

SB 5476 - S AMD TO S AMD (S-2939.2/21) **868**
By Senator Padden

WITHDRAWN 04/15/2021

1 Beginning on page 1, line 3, strike all material through "DRUGS"
2 on page 2, line 3

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

5 On page 2, beginning on line 9, after "(2)" strike all material
6 through "any" on line 10 and insert "Any"

7 On page 2, beginning on line 28, strike all of subsection (3)

8 On page 2, beginning on line 36, after "(1)" strike all material
9 through "unless" on line 37 and insert "~~((It is unlawful for any
10 person to possess a controlled substance unless))~~ Unless"

11 On page 3, line 2, after "chapter" insert ", it is unlawful for
12 any person to knowingly possess a controlled substance"

13 On page 3, line 3, after "RCW 69.50.4014" strike ", any person"
14 and insert "~~(, any)~~:"

15 (a) Any person over the age of 21"

16 On page 3, line 4, after "of a" strike "~~((class C felony))~~ gross
17 misdemeanor" and insert "class C felony"

18 On page 3, line 5, after "RCW" insert ":"

19 (b) Any person under the age of 21 who violates this section is
20 guilty of a gross misdemeanor"

21 On page 3, beginning on line 6, after "(3)" strike all material
22 through "treatment." on line 10 and insert "(a) A person who is found
23 to be in possession of a controlled substance shall be referred for
24 evaluation and services and enter into a diversion agreement for
25 their first offense.

26 (b) A person who is found to be in possession of a controlled
27 substance may be referred for evaluation and services and enter into

1 a diversion agreement for their second offense if the prosecuting
2 attorney of the local jurisdiction approves the referral."

3 Beginning on page 4, line 12, strike all of section 4

4 Renumber the remaining sections consecutively and correct any
5 internal references accordingly.

6 On page 6, beginning on line 18, after "misdemeanor." strike all
7 material through "treatment." on line 22

8 On page 7, beginning on line 35, after "misdemeanor." strike all
9 material through "treatment." on line 39

10 Beginning on page 8, line 1, strike all material through
11 "section." on page 36, line 5

12 Renumber the remaining sections consecutively and correct any
13 internal references accordingly.

14 On page 36, line 7, after "treasury." insert "All receipts from
15 penalties collected under RCW 69.50.445(4)(b) must be deposited into
16 the account."

17 Beginning on page 36, line 13, strike all material through
18 "resources." on page 40, line 25

19 Renumber the remaining sections consecutively and correct any
20 internal references accordingly.

21 On page 40, beginning on line 33, after "containing" strike all
22 material through "unauthorized" on line 34 and insert "a counterfeit
23 or controlled substance or consume a counterfeit or"

24 On page 41, line 5, after "class" strike "2" and insert "1"

25 On page 41, line 5, after "RCW" insert "and subject to a maximum
26 penalty of \$250. Proceeds from this infraction are to be deposited in
27 the State v. Blake reimbursement account created in section 16 of
28 this act"

29 On page 41, beginning on line 6, strike all material through
30 "**PROVISIONS**" on line 7 and insert the following:

1 "NEW SECTION. Sec. 21. A new section is added to chapter 10.77
2 RCW to read as follows:

3 (1) In addition to those services provided under RCW 10.77.074, a
4 forensic navigator may be used as a resource for law enforcement to
5 serve as a care coordinator for substance use disorder resources.

6 (2) When a forensic navigator receives information alleging that
7 a person was in possession of a counterfeit substance, controlled
8 substance, or legend drug in an amount classified as personal use,
9 the forensic navigator must attempt to contact the individual in
10 order to provide resources for evaluation, treatment, recovery, and
11 support.

12 (3) Local jurisdictions are not required to use forensic
13 navigators."

14 On page 41, line 8, after "**Sec. 21.**" strike all material through
15 "expire" and insert "Section 5 of this act expires"

16 On page 41, line 10, after "**Sec. 22.**" strike all material through
17 "take" and insert "Section 6 of this act takes"

18 On page 41, beginning on line 12, strike all of section 23

19 On page 41, beginning on line 29, after "**Sec. 24.**" strike all
20 material through "act are" on line 30 and insert "Except for section
21 6 of this act, this act is"

22 On page 41, line 32, after "institutions, and" strike "take" and
23 insert "takes"

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24 On page 42, beginning on line 2, after "insert" strike all
25 material through "date;" on line 13 and insert "addressing the State
26 v. Blake decision; amending RCW 69.50.4011, 69.50.4013, 69.41.030,
27 69.41.030, and 69.50.445; adding a new section to chapter 10.77 RCW;
28 creating a new section; prescribing penalties; providing an effective
29 date; providing an expiration date;"

EFFECT: Removes references to "personal use amounts." Makes changes to referral and diversion procedures. Makes local use of navigators optional. Changes infraction to class 1 infraction.

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