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**SENATE BILL 5530**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Fortunato and Christian

Read first time 01/28/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to penalty increases for certain offenses;  
2 amending RCW 9A.56.050, 9.94A.533, 69.50.401, and 69.50.4013; and  
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9A.56.050 and 2009 c 431 s 9 are each amended to  
6 read as follows:

7 (1) A person is guilty of theft in the third degree if he or she  
8 commits theft of property or services which (a) does not exceed seven  
9 hundred fifty dollars in value, or (b) includes ten or more  
10 merchandise pallets, or ten or more beverage crates, or a combination  
11 of ten or more merchandise pallets and beverage crates.

12 (2) Theft in the third degree is a gross misdemeanor.

13 (3) Notwithstanding subsection (2) of this section, theft in the  
14 third degree is a class C felony punishable according to chapter  
15 9A.20 RCW if the person has been convicted twice or more in the past  
16 five years of any of the following crimes:

17 (a) Theft in the first degree, RCW 9A.56.030;

18 (b) Theft in the second degree, RCW 9A.56.040;

19 (c) Theft in the third degree, RCW 9A.56.050;

20 (d) Theft of a motor vehicle, RCW 9A.56.065;

21 (e) Theft of livestock in the first degree, RCW 9A.56.080;

1       (f) Theft of livestock in the second degree, RCW 9A.56.083;  
2       (g) Robbery in the first degree, RCW 9A.56.200;  
3       (h) Robbery in the second degree, RCW 9A.56.210;  
4       (i) Theft of a firearm, RCW 9A.56.300;  
5       (j) Theft with the intent to resell, RCW 9A.56.340;  
6       (k) Organized retail theft, RCW 9A.56.350;  
7       (l) Retail theft with special circumstances, RCW 9A.56.360;  
8       (m) Mail theft, RCW 9A.56.370; or  
9       (n) Theft from a vulnerable adult in the first or second degree,  
10      RCW 9A.56.400.

11       **Sec. 2.** RCW 9.94A.533 and 2024 c 301 s 28 are each amended to  
12      read as follows:

13       (1) The provisions of this section apply to the standard sentence  
14      ranges determined by RCW 9.94A.510 or 9.94A.517.

15       (2) For persons convicted of the anticipatory offenses of  
16      criminal attempt, solicitation, or conspiracy under chapter 9A.28  
17      RCW, the standard sentence range is determined by locating the  
18      sentencing grid sentence range defined by the appropriate offender  
19      score and the seriousness level of the completed crime, and  
20      multiplying the range by seventy-five percent.

21       (3) The following additional times shall be added to the standard  
22      sentence range for felony crimes committed after July 23, 1995, if  
23      the offender or an accomplice was armed with a firearm as defined in  
24      RCW 9.41.010 and the offender is being sentenced for one of the  
25      crimes listed in this subsection as eligible for any firearm  
26      enhancements based on the classification of the completed felony  
27      crime. If the offender is being sentenced for more than one offense,  
28      the firearm enhancement or enhancements must be added to the total  
29      period of confinement for all offenses, regardless of which  
30      underlying offense is subject to a firearm enhancement. If the  
31      offender or an accomplice was armed with a firearm as defined in RCW  
32      9.41.010 and the offender is being sentenced for an anticipatory  
33      offense under chapter 9A.28 RCW to commit one of the crimes listed in  
34      this subsection as eligible for any firearm enhancements, the  
35      following additional times shall be added to the standard sentence  
36      range determined under subsection (2) of this section based on the  
37      felony crime of conviction as classified under RCW 9A.28.020:

1 (a) Five years for any felony defined under any law as a class A  
2 felony or with a statutory maximum sentence of at least twenty years,  
3 or both, and not covered under (f) of this subsection;

4 (b) Three years for any felony defined under any law as a class B  
5 felony or with a statutory maximum sentence of ten years, or both,  
6 and not covered under (f) of this subsection;

7 (c) Eighteen months for any felony defined under any law as a  
8 class C felony or with a statutory maximum sentence of five years, or  
9 both, and not covered under (f) of this subsection;

10 (d) If the offender is being sentenced for any firearm  
11 enhancements under (a), (b), and/or (c) of this subsection and the  
12 offender has previously been sentenced for any deadly weapon  
13 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
14 subsection or subsection (4)(a), (b), and/or (c) of this section, or  
15 both, all firearm enhancements under this subsection shall be twice  
16 the amount of the enhancement listed;

17 (e) Notwithstanding any other provision of law, all firearm  
18 enhancements under this section are mandatory, shall be served in  
19 total confinement, and shall run consecutively to all other  
20 sentencing provisions, including other firearm or deadly weapon  
21 enhancements, for all offenses sentenced under this chapter. However,  
22 whether or not a mandatory minimum term has expired, an offender  
23 serving a sentence under this subsection may be:

24 (i) Granted an extraordinary medical placement when authorized  
25 under RCW 9.94A.728(1)(c); or

26 (ii) Released under the provisions of RCW 9.94A.730;

27 (f) The firearm enhancements in this section shall apply to all  
28 felony crimes except the following: Possession of a machine gun or  
29 bump-fire stock, possessing a stolen firearm, drive-by shooting,  
30 theft of a firearm, unlawful possession of a firearm in the first and  
31 second degree, and use of a machine gun or bump-fire stock in a  
32 felony;

33 (g) If the standard sentence range under this section exceeds the  
34 statutory maximum sentence for the offense, the statutory maximum  
35 sentence shall be the presumptive sentence unless the offender is a  
36 persistent offender. If the addition of a firearm enhancement  
37 increases the sentence so that it would exceed the statutory maximum  
38 for the offense, the portion of the sentence representing the  
39 enhancement may not be reduced.

1 (4) The following additional times shall be added to the standard  
2 sentence range for felony crimes committed after July 23, 1995, if  
3 the offender or an accomplice was armed with a deadly weapon other  
4 than a firearm as defined in RCW 9.41.010 and the offender is being  
5 sentenced for one of the crimes listed in this subsection as eligible  
6 for any deadly weapon enhancements based on the classification of the  
7 completed felony crime. If the offender is being sentenced for more  
8 than one offense, the deadly weapon enhancement or enhancements must  
9 be added to the total period of confinement for all offenses,  
10 regardless of which underlying offense is subject to a deadly weapon  
11 enhancement. If the offender or an accomplice was armed with a deadly  
12 weapon other than a firearm as defined in RCW 9.41.010 and the  
13 offender is being sentenced for an anticipatory offense under chapter  
14 9A.28 RCW to commit one of the crimes listed in this subsection as  
15 eligible for any deadly weapon enhancements, the following additional  
16 times shall be added to the standard sentence range determined under  
17 subsection (2) of this section based on the felony crime of  
18 conviction as classified under RCW 9A.28.020:

19 (a) Two years for any felony defined under any law as a class A  
20 felony or with a statutory maximum sentence of at least twenty years,  
21 or both, and not covered under (f) of this subsection;

22 (b) One year for any felony defined under any law as a class B  
23 felony or with a statutory maximum sentence of ten years, or both,  
24 and not covered under (f) of this subsection;

25 (c) Six months for any felony defined under any law as a class C  
26 felony or with a statutory maximum sentence of five years, or both,  
27 and not covered under (f) of this subsection;

28 (d) If the offender is being sentenced under (a), (b), and/or (c)  
29 of this subsection for any deadly weapon enhancements and the  
30 offender has previously been sentenced for any deadly weapon  
31 enhancements after July 23, 1995, under (a), (b), and/or (c) of this  
32 subsection or subsection (3)(a), (b), and/or (c) of this section, or  
33 both, all deadly weapon enhancements under this subsection shall be  
34 twice the amount of the enhancement listed;

35 (e) Notwithstanding any other provision of law, all deadly weapon  
36 enhancements under this section are mandatory, shall be served in  
37 total confinement, and shall run consecutively to all other  
38 sentencing provisions, including other firearm or deadly weapon  
39 enhancements, for all offenses sentenced under this chapter. However,

1 whether or not a mandatory minimum term has expired, an offender  
2 serving a sentence under this subsection may be:

3 (i) Granted an extraordinary medical placement when authorized  
4 under RCW 9.94A.728(1)(c); or

5 (ii) Released under the provisions of RCW 9.94A.730;

6 (f) The deadly weapon enhancements in this section shall apply to  
7 all felony crimes except the following: Possession of a machine gun  
8 or bump-fire stock, possessing a stolen firearm, drive-by shooting,  
9 theft of a firearm, unlawful possession of a firearm in the first and  
10 second degree, and use of a machine gun or bump-fire stock in a  
11 felony;

12 (g) If the standard sentence range under this section exceeds the  
13 statutory maximum sentence for the offense, the statutory maximum  
14 sentence shall be the presumptive sentence unless the offender is a  
15 persistent offender. If the addition of a deadly weapon enhancement  
16 increases the sentence so that it would exceed the statutory maximum  
17 for the offense, the portion of the sentence representing the  
18 enhancement may not be reduced.

19 (5) The following additional times shall be added to the standard  
20 sentence range if the offender or an accomplice committed the offense  
21 while in a county jail or state correctional facility and the  
22 offender is being sentenced for one of the crimes listed in this  
23 subsection. If the offender or an accomplice committed one of the  
24 crimes listed in this subsection while in a county jail or state  
25 correctional facility, and the offender is being sentenced for an  
26 anticipatory offense under chapter 9A.28 RCW to commit one of the  
27 crimes listed in this subsection, the following additional times  
28 shall be added to the standard sentence range determined under  
29 subsection (2) of this section:

30 (a) Eighteen months for offenses committed under RCW 69.50.401(2)  
31 (a) or (b) or 69.50.410;

32 (b) Fifteen months for offenses committed under RCW 69.50.401(2)  
33 (c), (d), or (e);

34 (c) Twelve months for offenses committed under RCW 69.50.4013.

35 For the purposes of this subsection, all of the real property of  
36 a state correctional facility or county jail shall be deemed to be  
37 part of that facility or county jail.

38 (6) An additional twenty-four months shall be added to the  
39 standard sentence range for any ranked offense involving a violation  
40 of chapter 69.50 RCW if the offense was also a violation of RCW

1 69.50.435 or 9.94A.827. All enhancements under this subsection shall  
2 run consecutively to all other sentencing provisions, for all  
3 offenses sentenced under this chapter.

4 (7) An additional two years shall be added to the standard  
5 sentence range for vehicular homicide committed while under the  
6 influence of intoxicating liquor or any drug as defined by RCW  
7 46.61.502 for each prior offense as defined in RCW 46.61.5055.

8 Notwithstanding any other provision of law, all impaired driving  
9 enhancements under this subsection are mandatory, shall be served in  
10 total confinement, and shall run consecutively to all other  
11 sentencing provisions, including other impaired driving enhancements,  
12 for all offenses sentenced under this chapter.

13 An offender serving a sentence under this subsection may be  
14 granted an extraordinary medical placement when authorized under RCW  
15 9.94A.728(1)(c).

16 (8)(a) The following additional times shall be added to the  
17 standard sentence range for felony crimes committed on or after July  
18 1, 2006, if the offense was committed with sexual motivation, as that  
19 term is defined in RCW 9.94A.030. If the offender is being sentenced  
20 for more than one offense, the sexual motivation enhancement must be  
21 added to the total period of total confinement for all offenses,  
22 regardless of which underlying offense is subject to a sexual  
23 motivation enhancement. If the offender committed the offense with  
24 sexual motivation and the offender is being sentenced for an  
25 anticipatory offense under chapter 9A.28 RCW, the following  
26 additional times shall be added to the standard sentence range  
27 determined under subsection (2) of this section based on the felony  
28 crime of conviction as classified under RCW 9A.28.020:

29 (i) Two years for any felony defined under the law as a class A  
30 felony or with a statutory maximum sentence of at least twenty years,  
31 or both;

32 (ii) Eighteen months for any felony defined under any law as a  
33 class B felony or with a statutory maximum sentence of ten years, or  
34 both;

35 (iii) One year for any felony defined under any law as a class C  
36 felony or with a statutory maximum sentence of five years, or both;

37 (iv) If the offender is being sentenced for any sexual motivation  
38 enhancements under (a)(i), (ii), and/or (iii) of this subsection and  
39 the offender has previously been sentenced for any sexual motivation  
40 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or

1 (iii) of this subsection, all sexual motivation enhancements under  
2 this subsection shall be twice the amount of the enhancement listed;

3 (b) Notwithstanding any other provision of law, all sexual  
4 motivation enhancements under this subsection are mandatory, shall be  
5 served in total confinement, and shall run consecutively to all other  
6 sentencing provisions, including other sexual motivation  
7 enhancements, for all offenses sentenced under this chapter. However,  
8 whether or not a mandatory minimum term has expired, an offender  
9 serving a sentence under this subsection may be:

10 (i) Granted an extraordinary medical placement when authorized  
11 under RCW 9.94A.728(1)(c); or

12 (ii) Released under the provisions of RCW 9.94A.730;

13 (c) The sexual motivation enhancements in this subsection apply  
14 to all felony crimes;

15 (d) If the standard sentence range under this subsection exceeds  
16 the statutory maximum sentence for the offense, the statutory maximum  
17 sentence shall be the presumptive sentence unless the offender is a  
18 persistent offender. If the addition of a sexual motivation  
19 enhancement increases the sentence so that it would exceed the  
20 statutory maximum for the offense, the portion of the sentence  
21 representing the enhancement may not be reduced;

22 (e) The portion of the total confinement sentence which the  
23 offender must serve under this subsection shall be calculated before  
24 any earned early release time is credited to the offender;

25 (f) Nothing in this subsection prevents a sentencing court from  
26 imposing a sentence outside the standard sentence range pursuant to  
27 RCW 9.94A.535.

28 (9) An additional one-year enhancement shall be added to the  
29 standard sentence range for the felony crimes of RCW 9A.44.073,  
30 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on  
31 or after July 22, 2007, if the offender engaged, agreed, or offered  
32 to engage the victim in the sexual conduct in return for a fee. If  
33 the offender is being sentenced for more than one offense, the  
34 one-year enhancement must be added to the total period of total  
35 confinement for all offenses, regardless of which underlying offense  
36 is subject to the enhancement. If the offender is being sentenced for  
37 an anticipatory offense for the felony crimes of RCW 9A.44.073,  
38 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the  
39 offender attempted, solicited another, or conspired to engage, agree,  
40 or offer to engage the victim in the sexual conduct in return for a

1 fee, an additional one-year enhancement shall be added to the  
2 standard sentence range determined under subsection (2) of this  
3 section. For purposes of this subsection, "sexual conduct" means  
4 sexual intercourse or sexual contact, both as defined in chapter  
5 9A.44 RCW.

6 (10)(a) For a person age eighteen or older convicted of any  
7 criminal street gang-related felony offense for which the person  
8 compensated, threatened, or solicited a minor in order to involve the  
9 minor in the commission of the felony offense, the standard sentence  
10 range is determined by locating the sentencing grid sentence range  
11 defined by the appropriate offender score and the seriousness level  
12 of the completed crime, and multiplying the range by one hundred  
13 twenty-five percent. If the standard sentence range under this  
14 subsection exceeds the statutory maximum sentence for the offense,  
15 the statutory maximum sentence is the presumptive sentence unless the  
16 offender is a persistent offender.

17 (b) This subsection does not apply to any criminal street gang-  
18 related felony offense for which involving a minor in the commission  
19 of the felony offense is an element of the offense.

20 (c) The increased penalty specified in (a) of this subsection is  
21 unavailable in the event that the prosecution gives notice that it  
22 will seek an exceptional sentence based on an aggravating factor  
23 under RCW 9.94A.535.

24 (11) An additional twelve months and one day shall be added to  
25 the standard sentence range for a conviction of attempting to elude a  
26 police vehicle as defined by RCW 46.61.024, if the conviction  
27 included a finding by special allegation of endangering one or more  
28 persons under RCW 9.94A.834.

29 (12) An additional twelve months shall be added to the standard  
30 sentence range for an offense that is also a violation of RCW  
31 9.94A.831.

32 (13) An additional twelve months shall be added to the standard  
33 sentence range for vehicular homicide committed while under the  
34 influence of intoxicating liquor or any drug as defined by RCW  
35 46.61.520 or for vehicular assault committed while under the  
36 influence of intoxicating liquor or any drug as defined by RCW  
37 46.61.522, or for any felony driving under the influence (RCW  
38 46.61.502(6)) or felony physical control under the influence (RCW  
39 46.61.504(6)) for each child passenger under the age of sixteen who  
40 is an occupant in the defendant's vehicle. These enhancements shall

1 be mandatory, shall be served in total confinement, and shall run  
2 consecutively to all other sentencing provisions, including other  
3 minor child enhancements, for all offenses sentenced under this  
4 chapter. If the addition of a minor child enhancement increases the  
5 sentence so that it would exceed the statutory maximum for the  
6 offense, the portion of the sentence representing the enhancement  
7 shall be mandatory, shall be served in total confinement, and shall  
8 run consecutively to all other sentencing provisions.

9 (14) An additional twelve months shall be added to the standard  
10 sentence range for an offense that is also a violation of RCW  
11 9.94A.832.

12 (15) An additional 12 months may, at the discretion of the court,  
13 be added to the standard sentence range for an offense that is also a  
14 violation of RCW 9.94A.828.

15 (16) When any person takes, damages, or destroys any property in  
16 the commission or attempted commission of theft in the first degree,  
17 RCW 9A.56.030, theft in the second degree, RCW 9A.56.040, trafficking  
18 in stolen property in the second degree, RCW 9A.82.055, trafficking  
19 in stolen property in the first degree, RCW 9A.82.050, malicious  
20 mischief in the first degree, RCW 9A.48.070, or malicious mischief in  
21 the second degree, RCW 9A.48.080, the court shall impose an  
22 additional term of confinement as follows:

23 (a) If the loss or property value exceeds \$50,000, the court  
24 shall impose an additional term of one year.

25 (b) If the loss or property value exceeds \$200,000, the court  
26 shall impose an additional term of two years.

27 (c) If the loss or property value exceeds \$1,000,000, the court  
28 shall impose an additional term of three years.

29 (d) If the loss or property value exceeds \$3,000,000, the court  
30 shall impose an additional term of four years.

31 (e) For every additional loss or property value of \$3,000,000,  
32 the court shall impose a term of one year in addition to the term  
33 specified in (d) of this subsection.

34 (17) A person convicted of conspiracy to manufacture or deliver a  
35 controlled substance, or possession with intent to manufacture or  
36 deliver a controlled substance with respect to a substance that  
37 includes fentanyl, the court shall impose an additional term of  
38 confinement as follows:

39 (a) If the substance exceeds 28.35 grams (one ounce) by weight,  
40 the person shall receive an additional term of three years.

1 (b) If the substance exceeds 100 grams by weight, the person  
2 shall receive an additional term of five years.

3 (c) If the substance exceeds 500 grams by weight, the person  
4 shall receive an additional term of seven years.

5 (d) If the substance exceeds one kilogram by weight, the person  
6 shall receive an additional term of 10 years.

7 (e) If the substance exceeds four kilograms by weight, the person  
8 shall receive an additional term of 13 years.

9 (f) If the substance exceeds 10 kilograms by weight, the person  
10 shall receive an additional term of 16 years.

11 (g) If the substance exceeds 20 kilograms by weight, the person  
12 shall receive an additional term of 22 years.

13 (h) If the substance exceeds 40 kilograms by weight, the person  
14 shall receive an additional term of 25 years.

15 (i) If the substance exceeds 80 kilograms by weight, the person  
16 shall receive an additional term of 28 years.

17 (18) Regardless of any provisions in this section, if a person is  
18 being sentenced in adult court for a crime committed under age  
19 eighteen, the court has full discretion to depart from mandatory  
20 sentencing enhancements and to take the particular circumstances  
21 surrounding the defendant's youth into account.

22 **Sec. 3.** RCW 69.50.401 and 2022 c 16 s 84 are each amended to  
23 read as follows:

24 (1) Except as authorized by this chapter, it is unlawful for any  
25 person to manufacture, deliver, or possess with intent to manufacture  
26 or deliver, a controlled substance.

27 (2) Any person who violates this section with respect to:

28 (a) A controlled substance classified in Schedule I or II which  
29 is a narcotic drug or flunitrazepam, including its salts, isomers,  
30 and salts of isomers, classified in Schedule IV, is guilty of a class  
31 B felony and upon conviction may be imprisoned for not more than ten  
32 years, or (i) fined not more than twenty-five thousand dollars if the  
33 crime involved less than two kilograms of the drug, or both such  
34 imprisonment and fine; or (ii) if the crime involved two or more  
35 kilograms of the drug, then fined not more than one hundred thousand  
36 dollars for the first two kilograms and not more than fifty dollars  
37 for each gram in excess of two kilograms, or both such imprisonment  
38 and fine;

1 (b) Amphetamine, including its salts, isomers, and salts of  
2 isomers, or methamphetamine, including its salts, isomers, and salts  
3 of isomers, is guilty of a class B felony and upon conviction may be  
4 imprisoned for not more than ten years, or (i) fined not more than  
5 twenty-five thousand dollars if the crime involved less than two  
6 kilograms of the drug, or both such imprisonment and fine; or (ii) if  
7 the crime involved two or more kilograms of the drug, then fined not  
8 more than one hundred thousand dollars for the first two kilograms  
9 and not more than fifty dollars for each gram in excess of two  
10 kilograms, or both such imprisonment and fine. Three thousand dollars  
11 of the fine may not be suspended. As collected, the first three  
12 thousand dollars of the fine must be deposited with the law  
13 enforcement agency having responsibility for cleanup of laboratories,  
14 sites, or substances used in the manufacture of the methamphetamine,  
15 including its salts, isomers, and salts of isomers. The fine moneys  
16 deposited with that law enforcement agency must be used for such  
17 clean-up cost;

18 (c) Any other controlled substance classified in Schedule I, II,  
19 or III, is guilty of a class C felony punishable according to chapter  
20 9A.20 RCW, except as provided in RCW 69.50.475;

21 (d) A substance classified in Schedule IV, except flunitrazepam,  
22 including its salts, isomers, and salts of isomers, is guilty of a  
23 class C felony punishable according to chapter 9A.20 RCW; or

24 (e) A substance classified in Schedule V, is guilty of a class C  
25 felony punishable according to chapter 9A.20 RCW.

26 (3) Notwithstanding subsection (2) of this section, any person  
27 who violates this section with respect to a substance containing  
28 fentanyl is guilty of a class A felony punishable according to  
29 chapter 9A.20 RCW.

30 (4) The production, manufacture, processing, packaging, delivery,  
31 distribution, sale, or possession of cannabis in compliance with the  
32 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not  
33 constitute a violation of this section, this chapter, or any other  
34 provision of Washington state law.

35 ((4)) (5) The fines in this section apply to adult offenders  
36 only.

37 **Sec. 4.** RCW 69.50.4013 and 2024 c 9 s 2 are each amended to read  
38 as follows:

1 (1) Except as otherwise authorized by this chapter, it is  
2 unlawful for any person to:

3 (a) Knowingly possess a controlled substance unless the substance  
4 was obtained directly from, or pursuant to, a valid prescription or  
5 order of a practitioner while acting in the course of his or her  
6 professional practice; or

7 (b) Knowingly use a controlled substance in a public place,  
8 unless the substance was obtained directly from, or pursuant to, a  
9 valid prescription or order of a practitioner while acting in the  
10 course of his or her professional practice.

11 (2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, a  
12 violation of subsection (1)(a) or (b) of this section is a gross  
13 misdemeanor punishable by imprisonment of up to 180 days in jail, or  
14 by a fine of not more than \$1,000, or by both such imprisonment and  
15 fine, however, if the defendant has two (~~or more~~) prior convictions  
16 under subsection (1)(a) or (b) of this section occurring after July  
17 1, 2023, a violation of subsection (1)(a) or (b) of this section is  
18 punishable by imprisonment for up to 364 days, or by a fine of not  
19 more than \$1,000, or by both such imprisonment and fine. The  
20 prosecutor is encouraged to divert such cases for assessment,  
21 treatment, or other services.

22 (b) No person may be charged under both subsection (1)(a) and (b)  
23 of this section relating to the same course of conduct.

24 (c) In lieu of jail booking and referral to the prosecutor, law  
25 enforcement is encouraged to offer a referral to assessment and  
26 services available under RCW 10.31.110 or other program or entity  
27 responsible for receiving referrals in lieu of legal system  
28 involvement, which may include, but are not limited to, arrest and  
29 jail alternative programs established under RCW 36.28A.450, law  
30 enforcement assisted diversion programs established under RCW  
31 71.24.589, and the recovery navigator program established under RCW  
32 71.24.115.

33 (3) Notwithstanding subsection (2)(a) of this section, a person  
34 who violates subsection (1)(a) or (b) of this section who has three  
35 or more prior convictions under subsection (1)(a) or (b) of this  
36 section occurring after July 1, 2023, shall be guilty of a class C  
37 felony punishable under RCW 9A.20.021.

38 (4)(a) The possession, by a person 21 years of age or older, of  
39 useable cannabis, cannabis concentrates, or cannabis-infused products  
40 in amounts that do not exceed those set forth in RCW 69.50.360(3) is

1 not a violation of this section, this chapter, or any other provision  
2 of Washington state law.

3 (b) The possession of cannabis, useable cannabis, cannabis  
4 concentrates, and cannabis-infused products being physically  
5 transported or delivered within the state, in amounts not exceeding  
6 those that may be established under RCW 69.50.385(3), by a licensed  
7 employee of a common carrier when performing the duties authorized in  
8 accordance with RCW 69.50.382 and 69.50.385, is not a violation of  
9 this section, this chapter, or any other provision of Washington  
10 state law.

11 (~~(4)~~) (5)(a) The delivery by a person 21 years of age or older  
12 to one or more persons 21 years of age or older, during a single 24  
13 hour period, for noncommercial purposes and not conditioned upon or  
14 done in connection with the provision or receipt of financial  
15 consideration, of any of the following cannabis products, is not a  
16 violation of this section, this chapter, or any other provisions of  
17 Washington state law:

18 (i) One-half ounce of useable cannabis;

19 (ii) Eight ounces of cannabis-infused product in solid form;

20 (iii) 36 ounces of cannabis-infused product in liquid form unless  
21 the cannabis-infused product in liquid form is packaged in individual  
22 units containing no more than four milligrams of THC per unit;

23 (iv) 100 milligrams of THC within a cannabis-infused product in  
24 liquid form if the product is packaged in individual units containing  
25 no more than four milligrams of THC per unit; or

26 (v) Three and one-half grams of cannabis concentrates.

27 (b) The act of delivering cannabis or a cannabis product as  
28 authorized under this subsection (~~(4)~~) (5) must meet one of the  
29 following requirements:

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

32 (ii) The cannabis or cannabis product must be in the original  
33 packaging as purchased from the cannabis retailer.

34 (~~(5)~~) (6) No person under 21 years of age may manufacture,  
35 sell, distribute, or knowingly possess cannabis, cannabis-infused  
36 products, or cannabis concentrates, regardless of THC concentration.  
37 This does not include qualifying patients with a valid authorization.

38 (~~(6)~~) (7) The possession by a qualifying patient or designated  
39 provider of cannabis concentrates, useable cannabis, cannabis-infused  
40 products, or plants in accordance with chapter 69.51A RCW is not a

1 violation of this section, this chapter, or any other provision of  
2 Washington state law.

3       (~~(7)~~) (8) For the purposes of this section, "public place" has  
4 the same meaning as defined in RCW 66.04.010, but the exclusions in  
5 RCW 66.04.011 do not apply.

6       (~~(8)~~) (9) For the purposes of this section, "use a controlled  
7 substance" means to introduce the substance into the human body by  
8 injection, inhalation, ingestion, or any other means.

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