
HOUSE BILL 2839

State of Washington

59th Legislature

2006 Regular Session

By Representatives Strow, Ahern, Skinner, Ericksen, Shabro, Pearson, Haler, Orcutt, Campbell, Woods, Alexander, Talcott, Holmquist, Rodne, Serben, Roach, Buri, Schindler, Hinkle, Jarrett, Walsh, Armstrong, Bailey, McCune and Priest

Read first time 01/13/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to methamphetamines; amending RCW 9.94A.030,
2 9.94A.030, 69.50.440, 69.50.401, and 9.94A.518; adding a new section to
3 chapter 9.91 RCW; adding a new section to chapter 69.50 RCW;
4 prescribing penalties; providing an effective date; and providing an
5 expiration date.

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

7 **Sec. 1.** RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Board" means the indeterminate sentence review board created
12 under chapter 9.95 RCW.

13 (2) "Collect," or any derivative thereof, "collect and remit," or
14 "collect and deliver," when used with reference to the department,
15 means that the department, either directly or through a collection
16 agreement authorized by RCW 9.94A.760, is responsible for monitoring
17 and enforcing the offender's sentence with regard to the legal
18 financial obligation, receiving payment thereof from the offender, and,

1 consistent with current law, delivering daily the entire payment to the
2 superior court clerk without depositing it in a departmental account.

3 (3) "Commission" means the sentencing guidelines commission.

4 (4) "Community corrections officer" means an employee of the
5 department who is responsible for carrying out specific duties in
6 supervision of sentenced offenders and monitoring of sentence
7 conditions.

8 (5) "Community custody" means that portion of an offender's
9 sentence of confinement in lieu of earned release time or imposed
10 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
11 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
12 community subject to controls placed on the offender's movement and
13 activities by the department. For offenders placed on community
14 custody for crimes committed on or after July 1, 2000, the department
15 shall assess the offender's risk of reoffense and may establish and
16 modify conditions of community custody, in addition to those imposed by
17 the court, based upon the risk to community safety.

18 (6) "Community custody range" means the minimum and maximum period
19 of community custody included as part of a sentence under RCW
20 9.94A.715, as established by the commission or the legislature under
21 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

22 (7) "Community placement" means that period during which the
23 offender is subject to the conditions of community custody and/or
24 postrelease supervision, which begins either upon completion of the
25 term of confinement (postrelease supervision) or at such time as the
26 offender is transferred to community custody in lieu of earned release.
27 Community placement may consist of entirely community custody, entirely
28 postrelease supervision, or a combination of the two.

29 (8) "Community protection zone" means the area within eight hundred
30 eighty feet of the facilities and grounds of a public or private
31 school.

32 (9) "Community restitution" means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender.

35 (10) "Community supervision" means a period of time during which a
36 convicted offender is subject to crime-related prohibitions and other
37 sentence conditions imposed by a court pursuant to this chapter or RCW
38 16.52.200(6) or 46.61.524. Where the court finds that any offender has

1 a chemical dependency that has contributed to his or her offense, the
2 conditions of supervision may, subject to available resources, include
3 treatment. For purposes of the interstate compact for out-of-state
4 supervision of parolees and probationers, RCW 9.95.270, community
5 supervision is the functional equivalent of probation and should be
6 considered the same as probation by other states.

7 (11) "Confinement" means total or partial confinement.

8 (12) "Conviction" means an adjudication of guilt pursuant to Titles
9 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
10 acceptance of a plea of guilty.

11 (13) "Crime-related prohibition" means an order of a court
12 prohibiting conduct that directly relates to the circumstances of the
13 crime for which the offender has been convicted, and shall not be
14 construed to mean orders directing an offender affirmatively to
15 participate in rehabilitative programs or to otherwise perform
16 affirmative conduct. However, affirmative acts necessary to monitor
17 compliance with the order of a court may be required by the department.

18 (14) "Criminal history" means the list of a defendant's prior
19 convictions and juvenile adjudications, whether in this state, in
20 federal court, or elsewhere.

21 (a) The history shall include, where known, for each conviction (i)
22 whether the defendant has been placed on probation and the length and
23 terms thereof; and (ii) whether the defendant has been incarcerated and
24 the length of incarceration.

25 (b) A conviction may be removed from a defendant's criminal history
26 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
27 a similar out-of-state statute, or if the conviction has been vacated
28 pursuant to a governor's pardon.

29 (c) The determination of a defendant's criminal history is distinct
30 from the determination of an offender score. A prior conviction that
31 was not included in an offender score calculated pursuant to a former
32 version of the sentencing reform act remains part of the defendant's
33 criminal history.

34 (15) "Day fine" means a fine imposed by the sentencing court that
35 equals the difference between the offender's net daily income and the
36 reasonable obligations that the offender has for the support of the
37 offender and any dependents.

1 (16) "Day reporting" means a program of enhanced supervision
2 designed to monitor the offender's daily activities and compliance with
3 sentence conditions, and in which the offender is required to report
4 daily to a specific location designated by the department or the
5 sentencing court.

6 (17) "Department" means the department of corrections.

7 (18) "Determinate sentence" means a sentence that states with
8 exactitude the number of actual years, months, or days of total
9 confinement, of partial confinement, of community supervision, the
10 number of actual hours or days of community restitution work, or
11 dollars or terms of a legal financial obligation. The fact that an
12 offender through earned release can reduce the actual period of
13 confinement shall not affect the classification of the sentence as a
14 determinate sentence.

15 (19) "Disposable earnings" means that part of the earnings of an
16 offender remaining after the deduction from those earnings of any
17 amount required by law to be withheld. For the purposes of this
18 definition, "earnings" means compensation paid or payable for personal
19 services, whether denominated as wages, salary, commission, bonuses, or
20 otherwise, and, notwithstanding any other provision of law making the
21 payments exempt from garnishment, attachment, or other process to
22 satisfy a court-ordered legal financial obligation, specifically
23 includes periodic payments pursuant to pension or retirement programs,
24 or insurance policies of any type, but does not include payments made
25 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
26 or Title 74 RCW.

27 (20) "Drug offender sentencing alternative" is a sentencing option
28 available to persons convicted of a felony offense other than a violent
29 offense or a sex offense and who are eligible for the option under RCW
30 9.94A.660.

31 (21) "Drug offense" means:

32 (a) Any felony violation of chapter 69.50 RCW except possession of
33 a controlled substance (RCW 69.50.4013) or forged prescription for a
34 controlled substance (RCW 69.50.403);

35 (b) Any offense defined as a felony under federal law that relates
36 to the possession, manufacture, distribution, or transportation of a
37 controlled substance; or

1 (c) Any out-of-state conviction for an offense that under the laws
2 of this state would be a felony classified as a drug offense under (a)
3 of this subsection.

4 (22) "Earned release" means earned release from confinement as
5 provided in RCW 9.94A.728.

6 (23) "Escape" means:

7 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
8 first degree (RCW 9A.76.110), escape in the second degree (RCW
9 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
10 willful failure to return from work release (RCW 72.65.070), or willful
11 failure to be available for supervision by the department while in
12 community custody (RCW 72.09.310); or

13 (b) Any federal or out-of-state conviction for an offense that
14 under the laws of this state would be a felony classified as an escape
15 under (a) of this subsection.

16 (24) "Felony traffic offense" means:

17 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
18 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
19 and-run injury-accident (RCW 46.52.020(4)); or

20 (b) Any federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony classified as a felony
22 traffic offense under (a) of this subsection.

23 (25) "Fine" means a specific sum of money ordered by the sentencing
24 court to be paid by the offender to the court over a specific period of
25 time.

26 (26) "First-time offender" means any person who has no prior
27 convictions for a felony and is eligible for the first-time offender
28 waiver under RCW 9.94A.650.

29 (27) "Home detention" means a program of partial confinement
30 available to offenders wherein the offender is confined in a private
31 residence subject to electronic surveillance.

32 (28) "Legal financial obligation" means a sum of money that is
33 ordered by a superior court of the state of Washington for legal
34 financial obligations which may include restitution to the victim,
35 statutorily imposed crime victims' compensation fees as assessed
36 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
37 court-appointed attorneys' fees, and costs of defense, fines, and any
38 other financial obligation that is assessed to the offender as a result

1 of a felony conviction. Upon conviction for vehicular assault while
2 under the influence of intoxicating liquor or any drug, RCW
3 46.61.522(1)(b), or vehicular homicide while under the influence of
4 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
5 obligations may also include payment to a public agency of the expense
6 of an emergency response to the incident resulting in the conviction,
7 subject to RCW 38.52.430.

8 (29) "Most serious offense" means any of the following felonies or
9 a felony attempt to commit any of the following felonies:

10 (a) Any felony defined under any law as a class A felony or
11 criminal solicitation of or criminal conspiracy to commit a class A
12 felony;

13 (b) Assault in the second degree;

14 (c) Assault of a child in the second degree;

15 (d) Child molestation in the second degree;

16 (e) Controlled substance homicide;

17 (f) Extortion in the first degree;

18 (g) Incest when committed against a child under age fourteen;

19 (h) Indecent liberties;

20 (i) Kidnapping in the second degree;

21 (j) Leading organized crime;

22 (k) Manslaughter in the first degree;

23 (l) Manslaughter in the second degree;

24 (m) Manufacture, deliver, or possess with intent to deliver one
25 kilogram or more of methamphetamine;

26 (n) Promoting prostitution in the first degree;

27 ~~((n))~~ (o) Rape in the third degree;

28 ~~((o))~~ (p) Robbery in the second degree;

29 ~~((p))~~ (q) Sexual exploitation;

30 ~~((q))~~ (r) Vehicular assault, when caused by the operation or
31 driving of a vehicle by a person while under the influence of
32 intoxicating liquor or any drug or by the operation or driving of a
33 vehicle in a reckless manner;

34 ~~((r))~~ (s) Vehicular homicide, when proximately caused by the
35 driving of any vehicle by any person while under the influence of
36 intoxicating liquor or any drug as defined by RCW 46.61.502, or by the
37 operation of any vehicle in a reckless manner;

1 ~~((s))~~ (t) Any other class B felony offense with a finding of
2 sexual motivation;

3 ~~((t))~~ (u) Any other felony with a deadly weapon verdict under RCW
4 9.94A.602;

5 ~~((u))~~ (v) Any felony offense in effect at any time prior to
6 December 2, 1993, that is comparable to a most serious offense under
7 this subsection, or any federal or out-of-state conviction for an
8 offense that under the laws of this state would be a felony classified
9 as a most serious offense under this subsection;

10 ~~((v))~~ (w)(i) A prior conviction for indecent liberties under RCW
11 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
12 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
13 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
14 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

15 (ii) A prior conviction for indecent liberties under RCW
16 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
17 if: (A) The crime was committed against a child under the age of
18 fourteen; or (B) the relationship between the victim and perpetrator is
19 included in the definition of indecent liberties under RCW
20 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
21 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
22 through July 27, 1997.

23 (30) "Nonviolent offense" means an offense which is not a violent
24 offense.

25 (31) "Offender" means a person who has committed a felony
26 established by state law and is eighteen years of age or older or is
27 less than eighteen years of age but whose case is under superior court
28 jurisdiction under RCW 13.04.030 or has been transferred by the
29 appropriate juvenile court to a criminal court pursuant to RCW
30 13.40.110. Throughout this chapter, the terms "offender" and
31 "defendant" are used interchangeably.

32 (32) "Partial confinement" means confinement for no more than one
33 year in a facility or institution operated or utilized under contract
34 by the state or any other unit of government, or, if home detention or
35 work crew has been ordered by the court, in an approved residence, for
36 a substantial portion of each day with the balance of the day spent in
37 the community. Partial confinement includes work release, home

1 detention, work crew, and a combination of work crew and home
2 detention.

3 (33) "Persistent offender" is an offender who:

4 (a)(i) Has been convicted in this state of any felony considered a
5 most serious offense; and

6 (ii) Has, before the commission of the offense under (a) of this
7 subsection, been convicted as an offender on at least two separate
8 occasions, whether in this state or elsewhere, of felonies that under
9 the laws of this state would be considered most serious offenses and
10 would be included in the offender score under RCW 9.94A.525; provided
11 that of the two or more previous convictions, at least one conviction
12 must have occurred before the commission of any of the other most
13 serious offenses for which the offender was previously convicted; or

14 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
15 of a child in the first degree, child molestation in the first degree,
16 rape in the second degree, rape of a child in the second degree, or
17 indecent liberties by forcible compulsion; (B) any of the following
18 offenses with a finding of sexual motivation: Murder in the first
19 degree, murder in the second degree, homicide by abuse, kidnapping in
20 the first degree, kidnapping in the second degree, assault in the first
21 degree, assault in the second degree, assault of a child in the first
22 degree, or burglary in the first degree; or (C) an attempt to commit
23 any crime listed in this subsection (33)(b)(i); and

24 (ii) Has, before the commission of the offense under (b)(i) of this
25 subsection, been convicted as an offender on at least one occasion,
26 whether in this state or elsewhere, of an offense listed in (b)(i) of
27 this subsection or any federal or out-of-state offense or offense under
28 prior Washington law that is comparable to the offenses listed in
29 (b)(i) of this subsection. A conviction for rape of a child in the
30 first degree constitutes a conviction under (b)(i) of this subsection
31 only when the offender was sixteen years of age or older when the
32 offender committed the offense. A conviction for rape of a child in
33 the second degree constitutes a conviction under (b)(i) of this
34 subsection only when the offender was eighteen years of age or older
35 when the offender committed the offense.

36 (34) "Postrelease supervision" is that portion of an offender's
37 community placement that is not community custody.

1 (35) "Private school" means a school regulated under chapter
2 28A.195 or 28A.205 RCW.

3 (36) "Public school" has the same meaning as in RCW 28A.150.010.

4 (37) "Restitution" means a specific sum of money ordered by the
5 sentencing court to be paid by the offender to the court over a
6 specified period of time as payment of damages. The sum may include
7 both public and private costs.

8 (38) "Risk assessment" means the application of an objective
9 instrument supported by research and adopted by the department for the
10 purpose of assessing an offender's risk of reoffense, taking into
11 consideration the nature of the harm done by the offender, place and
12 circumstances of the offender related to risk, the offender's
13 relationship to any victim, and any information provided to the
14 department by victims. The results of a risk assessment shall not be
15 based on unconfirmed or unconfirmable allegations.

16 (39) "Serious traffic offense" means:

17 (a) Driving while under the influence of intoxicating liquor or any
18 drug (RCW 46.61.502), actual physical control while under the influence
19 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
20 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
21 or

22 (b) Any federal, out-of-state, county, or municipal conviction for
23 an offense that under the laws of this state would be classified as a
24 serious traffic offense under (a) of this subsection.

25 (40) "Serious violent offense" is a subcategory of violent offense
26 and means:

27 (a)(i) Murder in the first degree;

28 (ii) Homicide by abuse;

29 (iii) Murder in the second degree;

30 (iv) Manslaughter in the first degree;

31 (v) Assault in the first degree;

32 (vi) Kidnapping in the first degree;

33 (vii) Rape in the first degree;

34 (viii) Assault of a child in the first degree; or

35 (ix) An attempt, criminal solicitation, or criminal conspiracy to
36 commit one of these felonies; or

37 (b) Any federal or out-of-state conviction for an offense that

1 under the laws of this state would be a felony classified as a serious
2 violent offense under (a) of this subsection.

3 (41) "Sex offense" means:

4 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
5 RCW 9A.44.130(11);

6 (ii) A violation of RCW 9A.64.020;

7 (iii) A felony that is a violation of chapter 9.68A RCW other than
8 RCW 9.68A.070 or 9.68A.080; or

9 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
10 criminal solicitation, or criminal conspiracy to commit such crimes;

11 (b) Any conviction for a felony offense in effect at any time prior
12 to July 1, 1976, that is comparable to a felony classified as a sex
13 offense in (a) of this subsection;

14 (c) A felony with a finding of sexual motivation under RCW
15 9.94A.835 or 13.40.135; or

16 (d) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a sex
18 offense under (a) of this subsection.

19 (42) "Sexual motivation" means that one of the purposes for which
20 the defendant committed the crime was for the purpose of his or her
21 sexual gratification.

22 (43) "Standard sentence range" means the sentencing court's
23 discretionary range in imposing a nonappealable sentence.

24 (44) "Statutory maximum sentence" means the maximum length of time
25 for which an offender may be confined as punishment for a crime as
26 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
27 crime, or other statute defining the maximum penalty for a crime.

28 (45) "Total confinement" means confinement inside the physical
29 boundaries of a facility or institution operated or utilized under
30 contract by the state or any other unit of government for twenty-four
31 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

32 (46) "Transition training" means written and verbal instructions
33 and assistance provided by the department to the offender during the
34 two weeks prior to the offender's successful completion of the work
35 ethic camp program. The transition training shall include instructions
36 in the offender's requirements and obligations during the offender's
37 period of community custody.

1 (47) "Victim" means any person who has sustained emotional,
2 psychological, physical, or financial injury to person or property as
3 a direct result of the crime charged.

4 (48) "Violent offense" means:

5 (a) Any of the following felonies:

6 (i) Any felony defined under any law as a class A felony or an
7 attempt to commit a class A felony;

8 (ii) Criminal solicitation of or criminal conspiracy to commit a
9 class A felony;

10 (iii) Manslaughter in the first degree;

11 (iv) Manslaughter in the second degree;

12 (v) Indecent liberties if committed by forcible compulsion;

13 (vi) Kidnapping in the second degree;

14 (vii) Arson in the second degree;

15 (viii) Assault in the second degree;

16 (ix) Assault of a child in the second degree;

17 (x) Extortion in the first degree;

18 (xi) Robbery in the second degree;

19 (xii) Drive-by shooting;

20 (xiii) Vehicular assault, when caused by the operation or driving
21 of a vehicle by a person while under the influence of intoxicating
22 liquor or any drug or by the operation or driving of a vehicle in a
23 reckless manner; and

24 (xiv) Vehicular homicide, when proximately caused by the driving of
25 any vehicle by any person while under the influence of intoxicating
26 liquor or any drug as defined by RCW 46.61.502, or by the operation of
27 any vehicle in a reckless manner;

28 (b) Any conviction for a felony offense in effect at any time prior
29 to July 1, 1976, that is comparable to a felony classified as a violent
30 offense in (a) of this subsection; and

31 (c) Any federal or out-of-state conviction for an offense that
32 under the laws of this state would be a felony classified as a violent
33 offense under (a) or (b) of this subsection.

34 (49) "Work crew" means a program of partial confinement consisting
35 of civic improvement tasks for the benefit of the community that
36 complies with RCW 9.94A.725.

37 (50) "Work ethic camp" means an alternative incarceration program
38 as provided in RCW 9.94A.690 designed to reduce recidivism and lower

1 the cost of corrections by requiring offenders to complete a
2 comprehensive array of real-world job and vocational experiences,
3 character-building work ethics training, life management skills
4 development, substance abuse rehabilitation, counseling, literacy
5 training, and basic adult education.

6 (51) "Work release" means a program of partial confinement
7 available to offenders who are employed or engaged as a student in a
8 regular course of study at school.

9 **Sec. 2.** RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Board" means the indeterminate sentence review board created
14 under chapter 9.95 RCW.

15 (2) "Collect," or any derivative thereof, "collect and remit," or
16 "collect and deliver," when used with reference to the department,
17 means that the department, either directly or through a collection
18 agreement authorized by RCW 9.94A.760, is responsible for monitoring
19 and enforcing the offender's sentence with regard to the legal
20 financial obligation, receiving payment thereof from the offender, and,
21 consistent with current law, delivering daily the entire payment to the
22 superior court clerk without depositing it in a departmental account.

23 (3) "Commission" means the sentencing guidelines commission.

24 (4) "Community corrections officer" means an employee of the
25 department who is responsible for carrying out specific duties in
26 supervision of sentenced offenders and monitoring of sentence
27 conditions.

28 (5) "Community custody" means that portion of an offender's
29 sentence of confinement in lieu of earned release time or imposed
30 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
31 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
32 community subject to controls placed on the offender's movement and
33 activities by the department. For offenders placed on community
34 custody for crimes committed on or after July 1, 2000, the department
35 shall assess the offender's risk of reoffense and may establish and
36 modify conditions of community custody, in addition to those imposed by
37 the court, based upon the risk to community safety.

1 (6) "Community custody range" means the minimum and maximum period
2 of community custody included as part of a sentence under RCW
3 9.94A.715, as established by the commission or the legislature under
4 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

5 (7) "Community placement" means that period during which the
6 offender is subject to the conditions of community custody and/or
7 postrelease supervision, which begins either upon completion of the
8 term of confinement (postrelease supervision) or at such time as the
9 offender is transferred to community custody in lieu of earned release.
10 Community placement may consist of entirely community custody, entirely
11 postrelease supervision, or a combination of the two.

12 (8) "Community restitution" means compulsory service, without
13 compensation, performed for the benefit of the community by the
14 offender.

15 (9) "Community supervision" means a period of time during which a
16 convicted offender is subject to crime-related prohibitions and other
17 sentence conditions imposed by a court pursuant to this chapter or RCW
18 16.52.200(6) or 46.61.524. Where the court finds that any offender has
19 a chemical dependency that has contributed to his or her offense, the
20 conditions of supervision may, subject to available resources, include
21 treatment. For purposes of the interstate compact for out-of-state
22 supervision of parolees and probationers, RCW 9.95.270, community
23 supervision is the functional equivalent of probation and should be
24 considered the same as probation by other states.

25 (10) "Confinement" means total or partial confinement.

26 (11) "Conviction" means an adjudication of guilt pursuant to Titles
27 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
28 acceptance of a plea of guilty.

29 (12) "Crime-related prohibition" means an order of a court
30 prohibiting conduct that directly relates to the circumstances of the
31 crime for which the offender has been convicted, and shall not be
32 construed to mean orders directing an offender affirmatively to
33 participate in rehabilitative programs or to otherwise perform
34 affirmative conduct. However, affirmative acts necessary to monitor
35 compliance with the order of a court may be required by the department.

36 (13) "Criminal history" means the list of a defendant's prior
37 convictions and juvenile adjudications, whether in this state, in
38 federal court, or elsewhere.

1 (a) The history shall include, where known, for each conviction (i)
2 whether the defendant has been placed on probation and the length and
3 terms thereof; and (ii) whether the defendant has been incarcerated and
4 the length of incarceration.

5 (b) A conviction may be removed from a defendant's criminal history
6 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
7 a similar out-of-state statute, or if the conviction has been vacated
8 pursuant to a governor's pardon.

9 (c) The determination of a defendant's criminal history is distinct
10 from the determination of an offender score. A prior conviction that
11 was not included in an offender score calculated pursuant to a former
12 version of the sentencing reform act remains part of the defendant's
13 criminal history.

14 (14) "Day fine" means a fine imposed by the sentencing court that
15 equals the difference between the offender's net daily income and the
16 reasonable obligations that the offender has for the support of the
17 offender and any dependents.

18 (15) "Day reporting" means a program of enhanced supervision
19 designed to monitor the offender's daily activities and compliance with
20 sentence conditions, and in which the offender is required to report
21 daily to a specific location designated by the department or the
22 sentencing court.

23 (16) "Department" means the department of corrections.

24 (17) "Determinate sentence" means a sentence that states with
25 exactitude the number of actual years, months, or days of total
26 confinement, of partial confinement, of community supervision, the
27 number of actual hours or days of community restitution work, or
28 dollars or terms of a legal financial obligation. The fact that an
29 offender through earned release can reduce the actual period of
30 confinement shall not affect the classification of the sentence as a
31 determinate sentence.

32 (18) "Disposable earnings" means that part of the earnings of an
33 offender remaining after the deduction from those earnings of any
34 amount required by law to be withheld. For the purposes of this
35 definition, "earnings" means compensation paid or payable for personal
36 services, whether denominated as wages, salary, commission, bonuses, or
37 otherwise, and, notwithstanding any other provision of law making the
38 payments exempt from garnishment, attachment, or other process to

1 satisfy a court-ordered legal financial obligation, specifically
2 includes periodic payments pursuant to pension or retirement programs,
3 or insurance policies of any type, but does not include payments made
4 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
5 or Title 74 RCW.

6 (19) "Drug offender sentencing alternative" is a sentencing option
7 available to persons convicted of a felony offense other than a violent
8 offense or a sex offense and who are eligible for the option under RCW
9 9.94A.660.

10 (20) "Drug offense" means:

11 (a) Any felony violation of chapter 69.50 RCW except possession of
12 a controlled substance (RCW 69.50.4013) or forged prescription for a
13 controlled substance (RCW 69.50.403);

14 (b) Any offense defined as a felony under federal law that relates
15 to the possession, manufacture, distribution, or transportation of a
16 controlled substance; or

17 (c) Any out-of-state conviction for an offense that under the laws
18 of this state would be a felony classified as a drug offense under (a)
19 of this subsection.

20 (21) "Earned release" means earned release from confinement as
21 provided in RCW 9.94A.728.

22 (22) "Escape" means:

23 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
24 first degree (RCW 9A.76.110), escape in the second degree (RCW
25 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
26 willful failure to return from work release (RCW 72.65.070), or willful
27 failure to be available for supervision by the department while in
28 community custody (RCW 72.09.310); or

29 (b) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as an escape
31 under (a) of this subsection.

32 (23) "Felony traffic offense" means:

33 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
34 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
35 and-run injury-accident (RCW 46.52.020(4)); or

36 (b) Any federal or out-of-state conviction for an offense that
37 under the laws of this state would be a felony classified as a felony
38 traffic offense under (a) of this subsection.

1 (24) "Fine" means a specific sum of money ordered by the sentencing
2 court to be paid by the offender to the court over a specific period of
3 time.

4 (25) "First-time offender" means any person who has no prior
5 convictions for a felony and is eligible for the first-time offender
6 waiver under RCW 9.94A.650.

7 (26) "Home detention" means a program of partial confinement
8 available to offenders wherein the offender is confined in a private
9 residence subject to electronic surveillance.

10 (27) "Legal financial obligation" means a sum of money that is
11 ordered by a superior court of the state of Washington for legal
12 financial obligations which may include restitution to the victim,
13 statutorily imposed crime victims' compensation fees as assessed
14 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
15 court-appointed attorneys' fees, and costs of defense, fines, and any
16 other financial obligation that is assessed to the offender as a result
17 of a felony conviction. Upon conviction for vehicular assault while
18 under the influence of intoxicating liquor or any drug, RCW
19 46.61.522(1)(b), or vehicular homicide while under the influence of
20 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
21 obligations may also include payment to a public agency of the expense
22 of an emergency response to the incident resulting in the conviction,
23 subject to RCW 38.52.430.

24 (28) "Most serious offense" means any of the following felonies or
25 a felony attempt to commit any of the following felonies:

26 (a) Any felony defined under any law as a class A felony or
27 criminal solicitation of or criminal conspiracy to commit a class A
28 felony;

29 (b) Assault in the second degree;

30 (c) Assault of a child in the second degree;

31 (d) Child molestation in the second degree;

32 (e) Controlled substance homicide;

33 (f) Extortion in the first degree;

34 (g) Incest when committed against a child under age fourteen;

35 (h) Indecent liberties;

36 (i) Kidnapping in the second degree;

37 (j) Leading organized crime;

38 (k) Manslaughter in the first degree;

1 (1) Manslaughter in the second degree;
2 (m) Manufacture, deliver, or possess with intent to deliver one
3 kilogram or more of methamphetamine;
4 (n) Promoting prostitution in the first degree;
5 (~~(n)~~) (o) Rape in the third degree;
6 (~~(o)~~) (p) Robbery in the second degree;
7 (~~(p)~~) (q) Sexual exploitation;
8 (~~(q)~~) (r) Vehicular assault, when caused by the operation or
9 driving of a vehicle by a person while under the influence of
10 intoxicating liquor or any drug or by the operation or driving of a
11 vehicle in a reckless manner;
12 (~~(r)~~) (s) Vehicular homicide, when proximately caused by the
13 driving of any vehicle by any person while under the influence of
14 intoxicating liquor or any drug as defined by RCW 46.61.502, or by the
15 operation of any vehicle in a reckless manner;
16 (~~(s)~~) (t) Any other class B felony offense with a finding of
17 sexual motivation;
18 (~~(t)~~) (u) Any other felony with a deadly weapon verdict under RCW
19 9.94A.602;
20 (~~(u)~~) (v) Any felony offense in effect at any time prior to
21 December 2, 1993, that is comparable to a most serious offense under
22 this subsection, or any federal or out-of-state conviction for an
23 offense that under the laws of this state would be a felony classified
24 as a most serious offense under this subsection;
25 (~~(v)~~) (w)(i) A prior conviction for indecent liberties under RCW
26 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
27 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
28 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
29 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
30 (ii) A prior conviction for indecent liberties under RCW
31 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
32 if: (A) The crime was committed against a child under the age of
33 fourteen; or (B) the relationship between the victim and perpetrator is
34 included in the definition of indecent liberties under RCW
35 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
36 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
37 through July 27, 1997.

1 (29) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (30) "Offender" means a person who has committed a felony
4 established by state law and is eighteen years of age or older or is
5 less than eighteen years of age but whose case is under superior court
6 jurisdiction under RCW 13.04.030 or has been transferred by the
7 appropriate juvenile court to a criminal court pursuant to RCW
8 13.40.110. Throughout this chapter, the terms "offender" and
9 "defendant" are used interchangeably.

10 (31) "Partial confinement" means confinement for no more than one
11 year in a facility or institution operated or utilized under contract
12 by the state or any other unit of government, or, if home detention or
13 work crew has been ordered by the court, in an approved residence, for
14 a substantial portion of each day with the balance of the day spent in
15 the community. Partial confinement includes work release, home
16 detention, work crew, and a combination of work crew and home
17 detention.

18 (32) "Persistent offender" is an offender who:

19 (a)(i) Has been convicted in this state of any felony considered a
20 most serious offense; and

21 (ii) Has, before the commission of the offense under (a) of this
22 subsection, been convicted as an offender on at least two separate
23 occasions, whether in this state or elsewhere, of felonies that under
24 the laws of this state would be considered most serious offenses and
25 would be included in the offender score under RCW 9.94A.525; provided
26 that of the two or more previous convictions, at least one conviction
27 must have occurred before the commission of any of the other most
28 serious offenses for which the offender was previously convicted; or

29 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
30 of a child in the first degree, child molestation in the first degree,
31 rape in the second degree, rape of a child in the second degree, or
32 indecent liberties by forcible compulsion; (B) any of the following
33 offenses with a finding of sexual motivation: Murder in the first
34 degree, murder in the second degree, homicide by abuse, kidnapping in
35 the first degree, kidnapping in the second degree, assault in the first
36 degree, assault in the second degree, assault of a child in the first
37 degree, or burglary in the first degree; or (C) an attempt to commit
38 any crime listed in this subsection (32)(b)(i); and

1 (ii) Has, before the commission of the offense under (b)(i) of this
2 subsection, been convicted as an offender on at least one occasion,
3 whether in this state or elsewhere, of an offense listed in (b)(i) of
4 this subsection or any federal or out-of-state offense or offense under
5 prior Washington law that is comparable to the offenses listed in
6 (b)(i) of this subsection. A conviction for rape of a child in the
7 first degree constitutes a conviction under (b)(i) of this subsection
8 only when the offender was sixteen years of age or older when the
9 offender committed the offense. A conviction for rape of a child in
10 the second degree constitutes a conviction under (b)(i) of this
11 subsection only when the offender was eighteen years of age or older
12 when the offender committed the offense.

13 (33) "Postrelease supervision" is that portion of an offender's
14 community placement that is not community custody.

15 (34) "Restitution" means a specific sum of money ordered by the
16 sentencing court to be paid by the offender to the court over a
17 specified period of time as payment of damages. The sum may include
18 both public and private costs.

19 (35) "Risk assessment" means the application of an objective
20 instrument supported by research and adopted by the department for the
21 purpose of assessing an offender's risk of reoffense, taking into
22 consideration the nature of the harm done by the offender, place and
23 circumstances of the offender related to risk, the offender's
24 relationship to any victim, and any information provided to the
25 department by victims. The results of a risk assessment shall not be
26 based on unconfirmed or unconfirmable allegations.

27 (36) "Serious traffic offense" means:

28 (a) Driving while under the influence of intoxicating liquor or any
29 drug (RCW 46.61.502), actual physical control while under the influence
30 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
31 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
32 or

33 (b) Any federal, out-of-state, county, or municipal conviction for
34 an offense that under the laws of this state would be classified as a
35 serious traffic offense under (a) of this subsection.

36 (37) "Serious violent offense" is a subcategory of violent offense
37 and means:

38 (a)(i) Murder in the first degree;

1 (ii) Homicide by abuse;
2 (iii) Murder in the second degree;
3 (iv) Manslaughter in the first degree;
4 (v) Assault in the first degree;
5 (vi) Kidnapping in the first degree;
6 (vii) Rape in the first degree;
7 (viii) Assault of a child in the first degree; or
8 (ix) An attempt, criminal solicitation, or criminal conspiracy to
9 commit one of these felonies; or
10 (b) Any federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony classified as a serious
12 violent offense under (a) of this subsection.
13 (38) "Sex offense" means:
14 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
15 RCW 9A.44.130(11);
16 (ii) A violation of RCW 9A.64.020;
17 (iii) A felony that is a violation of chapter 9.68A RCW other than
18 RCW 9.68A.070 or 9.68A.080; or
19 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
20 criminal solicitation, or criminal conspiracy to commit such crimes;
21 (b) Any conviction for a felony offense in effect at any time prior
22 to July 1, 1976, that is comparable to a felony classified as a sex
23 offense in (a) of this subsection;
24 (c) A felony with a finding of sexual motivation under RCW
25 9.94A.835 or 13.40.135; or
26 (d) Any federal or out-of-state conviction for an offense that
27 under the laws of this state would be a felony classified as a sex
28 offense under (a) of this subsection.
29 (39) "Sexual motivation" means that one of the purposes for which
30 the defendant committed the crime was for the purpose of his or her
31 sexual gratification.
32 (40) "Standard sentence range" means the sentencing court's
33 discretionary range in imposing a nonappealable sentence.
34 (41) "Statutory maximum sentence" means the maximum length of time
35 for which an offender may be confined as punishment for a crime as
36 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
37 crime, or other statute defining the maximum penalty for a crime.

1 (42) "Total confinement" means confinement inside the physical
2 boundaries of a facility or institution operated or utilized under
3 contract by the state or any other unit of government for twenty-four
4 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

5 (43) "Transition training" means written and verbal instructions
6 and assistance provided by the department to the offender during the
7 two weeks prior to the offender's successful completion of the work
8 ethic camp program. The transition training shall include instructions
9 in the offender's requirements and obligations during the offender's
10 period of community custody.

11 (44) "Victim" means any person who has sustained emotional,
12 psychological, physical, or financial injury to person or property as
13 a direct result of the crime charged.

14 (45) "Violent offense" means:

15 (a) Any of the following felonies:

16 (i) Any felony defined under any law as a class A felony or an
17 attempt to commit a class A felony;

18 (ii) Criminal solicitation of or criminal conspiracy to commit a
19 class A felony;

20 (iii) Manslaughter in the first degree;

21 (iv) Manslaughter in the second degree;

22 (v) Indecent liberties if committed by forcible compulsion;

23 (vi) Kidnapping in the second degree;

24 (vii) Arson in the second degree;

25 (viii) Assault in the second degree;

26 (ix) Assault of a child in the second degree;

27 (x) Extortion in the first degree;

28 (xi) Robbery in the second degree;

29 (xii) Drive-by shooting;

30 (xiii) Vehicular assault, when caused by the operation or driving
31 of a vehicle by a person while under the influence of intoxicating
32 liquor or any drug or by the operation or driving of a vehicle in a
33 reckless manner; and

34 (xiv) Vehicular homicide, when proximately caused by the driving of
35 any vehicle by any person while under the influence of intoxicating
36 liquor or any drug as defined by RCW 46.61.502, or by the operation of
37 any vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time prior
2 to July 1, 1976, that is comparable to a felony classified as a violent
3 offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a violent
6 offense under (a) or (b) of this subsection.

7 (46) "Work crew" means a program of partial confinement consisting
8 of civic improvement tasks for the benefit of the community that
9 complies with RCW 9.94A.725.

10 (47) "Work ethic camp" means an alternative incarceration program
11 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
12 the cost of corrections by requiring offenders to complete a
13 comprehensive array of real-world job and vocational experiences,
14 character-building work ethics training, life management skills
15 development, substance abuse rehabilitation, counseling, literacy
16 training, and basic adult education.

17 (48) "Work release" means a program of partial confinement
18 available to offenders who are employed or engaged as a student in a
19 regular course of study at school.

20 **Sec. 3.** RCW 69.50.440 and 2005 c 218 s 3 are each amended to read
21 as follows:

22 (1) It is unlawful for any person to possess ephedrine or any of
23 its salts or isomers or salts of isomers, pseudoephedrine or any of its
24 salts or isomers or salts of isomers, pressurized ammonia gas, or
25 pressurized ammonia gas solution with intent to manufacture
26 methamphetamine, including its salts, isomers, and salts of isomers.

27 ~~(2) ((Any person who violates this section is guilty of a class B~~
28 ~~felony and may be imprisoned for not more than ten years, fined not~~
29 ~~more than twenty five thousand dollars, or both.))~~ Any person who
30 violates this section is guilty of a class C felony if the crime
31 involved two hundred fifty grams or less of any drug referred to in
32 subsection (1) of this section.

33 (3) Any person who violates this section is guilty of a class B
34 felony if the crime involved more than two hundred fifty grams but less
35 than five hundred grams of any drug referred to in subsection (1) of
36 this section.

1 (4) Any person who violates this section is guilty of a class A
2 felony if the crime involved more than five hundred grams of any item
3 referred to in subsection (1) of this section.

4 (5) Three thousand dollars of ((the)) any fine imposed may not be
5 suspended. As collected, the first three thousand dollars of the fine
6 must be deposited with the law enforcement agency having responsibility
7 for cleanup of laboratories, sites, or substances used in the
8 manufacture of the methamphetamine, including its salts, isomers, and
9 salts of isomers. The fine moneys deposited with that law enforcement
10 agency must be used for such clean-up cost.

11 **Sec. 4.** RCW 69.50.401 and 2005 c 218 s 1 are each amended to read
12 as follows:

13 (1) Except as authorized by this chapter, it is unlawful for any
14 person to manufacture, deliver, or possess with intent to manufacture
15 or deliver, a controlled substance.

16 (2) Any person who violates this section with respect to:

17 (a) A controlled substance classified in Schedule I or II which is
18 a narcotic drug or flunitrazepam, including its salts, isomers, and
19 salts of isomers, classified in Schedule IV, is guilty of a class B
20 felony and upon conviction may be imprisoned for not more than ten
21 years, or (i) fined not more than twenty-five thousand dollars if the
22 crime involved less than two kilograms of the drug, or both such
23 imprisonment and fine; or (ii) if the crime involved two or more
24 kilograms of the drug, then fined not more than one hundred thousand
25 dollars for the first two kilograms and not more than fifty dollars for
26 each gram in excess of two kilograms, or both such imprisonment and
27 fine;

28 (b) Amphetamine, including its salts, isomers, and salts of
29 isomers, or methamphetamine, including its salts, isomers, and salts of
30 isomers, is guilty of ~~((a class B felony and upon conviction may be~~
31 ~~imprisoned for not more than ten years, or (i) fined not more than~~
32 ~~twenty five thousand dollars if the crime involved less than two~~
33 ~~kilograms of the drug, or both such imprisonment and fine; or (ii))~~ of
34 the following:

35 (i) A class C felony if the crime involved one kilogram or less of
36 the drug, and upon conviction may be imprisoned for not more than five

1 years, or fined more than twenty-five thousand dollars, or both such
2 imprisonment and fine;

3 (ii) A class B felony if the crime involved more than one kilogram
4 but less than two kilograms of the drug, and upon conviction may be
5 imprisoned for not more than ten years, or fined more than twenty-five
6 thousand dollars, or both such imprisonment and fine;

7 (iii) A class A felony if the crime involved two or more kilograms
8 of the drug and upon conviction may be imprisoned for not more than a
9 term of life imprisonment, or if the crime involved two or more
10 kilograms of the drug, then fined not more than one hundred thousand
11 dollars for the first two kilograms and not more than fifty dollars for
12 each gram in excess of two kilograms, or both such imprisonment and
13 fine.

14 Three thousand dollars of ((the)) any fine imposed may not be
15 suspended. As collected, the first three thousand dollars of the fine
16 must be deposited with the law enforcement agency having responsibility
17 for cleanup of laboratories, sites, or substances used in the
18 manufacture of the methamphetamine, including its salts, isomers, and
19 salts of isomers. The fine moneys deposited with that law enforcement
20 agency must be used for such clean-up cost;

21 (c) Any other controlled substance classified in Schedule I, II, or
22 III, is guilty of a class C felony punishable according to chapter
23 9A.20 RCW;

24 (d) A substance classified in Schedule IV, except flunitrazepam,
25 including its salts, isomers, and salts of isomers, is guilty of a
26 class C felony punishable according to chapter 9A.20 RCW; or

27 (e) A substance classified in Schedule V, is guilty of a class C
28 felony punishable according to chapter 9A.20 RCW.

29 NEW SECTION. Sec. 5. A new section is added to chapter 9.91 RCW
30 to read as follows:

31 (1) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Iodine matrix" means iodine at a concentration greater than
34 two percent by weight in a matrix or solution.

35 (b) "Matrix" means something, as a substance, in which something
36 else originates, develops, or is contained.

1 (c) "Methylsulfonylmethane" means methylsulfonylmethane in its
2 powder form only, and does not include products containing
3 methylsulfonylmethane in other forms such as liquids, tablets, capsules
4 not containing methylsulfonylmethane in pure powder form, ointments,
5 creams, cosmetics, foods, and beverages.

6 (2) Any person who knowingly purchases in a thirty-day period or
7 possesses any quantity of iodine in its elemental form, an iodine
8 matrix, or more than two pounds of methylsulfonylmethane is guilty of
9 a gross misdemeanor, except as provided in subsection (3) of this
10 section.

11 (3) Subsection (2) of this section does not apply to:

12 (a) A person who possesses iodine in its elemental form or an
13 iodine matrix as a prescription drug, pursuant to a prescription issued
14 by a licensed veterinarian, physician, or advanced registered nurse
15 practitioner;

16 (b) A person who possesses iodine in its elemental form, an iodine
17 matrix, or any quantity of methylsulfonylmethane in its powder form,
18 and is actively engaged in the practice of animal husbandry of
19 livestock;

20 (c) A person who possesses iodine in its elemental form or an
21 iodine matrix in conjunction with experiments conducted in a chemistry
22 or chemistry-related laboratory maintained by a:

23 (i) Public or private secondary school;

24 (ii) Public or private institution of higher education that is
25 accredited by a regional or national accrediting agency recognized by
26 the United States department of education;

27 (iii) Manufacturing facility, government agency, or research
28 facility in the course of lawful business activities;

29 (d) A veterinarian, physician, advanced registered nurse
30 practitioner, pharmacist, retail distributor, wholesaler, manufacturer,
31 warehouseman, common carrier, or an agent of any of these persons who
32 possesses iodine in its elemental form, an iodine matrix, or
33 methylsulfonylmethane in its powder form in the regular course of
34 lawful business activities; or

35 (e) A person working in a general hospital who possesses iodine in
36 its elemental form or an iodine matrix in the regular course of
37 employment at the hospital.

1 (4) Any person who purchases any quantity of iodine in its
2 elemental form, an iodine matrix, or any quantity of
3 methylsulfonylmethane must present an identification card or driver's
4 license issued by any state in the United States or jurisdiction of
5 another country before purchasing the item.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50 RCW
7 to read as follows:

8 (1) A person convicted of manufacturing, delivering, or possessing
9 with intent to manufacture or deliver methamphetamine, including its
10 salts, isomers, and salts of isomers shall be sentenced to a mandatory
11 minimum term of total confinement of not less than twenty-four months,
12 if the crime involved two or more kilograms of the drug under RCW
13 69.50.401(2)(b)(iii).

14 (2) A person convicted of possessing ephedrine, its salts, isomers,
15 and salts of isomers, or pseudoephedrine, its salts, isomers, and salts
16 of isomers, or pressurized ammonia gas, or pressurized ammonia gas
17 solution with intent to manufacture methamphetamine, including its
18 salts, isomers, and salts of isomers, shall be sentenced to a mandatory
19 minimum term of total confinement of not less than twelve months, if
20 the crime involved more than five hundred grams of any drug referred to
21 in RCW 69.50.440(4).

22 **Sec. 7.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to read
23 as follows:
24

25

TABLE 4	
DRUG OFFENSES	
INCLUDED WITHIN EACH	
SERIOUSNESS LEVEL	
26	III Any felony offense under chapter 69.50
27	RCW with a deadly weapon
28	special verdict under RCW
29	9.94A.602
30	Controlled Substance Homicide (RCW
31	69.50.415)
32	
33	
34	

1 Deliver or possess with intent to deliver
2 methamphetamine (RCW
3 69.50.401(2)(b))
4 Delivery of imitation controlled
5 substance by person eighteen or
6 over to person under eighteen
7 (RCW 69.52.030(2))
8 Involving a minor in drug dealing
9 (RCW 69.50.4015)
10 Manufacture of methamphetamine
11 (RCW 69.50.401(2)(b))
12 Over 18 and deliver heroin,
13 methamphetamine, a narcotic from
14 Schedule I or II, or flunitrazepam
15 from Schedule IV to someone
16 under 18 (RCW 69.50.406)
17 Over 18 and deliver narcotic from
18 Schedule III, IV, or V or a
19 nonnarcotic, except flunitrazepam
20 or methamphetamine, from
21 Schedule I-V to someone under 18
22 and 3 years junior (RCW
23 69.50.406)
24 Possession of Ephedrine,
25 Pseudoephedrine, or Anhydrous
26 Ammonia with intent to
27 manufacture
28 methamphetamine (RCW
29 69.50.440)
30 Selling for profit (controlled or
31 counterfeit) any controlled
32 substance (RCW 69.50.410)
33 II Create, deliver, or possess a counterfeit
34 controlled substance (RCW
35 69.50.4011)

1 ((Deliver or possess with intent to
2 deliver methamphetamine (RCW
3 69.50.401(2)(b))))
4 Delivery of a material in lieu of a
5 controlled substance (RCW
6 69.50.4012)
7 Maintaining a Dwelling or Place for
8 Controlled Substances (RCW
9 69.50.402(1)(f))
10 Manufacture, deliver, or possess with
11 intent to deliver amphetamine
12 (RCW 69.50.401(2)(b))
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule I or II or flunitrazepam
16 from Schedule IV (RCW
17 69.50.401(2)(a))
18 Manufacture, deliver, or possess with
19 intent to deliver narcotics from
20 Schedule III, IV, or V or
21 nonnarcotics from Schedule I-V
22 (except marijuana, amphetamine,
23 methamphetamines, or
24 flunitrazepam) (RCW
25 69.50.401(2) (c) through (e))
26 Manufacture, distribute, or possess with
27 intent to distribute an imitation
28 controlled substance (RCW
29 69.52.030(1))
30 I Forged Prescription (RCW 69.41.020)
31 Forged Prescription for a Controlled
32 Substance (RCW 69.50.403)
33 Manufacture, deliver, or possess with
34 intent to deliver marijuana (RCW
35 69.50.401(2)(c))

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or
3 V or Nonnarcotic from Schedule I-
4 V (RCW 69.50.4013)
5 Possession of Controlled Substance
6 that is either heroin or narcotics
7 from Schedule I or II (RCW
8 69.50.4013)
9 Unlawful Use of Building for Drug
10 Purposes (RCW 69.53.010)

11 NEW SECTION. **Sec. 8.** Section 1 of this act expires July 1, 2006.

12 NEW SECTION. **Sec. 9.** Section 2 of this act takes effect July 1,
13 2006.

--- END ---