**5476 AMS HASE S2936.2 - NOT FOR FLOOR USE**

**SB 5476** - S AMD **832**

By Senator Hasegawa

**NOT ADOPTED 04/15/2021**

Strike everything after the enacting clause and insert the following:

**"PART I**

**POSSESSION AND USE OF CONTROLLED SUBSTANCES, COUNTERFEIT SUBSTANCES, AND LEGEND DRUGS**

**Sec.**  RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

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

(2) ((~~Any~~)) (a) A person 21 years of age or older who violates this section by knowingly possessing a counterfeit substance is guilty of a class 2 civil infraction under chapter 7.80 RCW. To the extent resources are available, the court shall refer the individual for diversion or treatment.

(b) A person under the age of 21 who violates this section by knowingly possessing a counterfeit substance is guilty of a class 3 civil infraction under chapter 7.80 RCW and is subject to the maximum fine as set out in that chapter, participation in up to four hours of community restitution, or both. The court may also require completion of a chemical dependency treatment evaluation.

(3) Except as provided in subsection (2) of this section, any person who violates this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

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

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

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

**Sec.**  RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

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

(2) Except as provided in RCW 69.50.4014, any person who violates this section ((~~is guilty of a class C felony punishable under chapter 9A.20 RCW~~)):

(a) Who is 21 years of age or older is guilty of a class 2 civil infraction under chapter 7.80 RCW. To the extent resources are available, the court shall refer the individual for diversion or treatment; or

(b) Who is under the age of 21 is guilty of a class 3 civil infraction under chapter 7.80 RCW and is subject to the maximum fine as set out in that chapter, participation in up to four hours of community restitution, or both. The court may also require completion of a chemical dependency treatment evaluation.

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

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

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

(i) One-half ounce of useable marijuana;

(ii) Eight ounces of marijuana-infused product in solid form;

(iii) Thirty-six ounces of marijuana-infused product in liquid form; or

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

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

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

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

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

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

**Sec.**  RCW 69.50.412 and 2019 c 64 s 22 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare((~~, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body~~)) a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

(3) It is unlawful for any person to use drug paraphernalia to test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana.

(a) Any person 21 years of age or older who violates this subsection is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(b) Any person under the age of 21 who violates this subsection is guilty of a class 3 civil infraction under chapter 7.80 RCW.

(4) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior is guilty of a gross misdemeanor.

((~~(4)~~)) (5) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

((~~(5)~~)) (6) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing blood-borne diseases.

**Sec.**  RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each amended to read as follows:

(1) It is unlawful to open a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consume marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, in view of the general public or in a public place.

(2) It is unlawful to open a package containing an unauthorized controlled substance or consume an unauthorized controlled substance in view of the general public or in a public place.

(3) It is unlawful to throw, drop, deposit, discard, or otherwise dispose of drug paraphernalia in a public place.

(4) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

((~~(3)~~)) (5)(a) A person who violates subsection (1) of this section is guilty of a class 3 civil infraction under chapter 7.80 RCW.

(b) A person who violates subsection (2) of this section is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(c) A person who violates subsection (3) of this section is guilty of a class 1 civil infraction under chapter 7.80 RCW.

**Sec.**  RCW 69.41.030 and 2019 c 55 s 9 are each amended to read as follows:

(1) ((~~It~~)) Except as provided in subsection (2) of this section, it shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug ((~~except~~)).

(2) The sale, delivery, or possession of a legend drug does not constitute a violation of this section upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

((~~(2)~~)) (3)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b)(i) A violation of this section involving possession ((~~is a misdemeanor~~)) by a person 21 years of age or older is a class 2 civil infraction under chapter 7.80 RCW. To the extent resources are available, the court shall refer the individual for diversion or treatment.

(ii) A violation of this section involving possession by a person under the age of 21 is guilty of a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW, participation in up to four hours of community restitution, or both. The court may also require completion of a chemical dependency treatment evaluation.

**Sec.**  RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) ((~~It~~)) Except as provided in subsection (2) of this section, it shall be unlawful for any person to sell, deliver, or knowingly possess any legend drug ((~~except~~)).

(2) The sale, delivery, or possession of a legend drug does not constitute a violation of this section upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

((~~(2)~~)) (3)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b)(i) A violation of this section involving possession ((~~is a misdemeanor~~)) by a person 21 years of age or older is a class 2 civil infraction under chapter 7.80 RCW. To the extent resources are available, the court shall refer the individual for diversion or treatment.

(ii) A violation of this section involving possession by a person under the age of 21 is guilty of a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW, participation in up to four hours of community restitution, or both. The court may also require completion of a chemical dependency treatment evaluation.

**PART II**

**RESENTENCING AND RELEASE OF PERSONS IMPACTED BY *STATE V. BLAKE***

**Sec.**  RCW 2.24.010 and 2013 c 27 s 3 are each amended to read as follows:

(1) There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

(2)(a) There may be appointed ((~~in counties with a population of more than four hundred thousand,~~)) by the presiding judge of the superior court having jurisdiction ((~~therein~~)), one or more attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. Such criminal commissioners shall have power, authority, and jurisdiction, concurrent with the superior court and the judges thereof, in adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; accept waivers of the right to speedy trial; and authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications or for the installation of electronic taps or other devices to include, but not be limited to, vehicle global positioning system or other mobile tracking devices with all the powers conferred upon the judge of the superior court in such matters. Criminal commissioners also shall have the authority to conduct resentencing hearings and to vacate convictions pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

(b) The county legislative authority must approve the creation of criminal commissioner positions.

**Sec.**  RCW 2.24.040 and 2009 c 28 s 1 are each amended to read as follows:

Such court commissioner shall have power, authority, and jurisdiction, concurrent with the superior court and the judge thereof, in the following particulars:

(1) To hear and determine all matters in probate, to make and issue all proper orders therein, and to issue citations in all cases where same are authorized by the probate statutes of this state.

(2) To grant and enter defaults and enter judgment thereon.

(3) To issue temporary restraining orders and temporary injunctions, and to fix and approve bonds thereon.

(4) To act as referee in all matters and actions referred to him or her by the superior court as such, with all the powers now conferred upon referees by law.

(5) To hear and determine all proceedings supplemental to execution, with all the powers conferred upon the judge of the superior court in such matters.

(6) To hear and determine all petitions for the adoption of children and for the dissolution of incorporations.

(7) To hear and determine all applications for the commitment of any person to the hospital for the insane, with all the powers of the superior court in such matters: PROVIDED, That in cases where a jury is demanded, same shall be referred to the superior court for trial.

(8) To hear and determine all complaints for the commitments of minors with all powers conferred upon the superior court in such matters.

(9) To hear and determine ex parte and uncontested civil matters of any nature.

(10) To grant adjournments, administer oaths, preserve order, compel attendance of witnesses, and to punish for contempts in the refusal to obey or the neglect of the court commissioner's lawful orders made in any matter before the court commissioner as fully as the judge of the superior court.

(11) To take acknowledgments and proofs of deeds, mortgages and all other instruments requiring acknowledgment under the laws of this state, and to take affidavits and depositions in all cases.

(12) To provide an official seal, upon which shall be engraved the words "Court Commissioner," and the name of the county for which he or she may be appointed, and to authenticate his official acts therewith in all cases where same is necessary.

(13) To charge and collect, for his or her own use, the same fees for the official performance of official acts mentioned in subsections (4) and (11) of this section as are provided by law for referees and notaries public.

(14) To hear and determine small claims appeals as provided in chapter 12.36 RCW.

(15) In adult criminal cases, to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; ((~~and~~)) accept waivers of the right to speedy trial; and conduct resentencing hearings and to vacate convictions pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021).

**Sec.**  RCW 9.94A.728 and 2018 c 166 s 2 are each amended to read as follows:

(1) No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An offender may earn early release time as authorized by RCW 9.94A.729;

(b) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(c)(i) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(A) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(B) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final twelve months of the offender's term of confinement may be served in partial confinement for aiding the offender with: Finding work as part of the work release program under chapter 72.65 RCW; or reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) No more than the final six months of the offender's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733;

(g) The governor may pardon any offender;

(h) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(i) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any person convicted of one or more crimes committed prior to the person's eighteenth birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an offender entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the offender has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) Offenders residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section.

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

The *State v. Blake* reimbursement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for state and local government costs resulting from the supreme court's decision in *State v. Blake* and to reimburse individuals for legal financial obligations paid in connection with sentences that have been invalidated as a result of the decision in *State v. Blake*.

**PART III**

**DECRIMINALIZING SUBSTANCE USE DISORDER WORK GROUP**

NEW SECTION. **Sec.**  (1) The department of health and the Washington state health care authority shall convene a work group to address appropriate responses to the possession of controlled substances in the wake of *State v. Blake*. The work group is directed to develop recommendations for reforming state laws, rules, and practices so that they align with the goal of treating substance use disorder as a disease, rather than a criminal behavior.

(2) The work group shall study and use reliable evidence and information to issue recommendations regarding laws, rules, and policies identified by the work group that need reform, including changes to criminal law and penalties, the social services law, and any other statutes that will help the state achieve the objective of addressing the use of drugs through a public health approach. In developing recommendations, the work group must consider:

(a) The quantity of drugs used by individuals with a substance use disorder;

(b) Policies and practices that will prioritize access to treatment and recovery for individuals wishing to address their use of controlled substances;

(c) Strategies to divert individuals who use drugs from the criminal justice system, including charges for selling drugs;

(d) How to reduce civil collateral consequences of drug convictions including effects on employment, housing, education, and licensing; and

(e) How to address racial disparities in enforcement.

(3) The work group shall include membership as follows:

(a) Two members each from the health care authority and the department of health;

(b) Two members from community-based organizations that specialize in substance abuse disorder services;

(c) One member representing a criminal defender association;

(d) One superior court judge;

(e) One drug court judge;

(f) One member from the administrative office of the courts;

(g) One member representing Washington cities;

(h) One member representing Washington counties;

(i) One member from the sentencing guidelines commission;

(j) One member representing law enforcement;

(k) One member of a federally recognized tribe;

(l) One member from an organization representing minority interests;

(m) One member who has successfully overcome substance abuse disorder and has experience with the criminal justice system;

(n) One member from the governor's office; and

(o) One member from the office of the attorney general.

(4) The work group shall additionally consult with professional associations and academic institutions with background and expertise in treating substance abuse disorders.

(5) The work group shall submit its recommendations to the appropriate committees of the legislature by November 1, 2022.

**PART IV**

**MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec.**  Section 5 of this act expires July 1, 2022.

NEW SECTION. **Sec.**  Section 6 of this act takes effect July 1, 2022.

NEW SECTION. **Sec.**  Sections 1 through 4, 6, and 11 of this act expire June 1, 2023.

NEW SECTION. **Sec.**  Sections 1 through 5 and 7 through 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

**SB 5476** - S AMD **832**

By Senator Hasegawa

**NOT ADOPTED 04/15/2021**

On page 1, line 1 of the title, after "decision;" strike the remainder of the title and insert "amending RCW 69.50.4011, 69.50.4013, 69.50.412, 69.50.445, 69.41.030, 69.41.030, 2.24.010, 2.24.040, and 9.94A.728; adding a new section to chapter 69.50 RCW; creating a new section; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

EFFECT: (1) Removes the definition of personal use amount.

(2) Makes possession of a controlled substance, counterfeit substance, or legend drug by a person 21 years of age or older a class 2 civil infraction. To the extent resources are available, the court must refer the individual for diversion or treatment.

(3) Makes possession of a controlled substance, counterfeit substance, or legend drug by a person under the age of 21 a class 3 civil infraction, subject to a fine or participation in four hours of community restitution or both. The court may also require chemical dependency treatment evaluation.

(4) Makes possession of drug paraphernalia for personal use a class 2 civil infraction for a person 21 years of age or older and a class 3 civil infraction for those under the age of 21.

(5) Creates a class 1 civil infraction for disposing of drug paraphernalia in a public place.

(6) Requires HCA and DOH to convene a work group to develop recommendations for reforming laws and practices to align with the goal of treating substance use disorder as a disease rather than a criminal behavior.

(7) Expires provisions modifying drug possession penalties on June 1, 2023.

(8) Authorizes the presiding judge of the superior court of any county in the state to appoint court commissioners to assist the court with adult criminal cases, including the authority to conduct resentencing hearings and vacate convictions pursuant to *State v. Blake*.

(9) Clarifies a person may be released from confinement if *State v. Blake* results in vacation of the person's conviction or resentencing and the person has served a term of confinement in excess of the new sentence.