

HOUSE BILL REPORT

HB 1375

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to manufacturing methamphetamine.

Brief Description: Adding methamphetamine manufacture to the "strike" list.

Sponsors: Representatives Schoesler, Doumit, Mielke, Sump, Cairnes, Boldt, McDonald, Lisk, Delvin, O'Brien, Radcliff, DeBolt, Carrell, Sheahan, Dunn, Esser, Bush and Mulliken.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/5/99, 2/10/99 [DPS].

Brief Summary of Substitute Bill

- Manufacturing or possessing ephedrine or pseudoephedrine, with intent to manufacture methamphetamine in or within 100 feet of a residence in which a minor or pregnant woman resides, is included in the list of "most serious offenses"; the offense will count as a strike under the "Three Strikes and You're Out" law.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair and B. Chandler.

Minority Report: Do not pass. Signed by 3 members: Representatives Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

The manufacturing of methamphetamine is a seriousness level X, class B felony. Ephedrine and pseudoephedrine are two substances used to manufacture methamphetamine. 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 either law may be imprisoned for not more than 10 years, fined not more than \$20,000, or both.

Under what is commonly referred as the "Three Strikes and You're Out" law, a persistent offender is subject to a sentence of life imprisonment. A person is considered a "persistent offender" if he or she commits three most serious offenses. A "most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- any felony defined under any law as a class A felony;
- assault in the second degree;
- assault of a child in the second degree;
- child molestation in the second degree;
- controlled substance homicide;
- extortion in the first degree;
- incest when committed against a child under age 14;
- indecent liberties;
- kidnapping in the second degree;
- leading organized crime;
- manslaughter in the first degree;
- manslaughter in the second degree;
- promoting prostitution in the first degree;
- rape in the third degree;
- robbery in the second degree;
- sexual exploitation;
- vehicular assault;
- any other class B felony offense with a finding of sexual motivation; and
- any other felony with a deadly weapon verdict.

Summary of Substitute Bill:

The offense of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or within 100 feet in which a minor or pregnant woman resides is included in the list of "most serious offenses." This offense will count as a strike under the three strikes law.

Substitute Bill Compared to Original Bill:

The word "near" was substituted for the words "within one hundred feet" to clarify how a person will be prosecuted if convicted of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine within 100 feet in which a minor or pregnant woman resides.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: There are tremendous health and safety hazards associated with methamphetamines to both victims, as well as law enforcement officers, who are required to clean up houses and labs found traced with methamphetamines.

Methamphetamine houses and labs are common in rental units (i.e. apartments) and in turn many children are exposed to these hazardous substances everyday. Not only are the children who live in the apartments at risk, but also friends of the children that may stop by for a visit, as well as other children living nearby in neighboring residential units, are also at risk of inhaling or touching this dangerous substance.

Methamphetamine production is one of the most dangerous crimes in Washington today and methamphetamine labs continue to proliferate.

Testimony Against: None.

Testified: (In support) Representative Schoesler, prime sponsor; Linda Oestreich, Rental Housing Association; and Buffy Bloom, Washington Apartment Association.