
HOUSE BILL 1520

State of Washington

68th Legislature

2023 Regular Session

By Representatives Mosbrucker, Graham, Caldier, Jacobsen, Schmidt, Eslick, and Volz

Read first time 01/23/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to fentanyl; amending RCW 69.50.4013 and
2 9.94A.518; reenacting and amending RCW 13.40.0357; creating new
3 sections; prescribing penalties; providing an effective date; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** According to a recent study of provisional
7 data collected by the United States centers for disease control and
8 prevention, overdose from fentanyl is now the leading cause of death
9 of Americans between the ages of 18 and 45. Washington is not immune
10 from the opioid epidemic. Fentanyl has had a staggering effect on its
11 communities, and fentanyl-related overdoses are increasing across the
12 state. Under current law, possession of fentanyl is classified as a
13 simple misdemeanor, which is the lowest criminal penalty available,
14 and on July 1st of this year, the current law provision will expire
15 and Washington will return to its former law, which has been deemed
16 unconstitutional. This is an insufficient criminal justice system
17 response to this extremely dangerous drug. The legislature intends to
18 fix the constitutional defect in the law going forward and restore
19 the felony penalties that were previously in place for possession of
20 fentanyl in order to reflect the extreme hazards associated with this
21 highly potent substance. Additionally, the legislature intends to

1 launch a public outreach campaign to enhance public education on this
2 issue and connect affected individuals with available resources.

3 **Sec. 2.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
4 read as follows:

5 (1) It is unlawful for any person to possess a controlled
6 substance unless the substance was obtained directly from, or
7 pursuant to, a valid prescription or order of a practitioner while
8 acting in the course of his or her professional practice, or except
9 as otherwise authorized by this chapter.

10 (2) (a) Except as provided in RCW 69.50.4014 and (b) of this
11 subsection, any person who violates this section is guilty of a class
12 C felony punishable under chapter 9A.20 RCW.

13 (b) Any person who violates this section by knowingly possessing
14 fentanyl is guilty of a class C felony punishable according to
15 chapter 9A.20 RCW.

16 (3) (a) The possession, by a person (~~(twenty-one)~~) 21 years of age
17 or older, of useable cannabis, cannabis concentrates, or cannabis-
18 infused products in amounts that do not exceed those set forth in RCW
19 69.50.360(3) is not a violation of this section, this chapter, or any
20 other provision of Washington state law.

21 (b) The possession of cannabis, useable cannabis, cannabis
22 concentrates, and cannabis-infused products being physically
23 transported or delivered within the state, in amounts not exceeding
24 those that may be established under RCW 69.50.385(3), by a licensed
25 employee of a common carrier when performing the duties authorized in
26 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
27 this section, this chapter, or any other provision of Washington
28 state law.

29 (4) (a) The delivery by a person (~~(twenty-one)~~) 21 years of age or
30 older to one or more persons (~~(twenty-one)~~) 21 years of age or older,
31 during a single (~~(twenty-four)~~) 21 hour period, for noncommercial
32 purposes and not conditioned upon or done in connection with the
33 provision or receipt of financial consideration, of any of the
34 following cannabis products, is not a violation of this section, this
35 chapter, or any other provisions of Washington state law:

- 36 (i) One-half ounce of useable cannabis;
37 (ii) Eight ounces of cannabis-infused product in solid form;
38 (iii) Thirty-six ounces of cannabis-infused product in liquid
39 form; or

1 (iv) Three and one-half grams of cannabis concentrates.

2 (b) The act of delivering cannabis or a cannabis product as
3 authorized under this subsection (4) must meet one of the following
4 requirements:

5 (i) The delivery must be done in a location outside of the view
6 of general public and in a nonpublic place; or

7 (ii) The cannabis or cannabis product must be in the original
8 packaging as purchased from the cannabis retailer.

9 (5) No person under (~~twenty-one~~) 21 years of age may possess,
10 manufacture, sell, or distribute cannabis, cannabis-infused products,
11 or cannabis concentrates, regardless of THC concentration. This does
12 not include qualifying patients with a valid authorization.

13 (6) The possession by a qualifying patient or designated provider
14 of cannabis concentrates, useable cannabis, cannabis-infused
15 products, or plants in accordance with chapter 69.51A RCW is not a
16 violation of this section, this chapter, or any other provision of
17 Washington state law.

18 **Sec. 3.** RCW 9.94A.518 and 2022 c 16 s 5 are each amended to read
19 as follows:

20 TABLE 4

21 DRUG OFFENSES

22 INCLUDED WITHIN EACH

23 SERIOUSNESS LEVEL

- 24 III Any felony offense under chapter
25 69.50 RCW with a deadly weapon
26 special verdict under RCW
27 9.94A.825
28 Controlled Substance Homicide (RCW
29 69.50.415)
30 Delivery of imitation controlled
31 substance by person (~~eighteen~~)
32 18 or over to person under
33 (~~eighteen~~) 18 (RCW
34 69.52.030(2))
35 Involving a minor in drug dealing
36 (RCW 69.50.4015)

1 Manufacture of methamphetamine
2 (RCW 69.50.401(2)(b))
3 Over 18 and deliver heroin,
4 methamphetamine, a narcotic from
5 Schedule I or II, or flunitrazepam
6 from Schedule IV to someone
7 under 18 (RCW 69.50.406)
8 Over 18 and deliver narcotic from
9 Schedule III, IV, or V or a
10 nonnarcotic, except flunitrazepam
11 or methamphetamine, from
12 Schedule I-V to someone under 18
13 and ((3)) three years junior (RCW
14 69.50.406)
15 Possession of Ephedrine,
16 Pseudoephedrine, or Anhydrous
17 Ammonia with intent to
18 manufacture
19 methamphetamine (RCW
20 69.50.440)
21 Selling for profit (controlled or
22 counterfeit) any controlled
23 substance (RCW 69.50.410)
24 II Create, deliver, or possess a counterfeit
25 controlled substance (RCW
26 69.50.4011)
27 Deliver or possess with intent to
28 deliver methamphetamine (RCW
29 69.50.401(2)(b))
30 Delivery of a material in lieu of a
31 controlled substance (RCW
32 69.50.4012)
33 Maintaining a Dwelling or Place for
34 Controlled Substances (RCW
35 69.50.402(1)(f))

1 Manufacture, deliver, or possess with
2 intent to deliver amphetamine
3 (RCW 69.50.401(2)(b))

4 Manufacture, deliver, or possess with
5 intent to deliver narcotics from
6 Schedule I or II or flunitrazepam
7 from Schedule IV (RCW
8 69.50.401(2)(a))

9 Manufacture, deliver, or possess with
10 intent to deliver narcotics from
11 Schedule III, IV, or V or
12 nonnarcotics from Schedule I-V
13 (except cannabis as defined in
14 RCW 69.50.101, amphetamine,
15 methamphetamines, or
16 flunitrazepam) (RCW
17 69.50.401(2) (c) through (e))

18 Manufacture, distribute, or possess
19 with intent to distribute an
20 imitation controlled substance
21 (RCW 69.52.030(1))

22 I Forged Prescription (RCW 69.41.020)

23 Forged Prescription for a Controlled
24 Substance (RCW 69.50.403)

25 Manufacture, deliver, or possess with
26 intent to deliver cannabis as
27 defined in RCW 69.50.101 (RCW
28 69.50.401(2)(c))

29 Possess Controlled Substance that is a
30 Narcotic from Schedule III, IV, or
31 V or Nonnarcotic from Schedule I-
32 V (RCW 69.50.4013)

33 Possession of Controlled Substance
34 that is either heroin or narcotics
35 from Schedule I or II (RCW
36 69.50.4013)

Possession of Fentanyl (RCW

69.50.4013(2)(b))

Unlawful Use of Building for Drug

Purposes (RCW 69.53.010)

Sec. 4. RCW 13.40.0357 and 2022 c 268 s 37 and 2022 c 16 s 9 are each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

| JUVENILE DISPOSITION | JUVENILE DISPOSITION | JUVENILE DISPOSITION |
|----------------------|----------------------------|----------------------|
| DISPOSITION | DISPOSITION | DISPOSITION |
| OFFENSE CATEGORY | DESCRIPTION (RCW CITATION) | OFFENSE CATEGORY |

Arson and Malicious Mischief

| | | |
|---|--|----|
| A | Arson 1 (9A.48.020) | B+ |
| B | Arson 2 (9A.48.030) | C |
| C | Reckless Burning 1 (9A.48.040) | D |
| D | Reckless Burning 2 (9A.48.050) | E |
| B | Malicious Mischief 1 (9A.48.070) | C |
| C | Malicious Mischief 2 (9A.48.080) | D |
| D | Malicious Mischief 3 (9A.48.090) | E |
| E | Tampering with Fire Alarm Apparatus (9.40.100) | E |
| E | Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105) | E |
| A | Possession of Incendiary Device (9.40.120) | B+ |

Assault and Other Crimes Involving Physical Harm

| | | |
|-----|--|----|
| A | Assault 1 (9A.36.011) | B+ |
| B+ | Assault 2 (9A.36.021) | C+ |
| C+ | Assault 3 (9A.36.031) | D+ |
| D+ | Assault 4 (9A.36.041) | E |
| B+ | Drive-By Shooting (9A.36.045) committed at age 15 or under | C+ |
| A++ | Drive-By Shooting (9A.36.045) committed at age 16 or 17 | A |

| | | | |
|----|----|--|----|
| 1 | D+ | Reckless Endangerment (9A.36.050) | E |
| 2 | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| 3 | D+ | Coercion (9A.36.070) | E |
| 4 | C+ | Custodial Assault (9A.36.100) | D+ |
| 5 | | Burglary and Trespass | |
| 6 | B+ | Burglary 1 (9A.52.020) committed at | C+ |
| 7 | | age 15 or under | |
| 8 | A- | Burglary 1 (9A.52.020) committed at | B+ |
| 9 | | age 16 or 17 | |
| 10 | B | Residential Burglary (9A.52.025) | C |
| 11 | B | Burglary 2 (9A.52.030) | C |
| 12 | D | Burglary Tools (Possession of) | E |
| 13 | | (9A.52.060) | |
| 14 | D | Criminal Trespass 1 (9A.52.070) | E |
| 15 | E | Criminal Trespass 2 (9A.52.080) | E |
| 16 | C | Mineral Trespass (78.44.330) | C |
| 17 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 18 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 19 | | Drugs | |
| 20 | E | Possession/Consumption of Alcohol | E |
| 21 | | (66.44.270) | |
| 22 | C | Illegally Obtaining Legend Drug | D |
| 23 | | (69.41.020) | |
| 24 | C+ | Sale, Delivery, Possession of Legend | D+ |
| 25 | | Drug with Intent to Sell (69.41.030(2)(a)) | |
| 26 | E | Possession of Legend | E |
| 27 | | Drug (69.41.030(2)(b)) | |
| 28 | B+ | Violation of Uniform Controlled | B+ |
| 29 | | Substances Act - Narcotic, | |
| 30 | | Methamphetamine, or Flunitrazepam | |
| 31 | | Sale (69.50.401(2) (a) or (b)) | |
| 32 | C | Violation of Uniform Controlled | C |
| 33 | | Substances Act - Nonnarcotic Sale | |
| 34 | | (69.50.401(2)(c)) | |
| 35 | E | Possession of Cannabis <40 grams | E |
| 36 | | (69.50.4014) | |

| | | | |
|----|----|---|----|
| 1 | C | <u>Possession of Fentanyl</u> | C |
| 2 | | <u>(69.50.4013(2)(b))</u> | |
| 3 | C | Fraudulently Obtaining Controlled | C |
| 4 | | Substance (69.50.403) | |
| 5 | C+ | Sale of Controlled Substance for Profit | C+ |
| 6 | | (69.50.410) | |
| 7 | E | Unlawful Inhalation (9.47A.020) | E |
| 8 | B | Violation of Uniform Controlled | B |
| 9 | | Substances Act - Narcotic, | |
| 10 | | Methamphetamine, or Flunitrazepam | |
| 11 | | Counterfeit Substances (69.50.4011(2) | |
| 12 | | (a) or (b)) | |
| 13 | C | Violation of Uniform Controlled | C |
| 14 | | Substances Act - Nonnarcotic Counterfeit | |
| 15 | | Substances (69.50.4011(2) (c), (d), or (e)) | |
| 16 | C | Violation of Uniform Controlled | C |
| 17 | | Substances Act - Possession of a | |
| 18 | | Controlled Substance (69.50.4013) | |
| 19 | C | Violation of Uniform Controlled | C |
| 20 | | Substances Act - Possession of a | |
| 21 | | Controlled Substance (69.50.4012) | |
| 22 | | Firearms and Weapons | |
| 23 | B | Theft of Firearm (9A.56.300) | C |
| 24 | B | Possession of Stolen Firearm | C |
| 25 | | (9A.56.310) | |
| 26 | E | Carrying Loaded Pistol Without Permit | E |
| 27 | | (9.41.050) | |
| 28 | C | Possession of Firearms by Minor (<18) | C |
| 29 | | (9.41.040(2)(a)(vii)) | |
| 30 | D+ | Possession of Dangerous Weapon | E |
| 31 | | (9.41.250) | |
| 32 | D | Intimidating Another Person by use of | E |
| 33 | | Weapon (9.41.270) | |
| 34 | | Homicide | |
| 35 | A+ | Murder 1 (9A.32.030) | A |
| 36 | A+ | Murder 2 (9A.32.050) | B+ |
| 37 | B+ | Manslaughter 1 (9A.32.060) | C+ |

| | | | |
|----|-----|---|----|
| 1 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 2 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 3 | | Kidnapping | |
| 4 | A | Kidnap 1 (9A.40.020) | B+ |
| 5 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 6 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 7 | | Obstructing Governmental Operation | |
| 8 | D | Obstructing a Law Enforcement Officer (9A.76.020) | E |
| 9 | | | |
| 10 | E | Resisting Arrest (9A.76.040) | E |
| 11 | B | Introducing Contraband 1 (9A.76.140) | C |
| 12 | C | Introducing Contraband 2 (9A.76.150) | D |
| 13 | E | Introducing Contraband 3 (9A.76.160) | E |
| 14 | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
| 15 | | | |
| 16 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 17 | | Public Disturbance | |
| 18 | C+ | Criminal Mischief with Weapon (9A.84.010(2)(b)) | D+ |
| 19 | | | |
| 20 | D+ | Criminal Mischief Without Weapon (9A.84.010(2)(a)) | E |
| 21 | | | |
| 22 | E | Failure to Disperse (9A.84.020) | E |
| 23 | E | Disorderly Conduct (9A.84.030) | E |
| 24 | | Sex Crimes | |
| 25 | A | Rape 1 (9A.44.040) | B+ |
| 26 | B++ | Rape 2 (9A.44.050) committed at age 14 or under | B+ |
| 27 | | | |
| 28 | A- | Rape 2 (9A.44.050) committed at age 15 through age 17 | B+ |
| 29 | | | |
| 30 | C+ | Rape 3 (9A.44.060) | D+ |
| 31 | B++ | Rape of a Child 1 (9A.44.073) committed at age 14 or under | B+ |
| 32 | | | |
| 33 | A- | Rape of a Child 1 (9A.44.073) committed at age 15 | B+ |
| 34 | | | |
| 35 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 36 | B | Incest 1 (9A.64.020(1)) | C |

| | | | |
|----|-----|---------------------------------------|----|
| 1 | C | Incest 2 (9A.64.020(2)) | D |
| 2 | D+ | Indecent Exposure (Victim <14) | E |
| 3 | | (9A.88.010) | |
| 4 | E | Indecent Exposure (Victim 14 or over) | E |
| 5 | | (9A.88.010) | |
| 6 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 7 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 8 | E | O & A (Prostitution) (9A.88.030) | E |
| 9 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 10 | B++ | Child Molestation 1 (9A.44.083) | B+ |
| 11 | | committed at age 14 or under | |
| 12 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 13 | | committed at age 15 through age 17 | |
| 14 | B | Child Molestation 2 (9A.44.086) | C+ |
| 15 | C | Failure to Register as a Sex Offender | D |
| 16 | | (9A.44.132) | |
| 17 | | Theft, Robbery, Extortion, and | |
| 18 | | Forgery | |
| 19 | B | Theft 1 (9A.56.030) | C |
| 20 | C | Theft 2 (9A.56.040) | D |
| 21 | D | Theft 3 (9A.56.050) | E |
| 22 | B | Theft of Livestock 1 and 2 (9A.56.080 | C |
| 23 | | and 9A.56.083) | |
| 24 | C | Forgery (9A.60.020) | D |
| 25 | A | Robbery 1 (9A.56.200) committed at | B+ |
| 26 | | age 15 or under | |
| 27 | A++ | Robbery 1 (9A.56.200) committed at | A |
| 28 | | age 16 or 17 | |
| 29 | B+ | Robbery 2 (9A.56.210) | C+ |
| 30 | B+ | Extortion 1 (9A.56.120) | C+ |
| 31 | C+ | Extortion 2 (9A.56.130) | D+ |
| 32 | C | Identity Theft 1 (9.35.020(2)) | D |
| 33 | D | Identity Theft 2 (9.35.020(3)) | E |
| 34 | D | Improperly Obtaining Financial | E |
| 35 | | Information (9.35.010) | |
| 36 | B | Possession of a Stolen Vehicle | C |
| 37 | | (9A.56.068) | |

| | | | |
|----|----|--|----|
| 1 | B | Possession of Stolen Property 1 | C |
| 2 | | (9A.56.150) | |
| 3 | C | Possession of Stolen Property 2 | D |
| 4 | | (9A.56.160) | |
| 5 | D | Possession of Stolen Property 3 | E |
| 6 | | (9A.56.170) | |
| 7 | B | Taking Motor Vehicle Without | C |
| 8 | | Permission 1 (9A.56.070) | |
| 9 | C | Taking Motor Vehicle Without | D |
| 10 | | Permission 2 (9A.56.075) | |
| 11 | B | Theft of a Motor Vehicle (9A.56.065) | C |
| 12 | | Motor Vehicle Related Crimes | |
| 13 | E | Driving Without a License (46.20.005) | E |
| 14 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 15 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 16 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 17 | E | Hit and Run-Unattended (46.52.010) | E |
| 18 | C | Vehicular Assault (46.61.522) | D |
| 19 | C | Attempting to Elude Pursuing Police | D |
| 20 | | Vehicle (46.61.024) | |
| 21 | E | Reckless Driving (46.61.500) | E |
| 22 | D | Driving While Under the Influence | E |
| 23 | | (46.61.502 and 46.61.504) | |
| 24 | B+ | Felony Driving While Under the | B |
| 25 | | Influence (46.61.502(6)) | |
| 26 | B+ | Felony Physical Control of a Vehicle | B |
| 27 | | While Under the Influence (46.61.504(6)) | |
| 28 | | Other | |
| 29 | B | Animal Cruelty 1 (16.52.205) | C |
| 30 | B | Bomb Threat (9.61.160) | C |
| 31 | C | Escape 1 ¹ (9A.76.110) | C |
| 32 | C | Escape 2 ¹ (9A.76.120) | C |
| 33 | D | Escape 3 (9A.76.130) | E |
| 34 | E | Obscene, Harassing, Etc., Phone Calls | E |
| 35 | | (9.61.230) | |

| | | | |
|----|---|---------------------------------------|----|
| 1 | A | Other Offense Equivalent to an Adult | B+ |
| 2 | | Class A Felony | |
| 3 | B | Other Offense Equivalent to an Adult | C |
| 4 | | Class B Felony | |
| 5 | C | Other Offense Equivalent to an Adult | D |
| 6 | | Class C Felony | |
| 7 | D | Other Offense Equivalent to an Adult | E |
| 8 | | Gross Misdemeanor | |
| 9 | E | Other Offense Equivalent to an Adult | E |
| 10 | | Misdemeanor | |
| 11 | V | Violation of Order of Restitution, | V |
| 12 | | Community Supervision, or Confinement | |
| 13 | | (13.40.200) ² | |

14 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 28 days
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
21 period - 12 weeks confinement

22 ²If the court finds that a respondent has violated terms of an order,
23 it may impose a penalty of up to 30 days of confinement.

24 **JUVENILE SENTENCING STANDARDS**

25 This schedule must be used for juvenile offenders. The court may
26 select sentencing option A, B, C, or D.

27 **OPTION A**

28 **JUVENILE OFFENDER SENTENCING GRID**

29 **STANDARD RANGE**

| | | | | | | |
|----|-----|--|-------------|--------------|---------------|---------------|
| 30 | A++ | 129 to 260 weeks for all category A++ offenses | | | | |
| 31 | A+ | 180 weeks to age 21 for all category A+ offenses | | | | |
| 32 | A | 103-129 weeks for all category A offenses | | | | |
| 33 | A- | 30-40 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks |
| 34 | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks |

| | | | | | | | |
|---|---------------|----|-------------|-------------|-------------|--------------|---------------|
| 1 | CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| 2 | OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |
| 3 | CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
| 4 | | C | LS | LS | LS | LS | 15-36 weeks |
| 5 | | D+ | LS | LS | LS | LS | LS |
| 6 | | D | LS | LS | LS | LS | LS |
| 7 | | E | LS | LS | LS | LS | LS |
| 8 | PRIOR | | 0 | 1 | 2 | 3 | 4 or more |
| 9 | ADJUDICATIONS | | | | | | |

10 NOTE: References in the grid to days or weeks mean periods of
11 confinement. "LS" means "local sanctions" as defined in RCW
12 13.40.020.

13 (1) The vertical axis of the grid is the current offense
14 category. The current offense category is determined by the offense
15 of adjudication.

16 (2) The horizontal axis of the grid is the number of prior
17 adjudications included in the juvenile's criminal history. Each prior
18 felony adjudication shall count as one point. Each prior violation,
19 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
20 point. Fractional points shall be rounded down.

21 (3) The standard range disposition for each offense is determined
22 by the intersection of the column defined by the prior adjudications
23 and the row defined by the current offense category.

24 (4) RCW 13.40.180 applies if the offender is being sentenced for
25 more than one offense.

26 (5) A current offense that is a violation is equivalent to an
27 offense category of E. However, a disposition for a violation shall
28 not include confinement.

29 **OR**
30 **OPTION B**
31 **SUSPENDED DISPOSITION ALTERNATIVE**

32 (1) If the offender is subject to a standard range disposition
33 involving confinement by the department, the court may impose the
34 standard range and suspend the disposition on condition that the
35 offender comply with one or more local sanctions and any educational
36 or treatment requirement. The treatment programs provided to the

1 offender must be either research-based best practice programs as
2 identified by the Washington state institute for public policy or the
3 joint legislative audit and review committee, or for chemical
4 dependency treatment programs or services, they must be evidence-
5 based or research-based best practice programs. For the purposes of
6 this subsection:

7 (a) "Evidence-based" means a program or practice that has had
8 multiple site random controlled trials across heterogeneous
9 populations demonstrating that the program or practice is effective
10 for the population; and

11 (b) "Research-based" means a program or practice that has some
12 research demonstrating effectiveness, but that does not yet meet the
13 standard of evidence-based practices.

14 (2) If the offender fails to comply with the suspended
15 disposition, the court may impose sanctions pursuant to RCW 13.40.200
16 or may revoke the suspended disposition and order the disposition's
17 execution.

18 (3) An offender is ineligible for the suspended disposition
19 option under this section if the offender:

20 (a) Is adjudicated of an A+ or A++ offense;

21 (b) Is fourteen years of age or older and is adjudicated of one
22 or more of the following offenses:

23 (i) A class A offense, or an attempt, conspiracy, or solicitation
24 to commit a class A offense;

25 (ii) Manslaughter in the first degree (RCW 9A.32.060);

26 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
27 the first degree (RCW 9A.56.120), kidnapping in the second degree
28 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
29 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
30 manslaughter 2 (RCW 9A.32.070); or

31 (iv) Violation of the uniform controlled substances act (RCW
32 69.50.401(2) (a) and (b)), when the offense includes infliction of
33 bodily harm upon another or when during the commission or immediate
34 withdrawal from the offense the respondent was armed with a deadly
35 weapon;

36 (c) Is ordered to serve a disposition for a firearm violation
37 under RCW 13.40.193;

38 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
39 or

40 (e) Has a prior option B disposition.

1 OR

2 OPTION C

3 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

4 If the juvenile offender is subject to a standard range
5 disposition of local sanctions or 15 to 36 weeks of confinement and
6 has not committed a B++ or B+ offense, the court may impose a
7 disposition under RCW 13.40.160(4) and 13.40.165.

8 OR

9 OPTION D

10 MANIFEST INJUSTICE

11 If the court determines that a disposition under option A, B, or C
12 would effectuate a manifest injustice, the court shall impose a
13 disposition outside the standard range under RCW 13.40.160(2).

14 NEW SECTION. **Sec. 5.** The department of health shall develop and
15 execute a public outreach campaign to educate the public about the
16 dangers of consuming fentanyl and to provide information about
17 available resources. The campaign must focus on both prevention and
18 response, and must include multiple outreach strategies, such as
19 brochures, public service announcements, social media postings, and
20 other education and training efforts as the department of health
21 deems appropriate.

22 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of
24 the state government and its existing public institutions, and takes
25 effect July 1, 2023.

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