

E2SSB 5536 - H AMD TO H AMD (H-1919.1/23) **713**

By Representative Mosbrucker

NOT ADOPTED 04/11/2023

1 On page 2, line 37 of the striking amendment, after "(1)(b)"
2 strike "or (c)"

3
4 On page 2, at the beginning of line 38 of the striking amendment,
5 strike "a misdemeanor" and insert "a gross misdemeanor"

6
7 On page 3, line 6 of the striking amendment, after "(b)" insert "A
8 violation of subsection (1)(c) of this section is a misdemeanor. The
9 prosecutor is encouraged to divert such cases for assessment,
10 treatment, or other services through the recovery navigator program
11 established under RCW 71.24.115 or a comparable program including, but
12 not limited to, arrest and jail alternative programs established under
13 RCW 36.28A.450 and law enforcement assisted diversion programs
14 established under RCW 71.24.589.

15 (c)"

16
17 Renumber the remaining subsections consecutively and correct any
18 internal references accordingly.

19
20 On page 3, at the beginning of line 39 of the striking amendment,
21 strike "or (b) of this section is a misdemeanor" and insert "of this
22 section is a gross misdemeanor, and a violation of subsection (1)(b)
23 of this section is a misdemeanor"

24
25 On page 15, line 34 of the striking amendment, after "violation
26 of" strike "RCW 69.50.4011(1) (b) or (c), 69.50.4013," and insert "RCW
27 69.50.4011(1)(c), 69.50.4013(1)(b),"

1
2 On page 16, line 2 of the striking amendment, after "years."
3 insert "In courts of limited jurisdiction, if an individual who is
4 convicted of a violation of RCW 69.50.4011(1)(b) or 69.50.4013(1)(a)
5 agrees as a condition of probation to obtain a biopsychosocial
6 assessment by an applicable program and participate in any recommended
7 treatment or services, or, if the applicable program recommends no
8 treatment or services, to complete court-ordered community service,
9 the court shall sentence the individual to a term of confinement of up
10 to 364 days, all of which shall be suspended for a period not to
11 exceed two years."

EFFECT: Reclassifies the offenses of Possession of a Controlled Substance and Possession of a Counterfeit Substance as gross misdemeanors, rather than misdemeanors. Requires courts of limited jurisdiction to sentence a person convicted of an applicable drug offense to a term of confinement of up to 364 days, all of which must be suspended for a period not to exceed two years, if the person agrees to obtain a biopsychosocial assessment and participate in any recommended treatment or services, or court-ordered community service, as a condition of probation.

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