

HOUSE BILL REPORT

EHB 2791

As Amended by the Senate

Title: An act relating to methamphetamine.

Brief Description: Fighting methamphetamine.

Sponsors: Representatives Schoesler, Doumit, Sheahan, Ballasiotes, Radcliff, Sump, Sullivan, Mielke, Buck, Alexander, Boldt, Sterk, Crouse, Smith, Van Luven, Hickel, Koster, Mulliken, Johnson, Wensman, D. Sommers, Backlund and DeBolt.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/98, 2/5/98 [DPA].

Floor Activity:

Passed House: 2/11/98, 96-0.

Senate Amended.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Cairnes; McCune; Mitchell and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: Ephedrine and pseudoephedrine are two substances used to manufacture methamphetamine. Currently, the possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified as a seriousness level VIII, class B felony under the sentencing guidelines. A person who violates this law may be imprisoned for not more than 10 years, fined not more than \$25,000, or both.

Under what is commonly referred as the "Three Strikes and You're Out" law, a person is considered a "persistent offender," if he or she commits three most serious offenses. A "most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- (a) Any felony defined under any law as a class A felony;
- (b) Assault in the second degree;

- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age 14;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault;
- (r) Any other class B felony offense with a finding of sexual motivation; and
- (s) Any other felony with a deadly weapon verdict.

Summary of Bill: The offense of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor resides is included in the list of "most serious offenses." This will count as a strike under the three strikes law.

In addition, funds may also be appropriated to local governments for a program to assist in the assessment and cleanup of sites of methamphetamine production. Funds from this program cannot be used for the initial containment of such a site.

EFFECT OF SENATE AMENDMENT(S): A provision is added to allow local governments to use funding in the local toxics control account for the assessment and cleanup of sites of methamphetamine production. Funds from this account may not be used for the initial containment of such sites.

In addition, if this act requires an increased level of service by local governments, the local government may submit claims to the state for state reimbursement. Current law prohibits the Legislature from imposing responsibility for new programs or increased levels of service under existing programs on any political subdivision of the state unless the subdivision is fully reimbursed by the state.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Methamphetamine production is one of the most dangerous crimes in Washington today and methamphetamine labs continue to proliferate. Exposure and use is known to make a young drug offender look like an elderly person. This drug is also known to contaminate and penetrate water supplies, wood, clothes and virtually everything that comes within close contact with it. The cost to clean up a methamphetamine contaminated site can range anywhere from \$500 to \$50,000 per site. This is a drug that is known to be a fast money activity that can be made from typical household products. The manufacturing of this drug needs to be stopped now before it kills us and our innocent loved ones.

Testimony Against: Violent crimes are currently included in the list of most violent offenses. The offense of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine is considered a non-violent offense and should not be counted as a strike under the three strikes law. The offense category should only include violent crimes involving a weapon.

Testified: Representative Mark Schoesler, prime sponsor; Jim Matsuyama, Washington State Environmental Health Directors; Patty VanDenBroek, Washington Apartment Association; Mike Patrick, Washington Council of Police Officers; and Allen Woodbridge, Washington Property Rights Alliance (pro). Russell Leonard, Washington Association of Criminal Defense Lawyers (con).