

# HOUSE BILL REPORT

## SSB 6182

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### 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:** Senate Committee on Law & Justice (originally sponsored by Senators Owen, Prentice, Smith, Goings, Winsley, Schow and Oke).

### Brief History:

#### Committee Activity:

Law & Justice: 2/16/96 [DPA].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; 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, 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 producing methamphetamine. Any manufacturer, retailer, or other person who sells ephedrine to any person must report that sale to the state Board of Pharmacy. Pseudoephedrine is also a precursor ingredient for the manufacture of methamphetamine.

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, a fine of not more than \$10,000, or both.

**Summary of Amended 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.

The penalty that may be imposed on a person convicted of the unlawful manufacture, delivery, or possession with intent to manufacture or deliver methamphetamine is increased to imprisonment for not more than 10 years, 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.

The penalty that may be imposed on a person convicted of the crime of creating, delivering, or possessing counterfeit methamphetamine is increased to imprisonment for not more than 10 years, a fine of not more than \$25,000, or both.

**Amended Bill Compared to Substitute Bill:** The amended bill adds that it is a crime, punishable by up to 10 years' imprisonment or a fine of up to \$25,000, for a person to possess pseudoephedrine with intent to manufacture methamphetamine.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The manufacture of methamphetamine is extremely toxic, and the cleanup of methamphetamine labs costs the state a lot of money. Methamphetamine is becoming increasingly popular, and people involved with methamphetamine production are becoming increasingly violent. Stiffer penalties should be applied to the manufacture or possession of this dangerous drug.

**Testimony Against:** None.

**Testified:** Senator Brad Owen, prime sponsor; Mike Patrick, Washington State Council of Police Officers (pro); Tom McBride, Washington Association of Prosecuting Attorneys (pro); and Dick Van Wagenen, Sentencing Guidelines Commission (with concerns).