

HOUSE BILL 2497

State of Washington

56th Legislature

2000 Regular Session

By Representatives Scott, Mulliken, Doumit, Mielke, Edwards, Fortunato, O'Brien, Esser, Lambert, Ruderman, Haigh, Benson, D. Sommers, Hurst, Dunn and Wolfe

Read first time 01/14/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to enhancing the penalty for manufacture of  
2 methamphetamine involving children; reenacting and amending RCW  
3 9.94A.310; and prescribing penalties.

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

5 Sec. 1. RCW 9.94A.310 and 1999 c 352 s 2 and 1999 c 324 s 3 are  
6 each reenacted and amended to read as follows:

7 (1)

TABLE 1

8 Sentencing Grid

9 SERIOUSNESS

10 LEVEL

OFFENDER SCORE

											9 or
	0	1	2	3	4	5	6	7	8		more

14 XVI Life Sentence without Parole/Death Penalty

16 XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y
-------	-------	-------	-------	-------	-------	-------	-------	--------	-----	-----

1		240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
2		320	333	347	361	374	388	416	450	493	548
3											
4	XIV	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y
5		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
6		220	234	244	254	265	275	295	316	357	397
7											
8	XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
9		123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
10		164	178	192	205	219	233	260	288	342	397
11											
12	XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
13		93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
14		123	136	147	160	171	184	216	236	277	318
15											
16	XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
17		78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
18		102	114	125	136	147	158	194	211	245	280
19											
20	X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
21		51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
22		68	75	82	89	96	102	130	144	171	198
23											
24	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
25		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
26		41	48	54	61	68	75	102	116	144	171
27											
28	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
29		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
30		27	34	41	48	54	61	89	102	116	144
31											
32	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
33		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
34		20	27	34	41	48	54	75	89	102	116
35											
36	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
37		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
38		14	20	27	34	41	48	61	75	89	102
39											

1	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
2		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
3		12	14	17	20	29	43	54	68	82	96
4	<hr/>										
5	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
6		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
7		9	12	14	17	20	29	43	57	70	84
8	<hr/>										
9	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
10		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
11		3	8	12	12	16	22	29	43	57	68
12	<hr/>										
13	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
14		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
15		Days	6	9	12	14	18	22	29	43	57
16	<hr/>										
17	I			3m	4m	5m	8m	13m	16m	20m	2y2m
18		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
19		Days	Days	5	6	8	12	14	18	22	29
20	<hr/>										

21 NOTE: Numbers in the first horizontal row of each seriousness category  
22 represent sentencing midpoints in years(y) and months(m). Numbers in  
23 the second and third rows represent presumptive sentencing ranges in  
24 months, or in days if so designated. 12+ equals one year and one day.

25 (2) For persons convicted of the anticipatory offenses of criminal  
26 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the  
27 presumptive sentence is determined by locating the sentencing grid  
28 sentence range defined by the appropriate offender score and the  
29 seriousness level of the completed crime, and multiplying the range by  
30 75 percent.

31 (3) The following additional times shall be added to the  
32 presumptive sentence for felony crimes committed after July 23, 1995,  
33 if the offender or an accomplice was armed with a firearm as defined in  
34 RCW 9.41.010 and the offender is being sentenced for one of the crimes  
35 listed in this subsection as eligible for any firearm enhancements  
36 based on the classification of the completed felony crime. If the  
37 offender is being sentenced for more than one offense, the firearm  
38 enhancement or enhancements must be added to the total period of  
39 confinement for all offenses, regardless of which underlying offense is

1 subject to a firearm enhancement. If the offender or an accomplice was  
2 armed with a firearm as defined in RCW 9.41.010 and the offender is  
3 being sentenced for an anticipatory offense under chapter 9A.28 RCW to  
4 commit one of the crimes listed in this subsection as eligible for any  
5 firearm enhancements, the following additional times shall be added to  
6 the presumptive sentence determined under subsection (2) of this  
7 section based on the felony crime of conviction as classified under RCW  
8 9A.28.020:

9 (a) Five years for any felony defined under any law as a class A  
10 felony or with a maximum sentence of at least twenty years, or both,  
11 and not covered under (f) of this subsection.

12 (b) Three years for any felony defined under any law as a class B  
13 felony or with a maximum sentence of ten years, or both, and not  
14 covered under (f) of this subsection.

15 (c) Eighteen months for any felony defined under any law as a class  
16 C felony or with a maximum sentence of five years, or both, and not  
17 covered under (f) of this subsection.

18 (d) If the offender is being sentenced for any firearm enhancements  
19 under (a), (b), and/or (c) of this subsection and the offender has  
20 previously been sentenced for any deadly weapon enhancements after July  
21 23, 1995, under (a), (b), and/or (c) of this subsection or subsection  
22 (4)(a), (b), and/or (c) of this section, or both, any and all firearm  
23 enhancements under this subsection shall be twice the amount of the  
24 enhancement listed.

25 (e) Notwithstanding any other provision of law, any and all firearm  
26 enhancements under this section are mandatory, shall be served in total  
27 confinement, and shall run consecutively to all other sentencing  
28 provisions, including other firearm or deadly weapon enhancements, for  
29 all offenses sentenced under this chapter. However, whether or not a  
30 mandatory minimum term has expired, an offender serving a sentence  
31 under this subsection may be granted an extraordinary medical placement  
32 when authorized under RCW 9.94A.150(4).

33 (f) The firearm enhancements in this section shall apply to all  
34 felony crimes except the following: Possession of a machine gun,  
35 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
36 unlawful possession of a firearm in the first and second degree, and  
37 use of a machine gun in a felony.

38 (g) If the presumptive sentence under this section exceeds the  
39 statutory maximum for the offense, the statutory maximum sentence shall

1 be the presumptive sentence unless the offender is a persistent  
2 offender as defined in RCW 9.94A.030. If the addition of a firearm  
3 enhancement increases the sentence so that it would exceed the  
4 statutory maximum for the offense, the portion of the sentence  
5 representing the enhancement may not be reduced.

6 (4) The following additional times shall be added to the  
7 presumptive sentence for felony crimes committed after July 23, 1995,  
8 if the offender or an accomplice was armed with a deadly weapon as  
9 defined in this chapter other than a firearm as defined in RCW 9.41.010  
10 and the offender is being sentenced for one of the crimes listed in  
11 this subsection as eligible for any deadly weapon enhancements based on  
12 the classification of the completed felony crime. If the offender is  
13 being sentenced for more than one offense, the deadly weapon  
14 enhancement or enhancements must be added to the total period of  
15 confinement for all offenses, regardless of which underlying offense is  
16 subject to a deadly weapon enhancement. If the offender or an  
17 accomplice was armed with a deadly weapon other than a firearm as  
18 defined in RCW 9.41.010 and the offender is being sentenced for an  
19 anticipatory offense under chapter 9A.28 RCW to commit one of the  
20 crimes listed in this subsection as eligible for any deadly weapon  
21 enhancements, the following additional times shall be added to the  
22 presumptive sentence determined under subsection (2) of this section  
23 based on the felony crime of conviction as classified under RCW  
24 9A.28.020:

25 (a) Two years for any felony defined under any law as a class A  
26 felony or with a maximum sentence of at least twenty years, or both,  
27 and not covered under (f) of this subsection.

28 (b) One year for any felony defined under any law as a class B  
29 felony or with a maximum sentence of ten years, or both, and not  
30 covered under (f) of this subsection.

31 (c) Six months for any felony defined under any law as a class C  
32 felony or with a maximum sentence of five years, or both, and not  
33 covered under (f) of this subsection.

34 (d) If the offender is being sentenced under (a), (b), and/or (c)  
35 of this subsection for any deadly weapon enhancements and the offender  
36 has previously been sentenced for any deadly weapon enhancements after  
37 July 23, 1995, under (a), (b), and/or (c) of this subsection or  
38 subsection (3)(a), (b), and/or (c) of this section, or both, any and

1 all deadly weapon enhancements under this subsection shall be twice the  
2 amount of the enhancement listed.

3 (e) Notwithstanding any other provision of law, any and all deadly  
4 weapon enhancements under this section are mandatory, shall be served  
5 in total confinement, and shall run consecutively to all other  
6 sentencing provisions, including other firearm or deadly weapon  
7 enhancements, for all offenses sentenced under this chapter. However,  
8 whether or not a mandatory minimum term has expired, an offender  
9 serving a sentence under this subsection may be granted an  
10 extraordinary medical placement when authorized under RCW 9.94A.150(4).

11 (f) The deadly weapon enhancements in this section shall apply to  
12 all felony crimes except the following: Possession of a machine gun,  
13 possessing a stolen firearm, drive-by shooting, theft of a firearm,  
14 unlawful possession of a firearm in the first and second degree, and  
15 use of a machine gun in a felony.

16 (g) If the presumptive sentence under this section exceeds the  
17 statutory maximum for the offense, the statutory maximum sentence shall  
18 be the presumptive sentence unless the offender is a persistent  
19 offender as defined in RCW 9.94A.030. If the addition of a deadly  
20 weapon enhancement increases the sentence so that it would exceed the  
21 statutory maximum for the offense, the portion of the sentence  
22 representing the enhancement may not be reduced.

23 (5) The following additional times shall be added to the  
24 presumptive sentence if the offender or an accomplice committed the  
25 offense while in a county jail or state correctional facility as that  
26 term is defined in this chapter and the offender is being sentenced for  
27 one of the crimes listed in this subsection. If the offender or an  
28 accomplice committed one of the crimes listed in this subsection while  
29 in a county jail or state correctional facility as that term is defined  
30 in this chapter, and the offender is being sentenced for an  
31 anticipatory offense under chapter 9A.28 RCW to commit one of the  
32 crimes listed in this subsection, the following additional times shall  
33 be added to the presumptive sentence determined under subsection (2) of  
34 this section:

35 (a) Eighteen months for offenses committed under RCW  
36 69.50.401(a)(1) (i) or (ii) or 69.50.410;

37 (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)  
38 (iii), (iv), and (v);

39 (c) Twelve months for offenses committed under RCW 69.50.401(d).

1 For the purposes of this subsection, all of the real property of a  
2 state correctional facility or county jail shall be deemed to be part  
3 of that facility or county jail.

4 (6) An additional twenty-four months shall be added to the  
5 presumptive sentence for any ranked offense involving a violation of  
6 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

7 (7) An additional two years shall be added to the presumptive  
8 sentence for vehicular homicide committed while under the influence of  
9 intoxicating liquor or any drug as defined by RCW 46.61.502 for each  
10 prior offense as defined in RCW 46.61.5055.

11 (8) An additional three years must be added to the presumptive  
12 sentence for a violation of RCW 69.50.401(a)(1)(ii) involving the  
13 manufacturing of methamphetamine where the commission of the crime (a)  
14 occurs in a structure or vehicle where a child under the age of sixteen  
15 years is present or (b) causes a child under sixteen years of age to  
16 suffer significant or substantial physical injury.

--- END ---