
HOUSE BILL 1937

State of Washington **67th Legislature** **2022 Regular Session**

By Representatives Mosbrucker, Dye, Young, Graham, and Gilday

Read first time 01/12/22. Referred to Committee on Public Safety.

1 AN ACT Relating to fentanyl; amending RCW 69.50.4013, 69.50.4013,
2 9.94A.518, and 13.40.0357; creating new sections; prescribing
3 penalties; providing an effective date; and providing an expiration
4 date.

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

6 NEW SECTION. **Sec. 1.** According to a recent study of provisional
7 data collected by the United States centers for disease control and
8 prevention, overdose from fentanyl is now the leading cause of death
9 of Americans between the ages of 18 and 45. Washington is not immune
10 from the opioid epidemic. Fentanyl has had a staggering effect on its
11 communities, and fentanyl-related overdoses are increasing across the
12 state. Under current law, possession of fentanyl is classified as a
13 simple misdemeanor, which is the lowest criminal penalty available.
14 This is an insufficient criminal justice system response to this
15 extremely dangerous drug. The legislature intends to restore the
16 former felony penalties for possession of fentanyl in order to
17 reflect the extreme hazards associated with this highly potent
18 substance, and additionally intends to launch a public outreach
19 campaign to enhance public education on this issue and connect
20 affected individuals with available resources.

1 **Sec. 2.** RCW 69.50.4013 and 2021 c 311 s 9 are each amended to
2 read as follows:

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

8 (2) (a) Except as provided in RCW 69.50.4014 and (b) of this
9 subsection, any person who violates this section is guilty of a
10 misdemeanor.

11 (b) Any person who violates this section by knowingly possessing
12 fentanyl is guilty of a class C felony punishable according to
13 chapter 9A.20 RCW.

14 (3) The prosecutor is encouraged to divert cases under this
15 section for assessment, treatment, or other services.

16 (4) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age
17 or older, of useable marijuana, marijuana concentrates, or marijuana-
18 infused products in amounts that do not exceed those set forth in RCW
19 69.50.360(3) is not a violation of this section, this chapter, or any
20 other provision of Washington state law.

21 (b) The possession of marijuana, useable marijuana, marijuana
22 concentrates, and marijuana-infused products being physically
23 transported or delivered within the state, in amounts not exceeding
24 those that may be established under RCW 69.50.385(3), by a licensed
25 employee of a common carrier when performing the duties authorized in
26 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
27 this section, this chapter, or any other provision of Washington
28 state law.

29 (5) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
30 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
31 during a single (~~(twenty-four)~~) 24-hour period, for noncommercial
32 purposes and not conditioned upon or done in connection with the
33 provision or receipt of financial consideration, of any of the
34 following marijuana products, is not a violation of this section,
35 this chapter, or any other provisions of Washington state law:

36 (i) One-half ounce of useable marijuana;

37 (ii) Eight ounces of marijuana-infused product in solid form;

38 (iii) Thirty-six ounces of marijuana-infused product in liquid
39 form; or

40 (iv) Three and one-half grams of marijuana concentrates.

1 (b) The act of delivering marijuana or a marijuana product as
2 authorized under this subsection (5) must meet one of the following
3 requirements:

4 (i) The delivery must be done in a location outside of the view
5 of general public and in a nonpublic place; or

6 (ii) The marijuana or marijuana product must be in the original
7 packaging as purchased from the marijuana retailer.

8 (6) No person under (~~twenty-one~~) 21 years of age may possess,
9 manufacture, sell, or distribute marijuana, marijuana-infused
10 products, or marijuana concentrates, regardless of THC concentration.
11 This does not include qualifying patients with a valid authorization.

12 (7) The possession by a qualifying patient or designated provider
13 of marijuana concentrates, useable marijuana, marijuana-infused
14 products, or plants in accordance with chapter 69.51A RCW is not a
15 violation of this section, this chapter, or any other provision of
16 Washington state law.

17 **Sec. 3.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
18 read as follows:

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

24 (b) It is unlawful for any person to knowingly possess fentanyl
25 unless obtained directly from, or pursuant to, a valid prescription
26 or order of a practitioner while acting in the course of his or her
27 professional practice, or except as otherwise authorized by this
28 chapter.

29 (2) Except as provided in RCW 69.50.4014, any person who violates
30 this section is guilty of a class C felony punishable under chapter
31 9A.20 RCW.

32 (3)(a) The possession, by a person (~~twenty-one~~) 21 years of age
33 or older, of useable marijuana, marijuana concentrates, or marijuana-
34 infused products in amounts that do not exceed those set forth in RCW
35 69.50.360(3) is not a violation of this section, this chapter, or any
36 other provision of Washington state law.

37 (b) The possession of marijuana, useable marijuana, marijuana
38 concentrates, and marijuana-infused products being physically
39 transported or delivered within the state, in amounts not exceeding

1 those that may be established under RCW 69.50.385(3), by a licensed
2 employee of a common carrier when performing the duties authorized in
3 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
4 this section, this chapter, or any other provision of Washington
5 state law.

6 (4) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
7 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
8 during a single (~~(twenty-four)~~) 24-hour period, for noncommercial
9 purposes and not conditioned upon or done in connection with the
10 provision or receipt of financial consideration, of any of the
11 following marijuana products, is not a violation of this section,
12 this chapter, or any other provisions of Washington state law:

13 (i) One-half ounce of useable marijuana;

14 (ii) Eight ounces of marijuana-infused product in solid form;

15 (iii) Thirty-six ounces of marijuana-infused product in liquid
16 form; or

17 (iv) Three and one-half grams of marijuana concentrates.

18 (b) The act of delivering marijuana or a marijuana product as
19 authorized under this subsection (4) must meet one of the following
20 requirements:

21 (i) The delivery must be done in a location outside of the view
22 of general public and in a nonpublic place; or

23 (ii) The marijuana or marijuana product must be in the original
24 packaging as purchased from the marijuana retailer.

25 (5) No person under (~~(twenty-one)~~) 21 years of age may possess,
26 manufacture, sell, or distribute marijuana, marijuana-infused
27 products, or marijuana concentrates, regardless of THC concentration.
28 This does not include qualifying patients with a valid authorization.

29 (6) The possession by a qualifying patient or designated provider
30 of marijuana concentrates, useable marijuana, marijuana-infused
31 products, or plants in accordance with chapter 69.51A RCW is not a
32 violation of this section, this chapter, or any other provision of
33 Washington state law.

34 **Sec. 4.** RCW 9.94A.518 and 2021 c 311 s 15 are each amended to
35 read as follows:

36 TABLE 4

1 DRUG OFFENSES
2 INCLUDED WITHIN EACH
3 SERIOUSNESS LEVEL

- 4 III Any felony offense under chapter
5 69.50 RCW with a deadly weapon
6 special verdict under RCW
7 9.94A.825
- 8 Controlled Substance Homicide (RCW
9 69.50.415)
- 10 Delivery of imitation controlled
11 substance by person (~~eighteen~~)
12 18 or over to person under
13 (~~eighteen~~) 18 (RCW
14 69.52.030(2))
- 15 Involving a minor in drug dealing
16 (RCW 69.50.4015)
- 17 Manufacture of methamphetamine
18 (RCW 69.50.401(2)(b))
- 19 Over 18 and deliver heroin,
20 methamphetamine, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone
23 under 18 (RCW 69.50.406)
- 24 Over 18 and deliver narcotic from
25 Schedule III, IV, or V or a
26 nonnarcotic, except flunitrazepam
27 or methamphetamine, from
28 Schedule I-V to someone under 18
29 and (~~3~~) three years junior (RCW
30 69.50.406)
- 31 Possession of Ephedrine,
32 Pseudoephedrine, or Anhydrous
33 Ammonia with intent to
34 manufacture methamphetamine
35 (RCW 69.50.440)

1 Selling for profit (controlled or
2 counterfeit) any controlled
3 substance (RCW 69.50.410)

4 II Create or deliver a counterfeit
5 controlled substance (RCW
6 69.50.4011(1)(a))

7 Deliver or possess with intent to
8 deliver methamphetamine (RCW
9 69.50.401(2)(b))

10 Delivery of a material in lieu of a
11 controlled substance (RCW
12 69.50.4012)

13 Maintaining a Dwelling or Place for
14 Controlled Substances (RCW
15 69.50.402(1)(f))

16 Manufacture, deliver, or possess with
17 intent to deliver amphetamine
18 (RCW 69.50.401(2)(b))

19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule I or II or flunitrazepam
22 from Schedule IV (RCW
23 69.50.401(2)(a))

24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule III, IV, or V or
27 nonnarcotics from Schedule I-V
28 (except marijuana, amphetamine,
29 methamphetamines, or
30 flunitrazepam) (RCW
31 69.50.401(2) (c) through (e))

32 Manufacture, distribute, or possess
33 with intent to distribute an
34 imitation controlled substance
35 (RCW 69.52.030(1))

36 I Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
 2 Substance (RCW 69.50.403)
 3 Manufacture, deliver, or possess with
 4 intent to deliver marijuana (RCW
 5 69.50.401(2)(c))
 6 Possession of Fentanyl (RCW
 7 69.50.4013(2)(b))
 8 Unlawful Use of Building for Drug
 9 Purposes (RCW 69.53.010)

10 **Sec. 5.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to
 11 read as follows:

12 **DESCRIPTION AND OFFENSE CATEGORY**

| | | JUVENILE DISPOSITION |
|-------------|----------------------------|----------------------|
| JUVENILE | | CATEGORY FOR |
| DISPOSITION | | ATTEMPT, BAILJUMP, |
| OFFENSE | | CONSPIRACY, OR |
| CATEGORY | DESCRIPTION (RCW CITATION) | SOLICITATION |

13 **Arson and Malicious Mischief**

| | | | |
|----|---|---|----|
| 14 | A | Arson 1 (9A.48.020) | B+ |
| 15 | B | Arson 2 (9A.48.030) | C |
| 16 | C | Reckless Burning 1 (9A.48.040) | D |
| 17 | D | Reckless Burning 2 (9A.48.050) | E |
| 18 | B | Malicious Mischief 1 (9A.48.070) | C |
| 19 | C | Malicious Mischief 2 (9A.48.080) | D |
| 20 | D | Malicious Mischief 3 (9A.48.090) | E |
| 21 | E | Tampering with Fire Alarm Apparatus (9.40.100) | E |
| 22 | E | Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105) | E |
| 23 | A | Possession of Incendiary Device (9.40.120) | B+ |

24 **Assault and Other Crimes Involving**
 25 **Physical Harm**

| | | | |
|----|----|-----------------------|----|
| 26 | A | Assault 1 (9A.36.011) | B+ |
| 27 | B+ | Assault 2 (9A.36.021) | C+ |

| | | | |
|----|-----|--|----|
| 1 | C+ | Assault 3 (9A.36.031) | D+ |
| 2 | D+ | Assault 4 (9A.36.041) | E |
| 3 | B+ | Drive-By Shooting (9A.36.045) | C+ |
| 4 | | committed at age 15 or under | |
| 5 | A++ | Drive-By Shooting (9A.36.045) | A |
| 6 | | committed at age 16 or 17 | |
| 7 | D+ | Reckless Endangerment (9A.36.050) | E |
| 8 | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| 9 | D+ | Coercion (9A.36.070) | E |
| 10 | C+ | Custodial Assault (9A.36.100) | D+ |
| 11 | | Burglary and Trespass | |
| 12 | B+ | Burglary 1 (9A.52.020) committed at | C+ |
| 13 | | age 15 or under | |
| 14 | A- | Burglary 1 (9A.52.020) committed at | B+ |
| 15 | | age 16 or 17 | |
| 16 | B | Residential Burglary (9A.52.025) | C |
| 17 | B | Burglary 2 (9A.52.030) | C |
| 18 | D | Burglary Tools (Possession of) | E |
| 19 | | (9A.52.060) | |
| 20 | D | Criminal Trespass 1 (9A.52.070) | E |
| 21 | E | Criminal Trespass 2 (9A.52.080) | E |
| 22 | C | Mineral Trespass (78.44.330) | C |
| 23 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 24 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 25 | | Drugs | |
| 26 | E | Possession/Consumption of Alcohol | E |
| 27 | | (66.44.270) | |
| 28 | C | Illegally Obtaining Legend Drug | D |
| 29 | | (69.41.020) | |
| 30 | C+ | Sale, Delivery, Possession of Legend | D+ |
| 31 | | Drug with Intent to Sell (69.41.030(2)(a)) | |
| 32 | E | Possession of Legend | E |
| 33 | | Drug (69.41.030(2)(b)) | |
| 34 | B+ | Violation of Uniform Controlled | B+ |
| 35 | | Substances Act - Narcotic, | |
| 36 | | Methamphetamine, or Flunitrazepam | |
| 37 | | Sale (69.50.401(2) (a) or (b)) | |

| | | | |
|----|----------|---|----------|
| 1 | C | Violation of Uniform Controlled | C |
| 2 | | Substances Act - Nonnarcotic Sale | |
| 3 | | (69.50.401(2)(c)) | |
| 4 | E | Possession of Marihuana <40 grams | E |
| 5 | | (69.50.4014) | |
| 6 | <u>C</u> | <u>Possession of Fentanyl</u> | <u>C</u> |
| 7 | | <u>(69.50.4013(2)(b))</u> | |
| 8 | C | Fraudulently Obtaining Controlled | C |
| 9 | | Substance (69.50.403) | |
| 10 | C+ | Sale of Controlled Substance for Profit | C+ |
| 11 | | (69.50.410) | |
| 12 | E | Unlawful Inhalation (9.47A.020) | E |
| 13 | B | Violation of Uniform Controlled | B |
| 14 | | Substances Act - Narcotic, | |
| 15 | | Methamphetamine, or Flunitrazepam | |
| 16 | | Counterfeit Substances (69.50.4011(2) | |
| 17 | | (a) or (b)) | |
| 18 | C | Violation of Uniform Controlled | C |
| 19 | | Substances Act - Nonnarcotic Counterfeit | |
| 20 | | Substances (69.50.4011(2) (c), (d), or (e)) | |
| 21 | E | Violation of Uniform Controlled | E |
| 22 | | Substances Act - Possession of a | |
| 23 | | Controlled Substance (69.50.4013(2)(a)) | |
| 24 | C | Violation of Uniform Controlled | C |
| 25 | | Substances Act - Possession of a | |
| 26 | | Controlled Substance (69.50.4012) | |
| 27 | | Firearms and Weapons | |
| 28 | B | Theft of Firearm (9A.56.300) | C |
| 29 | B | Possession of Stolen Firearm | C |
| 30 | | (9A.56.310) | |
| 31 | E | Carrying Loaded Pistol Without Permit | E |
| 32 | | (9.41.050) | |
| 33 | C | Possession of Firearms by Minor (<18) | C |
| 34 | | (9.41.040(2)(a)(vi)) | |
| 35 | D+ | Possession of Dangerous Weapon | E |
| 36 | | (9.41.250) | |

| | | | |
|----|-----|---|----|
| 1 | D | Intimidating Another Person by use of | E |
| 2 | | Weapon (9.41.270) | |
| 3 | | Homicide | |
| 4 | A+ | Murder 1 (9A.32.030) | A |
| 5 | A+ | Murder 2 (9A.32.050) | B+ |
| 6 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 7 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 8 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 9 | | Kidnapping | |
| 10 | A | Kidnap 1 (9A.40.020) | B+ |
| 11 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 12 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 13 | | Obstructing Governmental Operation | |
| 14 | D | Obstructing a Law Enforcement Officer | E |
| 15 | | (9A.76.020) | |
| 16 | E | Resisting Arrest (9A.76.040) | E |
| 17 | B | Introducing Contraband 1 (9A.76.140) | C |
| 18 | C | Introducing Contraband 2 (9A.76.150) | D |
| 19 | E | Introducing Contraband 3 (9A.76.160) | E |
| 20 | B+ | Intimidating a Public Servant | C+ |
| 21 | | (9A.76.180) | |
| 22 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 23 | | Public Disturbance | |
| 24 | C+ | Criminal Mischief with Weapon | D+ |
| 25 | | (9A.84.010(2)(b)) | |
| 26 | D+ | Criminal Mischief Without Weapon | E |
| 27 | | (9A.84.010(2)(a)) | |
| 28 | E | Failure to Disperse (9A.84.020) | E |
| 29 | E | Disorderly Conduct (9A.84.030) | E |
| 30 | | Sex Crimes | |
| 31 | A | Rape 1 (9A.44.040) | B+ |
| 32 | B++ | Rape 2 (9A.44.050) committed at age 14 | B+ |
| 33 | | or under | |
| 34 | A- | Rape 2 (9A.44.050) committed at age 15 | B+ |
| 35 | | through age 17 | |
| 36 | C+ | Rape 3 (9A.44.060) | D+ |

| | | | |
|----|-----|---------------------------------------|----|
| 1 | B++ | Rape of a Child 1 (9A.44.073) | B+ |
| 2 | | committed at age 14 or under | |
| 3 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 4 | | committed at age 15 | |
| 5 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 6 | B | Incest 1 (9A.64.020(1)) | C |
| 7 | C | Incest 2 (9A.64.020(2)) | D |
| 8 | D+ | Indecent Exposure (Victim <14) | E |
| 9 | | (9A.88.010) | |
| 10 | E | Indecent Exposure (Victim 14 or over) | E |
| 11 | | (9A.88.010) | |
| 12 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 13 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 14 | E | O & A (Prostitution) (9A.88.030) | E |
| 15 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 16 | B++ | Child Molestation 1 (9A.44.083) | B+ |
| 17 | | committed at age 14 or under | |
| 18 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 19 | | committed at age 15 through age 17 | |
| 20 | B | Child Molestation 2 (9A.44.086) | C+ |
| 21 | C | Failure to Register as a Sex Offender | D |
| 22 | | (9A.44.132) | |
| 23 | | Theft, Robbery, Extortion, and | |
| 24 | | Forgery | |
| 25 | B | Theft 1 (9A.56.030) | C |
| 26 | C | Theft 2 (9A.56.040) | D |
| 27 | D | Theft 3 (9A.56.050) | E |
| 28 | B | Theft of Livestock 1 and 2 (9A.56.080 | C |
| 29 | | and 9A.56.083) | |
| 30 | C | Forgery (9A.60.020) | D |
| 31 | A | Robbery 1 (9A.56.200) committed at | B+ |
| 32 | | age 15 or under | |
| 33 | A++ | Robbery 1 (9A.56.200) committed at | A |
| 34 | | age 16 or 17 | |
| 35 | B+ | Robbery 2 (9A.56.210) | C+ |
| 36 | B+ | Extortion 1 (9A.56.120) | C+ |
| 37 | C+ | Extortion 2 (9A.56.130) | D+ |

| | | | |
|----|----|--|----|
| 1 | C | Identity Theft 1 (9.35.020(2)) | D |
| 2 | D | Identity Theft 2 (9.35.020(3)) | E |
| 3 | D | Improperly Obtaining Financial | E |
| 4 | | Information (9.35.010) | |
| 5 | B | Possession of a Stolen Vehicle | C |
| 6 | | (9A.56.068) | |
| 7 | B | Possession of Stolen Property 1 | C |
| 8 | | (9A.56.150) | |
| 9 | C | Possession of Stolen Property 2 | D |
| 10 | | (9A.56.160) | |
| 11 | D | Possession of Stolen Property 3 | E |
| 12 | | (9A.56.170) | |
| 13 | B | Taking Motor Vehicle Without | C |
| 14 | | Permission 1 (9A.56.070) | |
| 15 | C | Taking Motor Vehicle Without | D |
| 16 | | Permission 2 (9A.56.075) | |
| 17 | B | Theft of a Motor Vehicle (9A.56.065) | C |
| 18 | | Motor Vehicle Related Crimes | |
| 19 | E | Driving Without a License (46.20.005) | E |
| 20 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 21 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 22 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 23 | E | Hit and Run-Unattended (46.52.010) | E |
| 24 | C | Vehicular Assault (46.61.522) | D |
| 25 | C | Attempting to Elude Pursuing Police | D |
| 26 | | Vehicle (46.61.024) | |
| 27 | E | Reckless Driving (46.61.500) | E |
| 28 | D | Driving While Under the Influence | E |
| 29 | | (46.61.502 and 46.61.504) | |
| 30 | B+ | Felony Driving While Under the | B |
| 31 | | Influence (46.61.502(6)) | |
| 32 | B+ | Felony Physical Control of a Vehicle | B |
| 33 | | While Under the Influence (46.61.504(6)) | |
| 34 | | Other | |
| 35 | B | Animal Cruelty 1 (16.52.205) | C |
| 36 | B | Bomb Threat (9.61.160) | C |

| | | | |
|----|---|---------------------------------------|----|
| 1 | C | Escape 1 ¹ (9A.76.110) | C |
| 2 | C | Escape 2 ¹ (9A.76.120) | C |
| 3 | D | Escape 3 (9A.76.130) | E |
| 4 | E | Obscene, Harassing, Etc., Phone Calls | E |
| 5 | | (9.61.230) | |
| 6 | A | Other Offense Equivalent to an Adult | B+ |
| 7 | | Class A Felony | |
| 8 | B | Other Offense Equivalent to an Adult | C |
| 9 | | Class B Felony | |
| 10 | C | Other Offense Equivalent to an Adult | D |
| 11 | | Class C Felony | |
| 12 | D | Other Offense Equivalent to an Adult | E |
| 13 | | Gross Misdemeanor | |
| 14 | E | Other Offense Equivalent to an Adult | E |
| 15 | | Misdemeanor | |
| 16 | V | Violation of Order of Restitution, | V |
| 17 | | Community Supervision, or Confinement | |
| 18 | | (13.40.200) ² | |

19 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
20 and the standard range is established as follows:

21 1st escape or attempted escape during 12-month period - 28 days
22 confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month
26 period - 12 weeks confinement

27 ²If the court finds that a respondent has violated terms of an order,
28 it may impose a penalty of up to 30 days of confinement.

29 **JUVENILE SENTENCING STANDARDS**

30 This schedule must be used for juvenile offenders. The court may
31 select sentencing option A, B, C, or D.

32 **OPTION A**

33 **JUVENILE OFFENDER SENTENCING GRID**

34 **STANDARD RANGE**

35

 A++ 129 to 260 weeks for all category A++ offenses

| | | | | | | | |
|----|---------------|--|-------------|--------------|---------------|---------------|---------------|
| 1 | A+ | 180 weeks to age 21 for all category A+ offenses | | | | | |
| 2 | A | 103-129 weeks for all category A offenses | | | | | |
| 3 | A- | 30-40 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 4 | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 5 | CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| 6 | OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |
| 7 | CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
| 8 | | C | LS | LS | LS | LS | 15-36 weeks |
| 9 | | D+ | LS | LS | LS | LS | LS |
| 10 | | D | LS | LS | LS | LS | LS |
| 11 | | E | LS | LS | LS | LS | LS |
| 12 | PRIOR | | 0 | 1 | 2 | 3 | 4 or more |
| 13 | ADJUDICATIONS | | | | | | |

14 NOTE: References in the grid to days or weeks mean periods of
15 confinement. "LS" means "local sanctions" as defined in RCW
16 13.40.020.

17 (1) The vertical axis of the grid is the current offense
18 category. The current offense category is determined by the offense
19 of adjudication.

20 (2) The horizontal axis of the grid is the number of prior
21 adjudications included in the juvenile's criminal history. Each prior
22 felony adjudication shall count as one point. Each prior violation,
23 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
24 point. Fractional points shall be rounded down.

25 (3) The standard range disposition for each offense is determined
26 by the intersection of the column defined by the prior adjudications
27 and the row defined by the current offense category.

28 (4) RCW 13.40.180 applies if the offender is being sentenced for
29 more than one offense.

30 (5) A current offense that is a violation is equivalent to an
31 offense category of E. However, a disposition for a violation shall
32 not include confinement.

33 **OR**
34 **OPTION B**
35 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational
5 or treatment requirement. The treatment programs provided to the
6 offender must be either research-based best practice programs as
7 identified by the Washington state institute for public policy or the
8 joint legislative audit and review committee, or for chemical
9 dependency treatment programs or services, they must be evidence-
10 based or research-based best practice programs. For the purposes of
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had
13 multiple site random controlled trials across heterogeneous
14 populations demonstrating that the program or practice is effective
15 for the population; and

16 (b) "Research-based" means a program or practice that has some
17 research demonstrating effectiveness, but that does not yet meet the
18 standard of evidence-based practices.

19 (2) If the offender fails to comply with the suspended
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200
21 or may revoke the suspended disposition and order the disposition's
22 execution.

23 (3) An offender is ineligible for the suspended disposition
24 option under this section if the offender:

25 (a) Is adjudicated of an A+ or A++ offense;

26 (b) Is (~~fourteen~~) 14 years of age or older and is adjudicated
27 of one or more of the following offenses:

28 (i) A class A offense, or an attempt, conspiracy, or solicitation
29 to commit a class A offense;

30 (ii) Manslaughter in the first degree (RCW 9A.32.060);

31 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
32 the first degree (RCW 9A.56.120), kidnapping in the second degree
33 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
34 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
35 manslaughter 2 (RCW 9A.32.070); or

36 (iv) Violation of the uniform controlled substances act (RCW
37 69.50.401(2) (a) and (b)), when the offense includes infliction of
38 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly
2 weapon;

3 (c) Is ordered to serve a disposition for a firearm violation
4 under RCW 13.40.193;

5 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
6 or

7 (e) Has a prior option B disposition.

8 **OR**

9 **OPTION C**

10 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

11 If the juvenile offender is subject to a standard range
12 disposition of local sanctions or 15 to 36 weeks of confinement and
13 has not committed a B++ or B+ offense, the court may impose a
14 disposition under RCW 13.40.160(4) and 13.40.165.

15 **OR**

16 **OPTION D**

17 **MANIFEST INJUSTICE**

18 If the court determines that a disposition under option A, B, or C
19 would effectuate a manifest injustice, the court shall impose a
20 disposition outside the standard range under RCW 13.40.160(2).

21 NEW SECTION. **Sec. 6.** The department of health shall develop and
22 execute a public outreach campaign to educate the public about the
23 dangers of consuming fentanyl and to provide information about
24 available resources. The campaign must focus on both prevention and
25 response, and must include multiple outreach strategies, such as
26 brochures, public service announcements, social media postings, and
27 other education and training efforts as the department of health
28 deems appropriate.

29 NEW SECTION. **Sec. 7.** Sections 2, 4, and 5 of this act expire
30 July 1, 2023.

31 NEW SECTION. **Sec. 8.** Section 3 of this act takes effect July 1,
32 2023.

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