

2 **SHB 2610** - S COMM AMD  
3 By Committee on Judiciary

4 ADOPTED 03/08/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.42 RCW  
8 to read as follows:

9 A person is guilty of the crime of endangerment with a controlled  
10 substance if the person knowingly or intentionally permits a dependent  
11 child or dependent adult to be exposed to, ingest, inhale, or have  
12 contact with methamphetamine or ephedrine, pseudoephedrine, or  
13 anhydrous ammonia, that are being used in the manufacture of  
14 methamphetamine. Endangerment with a controlled substance is a class  
15 B felony.

16 **Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
17 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
18 read as follows:

19 TABLE 2

20 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

21	XVI	Aggravated Murder 1 (RCW 10.95.020)
22	XV	Homicide by abuse (RCW 9A.32.055)
23		Malicious explosion 1 (RCW 70.74.280(1))
24		Murder 1 (RCW 9A.32.030)
25	XIV	Murder 2 (RCW 9A.32.050)
26	XIII	Malicious explosion 2 (RCW 70.74.280(2))
27		Malicious placement of an explosive 1 (RCW
28		70.74.270(1))
29	XII	Assault 1 (RCW 9A.36.011)
30		Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation device  
2 1 (RCW 70.74.272(1)(a))  
3 Rape 1 (RCW 9A.44.040)  
4 Rape of a Child 1 (RCW 9A.44.073)  
5 XI Manslaughter 1 (RCW 9A.32.060)  
6 Rape 2 (RCW 9A.44.050)  
7 Rape of a Child 2 (RCW 9A.44.076)  
8 X Child Molestation 1 (RCW 9A.44.083)  
9 Indecent Liberties (with forcible  
10 compulsion) (RCW 9A.44.100(1)(a))  
11 Kidnapping 1 (RCW 9A.40.020)  
12 Leading Organized Crime (RCW  
13 9A.82.060(1)(a))  
14 Malicious explosion 3 (RCW 70.74.280(3))  
15 Manufacture of methamphetamine (RCW  
16 69.50.401(a)(1)(ii))  
17 Over 18 and deliver heroin,  
18 methamphetamine, a narcotic from  
19 Schedule I or II, or flunitrazepam  
20 from Schedule IV to someone under 18  
21 (RCW 69.50.406)  
22 Sexually Violent Predator Escape (RCW  
23 9A.76.115)  
24 IX Assault of a Child 2 (RCW 9A.36.130)  
25 Controlled Substance Homicide (RCW  
26 69.50.415)  
27 Explosive devices prohibited (RCW  
28 70.74.180)  
29 Hit and Run--Death (RCW 46.52.020(4)(a))  
30 Homicide by Watercraft, by being under the  
31 influence of intoxicating liquor or  
32 any drug (RCW 79A.60.050)  
33 Inciting Criminal Profiteering (RCW  
34 9A.82.060(1)(b))  
35 Malicious placement of an explosive 2 (RCW  
36 70.74.270(2))  
37 Over 18 and deliver narcotic from Schedule  
38 III, IV, or V or a nonnarcotic, except

1 flunitrazepam or methamphetamine, from  
2 Schedule I-V to someone under 18 and 3  
3 years junior (RCW 69.50.406)  
4 Robbery 1 (RCW 9A.56.200)  
5 Sexual Exploitation (RCW 9.68A.040)  
6 Vehicular Homicide, by being under the  
7 influence of intoxicating liquor or  
8 any drug (RCW 46.61.520)

9 VIII Arson 1 (RCW 9A.48.020)  
10 Deliver or possess with intent to deliver  
11 m e t h a m p h e t a m i n e ( R C W  
12 69.50.401(a)(1)(ii))  
13 Homicide by Watercraft, by the operation of  
14 any vessel in a reckless manner (RCW  
15 79A.60.050)  
16 Manslaughter 2 (RCW 9A.32.070)  
17 Manufacture, deliver, or possess with  
18 intent to deliver amphetamine (RCW  
19 69.50.401(a)(1)(ii))  
20 Manufacture, deliver, or possess with  
21 intent to deliver heroin or cocaine  
22 (RCW 69.50.401(a)(1)(i))  
23 Possession of Ephedrine, Pseudoephedrine,  
24 or Anhydrous Ammonia with intent to  
25 manufacture methamphetamine (RCW  
26 69.50.440)  
27 Promoting Prostitution 1 (RCW 9A.88.070)  
28 Selling for profit (controlled or  
29 counterfeit) any controlled substance  
30 (RCW 69.50.410)  
31 Theft of Anhydrous Ammonia (RCW 69.55.010)  
32 Vehicular Homicide, by the operation of any  
33 vehicle in a reckless manner (RCW  
34 46.61.520)

35 VII Burglary 1 (RCW 9A.52.020)  
36 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in  
2 sexually explicit conduct (RCW  
3 9.68A.050)  
4 Drive-by Shooting (RCW 9A.36.045)  
5 Homicide by Watercraft, by disregard for  
6 the safety of others (RCW 79A.60.050)  
7 Indecent Liberties (without forcible  
8 compulsion) (RCW 9A.44.100(1) (b) and  
9 (c))  
10 Introducing Contraband 1 (RCW 9A.76.140)  
11 Involving a minor in drug dealing (RCW  
12 69.50.401(f))  
13 Malicious placement of an explosive 3 (RCW  
14 70.74.270(3))  
15 Sending, bringing into state depictions of  
16 minor engaged in sexually explicit  
17 conduct (RCW 9.68A.060)  
18 Unlawful Possession of a Firearm in the  
19 first degree (RCW 9.41.040(1)(a))  
20 Use of a Machine Gun in Commission of a  
21 Felony (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for the  
23 safety of others (RCW 46.61.520)  
24 VI Bail Jumping with Murder 1 (RCW  
25 9A.76.170(3)(a))  
26 Bribery (RCW 9A.68.010)  
27 Incest 1 (RCW 9A.64.020(1))  
28 Intimidating a Judge (RCW 9A.72.160)  
29 Intimidating a Juror/Witness (RCW  
30 9A.72.110, 9A.72.130)  
31 Malicious placement of an imitation device  
32 2 (RCW 70.74.272(1)(b))  
33 Manufacture, deliver, or possess with  
34 intent to deliver narcotics from  
35 Schedule I or II (except heroin or  
36 cocaine) or flunitrazepam from  
37 Schedule IV (RCW 69.50.401(a)(1)(i))  
38 Rape of a Child 3 (RCW 9A.44.079)  
39 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Anhydrous Ammonia (RCW  
2 69.55.020)

3 V Abandonment of dependent person 1 (RCW  
4 9A.42.060)

5 Advancing money or property for  
6 extortionate extension of credit (RCW  
7 9A.82.030)

8 Bail Jumping with class A Felony (RCW  
9 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 1 (RCW 9A.42.020)

12 Custodial Sexual Misconduct 1 (RCW  
13 9A.44.160)

14 Delivery of imitation controlled substance  
15 by person eighteen or over to person  
16 under eighteen (RCW 69.52.030(2))

17 Domestic Violence Court Order Violation  
18 (RCW 10.99.040, 10.99.050, 26.09.300,  
19 26.10.220, 26.26.138, 26.50.110,  
20 26.52.070, or 74.34.145)

21 Extortion 1 (RCW 9A.56.120)

22 Extortionate Extension of Credit (RCW  
23 9A.82.020)

24 Extortionate Means to Collect Extensions of  
25 Credit (RCW 9A.82.040)

26 Incest 2 (RCW 9A.64.020(2))

27 Kidnapping 2 (RCW 9A.40.030)

28 Perjury 1 (RCW 9A.72.020)

29 Persistent prison misbehavior (RCW  
30 9.94.070)

31 Possession of a Stolen Firearm (RCW  
32 9A.56.310)

33 Rape 3 (RCW 9A.44.060)

34 Rendering Criminal Assistance 1 (RCW  
35 9A.76.070)

36 Sexual Misconduct with a Minor 1 (RCW  
37 9A.44.093)

38 Sexually Violating Human Remains (RCW  
39 9A.44.105)

1 Stalking (RCW 9A.46.110)

2 IV Arson 2 (RCW 9A.48.030)

3 Assault 2 (RCW 9A.36.021)

4 Assault by Watercraft (RCW 79A.60.060)

5 Bribing a Witness/Bribe Received by Witness

6 (RCW 9A.72.090, 9A.72.100)

7 Commercial Bribery (RCW 9A.68.060)

8 Counterfeiting (RCW 9.16.035(4))

9 Endangerment with a Controlled Substance

10 (section 1 of this act)

11 Escape 1 (RCW 9A.76.110)

12 Hit and Run--Injury (RCW 46.52.020(4)(b))

13 Hit and Run with Vessel--Injury Accident

14 (RCW 79A.60.200(3))

15 Identity Theft 1 (RCW 9.35.020(2)(a))

16 Indecent Exposure to Person Under Age

17 Fourteen (subsequent sex offense) (RCW

18 9A.88.010)

19 Influencing Outcome of Sporting Event (RCW

20 9A.82.070)

21 Knowingly Trafficking in Stolen Property

22 (RCW 9A.82.050(2))

23 Malicious Harassment (RCW 9A.36.080)

24 Manufacture, deliver, or possess with

25 intent to deliver narcotics from

26 Schedule III, IV, or V or nonnarcotics

27 from Schedule I-V (except marijuana,

28 amphetamine, methamphetamines, or

29 flunitrazepam) (RCW 69.50.401(a)(1)

30 (iii) through (v))

31 Residential Burglary (RCW 9A.52.025)

32 Robbery 2 (RCW 9A.56.210)

33 Theft of Livestock 1 (RCW 9A.56.080)

34 Threats to Bomb (RCW 9.61.160)

35 Use of Proceeds of Criminal Profiteering

36 (RCW 9A.82.080 (1) and (2))

37 Vehicular Assault, by being under the

38 influence of intoxicating liquor or

39 any drug, or by the operation or

1 driving of a vehicle in a reckless  
2 manner (RCW 46.61.522)  
3 Willful Failure to Return from Furlough  
4 (RCW 72.66.060)

5 III Abandonment of dependent person 2 (RCW  
6 9A.42.070)  
7 Assault 3 (RCW 9A.36.031)  
8 Assault of a Child 3 (RCW 9A.36.140)  
9 Bail Jumping with class B or C Felony (RCW  
10 9A.76.170(3)(c))  
11 Burglary 2 (RCW 9A.52.030)  
12 Communication with a Minor for Immoral  
13 Purposes (RCW 9.68A.090)  
14 Criminal Gang Intimidation (RCW 9A.46.120)  
15 Criminal Mistreatment 2 (RCW 9A.42.030)  
16 Custodial Assault (RCW 9A.36.100)  
17 Delivery of a material in lieu of a  
18 controlled substance (RCW  
19 69.50.401(c))  
20 Escape 2 (RCW 9A.76.120)  
21 Extortion 2 (RCW 9A.56.130)  
22 Harassment (RCW 9A.46.020)  
23 Intimidating a Public Servant (RCW  
24 9A.76.180)  
25 Introducing Contraband 2 (RCW 9A.76.150)  
26 Maintaining a Dwelling or Place for  
27 Controlled Substances (RCW  
28 69.50.402(a)(6))  
29 Malicious Injury to Railroad Property (RCW  
30 81.60.070)  
31 Manufacture, deliver, or possess with  
32 intent to deliver marijuana (RCW  
33 69.50.401(a)(1)(iii))  
34 Manufacture, distribute, or possess with  
35 intent to distribute an imitation  
36 controlled substance (RCW  
37 69.52.030(1))  
38 Patronizing a Juvenile Prostitute (RCW  
39 9.68A.100)

1 Perjury 2 (RCW 9A.72.030)  
2 Possession of Incendiary Device (RCW  
3 9.40.120)  
4 Possession of Machine Gun or Short-Barreled  
5 Shotgun or Rifle (RCW 9.41.190)  
6 Promoting Prostitution 2 (RCW 9A.88.080)  
7 Recklessly Trafficking in Stolen Property  
8 (RCW 9A.82.050(1))  
9 Securities Act violation (RCW 21.20.400)  
10 Tampering with a Witness (RCW 9A.72.120)  
11 Telephone Harassment (subsequent conviction  
12 or threat of death) (RCW 9.61.230)  
13 Theft of Livestock 2 (RCW 9A.56.080)  
14 Unlawful Imprisonment (RCW 9A.40.040)  
15 Unlawful possession of firearm in the  
16 second degree (RCW 9.41.040(1)(b))  
17 Unlawful Use of Building for Drug Purposes  
18 (RCW 69.53.010)  
19 Vehicular Assault, by the operation or  
20 driving of a vehicle with disregard  
21 for the safety of others (RCW  
22 46.61.522)  
23 Willful Failure to Return from Work Release  
24 (RCW 72.65.070)  
25 II Computer Trespass 1 (RCW 9A.52.110)  
26 Counterfeiting (RCW 9.16.035(3))  
27 Create, deliver, or possess a counterfeit  
28 controlled substance (RCW  
29 69.50.401(b))  
30 Escape from Community Custody (RCW  
31 72.09.310)  
32 Health Care False Claims (RCW 48.80.030)  
33 Identity Theft 2 (RCW 9.35.020(2)(b))  
34 Improperly Obtaining Financial Information  
35 (RCW 9.35.010)  
36 Malicious Mischief 1 (RCW 9A.48.070)  
37 Possession of controlled substance that is  
38 either heroin or narcotics from



1 Schedule I or II or flunitrazepam from  
2 Schedule IV (RCW 69.50.401(d))  
3 Possession of phencyclidine (PCP) (RCW  
4 69.50.401(d))  
5 Possession of Stolen Property 1 (RCW  
6 9A.56.150)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft of Rental, Leased, or Lease-purchased  
9 Property (valued at one thousand five  
10 hundred dollars or more) (RCW  
11 9A.56.096(4))  
12 Trafficking in Insurance Claims (RCW  
13 48.30A.015)  
14 Unlawful Practice of Law (RCW 2.48.180)  
15 Unlicensed Practice of a Profession or  
16 Business (RCW 18.130.190(7))  
17 I Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 False Verification for Welfare (RCW  
20 74.08.055)  
21 Forged Prescription (RCW 69.41.020)  
22 Forged Prescription for a Controlled  
23 Substance (RCW 69.50.403)  
24 Forgery (RCW 9A.60.020)  
25 Malicious Mischief 2 (RCW 9A.48.080)  
26 Possess Controlled Substance that is a  
27 Narcotic from Schedule III, IV, or V  
28 or Non-narcotic from Schedule I-V  
29 (except phencyclidine or  
30 flunitrazepam) (RCW 69.50.401(d))  
31 Possession of Stolen Property 2 (RCW  
32 9A.56.160)  
33 Reckless Burning 1 (RCW 9A.48.040)  
34 Taking Motor Vehicle Without Permission  
35 (RCW 9A.56.070)  
36 Theft 2 (RCW 9A.56.040)  
37 Theft of Rental, Leased, or Lease-purchased  
38 Property (valued at two hundred fifty  
39 dollars or more but less than one

1                   thousand five hundred dollars) (RCW  
2                   9A.56.096(4))  
3           Unlawful Issuance of Checks or Drafts (RCW  
4                   9A.56.060)  
5           Unlawful Use of Food Stamps (RCW 9.91.140  
6                   (2) and (3))  
7           Vehicle Prowl 1 (RCW 9A.52.095)

8           **Sec. 3.** RCW 43.43.830 and 1999 c 45 s 5 are each amended to read  
9 as follows:

10           Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout RCW 43.43.830 through 43.43.840.

12           (1) "Applicant" means:

13           (a) Any prospective employee who will or may have unsupervised  
14 access to children under sixteen years of age or developmentally  
15 disabled persons or vulnerable adults during the course of his or her  
16 employment or involvement with the business or organization;

17           (b) Any prospective volunteer who will have regularly scheduled  
18 unsupervised access to children under sixteen years of age,  
19 developmentally disabled persons, or vulnerable adults during the  
20 course of his or her employment or involvement with the business or  
21 organization under circumstances where such access will or may involve  
22 groups of (i) five or fewer children under twelve years of age, (ii)  
23 three or fewer children between twelve and sixteen years of age, (iii)  
24 developmentally disabled persons, or (iv) vulnerable adults; or

25           (c) Any prospective adoptive parent, as defined in RCW 26.33.020.

26           (2) "Business or organization" means a business or organization  
27 licensed in this state, any agency of the state, or other governmental  
28 entity, that educates, trains, treats, supervises, houses, or provides  
29 recreation to developmentally disabled persons, vulnerable adults, or  
30 children under sixteen years of age, including but not limited to  
31 public housing authorities, school districts, and educational service  
32 districts.

33           (3) "Civil adjudication" means a specific court finding of sexual  
34 abuse or exploitation or physical abuse in a dependency action under  
35 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In  
36 the case of vulnerable adults, civil adjudication means a specific  
37 court finding of abuse or financial exploitation in a protection  
38 proceeding under chapter 74.34 RCW. It does not include administrative

1 proceedings. The term "civil adjudication" is further limited to court  
2 findings that identify as the perpetrator of the abuse a named  
3 individual, over the age of eighteen years, who was a party to the  
4 dependency or dissolution proceeding or was a respondent in a  
5 protection proceeding in which the finding was made and who contested  
6 the allegation of abuse or exploitation.

7 (4) "Conviction record" means "conviction record" information as  
8 defined in RCW 10.97.030(3) relating to a crime against children or  
9 other persons committed by either an adult or a juvenile. It does not  
10 include a conviction for an offense that has been the subject of an  
11 expungement, pardon, annulment, certificate of rehabilitation, or other  
12 equivalent procedure based on a finding of the rehabilitation of the  
13 person convicted, or a conviction that has been the subject of a  
14 pardon, annulment, or other equivalent procedure based on a finding of  
15 innocence. It does include convictions for offenses for which the  
16 defendant received a deferred or suspended sentence, unless the record  
17 has been expunged according to law.

18 (5) "Crime against children or other persons" means a conviction of  
19 any of the following offenses: Aggravated murder; first or second  
20 degree murder; first or second degree kidnaping; first, second, or  
21 third degree assault; first, second, or third degree assault of a  
22 child; first, second, or third degree rape; first, second, or third  
23 degree rape of a child; first or second degree robbery; first degree  
24 arson; first degree burglary; first or second degree manslaughter;  
25 first or second degree extortion; indecent liberties; incest; vehicular  
26 homicide; first degree promoting prostitution; communication with a  
27 minor; unlawful imprisonment; simple assault; sexual exploitation of  
28 minors; first or second degree criminal mistreatment; endangerment with  
29 a controlled substance; child abuse or neglect as defined in RCW  
30 26.44.020; first or second degree custodial interference; first or  
31 second degree custodial sexual misconduct; malicious harassment; first,  
32 second, or third degree child molestation; first or second degree  
33 sexual misconduct with a minor; patronizing a juvenile prostitute;  
34 child abandonment; promoting pornography; selling or distributing  
35 erotic material to a minor; custodial assault; violation of child abuse  
36 restraining order; child buying or selling; prostitution; felony  
37 indecent exposure; criminal abandonment; or any of these crimes as they  
38 may be renamed in the future.

1 (6) "Crimes relating to drugs" means a conviction of a crime to  
2 manufacture, delivery, or possession with intent to manufacture or  
3 deliver a controlled substance.

4 (7) "Crimes relating to financial exploitation" means a conviction  
5 for first, second, or third degree extortion; first, second, or third  
6 degree theft; first or second degree robbery; forgery; or any of these  
7 crimes as they may be renamed in the future.

8 (8) "Disciplinary board final decision" means any final decision  
9 issued by a disciplining authority under chapter 18.130 RCW or the  
10 secretary of the department of health for the following businesses or  
11 professions:

12 (a) Chiropractic;

13 (b) Dentistry;

14 (c) Dental hygiene;

15 (d) Massage;

16 (e) Midwifery;

17 (f) Naturopathy;

18 (g) Osteopathic medicine and surgery;

19 (h) Physical therapy;

20 (i) Physicians;

21 (j) Practical nursing;

22 (k) Registered nursing; and

23 (l) Psychology.

24 "Disciplinary board final decision," for real estate brokers and  
25 salespersons, means any final decision issued by the director of the  
26 department of licensing for real estate brokers and salespersons.

27 (9) "Unsupervised" means not in the presence of:

28 (a) Another employee or volunteer from the same business or  
29 organization as the applicant; or

30 (b) Any relative or guardian of any of the children or  
31 developmentally disabled persons or vulnerable adults to which the  
32 applicant has access during the course of his or her employment or  
33 involvement with the business or organization.

34 (10) "Vulnerable adult" means "vulnerable adult" as defined in  
35 chapter 74.34 RCW, except that for the purposes of requesting and  
36 receiving background checks pursuant to RCW 43.43.832, it shall also  
37 include adults of any age who lack the functional, mental, or physical  
38 ability to care for themselves.

1 (11) "Financial exploitation" means the illegal or improper use of  
2 a vulnerable adult or that adult's resources for another person's  
3 profit or advantage.

4 (12) "Agency" means any person, firm, partnership, association,  
5 corporation, or facility which receives, provides services to, houses  
6 or otherwise cares for vulnerable adults.

7 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and takes effect  
10 immediately."

11 **SHB 2610** - S COMM AMD  
12 By Committee on Judiciary

13 ADOPTED 03/08/02

14 On page 1, line 2 of the title, after "substance;" strike the  
15 remainder of the title and insert "amending RCW 43.43.830; reenacting  
16 and amending RCW 9.94A.515; adding a new section to chapter 9A.42 RCW;  
17 prescribing penalties; and declaring an emergency."

--- END ---