
SUBSTITUTE HOUSE BILL 2339

State of Washington

54th Legislature

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By House Committee on Law & Justice (originally sponsored by Representatives Schoesler, Sheldon, Foreman, Sheahan, Grant, Pelesky, Reams, McMorris, L. Thomas, Thompson, D. Schmidt, Fuhrman, Chandler, Sherstad, Hargrove, Smith, McMahan, Benton and Silver)

Read first time 01/25/96.

1 AN ACT Relating to manufacture, delivering, or possession of
2 methamphetamine; amending RCW 69.50.401; reenacting and amending RCW
3 9.94A.320; adding a new section to chapter 69.50 RCW; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50 RCW
7 to read as follows:

8 It is unlawful for any person to possess ephedrine or
9 pseudoephedrine with intent to manufacture methamphetamine. Any person
10 who violates this section is guilty of a crime and may be imprisoned
11 for not more than ten years, fined not more than twenty-five thousand
12 dollars, or both.

13 **Sec. 2.** RCW 69.50.401 and 1989 c 271 s 104 are each amended to
14 read as follows:

15 (a) Except as authorized by this chapter, it is unlawful for any
16 person to manufacture, deliver, or possess with intent to manufacture
17 or deliver, a controlled substance.

18 (1) Any person who violates this subsection with respect to:

1 (i) a controlled substance classified in Schedule I or II which is
2 a narcotic drug or methamphetamine, is guilty of a crime and upon
3 conviction may be imprisoned for not more than ten years, or (A) fined
4 not more than twenty-five thousand dollars if the crime involved less
5 than two kilograms of the drug, or both such imprisonment and fine; or
6 (B) if the crime involved two or more kilograms of the drug, then fined
7 not more than one hundred thousand dollars for the first two kilograms
8 and not more than fifty dollars for each gram in excess of two
9 kilograms, or both such imprisonment and fine;

10 (ii) any other controlled substance classified in Schedule I, II,
11 or III, is guilty of a crime and upon conviction may be imprisoned for
12 not more than five years, fined not more than ten thousand dollars, or
13 both;

14 (iii) a substance classified in Schedule IV, is guilty of a crime
15 and upon conviction may be imprisoned for not more than five years,
16 fined not more than ten thousand dollars, or both;

17 (iv) a substance classified in Schedule V, is guilty of a crime and
18 upon conviction may be imprisoned for not more than five years, fined
19 not more than ten thousand dollars, or both.

20 (b) Except as authorized by this chapter, it is unlawful for any
21 person to create, deliver, or possess a counterfeit substance.

22 (1) Any person who violates this subsection with respect to:

23 (i) a counterfeit substance classified in Schedule I or II which is
24 a narcotic drug or methamphetamine, is guilty of a crime and upon
25 conviction may be imprisoned for not more than ten years, fined not
26 more than twenty-five thousand dollars, or both;

27 (ii) any other counterfeit substance classified in Schedule I, II,
28 or III, is guilty of a crime and upon conviction may be imprisoned for
29 not more than five years, fined not more than ten thousand dollars, or
30 both;

31 (iii) a counterfeit substance classified in Schedule IV, is guilty
32 of a crime and upon conviction may be imprisoned for not more than five
33 years, fined not more than ten thousand dollars, or both;

34 (iv) a counterfeit substance classified in Schedule V, is guilty of
35 a crime and upon conviction may be imprisoned for not more than five
36 years, fined not more than ten thousand dollars, or both.

37 (c) It is unlawful, except as authorized in this chapter and
38 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
39 the sale, gift, delivery, dispensing, distribution, or administration

1 of a controlled substance to any person and then sell, give, deliver,
2 dispense, distribute, or administer to that person any other liquid,
3 substance, or material in lieu of such controlled substance. Any
4 person who violates this subsection is guilty of a crime and upon
5 conviction may be imprisoned for not more than five years, fined not
6 more than ten thousand dollars, or both.

7 (d) It is unlawful for any person to possess a controlled substance
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, or except as otherwise
11 authorized by this chapter. Any person who violates this subsection is
12 guilty of a crime, and upon conviction may be imprisoned for not more
13 than five years, fined not more than ten thousand dollars, or both,
14 except as provided for in subsection (e) of this section.

15 (e) Except as provided for in subsection (a)(1)(ii) of this section
16 any person found guilty of possession of forty grams or less of
17 marihuana shall be guilty of a misdemeanor.

18 (f) It is unlawful to compensate, threaten, solicit, or in any
19 other manner involve a person under the age of eighteen years in a
20 transaction unlawfully to manufacture, sell, or deliver a controlled
21 substance. A violation of this subsection shall be punished as a class
22 C felony punishable in accordance with RCW 9A.20.021.

23 This section shall not apply to offenses defined and punishable
24 under the provisions of RCW 69.50.410.

25 **Sec. 3.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
26 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
27 amended to read as follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

30 XV	Aggravated Murder 1 (RCW 10.95.020)
31 XIV	Murder 1 (RCW 9A.32.030)
32	Homicide by abuse (RCW 9A.32.055)
33 XIII	Murder 2 (RCW 9A.32.050)
34 XII	Assault 1 (RCW 9A.36.011)
35	Assault of a Child 1 (RCW 9A.36.120)

1 XI Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 X Kidnapping 1 (RCW 9A.40.020)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 Child Molestation 1 (RCW 9A.44.083)
7 Damaging building, etc., by explosion with
8 threat to human being (RCW
9 70.74.280(1))
10 Over 18 and deliver heroin or narcotic
11 from Schedule I or II to someone
12 under 18 (RCW 69.50.406)
13 Leading Organized Crime (RCW
14 9A.82.060(1)(a))
15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Robbery 1 (RCW 9A.56.200)
17 Manslaughter 1 (RCW 9A.32.060)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Indecent Liberties (with forcible
21 compulsion) (RCW 9A.44.100(1)(a))
22 Endangering life and property by
23 explosives with threat to human being
24 (RCW 70.74.270)
25 Over 18 and deliver narcotic from Schedule
26 III, IV, or V or a nonnarcotic from
27 Schedule I-V to someone under 18 and
28 3 years junior (RCW 69.50.406)
29 Controlled Substance Homicide (RCW
30 69.50.415)
31 Sexual Exploitation (RCW 9.68A.040)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Vehicular Homicide, by being under the
35 influence of intoxicating liquor or
36 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with
7 intent to deliver heroin ((~~or~~)),
8 cocaine, or methamphetamine (RCW
9 69.50.401(a)(1)(i))
10 ((~~Manufacture, deliver, or possess with~~
11 ~~intent to deliver methamphetamine~~
12 ~~(RCW 69.50.401(a)(1)(ii))~~))
13 Possession of ephedrine or pseudoephedrine
14 with intent to manufacture
15 methamphetamine (RCW 69.50.---
16 section 1 of this act))
17 Vehicular Homicide, by the operation of
18 any vehicle in a reckless manner (RCW
19 46.61.520)

20 VII Burglary 1 (RCW 9A.52.020)
21 Vehicular Homicide, by disregard for the
22 safety of others (RCW 46.61.520)
23 Introducing Contraband 1 (RCW 9A.76.140)
24 Indecent Liberties (without forcible
25 compulsion) (RCW 9A.44.100(1) (b) and
26 (c))
27 Child Molestation 2 (RCW 9A.44.086)
28 Dealing in depictions of minor engaged in
29 sexually explicit conduct (RCW
30 9.68A.050)
31 Sending, bringing into state depictions of
32 minor engaged in sexually explicit
33 conduct (RCW 9.68A.060)
34 Involving a minor in drug dealing (RCW
35 69.50.401(f))
36 Reckless Endangerment 1 (RCW 9A.36.045)
37 Unlawful Possession of a Firearm in the
38 first degree (RCW 9.41.040(1)(a))

1 VI Bribery (RCW 9A.68.010)
2 Manslaughter 2 (RCW 9A.32.070)
3 Rape of a Child 3 (RCW 9A.44.079)
4 Intimidating a Juror/Witness (RCW
5 9A.72.110, 9A.72.130)
6 Damaging building, etc., by explosion with
7 no threat to human being (RCW
8 70.74.280(2))
9 Endangering life and property by
10 explosives with no threat to human
11 being (RCW 70.74.270)
12 Incest 1 (RCW 9A.64.020(1))
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule I or II (except heroin or
16 cocaine) (RCW 69.50.401(a)(1)(i))
17 Intimidating a Judge (RCW 9A.72.160)
18 Bail Jumping with Murder 1 (RCW
19 9A.76.170(2)(a))
20 Theft of a Firearm (RCW 9A.56.300)

21 V Persistent prison misbehavior (RCW
22 9.94.070)
23 Criminal Mistreatment 1 (RCW 9A.42.020)
24 Rape 3 (RCW 9A.44.060)
25 Sexual Misconduct with a Minor 1 (RCW
26 9A.44.093)
27 Child Molestation 3 (RCW 9A.44.089)
28 Kidnapping 2 (RCW 9A.40.030)
29 Extortion 1 (RCW 9A.56.120)
30 Incest 2 (RCW 9A.64.020(2))
31 Perjury 1 (RCW 9A.72.020)
32 Extortionate Extension of Credit (RCW
33 9A.82.020)
34 Advancing money or property for
35 extortionate extension of credit (RCW
36 9A.82.030)
37 Extortionate Means to Collect Extensions
38 of Credit (RCW 9A.82.040)

1 Rendering Criminal Assistance 1 (RCW
2 9A.76.070)
3 Bail Jumping with class A Felony (RCW
4 9A.76.170(2)(b))
5 Sexually Violating Human Remains (RCW
6 9A.44.105)
7 Delivery of imitation controlled substance
8 by person eighteen or over to person
9 under eighteen (RCW 69.52.030(2))
10 Possession of a Stolen Firearm (RCW
11 9A.56.310)

12 IV Residential Burglary (RCW 9A.52.025)
13 Theft of Livestock 1 (RCW 9A.56.080)
14 Robbery 2 (RCW 9A.56.210)
15 Assault 2 (RCW 9A.36.021)
16 Escape 1 (RCW 9A.76.110)
17 Arson 2 (RCW 9A.48.030)
18 Commercial Bribery (RCW 9A.68.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090, 9A.72.100)
21 Malicious Harassment (RCW 9A.36.080)
22 Threats to Bomb (RCW 9.61.160)
23 Willful Failure to Return from Furlough
24 (RCW 72.66.060)
25 Hit and Run « Injury Accident (RCW
26 46.52.020(4))
27 Vehicular Assault (RCW 46.61.522)
28 Manufacture, deliver, or possess with
29 intent to deliver narcotics from
30 Schedule III, IV, or V or
31 nonnarcotics from Schedule I-V
32 (except marijuana or
33 methamphetamines) (RCW
34 69.50.401(a)(1)(ii) through (iv))
35 Influencing Outcome of Sporting Event (RCW
36 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))

5 III Criminal Mistreatment 2 (RCW 9A.42.030)
6 Extortion 2 (RCW 9A.56.130)
7 Unlawful Imprisonment (RCW 9A.40.040)
8 Assault 3 (RCW 9A.36.031)
9 Assault of a Child 3 (RCW 9A.36.140)
10 Custodial Assault (RCW 9A.36.100)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(1)(b))
13 Harassment (RCW 9A.46.020)
14 Promoting Prostitution 2 (RCW 9A.88.080)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 Burglary 2 (RCW 9A.52.030)
18 Introducing Contraband 2 (RCW 9A.76.150)
19 Communication with a Minor for Immoral
20 Purposes (RCW 9.68A.090)
21 Patronizing a Juvenile Prostitute (RCW
22 9.68A.100)
23 Escape 2 (RCW 9A.76.120)
24 Perjury 2 (RCW 9A.72.030)
25 Bail Jumping with class B or C Felony (RCW
26 9A.76.170(2)(c))
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Tampering with a Witness (RCW 9A.72.120)
30 Manufacture, deliver, or possess with
31 intent to deliver marijuana (RCW
32 69.50.401(a)(1)(ii))
33 Delivery of a material in lieu of a
34 controlled substance (RCW
35 69.50.401(c))
36 Manufacture, distribute, or possess with
37 intent to distribute an imitation
38 controlled substance (RCW
39 69.52.030(1))

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Theft of livestock 2 (RCW 9A.56.080)
4 Securities Act violation (RCW 21.20.400)

5 II Unlawful Practice of Law (RCW 2.48.180)
6 Malicious Mischief 1 (RCW 9A.48.070)
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlicensed Practice of a Profession or
13 Business (RCW 18.130.190(7))
14 Health Care False Claims (RCW 48.80.030)
15 Possession of controlled substance that is
16 either heroin or narcotics from
17 Schedule I or II (RCW 69.50.401(d))
18 Possession of phencyclidine (PCP) (RCW
19 69.50.401(d))
20 Create, deliver, or possess a counterfeit
21 controlled substance (RCW
22 69.50.401(b))
23 Computer Trespass 1 (RCW 9A.52.110)
24 Escape from Community Custody (RCW
25 72.09.310)

26 I Theft 2 (RCW 9A.56.040)
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Forgery (RCW 9A.60.020)
30 Taking Motor Vehicle Without Permission
31 (RCW 9A.56.070)
32 Vehicle Prowl 1 (RCW 9A.52.095)
33 Attempting to Elude a Pursuing Police
34 Vehicle (RCW 46.61.024)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Reckless Burning 1 (RCW 9A.48.040)
37 Unlawful Issuance of Checks or Drafts (RCW
38 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140
2 (2) and (3))
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Possess Controlled Substance that is a
9 Narcotic from Schedule III, IV, or V
10 or Non-narcotic from Schedule I-V
11 (except phencyclidine) (RCW
12 69.50.401(d))

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