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**Criminal Justice & Corrections  
Committee**

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**HB 1392**

**Brief Description:** Consolidating drug sentencing laws.

**Sponsors:** Representatives Kagi, Delvin, O'Brien, Campbell, Sullivan, Moeller, Cooper, Simpson, McIntire, Flannigan, Murray, Darneille, Conway, Wood, Kenney, Kessler, Schual-Berke, Linville and Upthegrove.

**Brief Summary of Bill**

- Moves the crime of endangerment with a controlled substance from the Sentencing Reform Act (SRA) grid to the drug offense grid and reclassifies it as a seriousness level I offense.
- Reduces the crime of possession of counterfeit controlled substances from a seriousness II to a seriousness I on the drug offense grid.

**Hearing Date:** 2/5/03

**Staff:** Yvonne Walker (786-7841).

**Background:**

*Endangerment with a Controlled Substance.* In 2002, the Legislature created a new crime within the Criminal Mistreatment Act called "endangerment with a controlled substance." A person commits endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with:

- methamphetamine; or
- ephedrine, pseudoephedrine, or anhydrous ammonia that are being used in the manufacture of methamphetamine.

Endangerment with a controlled substance is a class B felony and is classified as a seriousness level IV on the SRA grid. A first time offender with no prior criminal history would receive a presumptive sentence range of three to nine months in jail.

In 2002, the Legislature also created a new sentencing grid for the sole purpose of sentencing offenders convicted of drug crimes. An offender convicted of a drug offense committed on or after July 1, 2004, receives a sentence that is calculated using a drug offense sentencing grid instead of the standard SRA sentencing grid for all felony violations. Violations of the Uniform Controlled Substance Act are ranked from a seriousness level I to a level III on the drug offense sentencing grid depending upon the offense.

The crime of endangerment with a controlled substance remains on the felony SRA grid and has not been moved over to the drug sentencing grid with all other drug-related crimes.

Possession of a Counterfeit Controlled Substance. Possession of a counterfeit controlled substance is a class B felony and is classified as a seriousness level II on the drug offense sentencing grid. A first-time offender with no prior criminal history would receive a presumptive sentence range of 12 to 20 months in prison.

Other possession-related drug crimes (e.g. possession of heroin, narcotics, and marijuana) are categorized as a seriousness level I on the drug sentencing grid.

**Summary of Bill:**

Endangerment with a Controlled Substance. The crime of endangerment with a controlled substance is moved from the felony SRA grid to the drug offense grid. On the drug offense grid it is classified as a seriousness level I offense. A first-time offender with no prior criminal history would receive a presumptive sentence range of zero to six months in jail.

Possession of a Counterfeit Controlled Substance. The seriousness level for the crime of possession of a counterfeit controlled substance is reduced from a seriousness level II to a level I.

A first time offender with no prior criminal history would receive a presumptive sentence range of zero to six months in jail.

Other technical amendments are also made within the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed, except section 3, which takes effect July 1, 2004.