

# SENATE BILL REPORT

## SHB 2610

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As Reported By Senate Committee On:  
Judiciary, February 28, 2002

**Title:** An act relating to endangerment of children and dependent persons with a controlled substance.

**Brief Description:** Providing criminal penalties for endangerment of children and dependent persons with a controlled substance.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, Morell, Tokuda, O'Brien, Upthegrove, Kirby and Campbell).

**Brief History:**

**Committee Activity:** Judiciary: 2/28/02 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long, McCaslin, Poulsen, Thibaudeau and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

**Background:** If an offender manufactures methamphetamine or possesses ephedrine or pseudoephedrine with intent to manufacture methamphetamine, the court, upon proof of the special allegation brought by the prosecuting attorney, may make a special finding and verdict that the crime was committed when a person under the age of 18 was present in or on the premises of the place where the methamphetamine was being manufactured. An additional two years is added to the standard range sentence.

The court may order a termination of a parent-child relationship. Terminations arise primarily in two contexts: terminations for neglect of a dependent child and terminations to allow the child to be adopted. In addition, a court may order that a petition seeking termination of a parent's rights be filed in instances where immediate danger to a child may be alleviated, where it may be in the best interest of the child, and where aggravated circumstances may exist. Aggravated circumstances that a court generally considers include whether the parent has been convicted of a crime such as rape of a child, criminal mistreatment of a child, assault, manslaughter, murder, or homicide by abuse of the child's other parent, sibling, or another child.

Employers may require background checks on any prospective employee or volunteer who may have unsupervised access to children or vulnerable adults. If requested by a business or organization, the Washington State Patrol discloses certain conviction records relating to the prospective employee. One of those records that must be disclosed are any convictions for "crimes committed against children or other persons."

**Summary of Amended Bill:** The crime of endangerment with a controlled substance is committed if a person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with: methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, that are being used in the manufacture of methamphetamine. Endangerment with a controlled substance is a class B felony ranked at level IV on the sentencing grid (three to nine months for a first offense).

The Washington State Patrol discloses convictions for endangerment with a controlled substance during background checks for prospective employees or volunteers who may have unsupervised access to children or vulnerable adults.

**Amended Bill Compared to Substitute Bill:** The crime is ranked at level IV on the sentencing grid rather than at level V. The provision for the termination of parental rights is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** In Pierce County, evidence of a child's presence was found in 45 percent of the 1,200 methamphetamine labs that were found. Children that grow up in this environment are permanently damaged.

**Testimony Against:** We already have laws for child endangerment and a sentence enhancement for allowing children in methamphetamine labs. This bill will not change parental behavior.

**Testified:** Representative Darnielle, prime sponsor; Helen Myrick, Greater Pierce County Community Network; Betty Beer, Lakewood Area Shelter Association; Stephanie Burback, Families for Kids, Recruitment Resources; Sarajane Siegfriedt, Association of Alcoholism and Addiction Programs (with concerns); Con: Jennifer Shaw, WDA/WACDL.