

---

HOUSE BILL 1072

---

State of Washington

59th Legislature

2005 Regular Session

By Representatives Lovick and Pearson

Read first time 01/13/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to controlled substances; and amending RCW  
2 69.50.401, 69.50.406, 69.50.440, and 9A.42.100.

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

4 **Sec. 1.** RCW 69.50.401 and 2003 c 53 s 331 are each amended to read  
5 as follows:

6 (1) Except as authorized by this chapter, it is unlawful for any  
7 person to manufacture, deliver, or possess with intent to manufacture  
8 or deliver, a controlled substance.

9 (2) Any person who violates this section with respect to:

10 (a) A controlled substance classified in Schedule I or II which is  
11 a narcotic drug or flunitrazepam, including its salts, isomers, and  
12 salts of isomers, classified in Schedule IV, is guilty of a class B  
13 felony and upon conviction may be imprisoned for not more than ten  
14 years, or (i) fined not more than twenty-five thousand dollars if the  
15 crime involved less than two kilograms of the drug, or both such  
16 imprisonment and fine; or (ii) if the crime involved two or more  
17 kilograms of the drug, then fined not more than one hundred thousand  
18 dollars for the first two kilograms and not more than fifty dollars for

1 each gram in excess of two kilograms, or both such imprisonment and  
2 fine;

3 (b) Amphetamine, including its salts, isomers, and salts of  
4 isomers, or methamphetamine, including its salts, isomers, and salts of  
5 isomers, is guilty of a class B felony and upon conviction may be  
6 imprisoned for not more than ten years, or (i) fined not more than  
7 twenty-five thousand dollars if the crime involved less than two  
8 kilograms of the drug, or both such imprisonment and fine; or (ii) if  
9 the crime involved two or more kilograms of the drug, then fined not  
10 more than one hundred thousand dollars for the first two kilograms and  
11 not more than fifty dollars for each gram in excess of two kilograms,  
12 or both such imprisonment and fine. Three thousand dollars of the fine  
13 may not be suspended. As collected, the first three thousand dollars  
14 of the fine must be deposited with the law enforcement agency having  
15 responsibility for cleanup of laboratories, sites, or substances used  
16 in the manufacture of the methamphetamine, including its salts,  
17 isomers, and salts of isomers. The fine moneys deposited with that law  
18 enforcement agency must be used for such clean-up cost;

19 (c) Any other controlled substance classified in Schedule I, II, or  
20 III, is guilty of a class C felony punishable according to chapter  
21 9A.20 RCW;

22 (d) A substance classified in Schedule IV, except flunitrazepam,  
23 including its salts, isomers, and salts of isomers, is guilty of a  
24 class C felony punishable according to chapter 9A.20 RCW; or

25 (e) A substance classified in Schedule V, is guilty of a class C  
26 felony punishable according to chapter 9A.20 RCW.

27 **Sec. 2.** RCW 69.50.406 and 2003 c 53 s 340 are each amended to read  
28 as follows:

29 (1) Any person eighteen years of age or over who violates RCW  
30 69.50.401 by distributing a controlled substance listed in Schedules I  
31 or II which is a narcotic drug or methamphetamine, including its salts,  
32 isomers, and salts of isomers, or flunitrazepam, including its salts,  
33 isomers, and salts of isomers, listed in Schedule IV, to a person under  
34 eighteen years of age is guilty of a class A felony punishable by the  
35 fine authorized by RCW 69.50.401(2) (a) or (b), by a term of  
36 imprisonment of up to twice that authorized by RCW 69.50.401(2) (a) or  
37 (b), or by both.

1 (2) Any person eighteen years of age or over who violates RCW  
2 69.50.401 by distributing any other controlled substance listed in  
3 Schedules I, II, III, IV, and V to a person under eighteen years of age  
4 who is at least three years his or her junior is guilty of a class B  
5 felony punishable by the fine authorized by RCW 69.50.401(2) (c), (d),  
6 or (e), by a term of imprisonment up to twice that authorized by RCW  
7 69.50.401(2) (c), (d), or (e), or both.

8 **Sec. 3.** RCW 69.50.440 and 2003 c 53 s 347 are each amended to read  
9 as follows:

10 (1) It is unlawful for any person to possess ephedrine or any of  
11 its salts or isomers or salts of isomers, pseudoephedrine or any of its  
12 salts or isomers or salts of isomers, pressurized ammonia gas, or  
13 pressurized ammonia gas solution with intent to manufacture  
14 methamphetamine, including its salts, isomers, and salts of isomers.

15 (2) Any person who violates this section is guilty of a class B  
16 felony and may be imprisoned for not more than ten years, fined not  
17 more than twenty-five thousand dollars, or both. Three thousand  
18 dollars of the fine may not be suspended. As collected, the first  
19 three thousand dollars of the fine must be deposited with the law  
20 enforcement agency having responsibility for cleanup of laboratories,  
21 sites, or substances used in the manufacture of the methamphetamine,  
22 including its salts, isomers, and salts of isomers. The fine moneys  
23 deposited with that law enforcement agency must be used for such clean-  
24 up cost.

25 **Sec. 4.** RCW 9A.42.100 and 2002 c 229 s 1 are each amended to read  
26 as follows:

27 A person is guilty of the crime of endangerment with a controlled  
28 substance if the person knowingly or intentionally permits a dependent  
29 child or dependent adult to be exposed to, ingest, inhale, or have  
30 contact with methamphetamine or ephedrine, pseudoephedrine, or  
31 anhydrous ammonia, including their salts, isomers, and salts of  
32 isomers, that are being used in the manufacture of methamphetamine,  
33 including its salts, isomers, and salts of isomers. Endangerment with  
34 a controlled substance is a class B felony.

--- END ---