

SENATE BILL REPORT

EHB 2791

As Reported By Senate Committee On:
Law & Justice, February 26, 1998

Title: An act relating to methamphetamine.

Brief Description: Fighting methamphetamine.

Sponsors: Representatives Schoesler, Doumit, Sheahan, Ballasiotes, Radcliff, Sump, Sullivan, Mielke, Buck, Alexander, Boldt, Sterk, Crouse, Smith, Van Luven, Hickel, Koster, Mulliken, Johnson, Wensman, D. Sommers, Backlund and DeBolt.

Brief History:

Committee Activity: Law & Justice: 2/26/98 [DPA, DNPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass as amended.

Signed by Senators Fairley and Kline.

Staff: Aldo Melchiori (786-7439)

Background: Ephedrine and pseudoephedrine are two substances used to manufacture methamphetamine. Currently, the possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified as a seriousness level VIII, class B felony under the sentencing guidelines. A person who violates this law may be imprisoned for not more than 10 years, fined not more than \$25,000, or both.

A person is considered a persistent offender, if he or she commits three most serious offenses. A persistent offender must be sentenced to a term of total confinement for life without the possibility of parole notwithstanding the maximum sentence under any other law.

Summary of Amended Bill: The offense of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor or pregnant woman resides is included in the list of most serious offenses.

Funds may also be allocated from the local toxic control account for grants to local governments to assist in the assessment and cleanup of sites of methamphetamine production. Funds from this program cannot be used for the initial containment of such a site.

Amended Bill Compared to Original Bill: Pregnant women are added. The appropriation is eliminated. Funds already deposited in the local toxic control account may be utilized.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Five to 7 percent of meth labs have children present. It costs \$5-\$50,000 to clean up a meth lab. Children do not have a choice where they live. Retired people own rental property used for meth labs and foot the bill for cleanups.

Testimony Against: The three-strikes provisions should not be expanded to nonviolent crimes. Drug crimes involving violence are already strikes.

Testified: PRO: Representative Schoesler, prime sponsor; Allan Woodridge, Property Rights Alliance; Washington State Patrol; CON: Russell Leonard, Washington Criminal Defense Lawyers, Washington Defenders Association.