

ESB 5476 - H AMD TO APP COMM AMD (H-1622.1/21) **767**

By Representative Walsh

NOT ADOPTED 04/24/2021

1 On page 15, line 20 of the striking amendment, after "is a" insert
2 "gross"

3
4 On page 15, line 33 of the striking amendment, after "(2)" strike
5 all material through "~~any~~) A" and insert "Except as provided in RCW
6 69.50.4014, any"

7
8 On page 15, line 35 of the striking amendment, after "~~RCW~~)"
9 insert "gross"

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11 On page 20, after line 26 of the striking amendment, strike all of
12 sections 13 through 17

13
14 Renumber the remaining sections consecutively and correct any
15 internal references accordingly.

16
17 On page 31, at the beginning of line 10 of the striking amendment,
18 strike all material through "~~((69.50.4014))~~" on line 11 and insert "E
19 Possession of Marihuana <40 grams E
20 69.50.4014"

21
22 On page 31, at the beginning of line 25 of the striking amendment,
23 strike "~~((E))~~E Violation of Uniform Controlled ~~((E))~~E" and insert
24 "~~((E))~~D Violation of Uniform Controlled ~~((E))~~D"

25
26 On page 38, after line 25 of the striking amendment, strike all of
27 section 20

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2 Renumber the remaining sections consecutively and correct any
3 internal references accordingly.

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5 On page 52, after line 19 of the striking amendment, strike all of
6 section 25

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8 Renumber the remaining sections consecutively and correct any
9 internal references accordingly.

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11 On page 52, beginning on line 30 of the striking amendment,
12 strike all of section 26 and insert the following:

13 "Sec. 26. RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each
14 amended to read as follows:

15 Except as provided in RCW 69.50.401(2)(c) or as otherwise
16 authorized by this chapter, any person found guilty of knowing
17 possession of forty grams or less of marijuana is guilty of a
18 misdemeanor. Where the case is legally sufficient, the prosecutor
19 shall divert the case for treatment if the alleged violation is the
20 person's first or second violation of this section. On a person's
21 third and subsequent violation of this section, the prosecutor is
22 encouraged to divert the case for treatment."

23

24 On page 53, after line 6 of the striking amendment, strike all of
25 sections 30 and 31

26

27 Renumber the remaining section consecutively and correct any
28 internal references accordingly.

EFFECT: Reclassifies the crimes of possession of a controlled substance and possession of a counterfeit substance from a misdemeanor (in the striking amendment) to a gross misdemeanor. Removes the expiration date on the criminal penalties for possession of a controlled substance, possession of a counterfeit substance, and possession of a legend drug. Removes provisions that would have reclassified these crimes as civil infractions on July 1, 2023. Makes technical corrections.

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