S-0475.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5213**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 69th Legislature 2025 Regular Session**

**By** Senator McCune

AN ACT Relating to the possession of fentanyl; amending RCW 69.50.4013, 9.94A.518, and 13.40.0357; creating a new section; prescribing penalties; and declaring an emergency.

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

NEW SECTION. **Sec.**  The Washington state legislature recognizes the escalating crisis of fentanyl use, a concern underscored by alarming data and impacts in communities across the state. According to recent department of health statistics, opioid overdoses have risen dramatically since 2018, with fentanyl now being the most prevalent cause of opioid-related fatalities. Preliminary data suggests there were 662 synthetic opioid overdose deaths during the first quarter of 2024 in Washington state, a near record high.

The intent of this act is to address the public health emergency posed by fentanyl by prioritizing public safety. By categorizing the possession of fentanyl as a felony, the legislature aims to deter its illegal distribution and use. This approach seeks to reduce the availability of fentanyl on the streets and curb the associated harms, including addiction, overdose, and death.

**Sec.**  RCW 69.50.4013 and 2024 c 9 s 2 are each amended to read as follows:

(1) Except as otherwise authorized by this chapter, it is unlawful for any person to:

(a) Knowingly possess a controlled substance 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

(b) Knowingly use a controlled substance in a public place, 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.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445 or (b) of this subsection, a violation of subsection (1)(a) or (b) of this section is a gross misdemeanor punishable by imprisonment of up to 180 days in jail, or by a fine of not more than $1,000, or by both such imprisonment and fine, however, if the defendant has two or more prior convictions under subsection (1)(a) or (b) of this section occurring after July 1, 2023, a violation of subsection (1)(a) or (b) of this section is punishable by imprisonment for up to 364 days, or by a fine of not more than $1,000, or by both such imprisonment and fine. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

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

(c) No person may be charged under both subsection (1)(a) and (b) of this section relating to the same course of conduct.

((~~(c)~~)) (d) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(3)(a) The possession, by a person 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-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 cannabis, useable cannabis, cannabis concentrates, and cannabis-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 21 years of age or older to one or more persons 21 years of age or older, during a single 24 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 cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;

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

(iii) 36 ounces of cannabis-infused product in liquid form unless the cannabis-infused product in liquid form is packaged in individual units containing no more than four milligrams of THC per unit;

(iv) 100 milligrams of THC within a cannabis-infused product in liquid form if the product is packaged in individual units containing no more than four milligrams of THC per unit; or

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

(b) The act of delivering cannabis or a cannabis 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 cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under 21 years of age may manufacture, sell, distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis 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 cannabis concentrates, useable cannabis, cannabis-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.

(7) 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.

(8) For the purposes of this section, "use a controlled substance" means to introduce the substance into the human body by injection, inhalation, ingestion, or any other means.

**Sec.**  RCW 9.94A.518 and 2023 c 66 s 2 are each amended to read as follows:

|  |  |  |
| --- | --- | --- |
|  | TABLE 4 |  |
|  | DRUG OFFENSES  INCLUDED WITHIN EACH SERIOUSNESS LEVEL |  |
| III | Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW 9.94A.825 |  |
|  | Controlled Substance Homicide (RCW 69.50.415) |  |
|  | Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2)) |  |
|  | Involving a minor in drug dealing (RCW 69.50.4015) |  |
|  | Manufacture of methamphetamine (RCW 69.50.401(2)(b)) |  |
|  | Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406) |  |
|  | Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) |  |
|  | Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440) |  |
|  | Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410) |  |
| II | Create or deliver a counterfeit controlled substance (RCW 69.50.4011(1)(a)) |  |
|  | Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(2)(b)) |  |
|  | Delivery of a material in lieu of a controlled substance (RCW 69.50.4012) |  |
|  | Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(1)(f)) |  |
|  | Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(2)(b)) |  |
|  | Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(2)(a)) |  |
|  | Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except cannabis as defined in RCW 69.50.101, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(2) (c) through (e)) |  |
|  | Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1)) |  |
|  | Possess, purchase, deliver, sell, or possess with intent to sell a tableting machine or encapsulating machine (RCW 69.50.418) |  |
| I | Forged Prescription (RCW 69.41.020) |  |
|  | Forged Prescription for a Controlled Substance (RCW 69.50.403) |  |
|  | Manufacture, deliver, or possess with intent to deliver cannabis as defined in RCW 69.50.101 (RCW 69.50.401(2)(c)) |  |
|  | Possession of Fentanyl (RCW 69.50.4013(2)(b)) |  |
|  | Unlawful Use of Building for Drug Purposes (RCW 69.53.010) |  |

**Sec.**  RCW 13.40.0357 and 2023 c 295 s 8 are each amended to read as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **DESCRIPTION AND OFFENSE CATEGORY** | | | | |
| juvenile  disposition  offense  category | | description (rcw citation) | juvenile disposition  category for  attempt, bailjump,  conspiracy, or  solicitation | |
|  | | **Arson and Malicious Mischief** | | |
|  | A | Arson 1 (9A.48.020) | | B+ |
|  | B | Arson 2 (9A.48.030) | | C |
|  | C | Reckless Burning 1 (9A.48.040) | | D |
|  | D | Reckless Burning 2 (9A.48.050) | | E |
|  | B | Malicious Mischief 1 (9A.48.070) | | C |
|  | C | Malicious Mischief 2 (9A.48.080) | | D |
|  | D | Malicious Mischief 3 (9A.48.090) | | E |
|  | E | Tampering with Fire Alarm Apparatus (9.40.100) | | E |
|  | E | Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105) | | E |
|  | A | Possession of Incendiary Device (9.40.120) | | B+ |
|  |  | **Assault and Other Crimes Involving Physical Harm** | |  |
|  | A | Assault 1 (9A.36.011) | | B+ |
|  | B+ | Assault 2 (9A.36.021) | | C+ |
|  | C+ | Assault 3 (9A.36.031) | | D+ |
|  | D+ | Assault 4 (9A.36.041) | | E |
|  | B+ | Drive-By Shooting (9A.36.045) committed at age 15 or under | | C+ |
|  | A++ | Drive-By Shooting (9A.36.045) committed at age 16 or 17 | | A |
|  | D+ | Reckless Endangerment (9A.36.050) | | E |
|  | C+ | Promoting Suicide Attempt (9A.36.060) | | D+ |
|  | D+ | Coercion (9A.36.070) | | E |
|  | C+ | Custodial Assault (9A.36.100) | | D+ |
|  |  | **Burglary and Trespass** | |  |
|  | B+ | Burglary 1 (9A.52.020) committed at  age 15 or under | | C+ |
|  | A- | Burglary 1 (9A.52.020) committed at  age 16 or 17 | | B+ |
|  | B | Residential Burglary (9A.52.025) | | C |
|  | B | Burglary 2 (9A.52.030) | | C |
|  | D | Burglary Tools (Possession of) (9A.52.060) | | E |
|  | D | Criminal Trespass 1 (9A.52.070) | | E |
|  | E | Criminal Trespass 2 (9A.52.080) | | E |
|  | C | Mineral Trespass (78.44.330) | | C |
|  | C | Vehicle Prowling 1 (9A.52.095) | | D |
|  | D | Vehicle Prowling 2 (9A.52.100) | | E |
|  |  | **Drugs** | |  |
|  | E | Possession/Consumption of Alcohol (66.44.270) | | E |
|  | C | Illegally Obtaining Legend Drug (69.41.020) | | D |
|  | C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a)) | | D+ |
|  | E | Possession of Legend  Drug (69.41.030(2)(b)) | | E |
|  | B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b)) | | B+ |
|  | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c)) | | C |
|  | E | Possession of Cannabis <40 grams (69.50.4014) | | E |
|  | C | Possession of Fentanyl (69.50.4013(2)(b)) | | C |
|  | C | Fraudulently Obtaining Controlled Substance (69.50.403) | | C |
|  | C+ | Sale of Controlled Substance for Profit (69.50.410) | | C+ |
|  | E | Unlawful Inhalation (9.47A.020) | | E |
|  | B | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b)) | | B |
|  | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e)) | | C |
|  | E | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013) | | E |
|  | C | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012) | | C |
|  |  | **Firearms and Weapons** | |  |
|  | B | Theft of Firearm (9A.56.300) | | C |
|  | B | Possession of Stolen Firearm  (9A.56.310) | | C |
|  | E | Carrying Loaded Pistol Without Permit (9.41.050) | | E |
|  | C | Possession of Firearms by Minor (<18) (9.41.040(2)(a) (v)) | | C |
|  | D+ | Possession of Dangerous Weapon (9.41.250) | | E |
|  | D | Intimidating Another Person by use of Weapon (9.41.270) | | E |
|  |  | **Homicide** | |  |
|  | A+ | Murder 1 (9A.32.030) | | A |
|  | A+ | Murder 2 (9A.32.050) | | B+ |
|  | B+ | Manslaughter 1 (9A.32.060) | | C+ |
|  | C+ | Manslaughter 2 (9A.32.070) | | D+ |
|  | B+ | Vehicular Homicide (46.61.520) | | C+ |
|  |  | **Kidnapping** | |  |
|  | A | Kidnap 1 (9A.40.020) | | B+ |
|  | B+ | Kidnap 2 (9A.40.030) | | C+ |
|  | C+ | Unlawful Imprisonment (9A.40.040) | | D+ |
|  |  | **Obstructing Governmental Operation** | |  |
|  | D | Obstructing a Law Enforcement Officer (9A.76.020) | | E |
|  | E | Resisting Arrest (9A.76.040) | | E |
|  | B | Introducing Contraband 1 (9A.76.140) | | C |
|  | C | Introducing Contraband 2 (9A.76.150) | | D |
|  | E | Introducing Contraband 3 (9A.76.160) | | E |
|  | B+ | Intimidating a Public Servant (9A.76.180) | | C+ |
|  | B+ | Intimidating a Witness (9A.72.110) | | C+ |
|  |  | **Public Disturbance** | |  |
|  | C+ | Criminal Mischief with Weapon (9A.84.010(2)(b)) | | D+ |
|  | D+ | Criminal Mischief Without Weapon (9A.84.010(2)(a)) | | E |
|  | E | Failure to Disperse (9A.84.020) | | E |
|  | E | Disorderly Conduct (9A.84.030) | | E |
|  |  | **Sex Crimes** | |  |
|  | A | Rape 1 (9A.44.040) | | B+ |
|  | B++ | Rape 2 (9A.44.050) committed at age 14 or under | | B+ |
|  | A- | Rape 2 (9A.44.050) committed at age 15 through age 17 | | B+ |
|  | C+ | Rape 3 (9A.44.060) | | D+ |
|  | B++ | Rape of a Child 1 (9A.44.073)  committed at age 14 or under | | B+ |
|  | A- | Rape of a Child 1 (9A.44.073)  committed at age 15 | | B+ |
|  | B+ | Rape of a Child 2 (9A.44.076) | | C+ |
|  | B | Incest 1 (9A.64.020(1)) | | C |
|  | C | Incest 2 (9A.64.020(2)) | | D |
|  | D+ | Indecent Exposure (Victim <14) (9A.88.010) | | E |
|  | E | Indecent Exposure (Victim 14 or over) (9A.88.010) | | E |
|  | B+ | Promoting Prostitution 1 (9A.88.070) | | C+ |
|  | C+ | Promoting Prostitution 2 (9A.88.080) | | D+ |
|  | E | O & A (Prostitution) (9A.88.030) | | E |
|  | B+ | Indecent Liberties (9A.44.100) | | C+ |
|  | B++ | Child Molestation 1 (9A.44.083) committed at age 14 or under | | B+ |
|  | A- | Child Molestation 1 (9A.44.083) committed at age 15 through age 17 | | B+ |
|  | B | Child Molestation 2 (9A.44.086) | | C+ |
|  | C | Failure to Register as a Sex Offender (9A.44.132) | | D |
|  |  | **Theft, Robbery, Extortion, and Forgery** | |  |
|  | B | Theft 1 (9A.56.030) | | C |
|  | C | Theft 2 (9A.56.040) | | D |
|  | D | Theft 3 (9A.56.050) | | E |
|  | B | Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083) | | C |
|  | C | Forgery (9A.60.020) | | D |
|  | A | Robbery 1 (9A.56.200) committed at  age 15 or under | | B+ |
|  | A++ | Robbery 1 (9A.56.200) committed at  age 16 or 17 | | A |
|  | B+ | Robbery 2 (9A.56.210) | | C+ |
|  | B+ | Extortion 1 (9A.56.120) | | C+ |
|  | C+ | Extortion 2 (9A.56.130) | | D+ |
|  | C | Identity Theft 1 (9.35.020(2)) | | D |
|  | D | Identity Theft 2 (9.35.020(3)) | | E |
|  | D | Improperly Obtaining Financial Information (9.35.010) | | E |
|  | B | Possession of a Stolen Vehicle (9A.56.068) | | C |
|  | B | Possession of Stolen Property 1 (9A.56.150) | | C |
|  | C | Possession of Stolen Property 2 (9A.56.160) | | D |
|  | D | Possession of Stolen Property 3 (9A.56.170) | | E |
|  | B | Taking Motor Vehicle Without Permission 1 (9A.56.070) | | C |
|  | C | Taking Motor Vehicle Without Permission 2 (9A.56.075) | | D |
|  | B | Theft of a Motor Vehicle (9A.56.065) | | C |
|  |  | **Motor Vehicle Related Crimes** | |  |
|  | E | Driving Without a License (46.20.005) | | E |
|  | B+ | Hit and Run - Death (46.52.020(4)(a)) | | C+ |
|  | C | Hit and Run - Injury (46.52.020(4)(b)) | | D |
|  | D | Hit and Run-Attended (46.52.020(5)) | | E |
|  | E | Hit and Run-Unattended (46.52.010) | | E |
|  | C | Vehicular Assault (46.61.522) | | D |
|  | C | Attempting to Elude Pursuing Police Vehicle (46.61.024) | | D |
|  | E | Reckless Driving (46.61.500) | | E |
|  | D | Driving While Under the Influence (46.61.502 and 46.61.504) | | E |
|  | B+ | Felony Driving While Under the Influence (46.61.502(6)) | | B |
|  | B+ | Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6)) | | B |
|  |  | **Other** | |  |
|  | B | Animal Cruelty 1 (16.52.205) | | C |
|  | B | Bomb Threat (9.61.160) | | C |
|  | C | Escape 11 (9A.76.110) | | C |
|  | C | Escape 21 (9A.76.120) | | C |
|  | D | Escape 3 (9A.76.130) | | E |
|  | E | Obscene, Harassing, Etc., Phone Calls (9.61.230) | | E |
|  | A | Other Offense Equivalent to an Adult Class A Felony | | B+ |
|  | B | Other Offense Equivalent to an Adult Class B Felony | | C |
|  | C | Other Offense Equivalent to an Adult Class C Felony | | D |
|  | D | Other Offense Equivalent to an Adult Gross Misdemeanor | | E |
|  | E | Other Offense Equivalent to an Adult Misdemeanor | | E |
|  | V | Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)2 | | V |

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

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

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

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

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

**JUVENILE SENTENCING STANDARDS**

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | OPTION A  JUVENILE OFFENDER SENTENCING GRID  STANDARD RANGE | | | | |
|  | A++ | 129 to 260 weeks for all category A++ offenses | | | | |
|  | A+ | 180 weeks to age 21 for all category A+ offenses | | | | |
|  | A | 103-129 weeks for all category A offenses | | | | |
|  | A- | 30-40 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks |
|  | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks |
| CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |
| CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
|  | C | LS | LS | LS | LS | 15-36 weeks |
|  | D+ | LS | LS | LS | LS | LS |
|  | D | LS | LS | LS | LS | LS |
|  | E | LS | LS | LS | LS | LS |
| PRIOR | | 0 | 1 | 2 | 3 | 4 or more |
| ADJUDICATIONS |  |  | | | |  |

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

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

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

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

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

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

**OR**

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

(e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

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

**OR**

**OPTION D**

**MANIFEST INJUSTICE**

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

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**