H-0331.1

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**HOUSE BILL 1024**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Appleton, Reykdal, Robinson, Clibborn, Moeller, Moscoso, and Farrell

AN ACT Relating to reducing the penalty for possession of controlled substances; amending RCW 9.94A.518 and 69.50.4013; and repealing RCW 69.50.4014.

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

**Sec.**  RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read as follows:

|  |  |  |
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|  | TABLE 4 |  |
|  | DRUG OFFENSESINCLUDED WITHIN EACH SERIOUSNESS LEVEL |  |
| III | Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW ((~~9.94A.602~~)) 9.94A.825 |  |
|  | Controlled Substance Homicide (RCW 69.50.415) |  |
|  | Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2)) |  |
|  | Involving a minor in drug dealing (RCW 69.50.4015) |  |
|  | Manufacture of methamphetamine (RCW 69.50.401(2)(b)) |  |
|  | Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406) |  |
|  | Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) |  |
|  | Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440) |  |
|  | Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410) |  |
| II | Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.4011) |  |
|  | Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(2)(b)) |  |
|  | Delivery of a material in lieu of a controlled substance (RCW 69.50.4012) |  |
|  | Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(1)(f)) |  |
|  | Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(2)(b)) |  |
|  | Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(2)(a)) |  |
|  | Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(2) (c) through (e)) |  |
|  | Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1)) |  |
| I | Forged Prescription (RCW 69.41.020) |  |
|  | Forged Prescription for a Controlled Substance (RCW 69.50.403) |  |
|  | Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(2)(c)) |  |
|  | ((~~Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (RCW 69.50.4013)~~ |  |
|  | ~~Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013)~~)) |  |
|  | Unlawful Use of Building for Drug Purposes (RCW 69.53.010) |  |

**Sec.**  RCW 69.50.4013 and 2013 c 3 s 20 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) ((~~Except as provided in RCW 69.50.4014,~~)) Any person who violates this section is guilty of a ((~~class C felony~~)) misdemeanor punishable under chapter 9A.20 RCW.

(3) The possession, by a person twenty-one years of age or older, of useable marijuana or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

NEW SECTION. **Sec.**  RCW 69.50.4014 (Possession of forty grams or less of marihuana—Penalty) and 2003 c 53 s 335 are each repealed.

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