
SUBSTITUTE SENATE BILL 5049

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson)

Read first time 02/23/1999.

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 where: (1) The defendant has been convicted of
8 (a) manufacture of methamphetamine as defined in RCW
9 69.50.401(a)(1)(ii); (b) possession of ephedrine or pseudoephedrine
10 with intent to manufacture methamphetamine, as defined in RCW
11 69.50.440; or (c) an attempt to commit or a conspiracy to commit a
12 crime under (a) or (b) of this subsection; and

13 (2) There has been a special allegation pleaded and proven beyond
14 a reasonable doubt that the defendant committed the crime:

15 (a) Inside a motor vehicle as defined in RCW 46.04.320, or a
16 trailer as defined in RCW 46.04.620, or a vessel as defined in RCW
17 88.02.010;

18 (b) Inside a house, apartment, mobile home, hotel, motel, or any
19 other dwelling or residence;

1 (c) In an area within one thousand feet of a child; or
 2 (d) In an area within one mile of a school;
 3 the court shall make a finding of fact of the special allegation, or if
 4 a jury trial is had, the jury shall, if it finds the defendant guilty,
 5 also find a special verdict as to the special allegation.

6 **Sec. 2.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are
 7 each reenacted and amended to read as follows:

8 (1) TABLE 1

9 Sentencing Grid

10 SERIOUSNESS		11 OFFENDER SCORE									
12 SCORE		0	1	2	3	4	5	6	7	8	9 or more
15 XV	Life Sentence without Parole/Death Penalty										
17 XIV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y	
18	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-	
19	320	333	347	361	374	388	416	450	493	548	
21 XIII	14y4m	15y4m	16y2m	17y	17y11m	18y9m	20y5m	22y2m	25y7m	29y	
22	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	
23	220	234	244	254	265	275	295	316	357	397	
25 XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m	
26	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-	
27	123	136	147	160	171	184	216	236	277	318	
29 XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m	
30	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-	
31	102	114	125	136	147	158	194	211	245	280	
33 X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m	
34	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-	
35	68	75	82	89	96	102	130	144	171	198	

1	IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
2		31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
3		41	48	54	61	68	75	102	116	144	171
4											
5	VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
6		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
7		27	34	41	48	54	61	89	102	116	144
8											
9	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
10		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
11		20	27	34	41	48	54	75	89	102	116
12											
13	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
14		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
15		14	20	27	34	41	48	61	75	89	102
16											
17	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
18		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
19		12	14	17	20	29	43	54	68	82	96
20											
21	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
22		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
23		9	12	14	17	20	29	43	57	70	84
24											
25	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
26		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
27		3	8	12	12	16	22	29	43	57	68
28											
29	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
30		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
31		Days	6	9	12	14	18	22	29	43	57
32											
33	I			3m	4m	5m	8m	13m	16m	20m	2y2m
34		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
35		Days	Days	5	6	8	12	14	18	22	29
36											

37 NOTE: Numbers in the first horizontal row of each seriousness category
38 represent sentencing midpoints in years(y) and months(m). Numbers in

1 the second and third rows represent presumptive sentencing ranges in
2 months, or in days if so designated. 12+ equals one year and one day.

3 (2) For persons convicted of the anticipatory offenses of criminal
4 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
5 presumptive sentence is determined by locating the sentencing grid
6 sentence range defined by the appropriate offender score and the
7 seriousness level of the completed crime, and multiplying the range by
8 75 percent.

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

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

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

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

35 (d) If the offender is being sentenced for any firearm
36 enhancements under (a), (b), and/or (c) of this subsection and the
37 offender has previously been sentenced for any deadly weapon
38 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
39 subsection or subsection (4)(a), (b), and/or (c) of this section, or

1 both, any and all firearm enhancements under this subsection shall be
2 twice the amount of the enhancement listed.

3 (e) Notwithstanding any other provision of law, any and all
4 firearm enhancements under this section are mandatory, shall be served
5 in total confinement, and shall run consecutively to all other
6 sentencing provisions, including other firearm or deadly weapon
7 enhancements, for all offenses sentenced under this chapter.

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

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

20 (4) The following additional times shall be added to the
21 presumptive sentence for felony crimes committed after July 23, 1995,
22 if the offender or an accomplice was armed with a deadly weapon as
23 defined in this chapter other than a firearm as defined in RCW 9.41.010
24 and the offender is being sentenced for one of the crimes listed in
25 this subsection as eligible for any deadly weapon enhancements based on
26 the classification of the completed felony crime. If the offender is
27 being sentenced for more than one offense, the deadly weapon
28 enhancement or enhancements must be added to the total period of
29 confinement for all offenses, regardless of which underlying offense is
30 subject to a deadly weapon enhancement. If the offender or an
31 accomplice was armed with a deadly weapon other than a firearm as
32 defined in RCW 9.41.010 and the offender is being sentenced for an
33 anticipatory offense under chapter 9A.28 RCW to commit one of the
34 crimes listed in this subsection as eligible for any deadly weapon
35 enhancements, the following additional times shall be added to the
36 presumptive sentence determined under subsection (2) of this section
37 based on the felony crime of conviction as classified under RCW
38 9A.28.020:

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

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

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

10 (d) If the offender is being sentenced under (a), (b), and/or (c)
11 of this subsection for any deadly weapon enhancements and the offender
12 has previously been sentenced for any deadly weapon enhancements after
13 July 23, 1995, under (a), (b), and/or (c) of this subsection or
14 subsection (3)(a), (b), and/or (c) of this section, or both, any and
15 all deadly weapon enhancements under this subsection shall be twice the
16 amount of the enhancement listed.

17 (e) Notwithstanding any other provision of law, any and all deadly
18 weapon enhancements under this section are mandatory, shall be served
19 in total confinement, and shall run consecutively to all other
20 sentencing provisions, including other firearm or deadly weapon
21 enhancements, for all offenses sentenced under this chapter.

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

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

34 (5) The following additional times shall be added to the
35 presumptive sentence if the offender or an accomplice committed the
36 offense while in a county jail or state correctional facility as that
37 term is defined in this chapter and the offender is being sentenced for
38 one of the crimes listed in this subsection. If the offender or an
39 accomplice committed one of the crimes listed in this subsection while

1 in a county jail or state correctional facility as that term is defined
2 in this chapter, and the offender is being sentenced for an
3 anticipatory offense under chapter 9A.28 RCW to commit one of the
4 crimes listed in this subsection, the following additional times shall
5 be added to the presumptive sentence determined under subsection (2) of
6 this section:

7 (a) Eighteen months for offenses committed under RCW
8 69.50.401(a)(1) (i) or (ii) or 69.50.410;

9 (b) Fifteen months for offenses committed under RCW
10 69.50.401(a)(1) (iii), (iv), and (v);

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

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

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

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

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