substance Homicide (RCW
28 69.50.415)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Homicide by Watercraft, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 79A.60.050)
34 Inciting Criminal Profiteering (RCW
35 9A.82.060(1)(b))
36 Malicious placement of an explosive 2 (RCW
37 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Hit and Run--Death (RCW 46.52.020(4)(a))
16 Homicide by Watercraft, by the operation of
17 any vessel in a reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 ~~((Manufacture, deliver, or possess with~~
21 ~~intent to deliver amphetamine (RCW~~
22 ~~69.50.401(a)(1)(ii))~~
23 ~~Manufacture, deliver, or possess with~~
24 ~~intent to deliver heroin or cocaine~~
25 ~~(RCW 69.50.401(a)(1)(i))~~
26 Possession of Ephedrine, Pseudoephedrine,
27 or Anhydrous Ammonia with intent to
28 manufacture methamphetamine (RCW
29 69.50.440)
30 Promoting Prostitution 1 (RCW 9A.88.070)
31 ~~((Selling for profit (controlled or~~
32 ~~counterfeit) any controlled substance~~
33 ~~(RCW 69.50.410))~~
34 Theft of Anhydrous Ammonia (RCW 69.55.010)
35 Vehicular Homicide, by the operation of any
36 vehicle in a reckless manner (RCW
37 46.61.520)

38 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)
2 Dealing in depictions of minor engaged in
3 sexually explicit conduct (RCW
4 9.68A.050)
5 Drive-by Shooting (RCW 9A.36.045)
6 Homicide by Watercraft, by disregard for
7 the safety of others (RCW 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1) (b) and
10 (c))
11 Introducing Contraband 1 (RCW 9A.76.140)
12 Involving a minor in drug dealing (RCW
13 69.50.401(f))
14 Malicious placement of an explosive 3 (RCW
15 70.74.270(3))
16 Manufacture, deliver, or possess with
17 intent to deliver amphetamine (RCW
18 69.50.401(a)(1)(ii))
19 Manufacture, deliver, or possess with
20 intent to deliver heroin or cocaine
21 (RCW 69.50.401(a)(1)(i))
22 Selling for profit (controlled or
23 counterfeit) any controlled substance
24 (RCW 69.50.410)
25 Sending, bringing into state depictions of
26 minor engaged in sexually explicit
27 conduct (RCW 9.68A.060)
28 Unlawful Possession of a Firearm in the
29 first degree (RCW 9.41.040(1)(a))
30 Use of a Machine Gun in Commission of a
31 Felony (RCW 9.41.225)
32 Vehicular Homicide, by disregard for the
33 safety of others (RCW 46.61.520)
34 VI Bail Jumping with Murder 1 (RCW
35 9A.76.170(2)(a))
36 Bribery (RCW 9A.68.010)
37 Incest 1 (RCW 9A.64.020(1))
38 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation device
4 2 (RCW 70.74.272(1)(b))
5 Manufacture, deliver, or possess with
6 intent to deliver narcotics from
7 Schedule I or II (except heroin or
8 cocaine) or flunitrazepam from
9 Schedule IV (RCW 69.50.401(a)(1)(i))
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Unlawful Storage of Anhydrous Ammonia (RCW
13 69.55.020)

14 V Abandonment of dependent person 1 (RCW
15 9A.42.060)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Bail Jumping with class A Felony (RCW
20 9A.76.170(2)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Criminal Mistreatment 1 (RCW 9A.42.020)
23 Custodial Sexual Misconduct 1 (RCW
24 9A.44.160)
25 Delivery of imitation controlled substance
26 by person eighteen or over to person
27 under eighteen (RCW 69.52.030(2))
28 Domestic Violence Court Order Violation
29 (RCW 10.99.040, 10.99.050, 26.09.300,
30 26.10.220, 26.26.138, 26.50.110,
31 26.52.070, or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit (RCW
34 9A.82.020)
35 Extortionate Means to Collect Extensions of
36 Credit (RCW 9A.82.040)
37 Incest 2 (RCW 9A.64.020(2))
38 Kidnapping 2 (RCW 9A.40.030)
39 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sexual Misconduct with a Minor 1 (RCW
9 9A.44.093)
10 Sexually Violating Human Remains (RCW
11 9A.44.105)
12 Stalking (RCW 9A.46.110)
13 IV Arson 2 (RCW 9A.48.030)
14 Assault 2 (RCW 9A.36.021)
15 Assault by Watercraft (RCW 79A.60.060)
16 Bribing a Witness/Bribe Received by Witness
17 (RCW 9A.72.090, 9A.72.100)
18 Commercial Bribery (RCW 9A.68.060)
19 Counterfeiting (RCW 9.16.035(4))
20 Escape 1 (RCW 9A.76.110)
21 Hit and Run--Injury (RCW 46.52.020(4)(b))
22 Hit and Run with Vessel--Injury Accident
23 (RCW 79A.60.200(3))
24 Indecent Exposure to Person Under Age
25 Fourteen (subsequent sex offense) (RCW
26 9A.88.010)
27 Influencing Outcome of Sporting Event (RCW
28 9A.82.070)
29 Knowingly Trafficking in Stolen Property
30 (RCW 9A.82.050(2))
31 Malicious Harassment (RCW 9A.36.080)
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule III, IV, or V or nonnarcotics
35 from Schedule I-V (except marijuana,
36 amphetamine, methamphetamines, or
37 flunitrazepam) (RCW 69.50.401(a)(1)
38 (iii) through (v))
39 Residential Burglary (RCW 9A.52.025)

1 Robbery 2 (RCW 9A.56.210)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Threats to Bomb (RCW 9.61.160)
4 Use of Proceeds of Criminal Profiteering
5 (RCW 9A.82.080 (1) and (2))
6 Vehicular Assault (RCW 46.61.522)
7 Willful Failure to Return from Furlough
8 (RCW 72.66.060)

9 III Abandonment of dependent person 2 (RCW
10 9A.42.070)
11 Assault 3 (RCW 9A.36.031)
12 Assault of a Child 3 (RCW 9A.36.140)
13 Bail Jumping with class B or C Felony (RCW
14 9A.76.170(2)(c))
15 Burglary 2 (RCW 9A.52.030)
16 Communication with a Minor for Immoral
17 Purposes (RCW 9.68A.090)
18 Criminal Gang Intimidation (RCW 9A.46.120)
19 Criminal Mistreatment 2 (RCW 9A.42.030)
20 Custodial Assault (RCW 9A.36.100)
21 Delivery of a material in lieu of a
22 controlled substance (RCW
23 69.50.401(c))
24 Escape 2 (RCW 9A.76.120)
25 Extortion 2 (RCW 9A.56.130)
26 Harassment (RCW 9A.46.020)
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Introducing Contraband 2 (RCW 9A.76.150)
30 Maintaining a Dwelling or Place for
31 Controlled Substances (RCW
32 69.50.402(a)(6))
33 Malicious Injury to Railroad Property (RCW
34 81.60.070)
35 Manufacture, deliver, or possess with
36 intent to deliver marijuana (RCW
37 69.50.401(a)(1)(iii))
38 Manufacture, distribute, or possess with
39 intent to distribute an imitation

1 controlled substance (RCW
2 69.52.030(1))
3 Patronizing a Juvenile Prostitute (RCW
4 9.68A.100)
5 Perjury 2 (RCW 9A.72.030)
6 Possession of Incendiary Device (RCW
7 9.40.120)
8 Possession of Machine Gun or Short-Barreled
9 Shotgun or Rifle (RCW 9.41.190)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Securities Act violation (RCW 21.20.400)
14 Tampering with a Witness (RCW 9A.72.120)
15 Telephone Harassment (subsequent conviction
16 or threat of death) (RCW 9.61.230)
17 Theft of Livestock 2 (RCW 9A.56.080)
18 Unlawful Imprisonment (RCW 9A.40.040)
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(1)(b))
21 Unlawful Use of Building for Drug Purposes
22 (RCW 69.53.010)
23 Willful Failure to Return from Work Release
24 (RCW 72.65.070)

25 II Computer Trespass 1 (RCW 9A.52.110)
26 Counterfeiting (RCW 9.16.035(3))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Escape from Community Custody (RCW
31 72.09.310)
32 Health Care False Claims (RCW 48.80.030)
33 Malicious Mischief 1 (RCW 9A.48.070)
34 Possession of controlled substance that is
35 either heroin or narcotics from
36 Schedule I or II or flunitrazepam from
37 Schedule IV (RCW 69.50.401(d))
38 Possession of phencyclidine (PCP) (RCW
39 69.50.401(d))

1 Possession of Stolen Property 1 (RCW
2 9A.56.150)
3 Theft 1 (RCW 9A.56.030)
4 Theft of Rental, Leased, or Lease-purchased
5 Property (valued at one thousand five
6 hundred dollars or more) (RCW
7 9A.56.096(4))
8 Trafficking in Insurance Claims (RCW
9 48.30A.015)
10 Unlawful Practice of Law (RCW 2.48.180)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 I Attempting to Elude a Pursuing Police
14 Vehicle (RCW 46.61.024)
15 False Verification for Welfare (RCW
16 74.08.055)
17 Forged Prescription (RCW 69.41.020)
18 Forged Prescription for a Controlled
19 Substance (RCW 69.50.403)
20 Forgery (RCW 9A.60.020)
21 Malicious Mischief 2 (RCW 9A.48.080)
22 Possess Controlled Substance that is a
23 Narcotic from Schedule III, IV, or V
24 or Non-narcotic from Schedule I-V
25 (except phencyclidine or
26 flunitrazepam) (RCW 69.50.401(d))
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Reckless Burning 1 (RCW 9A.48.040)
30 Taking Motor Vehicle Without Permission
31 (RCW 9A.56.070)
32 Theft 2 (RCW 9A.56.040)
33 Theft of Rental, Leased, or Lease-purchased
34 Property (valued at two hundred fifty
35 dollars or more but less than one
36 thousand five hundred dollars) (RCW
37 9A.56.096(4))
38 Unlawful Issuance of Checks or Drafts (RCW
39 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140
2 (2) and (3))
3 Vehicle Prowl 1 (RCW 9A.52.095)

4 **Sec. 2.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read
5 as follows:

6 The offender score is measured on the horizontal axis of the
7 sentencing grid. The offender score rules are as follows:

8 The offender score is the sum of points accrued under this section
9 rounded down to the nearest whole number.

10 (1) A prior conviction is a conviction which exists before the date
11 of sentencing for the offense for which the offender score is being
12 computed. Convictions entered or sentenced on the same date as the
13 conviction for which the offender score is being computed shall be
14 deemed "other current offenses" within the meaning of RCW 9.94A.400.

15 (2) Class A and sex prior felony convictions shall always be
16 included in the offender score. Class B prior felony convictions other
17 than sex offenses shall not be included in the offender score, if since
18 the last date of release from confinement (including full-time
19 residential treatment) pursuant to a felony conviction, if any, or
20 entry of judgment and sentence, the offender had spent ten consecutive
21 years in the community without committing any crime that subsequently
22 results in a conviction. Class C prior felony convictions other than
23 sex offenses shall not be included in the offender score if, since the
24 last date of release from confinement (including full-time residential
25 treatment) pursuant to a felony conviction, if any, or entry of
26 judgment and sentence, the offender had spent five consecutive years in
27 the community without committing any crime that subsequently results in
28 a conviction. Serious traffic convictions shall not be included in the
29 offender score if, since the last date of release from confinement
30 (including full-time residential treatment) pursuant to a felony
31 conviction, if any, or entry of judgment and sentence, the offender
32 spent five years in the community without committing any crime that
33 subsequently results in a conviction. This subsection applies to both
34 adult and juvenile prior convictions.

35 (3) Out-of-state convictions for offenses shall be classified
36 according to the comparable offense definitions and sentences provided
37 by Washington law. Federal convictions for offenses shall be
38 classified according to the comparable offense definitions and

1 sentences provided by Washington law. If there is no clearly
2 comparable offense under Washington law or the offense is one that is
3 usually considered subject to exclusive federal jurisdiction, the
4 offense shall be scored as a class C felony equivalent if it was a
5 felony under the relevant federal statute.

6 (4) Score prior convictions for felony anticipatory offenses
7 (attempts, criminal solicitations, and criminal conspiracies) the same
8 as if they were convictions for completed offenses.

9 (5)(a) In the case of multiple prior convictions, for the purpose
10 of computing the offender score, count all convictions separately,
11 except:

12 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to
13 encompass the same criminal conduct, shall be counted as one offense,
14 the offense that yields the highest offender score. The current
15 sentencing court shall determine with respect to other prior adult
16 offenses for which sentences were served concurrently or prior juvenile
17 offenses for which sentences were served consecutively, whether those
18 offenses shall be counted as one offense or as separate offenses using
19 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and
20 if the court finds that they shall be counted as one offense, then the
21 offense that yields the highest offender score shall be used. The
22 current sentencing court may presume that such other prior offenses
23 were not the same criminal conduct from sentences imposed on separate
24 dates, or in separate counties or jurisdictions, or in separate
25 complaints, indictments, or informations;

26 (ii) In the case of multiple prior convictions for offenses
27 committed before July 1, 1986, for the purpose of computing the
28 offender score, count all adult convictions served concurrently as one
29 offense, and count all juvenile convictions entered on the same date as
30 one offense. Use the conviction for the offense that yields the
31 highest offender score.

32 (b) As used in this subsection (5), "served concurrently" means
33 that: (i) The latter sentence was imposed with specific reference to
34 the former; (ii) the concurrent relationship of the sentences was
35 judicially imposed; and (iii) the concurrent timing of the sentences
36 was not the result of a probation or parole revocation on the former
37 offense.

38 (6) If the present conviction is one of the anticipatory offenses
39 of criminal attempt, solicitation, or conspiracy, count each prior

1 conviction as if the present conviction were for a completed offense.
2 When these convictions are used as criminal history, score them the
3 same as a completed crime.

4 (7) If the present conviction is for a nonviolent offense and not
5 covered by subsection (11) or (12) of this section, count one point for
6 each adult prior felony conviction and one point for each juvenile
7 prior violent felony conviction and 1/2 point for each juvenile prior
8 nonviolent felony conviction.

9 (8) If the present conviction is for a violent offense and not
10 covered in subsection (9), (10), (11), or (12) of this section, count
11 two points for each prior adult and juvenile violent felony conviction,
12 one point for each prior adult nonviolent felony conviction, and 1/2
13 point for each prior juvenile nonviolent felony conviction.

14 (9) If the present conviction is for a serious violent offense,
15 count three points for prior adult and juvenile convictions for crimes
16 in this category, two points for each prior adult and juvenile violent
17 conviction (not already counted), one point for each prior adult
18 nonviolent felony conviction, and 1/2 point for each prior juvenile
19 nonviolent felony conviction.

20 (10) If the present conviction is for Burglary 1, count prior
21 convictions as in subsection (8) of this section; however count two
22 points for each prior adult Burglary 2 or residential burglary
23 conviction, and one point for each prior juvenile Burglary 2 or
24 residential burglary conviction.

25 (11) If the present conviction is for a felony traffic offense
26 count two points for each adult or juvenile prior conviction for
27 Vehicular Homicide or Vehicular Assault; for each felony offense count
28 one point for each adult and 1/2 point for each juvenile prior
29 conviction; for each serious traffic offense, other than those used for
30 an enhancement pursuant to RCW 46.61.520(2), count one point for each
31 adult and 1/2 point for each juvenile prior conviction.

32 (12) If the present conviction is for a drug offense that involves
33 the manufacture, delivery, or possession with intent to manufacture or
34 deliver methamphetamine (RCW 69.50.401(a)(1)(ii)), deliver
35 methamphetamine to someone under eighteen (RCW 69.50.406), or
36 possession of ephedrine, pseudoephedrine, or anhydrous ammonia with
37 intent to manufacture methamphetamine (RCW 69.50.440), count three
38 points for each adult prior felony drug offense conviction involving
39 methamphetamine and two points for each juvenile drug offense involving

1 methamphetamine. All other adult and juvenile felonies are scored as
2 in subsection (8) of this section if the current drug offense is
3 violent, or as in subsection (7) of this section if the current drug
4 offense is nonviolent.

5 (13) If the present conviction is for Willful Failure to Return
6 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
7 Release, RCW 72.65.070, or Escape from Community Custody, RCW
8 72.09.310, count only prior escape convictions in the offender score.
9 Count adult prior escape convictions as one point and juvenile prior
10 escape convictions as 1/2 point.

11 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
12 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
13 juvenile prior convictions as 1/2 point.

14 (15) If the present conviction is for Burglary 2 or residential
15 burglary, count priors as in subsection (7) of this section; however,
16 count two points for each adult and juvenile prior Burglary 1
17 conviction, two points for each adult prior Burglary 2 or residential
18 burglary conviction, and one point for each juvenile prior Burglary 2
19 or residential burglary conviction.

20 (16) If the present conviction is for a sex offense, count priors
21 as in subsections (7) through (15) of this section; however count three
22 points for each adult and juvenile prior sex offense conviction.

23 (17) If the present conviction is for an offense committed while
24 the offender was under community placement, add one point.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.96A RCW
26 to read as follows:

27 (1) Savings to the department of corrections realized under
28 sections 1 and 2, chapter . . ., Laws of 2001 (sections 1 and 2 of this
29 act) shall be allocated, on an ongoing basis, to the division of
30 alcohol and substance abuse solely for the treatment of nonviolent drug
31 possession offenders at the state and local levels.

32 (2) The department of social and health services shall enter into
33 an interagency agreement with the department of corrections to
34 accomplish the intent and purpose of this act.

35 (3) The division of alcohol and substance abuse shall establish a
36 method to ensure that funds shall be allocated to counties through a
37 fair and equitable distribution formula that includes, but is not
38 limited to, per capita convictions for controlled substance possession

1 violations and substance abuse treatment caseload, as determined by the
2 division of alcohol and substance abuse and the department of
3 corrections, as necessary to carry out the purposes of this act.

4 (4) The secretary of the department of social and health services
5 may reserve a portion of the fund to pay for direct contracts with drug
6 treatment service providers in counties or areas where the department
7 director has determined that demand for drug treatment services is not
8 adequately met by existing programs.

9 (5) The secretary of the department of social and health services
10 shall reserve a portion of the fund to pay for drug courts as defined
11 under RCW 2.28.170. The funds shall be used to contract with counties
12 operating drug courts and counties in the process of implementing new
13 drug courts for the provision of drug and alcohol treatment services
14 for nonviolent offenders.

15 (6) The secretary of the department of corrections and the
16 secretary of the department of social and health services shall adopt
17 rules to implement this act.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW
19 to read as follows:

20 The department of social and health services shall annually audit
21 the expenditures made by any county which is funded, in whole or in
22 part, with funds provided by this act. Counties shall repay any funds
23 that are not spent in accordance with the requirements of this act.

24 NEW SECTION. **Sec. 5.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 July 1, 2001.

--- END ---