

HOUSE BILL 1392

State of Washington

58th Legislature

2003 Regular Session

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

Read first time 01/24/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to controlled substances; amending RCW 9.94A.518;  
2 reenacting and amending RCW 9.94A.515; and providing an effective date.

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

4 Sec. 1. RCW 9.94A.518 and 2002 c 290 s 9 are each amended to read  
5 as follows:

7 TABLE 4

8 DRUG OFFENSES

9 INCLUDED WITHIN EACH

10 SERIOUSNESS LEVEL

- 11 III Any felony offense under chapter
- 12 69.50 RCW with a deadly weapon
- 13 special verdict under RCW
- 14 9.94A.602
- 15 Controlled Substance Homicide (RCW
- 16 69.50.415)

1 Delivery of imitation controlled  
2 substance by person eighteen or  
3 over to person under eighteen  
4 (RCW 69.52.030(2))  
5 Involving a minor in drug dealing  
6 (RCW 69.50.401(f))  
7 Manufacture of methamphetamine  
8 (RCW 69.50.401(a)(1)(ii))  
9 Over 18 and deliver heroin,  
10 methamphetamine, a narcotic  
11 from Schedule I or II, or  
12 flunitrazepam from Schedule IV  
13 to someone under 18 (RCW  
14 69.50.406)  
15 Over 18 and deliver narcotic from  
16 Schedule III, IV, or V or a  
17 nonnarcotic, except flunitrazepam  
18 or methamphetamine, from  
19 Schedule I-V to someone under 18  
20 and 3 years junior (RCW  
21 69.50.406)  
22 Possession of Ephedrine or any of its  
23 Salts or Isomers or Salts of  
24 Isomers, Pseudoephedrine or any  
25 of its Salts or Isomers or Salts of  
26 Isomers, ((or Anhydrous))  
27 Pressurized Ammonia Gas, or  
28 Pressurized Ammonia Gas  
29 Solution with intent to  
30 manufacture methamphetamine  
31 (RCW 69.50.440)  
32 Selling for profit (controlled or  
33 counterfeit) any controlled  
34 substance (RCW 69.50.410)  
35 II Create((;)) or deliver((;-or-possess)) a  
36 counterfeit controlled substance  
37 (RCW 69.50.401(b))

1 Deliver or possess with intent to  
2 deliver methamphetamine (RCW  
3 69.50.401(a)(1)(ii))  
4 Delivery of a material in lieu of a  
5 controlled substance (RCW  
6 69.50.401(c))  
7 Maintaining a Dwelling or Place for  
8 Controlled Substances (RCW  
9 69.50.402(a)(6))  
10 Manufacture, deliver, or possess with  
11 intent to deliver amphetamine  
12 (RCW 69.50.401(a)(1)(ii))  
13 Manufacture, deliver, or possess with  
14 intent to deliver narcotics from  
15 Schedule I or II or flunitrazepam  
16 from Schedule IV (RCW  
17 69.50.401(a)(1)(i))  
18 Manufacture, deliver, or possess with  
19 intent to deliver narcotics from  
20 Schedule III, IV, or V or  
21 nonnarcotics from Schedule I-V  
22 (except marijuana, amphetamine,  
23 methamphetamines, or  
24 flunitrazepam) (RCW  
25 69.50.401(a)(1) (iii) through (v))  
26 Manufacture, distribute, or possess  
27 with intent to distribute an  
28 imitation controlled substance  
29 (RCW 69.52.030(1))  
30 I Endangerment with a Controlled  
31 Substance (RCW 9A.42.100)  
32 Forged Prescription (RCW 69.41.020)  
33 Forged Prescription for a Controlled  
34 Substance (RCW 69.50.403)  
35 Manufacture, deliver, or possess with  
36 intent to deliver marijuana (RCW  
37 69.50.401(a)(1)(iii))

1 Possess Controlled Substance that is a  
2 Narcotic from Schedule III, IV, or  
3 V or Nonnarcotic from Schedule  
4 I-V (RCW 69.50.401(d))  
5 Possession of Controlled Substance  
6 that is either heroin or narcotics  
7 from Schedule I or II (RCW  
8 69.50.401(d))  
9 Possession of a Counterfeit Controlled  
10 Substance (RCW 69.50.401(b))  
11 Unlawful Use of Building for Drug  
12 Purposes (RCW 69.53.010)

13 **Sec. 2.** RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c  
14 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133  
15 s 4 are each reenacted and amended to read as follows:

16 TABLE 2  
17 CRIMES INCLUDED WITHIN  
18 EACH SERIOUSNESS LEVEL

19 XVI	Aggravated Murder 1 (RCW 20 10.95.020)
21 XV	Homicide by abuse (RCW 9A.32.055) 22 Malicious explosion 1 (RCW 23 70.74.280(1)) 24 Murder 1 (RCW 9A.32.030)
25 XIV	Murder 2 (RCW 9A.32.050)
26 XIII	Malicious explosion 2 (RCW 27 70.74.280(2)) 28 Malicious placement of an explosive 1 29 (RCW 70.74.270(1))
30 XII	Assault 1 (RCW 9A.36.011) 31 Assault of a Child 1 (RCW 9A.36.120) 32 Malicious placement of an imitation 33 device 1 (RCW 70.74.272(1)(a)) 34 Rape 1 (RCW 9A.44.040) 35 Rape of a Child 1 (RCW 9A.44.073)

1 XI Manslaughter 1 (RCW 9A.32.060)  
2 Rape 2 (RCW 9A.44.050)  
3 Rape of a Child 2 (RCW 9A.44.076)  
4 X Child Molestation 1 (RCW 9A.44.083)  
5 Indecent Liberties (with forcible  
6 compulsion) (RCW  
7 9A.44.100(1)(a))  
8 Kidnapping 1 (RCW 9A.40.020)  
9 Leading Organized Crime (RCW  
10 9A.82.060(1)(a))  
11 Malicious explosion 3 (RCW  
12 70.74.280(3))  
13 Sexually Violent Predator Escape  
14 (RCW 9A.76.115)  
15 IX Assault of a Child 2 (RCW 9A.36.130)  
16 Explosive devices prohibited (RCW  
17 70.74.180)  
18 Hit and Run--Death (RCW  
19 46.52.020(4)(a))  
20 Homicide by Watercraft, by being  
21 under the influence of intoxicating  
22 liquor or any drug (RCW  
23 79A.60.050)  
24 Inciting Criminal Profiteering (RCW  
25 9A.82.060(1)(b))  
26 Malicious placement of an explosive 2  
27 (RCW 70.74.270(2))  
28 Robbery 1 (RCW 9A.56.200)  
29 Sexual Exploitation (RCW 9.68A.040)  
30 Vehicular Homicide, by being under  
31 the influence of intoxicating  
32 liquor or any drug (RCW  
33 46.61.520)  
34 VIII Arson 1 (RCW 9A.48.020)

1 Homicide by Watercraft, by the  
2 operation of any vessel in a  
3 reckless manner (RCW  
4 79A.60.050)  
5 Manslaughter 2 (RCW 9A.32.070)  
6 Promoting Prostitution 1 (RCW  
7 9A.88.070)  
8 Theft of Ammonia (RCW 69.55.010)  
9 Vehicular Homicide, by the operation  
10 of any vehicle in a reckless  
11 manner (RCW 46.61.520)  
12 VII Burglary 1 (RCW 9A.52.020)  
13 Child Molestation 2 (RCW 9A.44.086)  
14 Civil Disorder Training (RCW  
15 9A.48.120)  
16 Dealing in depictions of minor  
17 engaged in sexually explicit  
18 conduct (RCW 9.68A.050)  
19 Drive-by Shooting (RCW 9A.36.045)  
20 Homicide by Watercraft, by disregard  
21 for the safety of others (RCW  
22 79A.60.050)  
23 Indecent Liberties (without forcible  
24 compulsion) (RCW 9A.44.100(1)  
25 (b) and (c))  
26 Introducing Contraband 1 (RCW  
27 9A.76.140)  
28 Malicious placement of an explosive 3  
29 (RCW 70.74.270(3))  
30 Sending, bringing into state depictions  
31 of minor engaged in sexually  
32 explicit conduct (RCW  
33 9.68A.060)  
34 Unlawful Possession of a Firearm in  
35 the first degree (RCW  
36 9.41.040(1)(a))

1 Use of a Machine Gun in Commission  
2 of a Felony (RCW 9A.41.225)  
3 Vehicular Homicide, by disregard for  
4 the safety of others (RCW  
5 46.61.520)  
6 VI Bail Jumping with Murder 1 (RCW  
7 9A.76.170(3)(a))  
8 Bribery (RCW 9A.68.010)  
9 Incest 1 (RCW 9A.64.020(1))  
10 Intimidating a Judge (RCW  
11 9A.72.160)  
12 Intimidating a Juror/Witness (RCW  
13 9A.72.110, 9A.72.130)  
14 Malicious placement of an imitation  
15 device 2 (RCW 70.74.272(1)(b))  
16 Rape of a Child 3 (RCW 9A.44.079)  
17 Theft of a Firearm (RCW 9A.56.300)  
18 Unlawful Storage of Ammonia (RCW  
19 69.55.020)  
20 V Abandonment of dependent person 1  
21 (RCW 9A.42.060)  
22 Advancing money or property for  
23 extortionate extension of credit  
24 (RCW 9A.82.030)  
25 Bail Jumping with class A Felony  
26 (RCW 9A.76.170(3)(b))  
27 Child Molestation 3 (RCW 9A.44.089)  
28 Criminal Mistreatment 1 (RCW  
29 9A.42.020)  
30 Custodial Sexual Misconduct 1 (RCW  
31 9A.44.160)  
32 Domestic Violence Court Order  
33 Violation (RCW 10.99.040,  
34 10.99.050, 26.09.300, 26.10.220,  
35 26.26.138, 26.50.110, 26.52.070,  
36 or 74.34.145)  
37 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit  
2 (RCW 9A.82.020)  
3 Extortionate Means to Collect  
4 Extensions of Credit (RCW  
5 9A.82.040)  
6 Incest 2 (RCW 9A.64.020(2))  
7 Kidnapping 2 (RCW 9A.40.030)  
8 Perjury 1 (RCW 9A.72.020)  
9 Persistent prison misbehavior (RCW  
10 9.94.070)  
11 Possession of a Stolen Firearm (RCW  
12 9A.56.310)  
13 Rape 3 (RCW 9A.44.060)  
14 Rendering Criminal Assistance 1  
15 (RCW 9A.76.070)  
16 Sexual Misconduct with a Minor 1  
17 (RCW 9A.44.093)  
18 Sexually Violating Human Remains  
19 (RCW 9A.44.105)  
20 Stalking (RCW 9A.46.110)  
21 Taking Motor Vehicle Without  
22 Permission 1 (RCW  
23 9A.56.070(1))  
24 IV Arson 2 (RCW 9A.48.030)  
25 Assault 2 (RCW 9A.36.021)  
26 Assault by Watercraft (RCW  
27 79A.60.060)  
28 Bribing a Witness/Bribe Received by  
29 Witness (RCW 9A.72.090,  
30 9A.72.100)  
31 Cheating 1 (RCW 9.46.1961)  
32 Commercial Bribery (RCW  
33 9A.68.060)  
34 Counterfeiting (RCW 9.16.035(4))  
35 ((Endangerment with a Controlled  
36 Substance (RCW 9A.42.100)))  
37 Escape 1 (RCW 9A.76.110)



1 Hit and Run--Injury (RCW  
2 46.52.020(4)(b))  
3 Hit and Run with Vessel--Injury  
4 Accident (RCW 79A.60.200(3))  
5 Identity Theft 1 (RCW 9.35.020(2)(a))  
6 Indecent Exposure to Person Under  
7 Age Fourteen (subsequent sex  
8 offense) (RCW 9A.88.010)  
9 Influencing Outcome of Sporting  
10 Event (RCW 9A.82.070)  
11 Knowingly Trafficking in Stolen  
12 Property (RCW 9A.82.050(2))  
13 Malicious Harassment (RCW  
14 9A.36.080)  
15 Residential Burglary (RCW  
16 9A.52.025)  
17 Robbery 2 (RCW 9A.56.210)  
18 Theft of Livestock 1 (RCW 9A.56.080)  
19 Threats to Bomb (RCW 9.61.160)  
20 Use of Proceeds of Criminal  
21 Profiteering (RCW 9A.82.080 (1)  
22 and (2))  
23 Vehicular Assault, by being under the  
24 influence of intoxicating liquor or  
25 any drug, or by the operation or  
26 driving of a vehicle in a reckless  
27 manner (RCW 46.61.522)  
28 Willful Failure to Return from  
29 Furlough (RCW 72.66.060)  
30 III Abandonment of dependent person 2  
31 (RCW 9A.42.070)  
32 Assault 3 (RCW 9A.36.031)  
33 Assault of a Child 3 (RCW 9A.36.140)  
34 Bail Jumping with class B or C Felony  
35 (RCW 9A.76.170(3)(c))  
36 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for  
2 Immoral Purposes (RCW  
3 9.68A.090)  
4 Criminal Gang Intimidation (RCW  
5 9A.46.120)  
6 Criminal Mistreatment 2 (RCW  
7 9A.42.030)  
8 Custodial Assault (RCW 9A.36.100)  
9 Escape 2 (RCW 9A.76.120)  
10 Extortion 2 (RCW 9A.56.130)  
11 Harassment (RCW 9A.46.020)  
12 Intimidating a Public Servant (RCW  
13 9A.76.180)  
14 Introducing Contraband 2 (RCW  
15 9A.76.150)  
16 Malicious Injury to Railroad Property  
17 (RCW 81.60.070)  
18 Patronizing a Juvenile Prostitute  
19 (RCW 9.68A.100)  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun or Short-  
24 Barreled Shotgun or Rifle (RCW  
25 9.41.190)  
26 Promoting Prostitution 2 (RCW  
27 9A.88.080)  
28 Recklessly Trafficking in Stolen  
29 Property (RCW 9A.82.050(1))  
30 Securities Act violation (RCW  
31 21.20.400)  
32 Tampering with a Witness (RCW  
33 9A.72.120)  
34 Telephone Harassment (subsequent  
35 conviction or threat of death)  
36 (RCW 9.61.230)  
37 Theft of Livestock 2 (RCW 9A.56.080)

1 Unlawful Imprisonment (RCW  
2 9A.40.040)  
3 Unlawful possession of firearm in the  
4 second degree (RCW  
5 9.41.040(1)(b))  
6 Vehicular Assault, by the operation or  
7 driving of a vehicle with disregard  
8 for the safety of others (RCW  
9 46.61.522)  
10 Willful Failure to Return from Work  
11 Release (RCW 72.65.070)  
12 II Computer Trespass 1 (RCW  
13 9A.52.110)  
14 Counterfeiting (RCW 9.16.035(3))  
15 Escape from Community Custody  
16 (RCW 72.09.310)  
17 Health Care False Claims (RCW  
18 48.80.030)  
19 Identity Theft 2 (RCW 9.35.020(2)(b))  
20 Improperly Obtaining Financial  
21 Information (RCW 9.35.010)  
22 Malicious Mischief 1 (RCW  
23 9A.48.070)  
24 Possession of Stolen Property 1 (RCW  
25 9A.56.150)  
26 Theft 1 (RCW 9A.56.030)  
27 Theft of Rental, Leased, or Lease-  
28 purchased Property (valued at one  
29 thousand five hundred dollars or  
30 more) (RCW 9A.56.096(4))  
31 Trafficking in Insurance Claims (RCW  
32 48.30A.015)  
33 Unlawful Practice of Law (RCW  
34 2.48.180)  
35 Unlicensed Practice of a Profession or  
36 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police  
2 Vehicle (RCW 46.61.024)  
3 False Verification for Welfare (RCW  
4 74.08.055)  
5 Forgery (RCW 9A.60.020)  
6 Malicious Mischief 2 (RCW  
7 9A.48.080)  
8 Possession of Stolen Property 2 (RCW  
9 9A.56.160)  
10 Reckless Burning 1 (RCW 9A.48.040)  
11 Taking Motor Vehicle Without  
12 Permission 2 (RCW  
13 9A.56.070(2))  
14 Theft 2 (RCW 9A.56.040)  
15 Theft of Rental, Leased, or Lease-  
16 purchased Property (valued at two  
17 hundred fifty dollars or more but  
18 less than one thousand five  
19 hundred dollars) (RCW  
20 9A.56.096(4))  
21 Unlawful Issuance of Checks or Drafts  
22 (RCW 9A.56.060)  
23 Unlawful Use of Food Stamps (RCW  
24 9.91.140 (2) and (3))  
25 Vehicle Prowl 1 (RCW 9A.52.095)

26 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2004.

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