

HOUSE BILL 2628

State of Washington

55th Legislature

1998 Regular Session

By Representatives Schoesler, Quall, Costa, O'Brien, Dunshee, Ballasiotes, Dyer, Thompson, Wolfe and Lambert; by request of Governor Locke

Read first time 01/16/98. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to manufacture of methamphetamine; reenacting and  
2 amending RCW 9.94A.320; creating a new section; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 9.94A.320 and 1997 c 365 s 4, 1997 c 346 s 3, 1997 c  
6 340 s 1, 1997 c 338 s 51, 1997 c 266 s 15, and 1997 c 120 s 5 are each  
7 reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

10	XV	Aggravated Murder 1 (RCW 10.95.020)
11	XIV	Murder 1 (RCW 9A.32.030)
12		Homicide by abuse (RCW 9A.32.055)
13		Malicious explosion 1 (RCW 70.74.280(1))
14	XIII	Murder 2 (RCW 9A.32.050)
15		Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1 (RCW  
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)  
4 Assault of a Child 1 (RCW 9A.36.120)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Malicious placement of an imitation device  
8 1 (RCW 70.74.272(1)(a))

9 XI Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Manslaughter 1 (RCW 9A.32.060)

12 X Kidnapping 1 (RCW 9A.40.020)  
13 Child Molestation 1 (RCW 9A.44.083)  
14 Malicious explosion 3 (RCW 70.74.280(3))  
15 Over 18 and deliver heroin or narcotic from  
16 Schedule I or II to someone under 18  
17 (RCW 69.50.406)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW 9A.44.100(1)(a))  
22 Manufacture of methamphetamine (RCW  
23 69.50.401(a)(1)(ii))

24 IX Assault of a Child 2 (RCW 9A.36.130)  
25 Robbery 1 (RCW 9A.56.200)  
26 Explosive devices prohibited (RCW  
27 70.74.180)  
28 Malicious placement of an explosive 2 (RCW  
29 70.74.270(2))  
30 Over 18 and deliver narcotic from Schedule  
31 III, IV, or V or a nonnarcotic from  
32 Schedule I-V to someone under 18 and 3  
33 years junior (RCW 69.50.406)  
34 Controlled Substance Homicide (RCW  
35 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Inciting Criminal Profiteering (RCW  
3 9A.82.060(1)(b))  
4 Vehicular Homicide, by being under the  
5 influence of intoxicating liquor or  
6 any drug (RCW 46.61.520)

7 VIII Arson 1 (RCW 9A.48.020)  
8 Promoting Prostitution 1 (RCW 9A.88.070)  
9 Selling for profit (controlled or  
10 counterfeit) any controlled substance  
11 (RCW 69.50.410)  
12 Manufacture, deliver, or possess with  
13 intent to deliver heroin or cocaine  
14 (RCW 69.50.401(a)(1)(i))  
15 (~~Manufacture,~~) Deliver(~~(7)~~) or possess  
16 with intent to deliver methamphetamine  
17 (RCW 69.50.401(a)(1)(ii))  
18 Possession of ephedrine or pseudoephedrine  
19 with intent to manufacture  
20 methamphetamine (RCW 69.50.440)  
21 Vehicular Homicide, by the operation of any  
22 vehicle in a reckless manner (RCW  
23 46.61.520)  
24 Manslaughter 2 (RCW 9A.32.070)

25 VII Burglary 1 (RCW 9A.52.020)  
26 Vehicular Homicide, by disregard for the  
27 safety of others (RCW 46.61.520)  
28 Introducing Contraband 1 (RCW 9A.76.140)  
29 Indecent Liberties (without forcible  
30 compulsion) (RCW 9A.44.100(1) (b) and  
31 (c))  
32 Child Molestation 2 (RCW 9A.44.086)  
33 Dealing in depictions of minor engaged in  
34 sexually explicit conduct (RCW  
35 9.68A.050)

1           Sending, bringing into state depictions of  
2           minor engaged in sexually explicit  
3           conduct (RCW 9.68A.060)  
4           Involving a minor in drug dealing (RCW  
5           69.50.401(f))  
6           Drive-by Shooting (RCW 9A.36.045)  
7           Unlawful Possession of a Firearm in the  
8           first degree (RCW 9.41.040(1)(a))  
9           Malicious placement of an explosive 3 (RCW  
10           70.74.270(3))  
  
11       VI       Bribery (RCW 9A.68.010)  
12           Rape of a Child 3 (RCW 9A.44.079)  
13           Intimidating a Juror/Witness (RCW  
14           9A.72.110, 9A.72.130)  
15           Malicious placement of an imitation device  
16           2 (RCW 70.74.272(1)(b))  
17           Incest 1 (RCW 9A.64.020(1))  
18           Manufacture, deliver, or possess with  
19           intent to deliver narcotics from  
20           Schedule I or II (except heroin or  
21           cocaine) (RCW 69.50.401(a)(1)(i))  
22           Intimidating a Judge (RCW 9A.72.160)  
23           Bail Jumping with Murder 1 (RCW  
24           9A.76.170(2)(a))  
25           Theft of a Firearm (RCW 9A.56.300)  
  
26       V       Persistent prison misbehavior (RCW  
27           9.94.070)  
28           Criminal Mistreatment 1 (RCW 9A.42.020)  
29           Abandonment of dependent person 1 (RCW  
30           9A.42.060)  
31           Rape 3 (RCW 9A.44.060)  
32           Sexual Misconduct with a Minor 1 (RCW  
33           9A.44.093)  
34           Child Molestation 3 (RCW 9A.44.089)  
35           Kidnapping 2 (RCW 9A.40.030)  
36           Extortion 1 (RCW 9A.56.120)  
37           Incest 2 (RCW 9A.64.020(2))  
38           Perjury 1 (RCW 9A.72.020)

1           Extortionate Extension of Credit (RCW  
2                   9A.82.020)  
3           Advancing money or property for  
4                   extortionate extension of credit (RCW  
5                   9A.82.030)  
6           Extortionate Means to Collect Extensions of  
7                   Credit (RCW 9A.82.040)  
8           Rendering Criminal Assistance 1 (RCW  
9                   9A.76.070)  
10          Bail Jumping with class A Felony (RCW  
11                   9A.76.170(2)(b))  
12          Sexually Violating Human Remains (RCW  
13                   9A.44.105)  
14          Delivery of imitation controlled substance  
15                   by person eighteen or over to person  
16                   under eighteen (RCW 69.52.030(2))  
17          Possession of a Stolen Firearm (RCW  
18                   9A.56.310)

19    IV       Residential Burglary (RCW 9A.52.025)  
20              Theft of Livestock 1 (RCW 9A.56.080)  
21              Robbery 2 (RCW 9A.56.210)  
22              Assault 2 (RCW 9A.36.021)  
23              Escape 1 (RCW 9A.76.110)  
24              Arson 2 (RCW 9A.48.030)  
25              Commercial Bribery (RCW 9A.68.060)  
26              Bribing a Witness/Bribe Received by Witness  
27                   (RCW 9A.72.090, 9A.72.100)  
28              Malicious Harassment (RCW 9A.36.080)  
29              Threats to Bomb (RCW 9.61.160)  
30              Willful Failure to Return from Furlough  
31                   (RCW 72.66.060)  
32              Hit and Run--Injury Accident (RCW  
33                   46.52.020(4))  
34              Hit and Run with Vessel--Injury Accident  
35                   (RCW 88.12.155(3))  
36              Vehicular Assault (RCW 46.61.522)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or nonnarcotics  
4 from Schedule I-V (except marijuana or  
5 methamphetamines) (RCW 69.50.401  
6 (a)(1) (iii) through (v))  
7 Influencing Outcome of Sporting Event (RCW  
8 9A.82.070)  
9 Use of Proceeds of Criminal Profiteering  
10 (RCW 9A.82.080 (1) and (2))  
11 Knowingly Trafficking in Stolen Property  
12 (RCW 9A.82.050(2))  
13 III Criminal Gang Intimidation (RCW 9A.46.120)  
14 Criminal Mistreatment 2 (RCW 9A.42.030)  
15 Abandonment of dependent person 2 (RCW  
16 9A.42.070)  
17 Extortion 2 (RCW 9A.56.130)  
18 Unlawful Imprisonment (RCW 9A.40.040)  
19 Assault 3 (RCW 9A.36.031)  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Custodial Assault (RCW 9A.36.100)  
22 Unlawful possession of firearm in the  
23 second degree (RCW 9.41.040(1)(b))  
24 Harassment (RCW 9A.46.020)  
25 Promoting Prostitution 2 (RCW 9A.88.080)  
26 Willful Failure to Return from Work Release  
27 (RCW 72.65.070)  
28 Burglary 2 (RCW 9A.52.030)  
29 Introducing Contraband 2 (RCW 9A.76.150)  
30 Communication with a Minor for Immoral  
31 Purposes (RCW 9.68A.090)  
32 Patronizing a Juvenile Prostitute (RCW  
33 9.68A.100)  
34 Escape 2 (RCW 9A.76.120)  
35 Perjury 2 (RCW 9A.72.030)  
36 Bail Jumping with class B or C Felony (RCW  
37 9A.76.170(2)(c))  
38 Intimidating a Public Servant (RCW  
39 9A.76.180)

1 Tampering with a Witness (RCW 9A.72.120)  
2 Manufacture, deliver, or possess with  
3 intent to deliver marijuana (RCW  
4 69.50.401(a)(1)(iii))  
5 Delivery of a material in lieu of a  
6 controlled substance (RCW  
7 69.50.401(c))  
8 Manufacture, distribute, or possess with  
9 intent to distribute an imitation  
10 controlled substance (RCW  
11 69.52.030(1))  
12 Recklessly Trafficking in Stolen Property  
13 (RCW 9A.82.050(1))  
14 Theft of livestock 2 (RCW 9A.56.080)  
15 Securities Act violation (RCW 21.20.400)

16 II Unlawful Practice of Law (RCW 2.48.180)  
17 Malicious Mischief 1 (RCW 9A.48.070)  
18 Possession of Stolen Property 1 (RCW  
19 9A.56.150)  
20 Theft 1 (RCW 9A.56.030)  
21 Class B Felony Theft of Rental, Leased, or  
22 Lease-purchased Property (RCW  
23 9A.56.096(4))  
24 Trafficking in Insurance Claims (RCW  
25 48.30A.015)  
26 Unlicensed Practice of a Profession or  
27 Business (RCW 18.130.190(7))  
28 Health Care False Claims (RCW 48.80.030)  
29 Possession of controlled substance that is  
30 either heroin or narcotics from  
31 Schedule I or II (RCW 69.50.401(d))  
32 Possession of phencyclidine (PCP) (RCW  
33 69.50.401(d))  
34 Create, deliver, or possess a counterfeit  
35 controlled substance (RCW  
36 69.50.401(b))

1 Computer Trespass 1 (RCW 9A.52.110)  
2 Escape from Community Custody (RCW  
3 72.09.310)  
4 I Theft 2 (RCW 9A.56.040)  
5 Class C Felony Theft of Rental, Leased, or  
6 Lease-purchased Property (RCW  
7 9A.56.096(4))  
8 Possession of Stolen Property 2 (RCW  
9 9A.56.160)  
10 Forgery (RCW 9A.60.020)  
11 Taking Motor Vehicle Without Permission  
12 (RCW 9A.56.070)  
13 Vehicle Prowl 1 (RCW 9A.52.095)  
14 Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 Malicious Mischief 2 (RCW 9A.48.080)  
17 Reckless Burning 1 (RCW 9A.48.040)  
18 Unlawful Issuance of Checks or Drafts (RCW  
19 9A.56.060)  
20 Unlawful Use of Food Stamps (RCW 9.91.140  
21 (2) and (3))  
22 False Verification for Welfare (RCW  
23 74.08.055)  
24 Forged Prescription (RCW 69.41.020)  
25 Forged Prescription for a Controlled  
26 Substance (RCW 69.50.403)  
27 Possess Controlled Substance that is a  
28 Narcotic from Schedule III, IV, or V  
29 or Non-narcotic from Schedule I-V  
30 (except phencyclidine) (RCW  
31 69.50.401(d))

32 NEW SECTION. **Sec. 2.** This act applies to crimes committed on or  
33 after July 1, 1998.

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