

# HOUSE BILL ANALYSIS

## SSB 5049

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**Title:** An act relating to methamphetamine manufacture.

**Brief Description:** Enhancing penalties for manufacturing methamphetamines inside a conveyance.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson).

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841).

**Background:**

The manufacturing of methamphetamine is a seriousness level X, class B felony. An offender who does not have any criminal history would receive a presumptive sentencing range of 51-68 months in prison.

The crime of manufacturing methamphetamine in a motorized vehicle is the same as manufacturing methamphetamine in a stationary building, a seriousness level X, class B felony.

*Two-year sentence enhancements are often added to an offender's sentence when certain crimes involving controlled substances are manufactured, sold, delivered or possessed in public areas such as at or near schools, parks, public transit, drug free zones, or civic centers.*

**Summary:**

A two-year enhancement is created for a person convicted of manufacturing methamphetamine, or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine or an attempt to commit or conspiracy to commit the above crimes if the underlying crime was committed (a) inside a motor vehicle, trailer, or vessel; (b) inside a house, apartment, mobile home, hotel, motel, or any other dwelling or residence; (c) within 1,000 feet of a child; or (d) within one mile of a school.

The prosecutor must plead the special allegation and prove it beyond a reasonable doubt.

If the judge or jury convicts the defendant of the underlying crimes, only then do they consider the special allegation. Finding the special allegation true automatically triggers a 24-month enhancement on top of the defendant's sentence for the underlying crime.

**Fiscal Note:** Requested on March 17, 1999.

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

Office of Program Research