

FINAL BILL REPORT

SHB 2339

C 205 L 96

Synopsis as Enacted

Brief Description: Increasing penalties for crimes involving methamphetamine.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Schoesler, Sheldon, Foreman, Sheahan, Grant, Pelesky, Reams, McMorris, L. Thomas, Thompson, D. Schmidt, Fuhrman, Chandler, Sherstad, Hargrove, Smith, McMahan, Benton and Silver).

House Committee on Law & Justice
House Committee on Appropriations
Senate Committee on Law & Justice

Background: The Uniform Controlled Substances Act (UCSA) classifies drugs and other substances into five schedules based on their potential for abuse versus their medical utility. Schedule I drugs or substances are those that have a high potential for abuse and no currently accepted medical use in treatment in the United States. Schedule II drugs or substances are those that have a high potential for abuse but are currently accepted in the United States for medical treatment.

The UCSA makes it unlawful for a person to manufacture, deliver, or possess with intent to manufacture or deliver any controlled substance. Generally, a violation of this crime with a Schedule I or II drug is punishable by a maximum term of imprisonment of five years, a fine of \$10,000, or both. However, a violation of this crime with a Schedule I or II narcotic drug (opium or cocaine and their derivatives) is punishable by imprisonment for not more than 10 years, a fine of not more than \$25,000 if less than two kilograms, or a fine of \$100,000 or more for two or more kilograms.

Methamphetamine is classified as a Schedule II controlled substance. All substances that are precursors to methamphetamine are also classified as Schedule II substances. Ephedrine is the primary precursor ingredient for the most common method of methamphetamine production. Any manufacturer, retailer, or other person who sells ephedrine to any person must report that sale to the state Board of Pharmacy.

The Sentencing Reform Act provides presumptive sentence ranges for adults convicted of crimes, and the Juvenile Justice Act provides presumptive sentence ranges for juveniles adjudicated of offenses. These presumptive sentences are determined based on the seriousness of the offense and the offender's prior criminal history. The Sentencing Reform Act ranks crimes in 15 categories of seriousness, from level I (the

least serious) to level XV (the most serious). The Juvenile Justice Act ranks crimes in 10 levels of seriousness, from level E (least serious) to level A+ (most serious).

The unlawful manufacture, delivery, or possession with intent to manufacture or deliver methamphetamine or a precursor to methamphetamine is punishable by imprisonment for not more than five years, a fine of not more than \$10,000, or both. This crime is ranked at a seriousness level of VIII under the Sentencing Reform Act and a seriousness level of C under the Juvenile Justice Act.

Any person who creates, delivers, or possesses counterfeit methamphetamine is guilty of a crime punishable by imprisonment of not more than five years, or a fine of not more than \$10,000, or both. This crime is not ranked under the Sentencing Reform Act and is ranked at a seriousness level of C under the Juvenile Justice Act.

Summary: It is a crime for any person to possess ephedrine or pseudoephedrine with intent to manufacture methamphetamine. This offense is punishable by imprisonment for not more than 10 years, a fine of not more than \$25,000, or both. Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified at seriousness level VIII under the Sentencing Reform Act.

Any person who unlawfully manufactures, delivers, or possesses with intent to manufacture or deliver methamphetamine is guilty of a crime punishable by imprisonment for not more than 10 years and a fine of up to \$25,000 if the crime involved less than two kilograms, or a fine of up to \$100,000 for the first two kilograms and \$50 for each gram in excess of two kilograms.

It is a crime to create, deliver, or possess counterfeit methamphetamine, which may be punished by imprisonment for not more than 10 years, a fine of not more than \$25,000, or both.

The unlawful manufacture, delivery, or possession with intent to deliver methamphetamine is added to the definition of "serious drug offense" for which the Department of Corrections must provide notification when a person convicted of a serious drug offense escapes or is released from incarceration.

For the purposes of juvenile dispositions, the offense category for the unlawful manufacture, delivery, or possession with intent to deliver methamphetamine is increased to seriousness level B+. The offense category for the unlawful manufacture, delivery, or possession with intent to deliver counterfeit methamphetamine is increased to seriousness level B.

Technical changes are made to correct code references to drug crimes.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 6, 1996