

HOUSE BILL REPORT

HB 2082

As Reported by House Committee On:
Children & Family Services

Title: An act relating to dependent children and the manufacture of methamphetamine.

Brief Description: Presuming that it is negligent treatment to expose a child to a methamphetamine manufacturing site.

Sponsors: Representatives Darneille, Campbell, Dickerson, Ballasiotes, O'Brien, Boldt, Tokuda, Bush, Simpson, Morell, Kirby, Conway, Kenney, Woods, Ahern, Hurst and Schual-Berke.

Brief History:

Committee Activity:

Children & Family Services: 2/21/01, 2/22/01 [DPS].

Brief Summary of Substitute Bill

- Creates the rebuttable presumption that a child has suffered negligent treatment or maltreatment if the child is found in a place where methamphetamine is being manufactured.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

Staff: Tracey Taylor (786-7196).

Background:

The manufacture of methamphetamine is a class B felony. A person convicted of manufacturing methamphetamine receives a 24-month sentence enhancement in addition to the standard sentence if the underlying crime was committed when a person under the age of 18 was present or on the premises.

Under current law, the negligent treatment or maltreatment— of a child requires an act or omission so serious as to constitute a clear and present danger to child’s health, welfare, and safety.

In the law of evidence, a rebuttable presumption occurs when a particular effect is given to a certain group of facts in absence of further evidence, and the presumption provides prima facie case which shifts to the defendant the burden to introduce evidence to contradict or rebut the fact presumed.

Summary of Substitute Bill:

This bill amends Chapter 26.44 RCW governing the investigation and intervention by law enforcement and the Department of Social and Health Services when there are allegations of child abuse or neglect. For the purposes of determining if a child is receiving negligent treatment or maltreatment, there is a rebuttable presumption of negligent treatment or maltreatment if the child is found in a place where methamphetamine is being manufactured.

Substitute Bill Compared to Original Bill:

The substitute eliminates the rebuttable presumption of negligent treatment or maltreatment when a child is found at a site where methamphetamine paraphernalia is openly accessible to a child.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 23, 2001.

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

Testimony For: Two-thirds of the children taken into custody at a methamphetamine manufacturing site and tested are contaminated by the ingredients of methamphetamine. These children need 18 months of medical treatment and follow-up. Often times, the children are not present at the methamphetamine lab when the bust occurs because they are at school or at another home. Across the state, the practice of taking these children into custody varies. Pierce County has adopted a mandate to address this issue. A CPS worker is included when law enforcement shuts down clandestine methamphetamine labs when children are present. This bill would allow the best practices— of Pierce County to be used across the state.

Testimony Against: None.

Testified: Representative Darneille, prime sponsor; Helen Myrick and Betty Beer, Greater Pierce County Community Network; and Dave Perry, Pierce County Sheriff's Department.