

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2628

Chapter 78, Laws of 1998

55th Legislature
1998 Regular Session

MANUFACTURE OF METHAMPHETAMINE PENALTIES

EFFECTIVE DATE: 6/11/98

Passed by the House February 13, 1998
Yeas 98 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 43 Nays 0

BRAD OWEN
President of the Senate

Approved March 20, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2628** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 20, 1998 - 5:02 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2628

Passed Legislature - 1998 Regular Session

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:

TABLE 2

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.

Passed the House February 13, 1998.

Passed the Senate March 4, 1998.

Approved by the Governor March 20, 1998.

Filed in Office of Secretary of State March 20, 1998.