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SENATE BILL 5388

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State of Washington

57th Legislature

2001 Regular Session

By Senators Kastama and Rasmussen

Read first time 01/22/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to penalties for the sale or gift of drug  
2 paraphernalia; amending RCW 69.50.4121 and 7.80.120; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 69.50.4121 and 1998 c 317 s 1 are each amended to read  
6 as follows:

7 (1) Every person who sells or gives, or permits to be sold or given  
8 to any person any drug paraphernalia in any form commits a class I  
9 civil infraction under chapter 7.80 RCW. For purposes of this  
10 subsection, "drug paraphernalia" means all equipment, products, and  
11 materials of any kind which are used, intended for use, or designed for  
12 use in planting, propagating, cultivating, growing, harvesting,  
13 manufacturing, compounding, converting, producing, processing,  
14 preparing, testing, analyzing, packaging, repackaging, storing,  
15 containing, concealing, injecting, ingesting, inhaling, or otherwise  
16 introducing into the human body a controlled substance. Drug  
17 paraphernalia includes, but is not limited to objects used, intended  
18 for use, or designed for use in ingesting, inhaling, or otherwise

1 introducing marihuana, cocaine, hashish, or hashish oil into the human  
2 body, such as:

3 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes  
4 with or without screens, permanent screens, hashish heads, or punctured  
5 metal bowls;

6 (b) Water pipes;

7 (c) Carburetion tubes and devices;

8 (d) Smoking and carburetion masks;

9 (e) Roach clips: Meaning objects used to hold burning material,  
10 such as a marihuana cigarette, that has become too small or too short  
11 to be held in the hand;

12 (f) Miniature cocaine spoons and cocaine vials;

13 (g) Chamber pipes;

14 (h) Carburetor pipes;

15 (i) Electric pipes;

16 (j) Air-driven pipes;

17 (k) Chillums;

18 (l) Bongs; and

19 (m) Ice pipes or chillers.

20 (2) It shall be no defense to a prosecution for a violation of this  
21 section that the person acted, or was believed by the defendant to act,  
22 as agent or representative of another.

23 (3) Nothing in subsection (1) of this section prohibits legal  
24 distribution of injection syringe equipment through public health and  
25 community based HIV prevention programs.

26 (4) The civil penalty imposed for violations of subsection (1) of  
27 this section may not exceed the following:

28 (a) A monetary penalty of two hundred fifty dollars for the first  
29 violation within a two-year period.

30 (b) A monetary penalty of five hundred dollars for the second  
31 violation within a two-year period.

32 (c) A monetary penalty of seven hundred fifty dollars for the third  
33 violation within a two-year period.

34 (d) A monetary penalty of one thousand dollars for the fourth and  
35 each subsequent violation within a two-year period.

36 **Sec. 2.** RCW 7.80.120 and 1997 c 159 s 2 are each amended to read  
37 as follows:

1 (1) A person found to have committed a civil infraction shall be  
2 assessed a monetary penalty.

3 (a) The maximum penalty and the default amount for a class 1 civil  
4 infraction shall be two hundred fifty dollars, not including statutory  
5 assessments, except:

6 (i) For an infraction of state law involving tobacco products as  
7 specified in RCW 70.93.060(4), in which case the maximum penalty and  
8 default amount is five hundred dollars;

9 (ii) For an infraction of state law involving drug paraphernalia as  
10 specified in RCW 69.50.4121(1), in which case the maximum penalty and  
11 default amount shall be as specified in RCW 69.50.4121(4);

12 (b) The maximum penalty and the default amount for a class 2 civil  
13 infraction shall be one hundred twenty-five dollars, not including  
14 statutory assessments;

15 (c) The maximum penalty and the default amount for a class 3 civil  
16 infraction shall be fifty dollars, not including statutory assessments;  
17 and

18 (d) The maximum penalty and the default amount for a class 4 civil  
19 infraction shall be twenty-five dollars, not including statutory  
20 assessments.

21 (2) The supreme court shall prescribe by rule the conditions under  
22 which local courts may exercise discretion in assessing fines for civil  
23 infractions.

24 (3) Whenever a monetary penalty is imposed by a court under this  
25 chapter it is immediately payable. If the person is unable to pay at  
26 that time the court may grant an extension of the period in which the  
27 penalty may be paid. If the penalty is not paid on or before the time  
28 established for payment, the court may proceed to collect the penalty  
29 in the same manner as other civil judgments and may notify the  
30 prosecuting authority of the failure to pay.

31 (4) The court may also order a person found to have committed a  
32 civil infraction to make restitution.

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