

HOUSE BILL REPORT

ESHB 1210

As Passed House:

March 10, 1999

Title: An act relating to methamphetamine manufacture.

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

Sponsors: By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/99, 2/24/99 [DPS].

Floor Activity:

Passed House: 3/10/99, 98-0.

Brief Summary of Substitute Bill

- Adds an additional two-year sentencing enhancement on to an offender's presumptive sentence if a court makes a finding of fact, or if the jury finds a special verdict, that an offender operated a methamphetamine laboratory from inside a vehicle or vessel.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

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 receives 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.

Summary of Bill:

If a court makes a finding of fact, or in a jury trial, if the jury finds a special verdict that an offender operated a methamphetamine laboratory from inside any type of vehicle (including but not limited to motor vehicles, trailers, motor homes, buses, etc.) or vessel at the time of the commission of the crime, then an additional two year enhancement will be added to the offender's presumptive sentence.

Appropriation: None.

Fiscal Note: Requested on January 26, 1999.

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

Testimony For: In 1995, Pierce County responded to 45 cases of methamphetamine laboratories. In 1998, there were approximately 168 cases of methamphetamine laboratories, and out of those cases approximately 30 were methamphetamine labs found in vehicles and another nine were found in campers and trailers. The number of methamphetamine cases seem to be getting increasingly greater every year.

Police have found the advantage offenders have for operating methamphetamine labs out of vehicles is that it gives them easy access to transport their labs from one location to another. However, although it is often hard to know where every methamphetamine lab is located, one of the easiest ways to find these labs is due to the smell of the precursor items used to make the methamphetamines. Another way to find these vehicles with methamphetamine labs is just through routine traffic stops.

Most of these offenders are convicted, sentenced, and in a matter of months are back out on the street again committing the same criminal offense. It takes a matter of two to three arrests before an offender convicted of manufacturing methamphetamines spends any real time incarcerated. This bill will add an additional two year enhancement on to an offender's presumptive sentence which in turn will hopefully reduce the number of offenders being arrested for the same routine methamphetamine crimes again.

Testimony Against: None.

Testified: Curtis Filleau, Pierce County Sheriffs Department; and Brian Byerley, Sumner Police Department.