

SENATE BILL REPORT

SHB 2339

As Reported By Senate Committee On:
Law & Justice, February 21, 1996

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

Brief Description: Increasing penalties for crimes involving methamphetamine.

Sponsors: House Committee on Law & Justice (originally sponsored by 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: 2/19/96, 2/21/96 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, McCaslin, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: Methamphetamine is a Schedule II controlled substance. Although relatively easy to manufacture, methamphetamine laboratories are extremely dangerous because of the toxic and potentially explosive nature of the chemicals used. Ephedrine and pseudoephedrine are common precursor ingredients for methamphetamine production. The sale of ephedrine is required to be reported to the state Board of Pharmacy, but it is also readily available from out-of-state vitamin and drug wholesalers.

Under current law, manufacture, delivery and possession with intent to manufacture or deliver methamphetamine is a class C felony. This crime is ranked at seriousness level VIII, the same as manufacture, delivery or possession with intent to deliver heroin or cocaine, which is a class B felony.

Law enforcement is concerned that the use and manufacture of methamphetamine is increasing. It has been suggested that the crime should be increased to a class B felony and that possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine should be a crime.

Summary of Amended Bill: Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is a crime punishable by imprisonment for not more than ten years, a fine of up to \$25,000, or both. The crime is ranked at seriousness level VIII which specifies a 21-27 month standard sentence range for an offender with no prior felony convictions.

The crime of manufacturing, delivering, or possessing with intent to manufacture or deliver methamphetamine is increased from a class C felony to a class B felony. The crime of creating, delivering, or possessing counterfeit methamphetamine is also increased from a class C to a class B felony. Both crimes are placed in separate subsections from offenses involving other types of drugs to facilitate tracking of convictions involving methamphetamine. Technical corrections are made to various statutory references to accommodate the new subsection created by the bill. Methamphetamine delivery and manufacture are treated the same as delivery or manufacture of cocaine or heroin.

Amended Bill Compared to Substitute Bill: The substitute bill put methamphetamine delivery and manufacture in the same subsection as delivery and manufacture of cocaine and heroin.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill provides law enforcement an additional tool to apprehend persons who are involved in manufacturing methamphetamine. The amendment will allow the Sentencing Guidelines Commission to continue tracking convictions for methamphetamine delivery or manufacture.

Testimony Against: None.

Testified: PRO: Tom McBride, WA Assn. of Prosecuting Attorneys; Marsh Pugh, WA State Patrol; Steven Mister, Nonprescription Drug Manufacturers Assn.; Dick Van Wagenen, Sentencing Guidelines Commission.