
SENATE BILL 5524

State of Washington

67th Legislature

2022 Regular Session

By Senators Honeyford, Wagoner, and L. Wilson

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1 AN ACT Relating to imposing a sentence of life in prison for
2 controlled substances homicide for fentanyl-laced drugs; amending RCW
3 9.94A.540, 69.50.415, 9.94A.518, and 9.94A.518; prescribing
4 penalties; providing an effective date; and providing an expiration
5 date.

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

7 **Sec. 1.** RCW 9.94A.540 and 2014 c 130 s 2 are each amended to
8 read as follows:

9 (1) Except to the extent provided in subsection (3) of this
10 section, the following minimum terms of total confinement are
11 mandatory and shall not be varied or modified under RCW 9.94A.535:

12 (a) An offender convicted of the crime of murder in the first
13 degree or controlled substances homicide under RCW 69.50.415(2)(b)
14 shall be sentenced to a term of total confinement not less than
15 twenty years.

16 (b) An offender convicted of the crime of assault in the first
17 degree or assault of a child in the first degree where the offender
18 used force or means likely to result in death or intended to kill the
19 victim shall be sentenced to a term of total confinement not less
20 than five years.

1 (c) An offender convicted of the crime of rape in the first
2 degree shall be sentenced to a term of total confinement not less
3 than five years.

4 (d) An offender convicted of the crime of sexually violent
5 predator escape shall be sentenced to a minimum term of total
6 confinement not less than sixty months.

7 (e) An offender convicted of the crime of aggravated first degree
8 murder for a murder that was committed prior to the offender's
9 eighteenth birthday shall be sentenced to a term of total confinement
10 not less than twenty-five years.

11 (2) During such minimum terms of total confinement, no offender
12 subject to the provisions of this section is eligible for community
13 custody, earned release time, furlough, home detention, partial
14 confinement, work crew, work release, or any other form of early
15 release authorized under RCW 9.94A.728, or any other form of
16 authorized leave of absence from the correctional facility while not
17 in the direct custody of a corrections officer. The provisions of
18 this subsection shall not apply: (a) In the case of an offender in
19 need of emergency medical treatment; (b) for the purpose of
20 commitment to an inpatient treatment facility in the case of an
21 offender convicted of the crime of rape in the first degree; or (c)
22 for an extraordinary medical placement when authorized under RCW
23 9.94A.728(~~(+3)~~) (1)(c).

24 (3)(a) Subsection (1)(a) through (d) of this section shall not be
25 applied in sentencing of juveniles tried as adults pursuant to RCW
26 13.04.030(1)(e)(i).

27 (b) This subsection (3) applies only to crimes committed on or
28 after July 24, 2005.

29 **Sec. 2.** RCW 69.50.415 and 2003 c 53 s 343 are each amended to
30 read as follows:

31 (1) A person who unlawfully delivers a controlled substance in
32 violation of RCW 69.50.401(2) (a), (b), or (c) which controlled
33 substance is subsequently used by the person to whom it was
34 delivered, resulting in the death of the user, is guilty of
35 controlled substances homicide.

36 (2) (~~Controlled~~) (a) Unless otherwise stated, controlled
37 substances homicide is a class B felony punishable according to
38 chapter 9A.20 RCW.

1 (b) Controlled substances homicide is a class A felony punishable
2 according to chapter 9A.20 RCW if the controlled substance used by
3 the person to whom it was delivered recklessly contains fentanyl.

4 **Sec. 3.** RCW 9.94A.518 and 2021 c 311 s 15 are each amended to
5 read as follows:

6 TABLE 4

7 DRUG OFFENSES
8 INCLUDED WITHIN EACH
9 SERIOUSNESS LEVEL

- 10 III Any felony offense under chapter
11 69.50 RCW with a deadly weapon
12 special verdict under RCW
13 9.94A.825
- 14 Controlled Substance Homicide (RCW
15 69.50.415) (except as provided by
16 RCW 69.50.415(2)(b))
- 17 Delivery of imitation controlled
18 substance by person eighteen or
19 over to person under eighteen
20 (RCW 69.52.030(2))
- 21 Involving a minor in drug dealing
22 (RCW 69.50.4015)
- 23 Manufacture of methamphetamine
24 (RCW 69.50.401(2)(b))
- 25 Over 18 and deliver heroin,
26 methamphetamine, a narcotic from
27 Schedule I or II, or flunitrazepam
28 from Schedule IV to someone
29 under 18 (RCW 69.50.406)
- 30 Over 18 and deliver narcotic from
31 Schedule III, IV, or V or a
32 nonnarcotic, except flunitrazepam
33 or methamphetamine, from
34 Schedule I-V to someone under 18
35 and 3 years junior (RCW
36 69.50.406)

1 Possession of Ephedrine,
2 Pseudoephedrine, or Anhydrous
3 Ammonia with intent to
4 manufacture methamphetamine
5 (RCW 69.50.440)

6 Selling for profit (controlled or
7 counterfeit) any controlled
8 substance (RCW 69.50.410)

9 II Create or deliver a counterfeit
10 controlled substance (RCW
11 69.50.4011(1)(a))

12 Deliver or possess with intent to
13 deliver methamphetamine (RCW
14 69.50.401(2)(b))

15 Delivery of a material in lieu of a
16 controlled substance (RCW
17 69.50.4012)

18 Maintaining a Dwelling or Place for
19 Controlled Substances (RCW
20 69.50.402(1)(f))

21 Manufacture, deliver, or possess with
22 intent to deliver amphetamine
23 (RCW 69.50.401(2)(b))

24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule I or II or flunitrazepam
27 from Schedule IV (RCW
28 69.50.401(2)(a))

29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule III, IV, or V or
32 nonnarcotics from Schedule I-V
33 (except marijuana, amphetamine,
34 methamphetamines, or
35 flunitrazepam) (RCW
36 69.50.401(2) (c) through (e))

1 Manufacture, distribute, or possess
 2 with intent to distribute an
 3 imitation controlled substance
 4 (RCW 69.52.030(1))
 5 I Forged Prescription (RCW 69.41.020)
 6 Forged Prescription for a Controlled
 7 Substance (RCW 69.50.403)
 8 Manufacture, deliver, or possess with
 9 intent to deliver marijuana (RCW
 10 69.50.401(2)(c))
 11 Unlawful Use of Building for Drug
 12 Purposes (RCW 69.53.010)

13 **Sec. 4.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
 14 read as follows:

15 TABLE 4
 16 DRUG OFFENSES
 17 INCLUDED WITHIN EACH
 18 SERIOUSNESS LEVEL
 19 III Any felony offense under chapter
 20 69.50 RCW with a deadly weapon
 21 special verdict under RCW
 22 ((9.94A.602)) 9.94A.825
 23 Controlled Substance Homicide (RCW
 24 69.50.415) (except as provided by
 25 RCW 69.50.415(2)(b))
 26 Delivery of imitation controlled
 27 substance by person eighteen or
 28 over to person under eighteen
 29 (RCW 69.52.030(2))
 30 Involving a minor in drug dealing
 31 (RCW 69.50.4015)
 32 Manufacture of methamphetamine
 33 (RCW 69.50.401(2)(b))

1 Over 18 and deliver heroin,
2 methamphetamine, a narcotic from
3 Schedule I or II, or flunitrazepam
4 from Schedule IV to someone
5 under 18 (RCW 69.50.406)

6 Over 18 and deliver narcotic from
7 Schedule III, IV, or V or a
8 nonnarcotic, except flunitrazepam
9 or methamphetamine, from
10 Schedule I-V to someone under 18
11 and 3 years junior (RCW
12 69.50.406)

13 Possession of Ephedrine,
14 Pseudoephedrine, or Anhydrous
15 Ammonia with intent to
16 manufacture
17 methamphetamine (RCW
18 69.50.440)

19 Selling for profit (controlled or
20 counterfeit) any controlled
21 substance (RCW 69.50.410)

22 II Create, deliver, or possess a counterfeit
23 controlled substance (RCW
24 69.50.4011)

25 Deliver or possess with intent to
26 deliver methamphetamine (RCW
27 69.50.401(2)(b))

28 Delivery of a material in lieu of a
29 controlled substance (RCW
30 69.50.4012)

31 Maintaining a Dwelling or Place for
32 Controlled Substances (RCW
33 69.50.402(1)(f))

34 Manufacture, deliver, or possess with
35 intent to deliver amphetamine
36 (RCW 69.50.401(2)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II or flunitrazepam
4 from Schedule IV (RCW
5 69.50.401(2)(a))

6 Manufacture, deliver, or possess with
7 intent to deliver narcotics from
8 Schedule III, IV, or V or
9 nonnarcotics from Schedule I-V
10 (except marijuana, amphetamine,
11 methamphetamines, or
12 flunitrazepam) (RCW
13 69.50.401(2) (c) through (e))

14 Manufacture, distribute, or possess
15 with intent to distribute an
16 imitation controlled substance
17 (RCW 69.52.030(1))

18 I Forged Prescription (RCW 69.41.020)
19 Forged Prescription for a Controlled
20 Substance (RCW 69.50.403)

21 Manufacture, deliver, or possess with
22 intent to deliver marijuana (RCW
23 69.50.401(2)(c))

24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or
26 V or Nonnarcotic from Schedule I-
27 V (RCW 69.50.4013)

28 Possession of Controlled Substance
29 that is either heroin or narcotics
30 from Schedule I or II (RCW
31 69.50.4013)

32 Unlawful Use of Building for Drug
33 Purposes (RCW 69.53.010)

34 NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1,
35 2023.

1 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,
2 2023.

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