

**SB 5476** - S AMD TO S AMD (S-2939.2/21) **884**  
By Senator Rivers

**PULLED 04/15/2021**

1 On page 2, beginning on line 28, after "(3)" strike all material  
2 through "treatment." on line 33 and insert "A violation of this  
3 section involving possession has the following penalties:

4 (a) A person's first and second violation of this section  
5 involving possession is a gross misdemeanor. On the person's first  
6 violation, the prosecutor shall divert the case for treatment. On the  
7 person's second violation, the prosecutor may divert the case for  
8 treatment.

9 (b) A subsequent violation of this section involving possession  
10 is a class C felony. If appropriate, on the person's third violation,  
11 the court may grant a drug offender sentencing alternative pursuant  
12 to RCW 9.94A.660."

13 On page 3, beginning on line 3, after "RCW 69.50.4014," strike  
14 all material through "(4)" on line 11 and insert "((any person who  
15 violates this section is guilty of a class C felony punishable under  
16 chapter 9A.20 RCW.)) a violation of this section has the following  
17 penalties:

18 (a) A person's first and second violation of this section  
19 involving possession is a gross misdemeanor. On the person's first  
20 violation, the prosecutor shall divert the case for treatment. On the  
21 person's second violation, the prosecutor may divert the case for  
22 treatment.

23 (b) A subsequent violation of this section involving possession  
24 is a class C felony. If appropriate, on the person's third violation,  
25 the court may grant a drug offender sentencing alternative pursuant  
26 to RCW 9.94A.660.

27 (3) "

28 Renumber the remaining subsections consecutively and correct any  
29 internal references accordingly.

1 On page 6, beginning on line 17, after "possession" strike all  
2 material through "treatment." on line 22 and insert "~~(is a~~  
3 ~~misdemeanor.)~~) has the following penalties:

4 (i) A person's first and second violation of this section  
5 involving possession is a gross misdemeanor. On the person's first  
6 violation, the prosecutor shall divert the case for treatment. On the  
7 person's second violation, the prosecutor may divert the case for  
8 treatment.

9 (ii) A subsequent violation of this section involving possession  
10 is a class C felony. If appropriate, on the person's third violation,  
11 the court may grant a drug offender sentencing alternative pursuant  
12 to RCW 9.94A.660."

13 On page 7, beginning on line 34, after "possession" strike all  
14 material through "treatment." on line 39 and insert "~~(is a~~  
15 ~~misdemeanor.)~~) has the following penalties:

16 (i) A person's first and second violation of this section  
17 involving possession is a gross misdemeanor. On the person's first  
18 violation, the prosecutor shall divert the case for treatment. On the  
19 person's second violation, the prosecutor may divert the case for  
20 treatment.

21 (ii) A subsequent violation of this section involving possession  
22 is a class C felony. If appropriate, on the person's third violation,  
23 the court may grant a drug offender sentencing alternative pursuant  
24 to RCW 9.94A.660."

EFFECT: Institutes graduated penalties and treatment options for possession of a controlled substance, counterfeit substance, or legend drug.

--- END ---