

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6139**

Chapter 82, Laws of 1998

55th Legislature  
1998 Regular Session

AMPHETAMINE--PENALTIES FOR MANUFACTURE AND DELIVERY

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 7, 1998  
YEAS 49 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 4, 1998  
YEAS 98 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved March 20, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6139** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

March 20, 1998 - 5:06 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**



1 Malicious placement of an explosive 1 (RCW  
2 70.74.270(1))

3 XII Assault 1 (RCW 9A.36.011)  
4 Assault of a Child 1 (RCW 9A.36.120)  
5 Rape 1 (RCW 9A.44.040)  
6 Rape of a Child 1 (RCW 9A.44.073)  
7 Malicious placement of an imitation device  
8 1 (RCW 70.74.272(1)(a))

9 XI Rape 2 (RCW 9A.44.050)  
10 Rape of a Child 2 (RCW 9A.44.076)  
11 Manslaughter 1 (RCW 9A.32.060)

12 X Kidnapping 1 (RCW 9A.40.020)  
13 Child Molestation 1 (RCW 9A.44.083)  
14 Malicious explosion 3 (RCW 70.74.280(3))  
15 Over 18 and deliver heroin or narcotic from  
16 Schedule I or II to someone under 18  
17 (RCW 69.50.406)  
18 Leading Organized Crime (RCW  
19 9A.82.060(1)(a))  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW 9A.44.100(1)(a))

22 IX Assault of a Child 2 (RCW 9A.36.130)  
23 Robbery 1 (RCW 9A.56.200)  
24 Explosive devices prohibited (RCW  
25 70.74.180)  
26 Malicious placement of an explosive 2 (RCW  
27 70.74.270(2))  
28 Over 18 and deliver narcotic from Schedule  
29 III, IV, or V or a nonnarcotic from  
30 Schedule I-V to someone under 18 and 3  
31 years junior (RCW 69.50.406)  
32 Controlled Substance Homicide (RCW  
33 69.50.415)  
34 Sexual Exploitation (RCW 9.68A.040)  
35 Inciting Criminal Profiteering (RCW  
36 9A.82.060(1)(b))

1 Vehicular Homicide, by being under the  
2 influence of intoxicating liquor or  
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)  
5 Promoting Prostitution 1 (RCW 9A.88.070)  
6 Selling for profit (controlled or  
7 counterfeit) any controlled substance  
8 (RCW 69.50.410)  
9 Manufacture, deliver, or possess with  
10 intent to deliver heroin or cocaine  
11 (RCW 69.50.401(a)(1)(i))  
12 Manufacture, deliver, or possess with  
13 intent to deliver methamphetamine (RCW  
14 69.50.401(a)(1)(ii))  
15 Manufacture, deliver, or possess with  
16 intent to deliver amphetamine (RCW  
17 69.50.401(a)(1)(ii))  
18 Possession of ephedrine or pseudoephedrine  
19 with intent to manufacture  
20 methamphetamine (RCW 69.50.440)  
21 Vehicular Homicide, by the operation of any  
22 vehicle in a reckless manner (RCW  
23 46.61.520)  
24 Manslaughter 2 (RCW 9A.32.070)

25 VII Burglary 1 (RCW 9A.52.020)  
26 Vehicular Homicide, by disregard for the  
27 safety of others (RCW 46.61.520)  
28 Introducing Contraband 1 (RCW 9A.76.140)  
29 Indecent Liberties (without forcible  
30 compulsion) (RCW 9A.44.100(1) (b) and  
31 (c))  
32 Child Molestation 2 (RCW 9A.44.086)  
33 Dealing in depictions of minor engaged in  
34 sexually explicit conduct (RCW  
35 9.68A.050)

1           Sending, bringing into state depictions of  
2           minor engaged in sexually explicit  
3           conduct (RCW 9.68A.060)  
4           Involving a minor in drug dealing (RCW  
5           69.50.401(f))  
6           Drive-by Shooting (RCW 9A.36.045)  
7           Unlawful Possession of a Firearm in the  
8           first degree (RCW 9.41.040(1)(a))  
9           Malicious placement of an explosive 3 (RCW  
10           70.74.270(3))  
  
11       VI       Bribery (RCW 9A.68.010)  
12           Rape of a Child 3 (RCW 9A.44.079)  
13           Intimidating a Juror/Witness (RCW  
14           9A.72.110, 9A.72.130)  
15           Malicious placement of an imitation device  
16           2 (RCW 70.74.272(1)(b))  
17           Incest 1 (RCW 9A.64.020(1))  
18           Manufacture, deliver, or possess with  
19           intent to deliver narcotics from  
20           Schedule I or II (except heroin or  
21           cocaine) (RCW 69.50.401(a)(1)(i))  
22           Intimidating a Judge (RCW 9A.72.160)  
23           Bail Jumping with Murder 1 (RCW  
24           9A.76.170(2)(a))  
25           Theft of a Firearm (RCW 9A.56.300)  
  
26       V       Persistent prison misbehavior (RCW  
27           9.94.070)  
28           Criminal Mistreatment 1 (RCW 9A.42.020)  
29           Abandonment of dependent person 1 (RCW  
30           9A.42.060)  
31           Rape 3 (RCW 9A.44.060)  
32           Sexual Misconduct with a Minor 1 (RCW  
33           9A.44.093)  
34           Child Molestation 3 (RCW 9A.44.089)  
35           Kidnapping 2 (RCW 9A.40.030)  
36           Extortion 1 (RCW 9A.56.120)  
37           Incest 2 (RCW 9A.64.020(2))  
38           Perjury 1 (RCW 9A.72.020)

1           Extortionate Extension of Credit (RCW  
2                   9A.82.020)  
3           Advancing money or property for  
4                   extortionate extension of credit (RCW  
5                   9A.82.030)  
6           Extortionate Means to Collect Extensions of  
7                   Credit (RCW 9A.82.040)  
8           Rendering Criminal Assistance 1 (RCW  
9                   9A.76.070)  
10          Bail Jumping with class A Felony (RCW  
11                   9A.76.170(2)(b))  
12          Sexually Violating Human Remains (RCW  
13                   9A.44.105)  
14          Delivery of imitation controlled substance  
15                   by person eighteen or over to person  
16                   under eighteen (RCW 69.52.030(2))  
17          Possession of a Stolen Firearm (RCW  
18                   9A.56.310)

19    IV       Residential Burglary (RCW 9A.52.025)  
20              Theft of Livestock 1 (RCW 9A.56.080)  
21              Robbery 2 (RCW 9A.56.210)  
22              Assault 2 (RCW 9A.36.021)  
23              Escape 1 (RCW 9A.76.110)  
24              Arson 2 (RCW 9A.48.030)  
25              Commercial Bribery (RCW 9A.68.060)  
26              Bribing a Witness/Bribe Received by Witness  
27                   (RCW 9A.72.090, 9A.72.100)  
28              Malicious Harassment (RCW 9A.36.080)  
29              Threats to Bomb (RCW 9.61.160)  
30              Willful Failure to Return from Furlough  
31                   (RCW 72.66.060)  
32              Hit and Run--Injury Accident (RCW  
33                   46.52.020(4))  
34              Hit and Run with Vessel--Injury Accident  
35                   (RCW 88.12.155(3))  
36              Vehicular Assault (RCW 46.61.522)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or nonnarcotics  
4 from Schedule I-V (except marijuana,  
5 amphetamine, or methamphetamines) (RCW  
6 69.50.401(a)(1) (iii) through (v))  
7 Influencing Outcome of Sporting Event (RCW  
8 9A.82.070)  
9 Use of Proceeds of Criminal Profiteering  
10 (RCW 9A.82.080 (1) and (2))  
11 Knowingly Trafficking in Stolen Property  
12 (RCW 9A.82.050(2))  
13 III Criminal Gang Intimidation (RCW 9A.46.120)  
14 Criminal Mistreatment 2 (RCW 9A.42.030)  
15 Abandonment of dependent person 2 (RCW  
16 9A.42.070)  
17 Extortion 2 (RCW 9A.56.130)  
18 Unlawful Imprisonment (RCW 9A.40.040)  
19 Assault 3 (RCW 9A.36.031)  
20 Assault of a Child 3 (RCW 9A.36.140)  
21 Custodial Assault (RCW 9A.36.100)  
22 Unlawful possession of firearm in the  
23 second degree (RCW 9.41.040(1)(b))  
24 Harassment (RCW 9A.46.020)  
25 Promoting Prostitution 2 (RCW 9A.88.080)  
26 Willful Failure to Return from Work Release  
27 (RCW 72.65.070)  
28 Burglary 2 (RCW 9A.52.030)  
29 Introducing Contraband 2 (RCW 9A.76.150)  
30 Communication with a Minor for Immoral  
31 Purposes (RCW 9.68A.090)  
32 Patronizing a Juvenile Prostitute (RCW  
33 9.68A.100)  
34 Escape 2 (RCW 9A.76.120)  
35 Perjury 2 (RCW 9A.72.030)  
36 Bail Jumping with class B or C Felony (RCW  
37 9A.76.170(2)(c))  
38 Intimidating a Public Servant (RCW  
39 9A.76.180)

1 Tampering with a Witness (RCW 9A.72.120)  
2 Manufacture, deliver, or possess with  
3 intent to deliver marijuana (RCW  
4 69.50.401(a)(1)(iii))  
5 Delivery of a material in lieu of a  
6 controlled substance (RCW  
7 69.50.401(c))  
8 Manufacture, distribute, or possess with  
9 intent to distribute an imitation  
10 controlled substance (RCW  
11 69.52.030(1))  
12 Recklessly Trafficking in Stolen Property  
13 (RCW 9A.82.050(1))  
14 Theft of livestock 2 (RCW 9A.56.080)  
15 Securities Act violation (RCW 21.20.400)

16 II Unlawful Practice of Law (RCW 2.48.180)  
17 Malicious Mischief 1 (RCW 9A.48.070)  
18 Possession of Stolen Property 1 (RCW  
19 9A.56.150)  
20 Theft 1 (RCW 9A.56.030)  
21 Class B Felony Theft of Rental, Leased, or  
22 Lease-purchased Property (RCW  
23 9A.56.096(4))  
24 Trafficking in Insurance Claims (RCW  
25 48.30A.015)  
26 Unlicensed Practice of a Profession or  
27 Business (RCW 18.130.190(7))  
28 Health Care False Claims (RCW 48.80.030)  
29 Possession of controlled substance that is  
30 either heroin or narcotics from  
31 Schedule I or II (RCW 69.50.401(d))  
32 Possession of phencyclidine (PCP) (RCW  
33 69.50.401(d))  
34 Create, deliver, or possess a counterfeit  
35 controlled substance (RCW  
36 69.50.401(b))



1 Computer Trespass 1 (RCW 9A.52.110)  
2 Escape from Community Custody (RCW  
3 72.09.310)  
4 I Theft 2 (RCW 9A.56.040)  
5 Class C Felony Theft of Rental, Leased, or  
6 Lease-purchased Property (RCW  
7 9A.56.096(4))  
8 Possession of Stolen Property 2 (RCW  
9 9A.56.160)  
10 Forgery (RCW 9A.60.020)  
11 Taking Motor Vehicle Without Permission  
12 (RCW 9A.56.070)  
13 Vehicle Prowl 1 (RCW 9A.52.095)  
14 Attempting to Elude a Pursuing Police  
15 Vehicle (RCW 46.61.024)  
16 Malicious Mischief 2 (RCW 9A.48.080)  
17 Reckless Burning 1 (RCW 9A.48.040)  
18 Unlawful Issuance of Checks or Drafts (RCW  
19 9A.56.060)  
20 Unlawful Use of Food Stamps (RCW 9.91.140  
21 (2) and (3))  
22 False Verification for Welfare (RCW  
23 74.08.055)  
24 Forged Prescription (RCW 69.41.020)  
25 Forged Prescription for a Controlled  
26 Substance (RCW 69.50.403)  
27 Possess Controlled Substance that is a  
28 Narcotic from Schedule III, IV, or V  
29 or Non-narcotic from Schedule I-V  
30 (except phencyclidine) (RCW  
31 69.50.401(d))

32 **Sec. 2.** RCW 69.50.401 and 1997 c 71 s 2 are each amended to read  
33 as follows:

34 (a) Except as authorized by this chapter, it is unlawful for any  
35 person to manufacture, deliver, or possess with intent to manufacture  
36 or deliver, a controlled substance.

37 (1) Any person who violates this subsection with respect to:

1 (i) a controlled substance classified in Schedule I or II which is  
2 a narcotic drug, is guilty of a crime and upon conviction may be  
3 imprisoned for not more than ten years, or (A) fined not more than  
4 twenty-five thousand dollars if the crime involved less than two  
5 kilograms of the drug, or both such imprisonment and fine; or (B) if  
6 the crime involved two or more kilograms of the drug, then fined not  
7 more than one hundred thousand dollars for the first two kilograms and  
8 not more than fifty dollars for each gram in excess of two kilograms,  
9 or both such imprisonment and fine;

10 (ii) amphetamine or methamphetamine, is guilty of a crime and upon  
11 conviction may be imprisoned for not more than ten years, or (A) fined  
12 not more than twenty-five thousand dollars if the crime involved less  
13 than two kilograms of the drug, or both such imprisonment and fine; or  
14 (B) if the crime involved two or more kilograms of the drug, then fined  
15 not more than one hundred thousand dollars for the first two kilograms  
16 and not more than fifty dollars for each gram in excess of two  
17 kilograms, or both such imprisonment and fine. Three thousand dollars  
18 of the fine may not be suspended. As collected, the first three  
19 thousand dollars of the fine must be deposited with the law enforcement  
20 agency having responsibility for cleanup of laboratories, sites, or  
21 substances used in the manufacture of the methamphetamine. The fine  
22 moneys deposited with that law enforcement agency must be used for such  
23 clean-up cost;

24 (iii) any other controlled substance classified in Schedule I, II,  
25 or III, is guilty of a crime and upon conviction may be imprisoned for  
26 not more than five years, fined not more than ten thousand dollars, or  
27 both;

28 (iv) a substance classified in Schedule IV, is guilty of a crime  
29 and upon conviction may be imprisoned for not more than five years,  
30 fined not more than ten thousand dollars, or both;

31 (v) a substance classified in Schedule V, is guilty of a crime and  
32 upon conviction may be imprisoned for not more than five years, fined  
33 not more than ten thousand dollars, or both.

34 (b) Except as authorized by this chapter, it is unlawful for any  
35 person to create, deliver, or possess a counterfeit substance.

36 (1) Any person who violates this subsection with respect to:

37 (i) a counterfeit substance classified in Schedule I or II which is  
38 a narcotic drug, is guilty of a crime and upon conviction may be

1 imprisoned for not more than ten years, fined not more than twenty-five  
2 thousand dollars, or both;

3 (ii) a counterfeit substance which is methamphetamine, is guilty of  
4 a crime and upon conviction may be imprisoned for not more than ten  
5 years, fined not more than twenty-five thousand dollars, or both;

6 (iii) any other counterfeit substance classified in Schedule I, II,  
7 or III, is guilty of a crime and upon conviction may be imprisoned for  
8 not more than five years, fined not more than ten thousand dollars, or  
9 both;

10 (iv) a counterfeit substance classified in Schedule IV, is guilty  
11 of a crime and upon conviction may be imprisoned for not more than five  
12 years, fined not more than ten thousand dollars, or both;

13 (v) a counterfeit substance classified in Schedule V, is guilty of  
14 a crime and upon conviction may be imprisoned for not more than five  
15 years, fined not more than ten thousand dollars, or both.

16 (c) It is unlawful, except as authorized in this chapter and  
17 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for  
18 the sale, gift, delivery, dispensing, distribution, or administration  
19 of a controlled substance to any person and then sell, give, deliver,  
20 dispense, distribute, or administer to that person any other liquid,  
21 substance, or material in lieu of such controlled substance. Any  
22 person who violates this subsection is guilty of a crime and upon  
23 conviction may be imprisoned for not more than five years, fined not  
24 more than ten thousand dollars, or both.

25 (d) It is unlawful for any person to possess a controlled substance  
26 unless the substance was obtained directly from, or pursuant to, a  
27 valid prescription or order of a practitioner while acting in the  
28 course of his or her professional practice, or except as otherwise  
29 authorized by this chapter. Any person who violates this subsection is  
30 guilty of a crime, and upon conviction may be imprisoned for not more  
31 than five years, fined not more than ten thousand dollars, or both,  
32 except as provided for in subsection (e) of this section.

33 (e) Except as provided for in subsection (a)(1)(iii) of this  
34 section any person found guilty of possession of forty grams or less of  
35 marihuana shall be guilty of a misdemeanor.

36 (f) It is unlawful to compensate, threaten, solicit, or in any  
37 other manner involve a person under the age of eighteen years in a  
38 transaction unlawfully to manufacture, sell, or deliver a controlled

1 substance. A violation of this subsection shall be punished as a class  
2 C felony punishable in accordance with RCW 9A.20.021.

3 This section shall not apply to offenses defined and punishable  
4 under the provisions of RCW 69.50.410.

5 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this  
6 act, referencing this act by bill or chapter number, is not provided by  
7 June 30, 1998, in the omnibus appropriations act, this act is null and  
8 void.

Passed the Senate March 7, 1998.

Passed the House March 4, 1998.

Approved by the Governor March 20, 1998.

Filed in Office of Secretary of State March 20, 1998.