

HOUSE BILL REPORT

HB 2339

As Reported By House Committee On:

Law & Justice

Title: An act relating to manufacture, delivering, or possession of methamphetamine.

Brief Description: Increasing penalties for crimes involving methamphetamine.

Sponsors: Representatives Schoesler, Sheldon, Foreman, Sheahan, Grant, Pelesky, Reams, McMorris, L. Thomas, Thompson, D. Schmidt, Fuhrman, Chandler, Sherstad, Hargrove, Smith, McMahan, Benton and Silver.

Brief History:

Committee Activity:

Law & Justice: 1/23/96, 1/24/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Edie Adams (786-7180).

Background: The Uniform Controlled Substances Act (UCSA) classifies drugs and other substances into five schedules based on their potential for abuse versus their medical utility. Schedule I drugs or substances are those that have a high potential for abuse and no currently accepted medical use in treatment in the United States. Schedule II drugs or substances are those that have a high potential for abuse but are currently accepted in the United States for medical treatment.

The UCSA makes it unlawful for a person to manufacture, deliver, or possess with intent to manufacture or deliver any controlled substance. Generally, a violation of this crime with a Schedule I or II drug is punishable by a maximum term of imprisonment of five years, a fine of \$10,000, or both. However, a violation of this crime with a Schedule I or II narcotic drug (opium or cocaine and their derivatives) is punishable by imprisonment for not more than 10 years or a fine of not more than

\$25,000 if less than two kilograms, or a fine of \$100,000 or more for two or more kilograms.

Methamphetamine is classified as a Schedule II controlled substance. All substances that are precursors to methamphetamine are also classified as Schedule II substances.

Ephedrine is the primary precursor ingredient for the most common method of methamphetamine production. Any manufacturer, retailer, or other person who sells ephedrine to any person must report that sale to the state Board of Pharmacy.

The unlawful manufacture, delivery, or possession with intent to manufacture or deliver methamphetamine or a precursor to methamphetamine is punishable by imprisonment for not more than five years, a fine of not more than \$10,000, or both. This crime is ranked at a seriousness level of VIII under the Sentencing Reform Act (SRA).

Any person who creates, delivers, or possesses counterfeit methamphetamine is guilty of a crime punishable by imprisonment of not more than five years or a fine of not more than \$10,000, or both.

Summary of Substitute Bill: It is a crime for any person to possess ephedrine or pseudoephedrine with intent to manufacture methamphetamine. This offense is punishable by imprisonment for not more than 10 years, a fine of not more than \$25,000, or both. Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified at seriousness level VIII under the SRA.

Any person who unlawfully manufactures, delivers, or possesses with intent to manufacture or deliver methamphetamine is guilty of a crime punishable by imprisonment for not more than 10 years and a fine of up to \$25,000 if the crime involved less than two kilograms, or a fine of up to \$100,000 for the first two kilograms and \$50 for each gram in excess of two kilograms.

It is a crime to create, deliver, or possess counterfeit methamphetamine, which may be punished by imprisonment for not more than 10 years, a fine of not more than \$25,000, or both.

Substitute Bill Compared to Original Bill: The substitute bill adds possession of pseudoephedrine with intent to manufacture methamphetamine as a crime punishable by up to 10 years imprisonment, a fine of up to \$25,000, or both.

Appropriation: None.

Fiscal Note: Requested on January 21, 1996.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Methamphetamine is quickly becoming the number one drug of choice. It represents a growing menace and public safety problem for our communities. The manufacture of methamphetamine involves chemicals that are extremely toxic and explosive. Methamphetamine is not actually present in the manufacturing process until a certain point, making crucial the timing of law enforcement arrests. Law enforcement officers need to be able to arrest the methamphetamine producers before the actual manufacturing process begins.

Testimony Against: None.

Testified: Representative Schoesler, prime sponsor; Henry Corscadden, King County Prosecuting Attorney (pro); Marsh Pugh, Washington State Patrol (pro); and Patty Van Den Broek, Washington Apartment Association (pro).