
ENGROSSED SUBSTITUTE HOUSE BILL 1210

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst)

Read first time 02/26/1999.

1 AN ACT Relating to methamphetamine manufacture; reenacting and
2 amending RCW 9.94A.310; adding a new section to chapter 9.94A RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 In a criminal case in which there has been a special allegation and
8 evidence establishing that a methamphetamine manufacturing laboratory
9 was being operated or transported inside a motor vehicle as defined in
10 RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as
11 defined in RCW 88.02.010, the court shall make a finding of fact of
12 whether the methamphetamine manufacturing laboratory was being operated
13 or transported inside a motor vehicle, trailer, or vessel at the time
14 of the commission of the crime, or if a jury trial is had, the jury
15 shall, if it finds the defendant guilty, also find a special verdict as
16 to whether or not the methamphetamine manufacturing laboratory was
17 being operated or transported inside a motor vehicle, trailer, or
18 vessel at the time of the commission of the crime.

| | | | | | | | | | | | |
|----|-----|------|------|------|------|------|------|------|------|------|------|
| 1 | | | | | | | | | | | |
| 2 | VII | 18m | 2y | 2y6m | 3y | 3y6m | 4y | 5y6m | 6y6m | 7y6m | 8y6m |
| 3 | | 15- | 21- | 26- | 31- | 36- | 41- | 57- | 67- | 77- | 87- |
| 4 | | 20 | 27 | 34 | 41 | 48 | 54 | 75 | 89 | 102 | 116 |
| 5 | | | | | | | | | | | |
| 6 | VI | 13m | 18m | 2y | 2y6m | 3y | 3y6m | 4y6m | 5y6m | 6y6m | 7y6m |
| 7 | | 12+- | 15- | 21- | 26- | 31- | 36- | 46- | 57- | 67- | 77- |
| 8 | | 14 | 20 | 27 | 34 | 41 | 48 | 61 | 75 | 89 | 102 |
| 9 | | | | | | | | | | | |
| 10 | V | 9m | 13m | 15m | 18m | 2y2m | 3y2m | 4y | 5y | 6y | 7y |
| 11 | | 6- | 12+- | 13- | 15- | 22- | 33- | 41- | 51- | 62- | 72- |
| 12 | | 12 | 14 | 17 | 20 | 29 | 43 | 54 | 68 | 82 | 96 |
| 13 | | | | | | | | | | | |
| 14 | IV | 6m | 9m | 13m | 15m | 18m | 2y2m | 3y2m | 4y2m | 5y2m | 6y2m |
| 15 | | 3- | 6- | 12+- | 13- | 15- | 22- | 33- | 43- | 53- | 63- |
| 16 | | 9 | 12 | 14 | 17 | 20 | 29 | 43 | 57 | 70 | 84 |
| 17 | | | | | | | | | | | |
| 18 | III | 2m | 5m | 8m | 11m | 14m | 20m | 2y2m | 3y2m | 4y2m | 5y |
| 19 | | 1- | 3- | 4- | 9- | 12+- | 17- | 22- | 33- | 43- | 51- |
| 20 | | 3 | 8 | 12 | 12 | 16 | 22 | 29 | 43 | 57 | 68 |
| 21 | | | | | | | | | | | |
| 22 | II | | 4m | 6m | 8m | 13m | 16m | 20m | 2y2m | 3y2m | 4y2m |
| 23 | | 0-90 | 2- | 3- | 4- | 12+- | 14- | 17- | 22- | 33- | 43- |
| 24 | | Days | 6 | 9 | 12 | 14 | 18 | 22 | 29 | 43 | 57 |
| 25 | | | | | | | | | | | |
| 26 | I | | | 3m | 4m | 5m | 8m | 13m | 16m | 20m | 2y2m |
| 27 | | 0-60 | 0-90 | 2- | 2- | 3- | 4- | 12+- | 14- | 17- | 22- |
| 28 | | Days | Days | 5 | 6 | 8 | 12 | 14 | 18 | 22 | 29 |
| 29 | | | | | | | | | | | |

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

34 (2) For persons convicted of the anticipatory offenses of criminal
35 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
36 presumptive sentence is determined by locating the sentencing grid
37 sentence range defined by the appropriate offender score and the

1 seriousness level of the completed crime, and multiplying the range by
2 75 percent.

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

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

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

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

29 (d) If the offender is being sentenced for any firearm
30 enhancements under (a), (b), and/or (c) of this subsection and the
31 offender has previously been sentenced for any deadly weapon
32 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
33 subsection or subsection (4)(a), (b), and/or (c) of this section, or
34 both, any and all firearm enhancements under this subsection shall be
35 twice the amount of the enhancement listed.

36 (e) Notwithstanding any other provision of law, any and all
37 firearm enhancements under this section are mandatory, shall be served
38 in total confinement, and shall run consecutively to all other

1 sentencing provisions, including other firearm or deadly weapon
2 enhancements, for all offenses sentenced under this chapter.

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

8 (g) If the presumptive sentence under this section exceeds the
9 statutory maximum for the offense, the statutory maximum sentence shall
10 be the presumptive sentence unless the offender is a persistent
11 offender as defined in RCW 9.94A.030. If the addition of a firearm
12 enhancement increases the sentence so that it would exceed the
13 statutory maximum for the offense, the portion of the sentence
14 representing the enhancement may not be reduced.

15 (4) The following additional times shall be added to the
16 presumptive sentence for felony crimes committed after July 23, 1995,
17 if the offender or an accomplice was armed with a deadly weapon as
18 defined in this chapter other than a firearm as defined in RCW 9.41.010
19 and the offender is being sentenced for one of the crimes listed in
20 this subsection as eligible for any deadly weapon enhancements based on
21 the classification of the completed felony crime. If the offender is
22 being sentenced for more than one offense, the deadly weapon
23 enhancement or enhancements must be added to the total period of
24 confinement for all offenses, regardless of which underlying offense is
25 subject to a deadly weapon enhancement. If the offender or an
26 accomplice was armed with a deadly weapon other than a firearm as
27 defined in RCW 9.41.010 and the offender is being sentenced for an
28 anticipatory offense under chapter 9A.28 RCW to commit one of the
29 crimes listed in this subsection as eligible for any deadly weapon
30 enhancements, the following additional times shall be added to the
31 presumptive sentence determined under subsection (2) of this section
32 based on the felony crime of conviction as classified under RCW
33 9A.28.020:

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

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

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

4 (d) If the offender is being sentenced under (a), (b), and/or (c)
5 of this subsection for any deadly weapon enhancements and the offender
6 has previously been sentenced for any deadly weapon enhancements after
7 July 23, 1995, under (a), (b), and/or (c) of this subsection or
8 subsection (3)(a), (b), and/or (c) of this section, or both, any and
9 all deadly weapon enhancements under this subsection shall be twice the
10 amount of the enhancement listed.

11 (e) Notwithstanding any other provision of law, any and all deadly
12 weapon enhancements under this section are mandatory, shall be served
13 in total confinement, and shall run consecutively to all other
14 sentencing provisions, including other firearm or deadly weapon
15 enhancements, for all offenses sentenced under this chapter.

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

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

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

1 (a) Eighteen months for offenses committed under RCW
2 69.50.401(a)(1) (i) or (ii) or 69.50.410;

3 (b) Fifteen months for offenses committed under RCW
4 69.50.401(a)(1) (iii), (iv), and (v);

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

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

9 (6) An additional twenty-four months shall be added to the
10 presumptive sentence for any ranked offense involving a violation of
11 chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435
12 or section 1 of this act.

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

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