**5476 AMS RIVE S3019.1 - NOT FOR FLOOR USE**

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

By Senator Rivers

**PULLED 04/15/2021**

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

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

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

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

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

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

(3)"

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

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

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

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

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

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

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

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